

Admissions Counselor Guide for Evaluating Exhibit 1-1 Criteria 7(a), 7(b) and 10

I. Purpose

To be eligible for Job Corps the law requires a determination that there is a reasonable expectation that the applicant can participate successfully in group situations and activities and is not likely to engage in behavior that would prevent other participants from receiving the benefit of the Job Corps program or be incompatible with the maintenance of sound discipline. These eligibility criteria are reflected in Exhibit 1-1 to the PRH. Specifically, each applicant must demonstrate that:

- 1) He/she is willing to live in a group setting and in a multicultural environment (Criterion 7);
- 2) He/she will not interfere with other students' participation (Criteria 7(a) and 7(b));
- 3) He/she understands the rules and expectations pertaining to Job Corps (Criterion 7(c));
- 4) He/she is not likely to engage in behavior that would impede satisfactory relationships between the Job Corps Center to which the applicant might be assigned and its surrounding communities (Criteria 7(d)).

The purpose of this guide is to explain how Admissions Counselors (ACs) are to assess whether an applicant meets each of the above eligibility requirements. Please also refer to [insert title of chart] when assessing individuals with disabilities.

II. Documents

Before an AC can engage in an individualized assessment as to whether a particular applicant meets the eligibility criteria above, the AC must first collect all relevant information, including:

- The AC's observations regarding the applicant's behavior during the application process, including the interview and orientation sessions (see ROC);
- Documentation from a criminal background check (see below);
- Any documentation detailing behavior from institutions, agencies, or schools, including school discipline records;
- Criminal or behavioral history provided to the AC by the applicant; and
- Any letters of recommendation that address the applicant's ability to successfully participate in a group setting.

III. Steps

The purpose of the Job Corps program is to provide eligible youth with the opportunity to gain the skills and experience necessary to begin a career or advance to higher education. In order to achieve this end, all students must abide by certain conduct standards, which are consistent with the requirements of the Workforce Innovation and Opportunity Act and designed to enhance and protect the academic and residential environment of each Job Corps center. In keeping with these standards, as part of the application process, ACs are required to assess whether each applicant will be able to successfully participate in the program without interfering with either other students' participation or the maintenance of sound discipline.

An AC may deny enrollment to an applicant who has displayed disruptive and/or threatening behavior during the application process, has a history of such behavior as evidenced by prior convictions and/or other documentation, or has been convicted of murder, child abuse, rape or sexual assault.

In assessing whether such documented behavior, and/or prior convictions would result in disqualifying an applicant for enrollment into the Job Corps program, ACs must engage in an individualized assessment and consider the following three factors:

1. Whether the behavior and/or action(s) leading to the prior conviction, if committed again while at Job Corps, would interfere with other participants' receiving the benefit of the Job Corps program or the maintenance of sound discipline;
2. The nature and gravity of the behavior or conviction; and
3. The time that has passed since the action(s), incident, conviction and/or completion of the resulting corrective action or sentence.

How should an AC analyze the three factors?

Ultimately, an AC should use the three factors set forth above to predict whether the applicant will successfully participate in group situations and activities, not interfere with other students' participation in the Job Corps program, and otherwise not disrupt the maintenance of sound discipline.

ACs must also be mindful of the following:

- ACs must not exclude applicants because of their race, color, religion, sex, national origin, age, disability, political affiliation or belief, or citizenship status.
- No specific number of criminal offenses automatically disqualifies an applicant from enrollment in Job Corps. Rather, an AC must determine for each applicant whether the nature and gravity of his/her past conviction(s) and or misconduct was severe enough to

cause concern, including whether the applicant exhibits a pattern and practice of such behavior; whether the specific conviction(s)/misconduct occurred relatively recently or happened several years ago; and whether the conviction and/or misconduct is one that if committed while enrolled in Job Corps would interfere with the maintenance of sound discipline.

