

Appendix 103

Admissions Counselor Guide for Evaluating Court Involvement/Agency Supervision and the Maintenance of Sound Discipline

This guide provides Admissions Counselors (ACs) with strategies to use when assessing whether an applicant meets one or both of the following eligibility requirements:

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- 1) Maintenance of Sound Discipline and Positive Center Culture (Criterion 7[b] of Exhibit 1-1)
 - 2) Court Involvement and/or Agency Supervision (Criterion 10 of Exhibit 1-1);
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All applicants must be evaluated on an *individual* basis, and on his/her *current* ability to participate in Job Corps. A determination that an applicant does not meet one of these two eligibility requirements should not be based *solely* on *past* behaviors or offenses.

The guidelines in this appendix are not a substitute for an AC's judgment. To determine whether the applicant meets eligibility requirement Criteria 7(b) and 10, the AC is responsible for evaluating the documentation about the applicant, and the AC's own observations of the applicant's responses to the questions in the relevant sections of Exhibit 1-1, in light of the other factors described in this appendix.

I. Tools for Evaluating Eligibility Requirement Criteria 7(b) and 10

As with all other eligibility requirements, the AC must evaluate the applicant's qualifications under these two criteria before asking the applicant to complete the Health Questionnaire (ETA 653).

The AC will use any of the tools or resources below to evaluate these eligibility requirements:

- Documentation from a criminal background check (see below)
- Any documentation detailing behavior from institutions, agencies, or schools
- Criminal or behavioral history provided to the AC by the applicant
- Behavior during the application process

Applicants may have a history of behaviors that did not result in criminal conviction, but that cause an AC to have concerns regarding whether his or her current behavior is consistent with the maintenance of sound discipline and positive center culture. ACs should evaluate all aspects of the applicant's history when determining qualifications for Job Corps, regardless of whether the behaviors led to criminal conviction.

II. Performing a Background Check

In addition to offenses admitted to by the applicant, the AC will perform a background check in accordance with applicable State and local laws that will be used to assess both eligibility requirements.

From the applicant, the AC must obtain the addresses where the applicant has lived in the last 3 years *and* any arrest records during that time. Using these two pieces of data, ACs must obtain sufficient information from the applicable courts, institutions, and agencies in those jurisdictions:

- So as to make a reasonable judgment regarding whether the applicant's behavior is compatible with the Maintenance of Sound Discipline (Criterion 7[b], Exhibit 1-1).
- So as to determine whether the applicant has any current court or agency involvement (Criterion 10, Exhibit 1-1).

III. Assessing the Maintenance of Sound Discipline and Positive Center Culture

This eligibility requirement, found in Criterion 7(b) of Exhibit 1-1, has several factors for consideration, one of which is a review of criminal history. This review will be conducted using the same background check as the previous section, which must be conducted in accordance with applicable State and local laws.

Applicants cannot be denied enrollment in Job Corps solely based on contact with the criminal justice system. However, an applicant is automatically disqualified from participation if the individual has been convicted of a felony consisting of:

- Murder (as described in section 1111 of Title 18, United States Code);
- Child abuse; or
- A crime involving rape or sexual assault.

There is not a specific number of criminal offenses that automatically determines that an applicant is unsuitable for enrollment in Job Corps.

In order to evaluate the qualifications of applicants with a history of non-disqualifying criminal convictions or other verified serious behavior, ACs must keep in mind the need for applicants to function within a system of structured training and discipline. Applicant criminal history review is meant to determine whether the applicant will exhibit behavior that is incompatible with the maintenance of sound discipline in the Job Corps program. Applicant criminal history review should include the following:

- ***The relevance of each conviction or verified serious 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 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?
 - ✓ Does the criminal and/or institutional record indicate that the applicant has a history of theft or of running away?
- ***The nature of the crime(s) committed.*** Considerations must include:
 - ✓ Has the applicant been convicted of assault (other than sexual assault) or 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 any felony crimes other than those listed as disqualifying?

- ***The facts surrounding each offense.*** Considerations must include:
 - ✓ Does the record of a particular conviction indicate that there were aggravating factors, such as the applicant's making threats against the victim, or engaging in multiple instances of aggressive behaviors?
 - ✓ Was the offense a first offense?
 - ✓ Was the applicant a "ring leader" for the crime of which he or she was convicted, or was the applicant following the lead of another person in committing the offense?
 - ✓ Did the crime of which the applicant was convicted involve significant planning, or did it appear to be an unplanned response to an opportunity?

- ***The number and recency of convictions.*** Considerations must include:
 - ✓ Does the applicant's criminal record contain only one conviction (other than a disqualifying conviction), or are there multiple convictions?
 - ✓ If there are multiple convictions, did they increase in seriousness as the applicant became older (i.e., did they begin with small property crimes at age 15 and end with robbery at age 19)?
 - ✓ Are there a larger number of convictions 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 was the applicant convicted?
 - ✓ When did the applicant complete his or her court- or institution-imposed sanctions, if applicable?

- ***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?
 - ✓ 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?

- ***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?

IV. 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 tools or resources listed in Section I above, which apply to both eligibility requirement Criteria 7(b) and 10, the following tools or resources 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.

V. Special Considerations

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 she/he does not satisfy Criterion 7(b).