ACs are to use this form to assist in their determination as to whether to deny enrollment into the Job Corps program based on past/present convictions and/or misconduct. In order to evaluate the applications of applicants with a history of non-disqualifying criminal convictions (i.e. convictions for crimes other than murder, child abuse, rape or sexual assault) or other documented misconduct, ACs must keep in mind the need for applicants to function within a system of structured training and discipline. Review of an applicant's criminal history and/or prior misconduct is meant to help determine whether the applicant will exhibit behavior that is incompatible with the maintenance of sound discipline in the Job Corps program. Such review should include the following:

- ***The nature of the crime(s) committed.*** Considerations must include:
 - ✓ Has the applicant been convicted of assault (other than sexual assault) or a crime involving physical aggression toward other persons?
 - ✓ Has the applicant been convicted of poisoning or attempted poisoning of others, or crimes that involve kidnapping, robbery, or extortion?
 - ✓ Has the applicant been convicted of possessing a weapon or using one in a crime?
 - ✓ Has the applicant been convicted of stalking, or of any other behaviors that involve threats or harm to individuals?
 - ✓ Has the applicant been convicted of arson-related property crimes?
 - ✓ Has the applicant been convicted of the sale or distribution of illegal drugs?
 - ✓ Does the criminal and/or institutional record indicate that the applicant has a history of theft or of running away?
 - ✓ Has the applicant been convicted of any felonies other than those listed as disqualifying?

Document Findings: _____

➤ ***The facts surrounding each criminal conviction and/or instance of threatening and/or disruptive behavior.*** Considerations must include:

- ✓ Does the record of a particular conviction or instance of threatening and/or disruptive behavior indicate that there were aggravating factors, such as the applicant’s making threats against the victim, or engaging in multiple instances of aggressive behavior?
- ✓ Was the offense or instance of threatening and/or disruptive behavior a first offense?
- ✓ Was the applicant a “ring leader” for the crime of which he or she was convicted or for the instance of threatening and/or disruptive behavior, or was the applicant following the lead of another person in committing the offense or instance of threatening and/or disruptive behavior?
- ✓ Did the crime of which the applicant was convicted or the misconduct involve significant planning, or did it appear to be an unplanned response to an opportunity?

Document Findings: _____

➤ ***The number and timing of convictions or disruptive and/or threatening behavior.*** Considerations must include:

- ✓ Does the applicant’s criminal record contain only one conviction (other than a disqualifying conviction), or are there multiple convictions?
- ✓ Does the applicant have a pattern and practice of engaging in disruptive and/or threatening behavior/misconduct?
- ✓ If there are multiple convictions or instances of misconduct, did they increase in seriousness as the applicant became older (e.g., did they begin with small property crimes at age 15 and end with robbery at age 19)?
- ✓ Are there a larger number of convictions or instances of misconduct during an earlier time period, and then fewer or none more recently, indicating the applicant has made an effort to reform?

- ✓ When (meaning how long ago) did the crime of which the applicant was convicted take place? When did the instance(s) of disruptive and/or threatening behavior take place?
- ✓ When did the applicant complete his or her court- or institution-imposed sanctions, if applicable?

Document Findings: _____

➤ ***The relevance of each conviction or documented disruptive and/or threatening behavior to the requirements of Job Corps.*** Considerations must include:

- ✓ Does the applicant’s criminal and/or verified institutional record indicate that he or she has demonstrated inappropriate or disruptive behaviors in school or other structured or residential environments that are similar to the Job Corps environment, such as group homes or foster-care placements, that would interfere with the maintenance of sound discipline if the applicant were to engage in the same behaviors in Job Corps?
- ✓ In light of the analysis above, is it more likely than not that the applicant, if admitted, will be a successful participant in the Job Corps program, not interfere with others’ participations, and otherwise conduct him/herself in a manner consistent with the maintenance of sound discipline?

Document Findings: _____

➤ ***The applicant’s school and employment history before and after the conviction.*** Considerations must include:

- ✓ Did the applicant attend school or have employment prior to the conviction?

- ✓ Was the applicant reasonably successful in school or employment prior to the conviction? After his or her release from confinement or court supervision?
- ✓ If there is a long history of failure to complete academic programs or maintain employment, what appears to be the cause or causes of this failure?
- ✓ Is the applicant now employed or in school? Does he or she appear to be reasonably successful?

Document Findings: _____

- ***The applicant's other efforts at rehabilitation.*** Considerations must include:
 - ✓ Is the applicant active in finding ways to rehabilitate himself or herself, such as counseling, drug and alcohol treatment, or involvement in sports, cultural activities, or community service?
 - ✓ Does the applicant acknowledge personal responsibility for his or her crimes or verified serious behaviors?

Document Findings: _____

- ***Additional opportunity for explanation by the applicant.***
 - ✓ If the AC's determination is that the applicant fails to meet the eligibility criteria related to behavior and the maintenance of sound discipline (Exhibit 1-

1 criteria 7(a), 7(b), and 10), provide the applicant with this initial determination of ineligibility.

- ✓ AC must then give the applicant, who may otherwise be screened out because he or she fails to meet the eligibility criteria in 7(a), 7(b), or 10, an opportunity to provide any additional information and/or an explanation as to why he or she should not be excluded from the Job Corps program. Additional relevant information may include, for example:
 - The facts or circumstances surrounding the offense or conduct;
 - Evidence that the applicant was successfully enrolled in school, post conviction or misconduct, with no further incidents of criminal conduct and/or misconduct;
 - Rehabilitation efforts; and
 - Employment or character references and any other information regarding fitness for Job Corps.

- ✓ Applicant may provide oral or written explanation. If applicant provides an oral explanation, AC must include written notes of the explanation. If the applicant does not provide additional information about his prior conviction(s) and/or misconduct, the AC may make his/her determination of ineligibility without the information.

Document Findings: _____

Summary of Findings and Determination regarding Eligibility:

<p>Nature or Gravity of the Crime or Conduct</p> <p>(include only past conviction(s) and/or misconduct)</p>		<p>Timing: Specify when the crime or misconduct occurred</p>			<p>Pattern or Practice</p> <p>(Defined as two or more incidents within the last 3 years)</p>	<p>Relevance:</p> <p>Whether the conviction and/or misconduct is one that if committed while enrolled in Job Corps would interfere with the maintenance of sound discipline.</p>
<p>Include a brief description of the crime or conduct</p>	<p>Note the most relevant facts</p>	<p>Less than 1 year</p>	<p>1-2 years</p>	<p>2 or more years</p>	<p>Indicate whether a pattern exists or whether the crime or conduct is so serious that one incident causes alarm (for example, recent acts of violence, severe acts of violence, recent incidents of possession of a weapon, etc.)</p>	<p>Refer to Job Corps Student Behavior Management Policy to connect the relevance of the crime or misconduct to the acts prohibited on center</p>

1 st Incident:					
2 nd Incident:					
3 rd Incident:					
4 th Incident:					
5 th Incident:					

Admission Counselor's determination:

_____ Meets Eligibility Criteria _____ Does NOT meet eligibility criteria

Provide rationale for determination: _____

IV. Special note regarding the performance of a criminal background check

For each applicant, the AC must perform a criminal background check in accordance with applicable State and local laws. The AC must obtain the addresses where the applicant has lived in the last 3 years to assist in pulling the relevant records. Because an individual is considered

innocent until proven guilty, only convictions must be considered. Remember that an applicant may not be denied enrollment in Job Corps solely on the basis of contact with the criminal justice system. However, an applicant is automatically disqualified from participation if the individual has been convicted of murder, child abuse, or a crime involving rape or sexual assault. For all other convictions, the AC must follow the steps outlined above in determining whether such conviction is grounds for denying the applicant enrollment.

V. Assessing Court Involvement and/or Agency Supervision (Criterion 10, Exhibit 1-1)

This criterion assesses any **current** involvement with courts and agencies that may affect the applicant's ability to participate in the Job Corps program.

In addition to the documents listed in Section II above, which apply to eligibility requirements Criteria 7(a-c) and 10, the following documents apply solely to the assessment of Criterion 10:

- Any documentation of court fines;
- Any documentation of parole, probation, suspended sentence, or court or agency supervision.

A. PAROLE, PROBATION, SUSPENDED SENTENCE, AND COURT OR AGENCY SUPERVISION

Applicants to Job Corps who are on parole, probation, suspended sentence, or under court or agency supervision are not considered for enrollment unless the court or agency is willing to certify all of the following in writing:

- The court or agency will release the applicant from supervision; and
- Such a release does not violate applicable statutes or regulations; and
- The applicant has responded positively to supervision; and
- The court or agency will permit the applicant to leave the local area or state while enrolled in Job Corps.

B. COURT FINES/RESTITUTION

ACs should determine the eligibility of applicants with court fines of \$500 or less by considering the level of restitution required and the applicant's commitment to fulfilling court imposed obligations while enrolled in Job Corps.

ACs should also consider the applicant's restitution efforts up to the point of application when determining whether he/she satisfies the eligibility requirement. Applicants should have made a responsible effort such as establishing a payment plan to pay court-imposed fines for at least two months before applying to Job Corps.

ACs should forward cases in which applicants are responsible for court fines, in excess of \$500, but are otherwise qualified for enrollment, to the Regional Office for review and approval before the applicant receives a conditional offer of enrollment.

VI. Drug and Alcohol Involvement

Applicants who disclose current or past drug or alcohol use are not automatically disqualified from Job Corps. These applicants are reviewed on an individual basis for their qualifications to enroll in Job Corps. Admissions determinations for applicants with a history of drug involvement and/or drug addiction are processed in one of several ways depending on applicant characteristics:

- Applicants who are currently using drugs illegally are reviewed by the AC to determine qualification under Criterion 7(b).

- Applicants who are not currently using drugs illegally, and who have an addiction to alcohol or drugs that substantially limits one or more of their major life activities (such as those who have been admitted to a rehabilitation program for alcohol or drug addiction), are considered to be persons with disabilities, and are protected by disability nondiscrimination law from discrimination on the basis of their *status as an alcoholic or drug addict*.

- The files of applicants who are not currently using drugs illegally, but who:
 - Have a history of such use; *and*
 - Have not completed a supervised drug treatment program; *and*
 - Have not been otherwise rehabilitated successfully (such as through a self-help program); *and*
 - Have a physician's or other medical professional's referral for treatment should be forwarded to the Job Corps center of assignment for a clinical care review. The center may recommend that the applicant be required to complete treatment prior to enrollment in Job Corps. If the applicant successfully completes treatment, she/he will be protected under federal disability nondiscrimination law, and his/her history of drug use must not be used to determine that he/she does not satisfy Criterion 7(b).

NOTE FOR FIELD TEST PARTICIPANTS: Recognizing that sections of this instrument will typically be used by admissions counselors simultaneously with Job Corps applicants' responses, the field test of this instrument seeks to know:

- The average amount of time for completion of each section by (a) each applicant, and (b) each admissions counselor, as appropriate.
- The average amount of time for completion of the full instrument by (a) each applicant, and (b) each admissions counselor, as appropriate.
- Any additional feedback offered by applicants and admissions counselors regarding the use and effectiveness of this instrument.

Paperwork Reduction Act Public Burden Statement: Persons are not required to respond to this collection of information. Collections of information approved by OMB must display a currently valid OMB control number and expiration date. Public reporting burden for this collection of all information contained within this instrument, which is required to obtain or retain benefits (29 USC 2881), is estimated to average one hour per applicant and one hour per admissions counselor, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the information, for a total of two hours for each application. This instrument is being tested among a total of 90 applications, rendering an estimated public reporting burden of 180 hours in total. This information collection is for program management. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the US Department of Labor, Office of Job Corps, Room N-4507, Washington, D.C. 20210 (OMB Control No. 1225-0088).