POLICY AND REQUIREMENTS HANDBOOK

CHAPTER 1: OUTREACH/ADMISSIONS

AUGUST 30, 2019
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1.0 OBJECTIVES

To ensure that the Job Corps program enrolls qualified and committed applicants who meet the requirements for enrollment in Job Corps, and to provide for full utilization of Job Corps training opportunities. To make certain that applicants of the program are provided with professional, career driven, and individualized services throughout the admissions process that maintain applicants’ rights, follow applicable laws, and serve the best interests of eligible youth.
1.1 OUTREACH

PURPOSE

P1. To reach and engage with eligible youth, employers, the community, training and education partners, and the public:
   • Provide information about the training and education opportunities the Job Corps program provides for eligible youth.
   • Ensure that Job Corps is an active member/partner in the state and local workforce training community, including one-stop centers (currently branded as American Job Centers) local Workforce Development Boards, and youth standing committees, if established.

P2. To enroll youth eligible for admission to Job Corps.

P3. To strengthen and support Job Corps as an asset and partner within the community by:
   • Involving employers in labor markets where students seek employment
   • Involving the community with the center and the students to enrich positive learning experiences and to benefit the community

P4. To comply with applicable legal requirements.

REQUIREMENTS

R1. Outreach/Public Education Plan

Contractors providing enrollment and placement services must develop and implement outreach/public education plans. The plan must demonstrate collaboration and consultation between contractors and centers, and must comply with the outreach requirements of the Workforce Innovation and Opportunity Act (WIOA), Section 188, Nondiscrimination, and nondiscrimination requirements at 29 CFR 38.42. The plan must be submitted to the Regional Office for review and approval, in accordance with PRH Chapter 5, 5.1, R3.c, Career Development Services System Plan, and must include, as applicable:

a. Outreach strategies to achieve and maintain overall design and capacity

b. Strategies to ensure coordination of efforts between contractors and centers, including the establishment and maintenance of relationships with community organizations that serve specific targeted groups referred to in c.4 below

c. A description of the public education and outreach methods, activities, events, and linkages that will be developed to:

   1. Foster referrals of eligible youth from various targeted groups referred to in R1.c.4 below.

   2. Promote positive public awareness of student and center achievements.
3. Respond to media and public inquiries with consistent and factual information.

4. Reach potential applicants who represent the diversity of the community in which the Job Corps center is located in terms of the following characteristics:
   (a) Gender
   (b) Race and ethnicity, including status as Limited English Proficient (LEP)/English Language Learner (ELL)
   (c) Disability status

5. Publicize the Job Corps program and the center in media that specifically target various populations referred to in PRH Chapter 1, 1.1, R1.c.4, such as newspapers, television and radio programs, and websites with streaming audio and video. Ensure that the selected outreach tools include media in languages appropriate to the population served by the center.

d. A description of outreach methods and materials to be distributed to, and maintained at, American Job Centers; youth standing committees, if established; schools; social service agencies including those that serve youth, foster care, and homeless youth; youth programs; organizations; communities; the general public; employers; other employment and training programs; vocational rehabilitation agencies; and other organizations or entities that serve specific targeted populations referred to in PRH Chapter 1, 1.1, R1.c.4, such as members of both sexes, individuals with disabilities, or various racial or ethnic groups. Such materials must:

1. Include center-specific information including available career technical training, certification, credentialing, and licensure opportunities.

2. Be designed to reach a diverse audience. Selected materials should be translated into languages appropriate to the population served by the center.

3. Be available in alternate formats for persons with disabilities (e.g., large print, audio tape, open captioning, Braille).

4. Include the exact language of the following tag lines, as required by 29 CFR 38.34(a): “Equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.”

5. Provide phone numbers for Text Telephone (TTY)/Telecommunication Device for the Deaf (TDD) or relay service contact for people whose disabilities prevent them from using voice telephones, where voice telephone numbers are provided for telephone contact.

6. Be distributed to schools; social service agencies, including those that serve foster care and homeless youth; youth programs; and other employment and training programs.
e. Be a direct referral system that provides unions, business/industry organizations, and individual employers a mechanism for referring youth who may be qualified to participate in Job Corps. Applicants recruited through direct referrals must meet all Job Corps eligibility and other requirements for enrollment, and fully participate in all career preparation activities. Direct referral applicants do not have priority over those waiting to enter Job Corps, nor do they have priority over those who are on a waiting list for a specific training program.

f. Provide a system to ensure timely follow-up on all referrals.

g. Have a system to document and monitor the effectiveness of outreach efforts, including efforts to collaborate with American Job Centers.

h. Have a LEP/ELL Readiness Plan that outlines the steps that will be taken to meet the needs of LEP/ELL applicants. This plan should comply with the U.S. Department of Labor Policy Guidance entitled “Policy Guidance to Federal Financial Assistance Recipients Regarding the Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons,” 68 Federal Register 32289 (May 29, 2003) (available at http://www.dol.gov/oasam/regs/fedreg/notices/2003013125.htm).

R2. Center Information

Centers must:

a. Provide Admissions Counselors (AC) and American Job Centers with current information, including a video when possible, about all aspects of center life, including the center’s Career Development Services System (CDSS); the availability of career technical training, on-center certification, credentialing, and licensure opportunities; dorm life; center standards of conduct; recreation; and support services.

b. Provide ACs with copies of current career technical Training Achievement Records (TARs).

c. Offer center tours to prospective applicants, parents, school counselors, employers, etc., whenever possible.

d. Assign staff and students to participate in outreach activities as needed.

R3. Use of Applicant and Student Photos and Moving Images

All contractors and centers must ensure that photos and moving images of Job Corps applicants and students are not taken, used on printed materials, or posted on the Internet, except when proper releases have been obtained, as specified in Appendix 601 (Student Rights to Privacy and Disclosure of Information).
R4. Notification of Newsworthy Events

Job Corps center operators, as well as Outreach and Admissions (OA) and Career Transition Services (CTS) contractors, must immediately notify and consult with the Regional Office for guidance and approval of contractor news releases.

R5. Notification of Discrimination Complaints

OA/CTS contractors and centers must promptly notify the Regional Office of any administrative actions or lawsuits that are filed against the contractor or center that allege discrimination on the grounds of race, color, religion, sex (including pregnancy and gender identity), national origin, age, disability (physical or mental), genetic information, parental status, sexual orientation, marital status, political affiliation or belief, or any other prohibited factor, including those filed by students and applicants. The notification must include:

a. Names of the parties to the action or lawsuit
b. Forum (court or administrative agency) in which each case was filed
c. Relevant case numbers

The Regional Office will convey the information to the Office of Job Corps, which is responsible for promptly conveying this information to the U.S. Department of Labor Civil Rights Center (DOL-CRC), as described in 29 CFR 38.38(a).

R6. Partnerships and Linkages

OA/CTS contractors and centers will, as applicable:

a. Work cooperatively with schools; social service agencies including those that serve foster care and homeless youth; youth programs; youth standing committees, if established; community centers; other employment and training programs; state vocational rehabilitation agencies; associations; and other appropriate organizations, including organizations and other entities, that serve the targeted populations referred to in PRH Chapter 1, 1.1, R1.c.4, to promote referral of applicants who are eligible to participate in the Job Corps program. In this regard, close cooperation between the National Training Contractors (NTC) and OA/CTS contractors is essential in assisting potential students who have been referred to Job Corps by unions and/or employers that work with the NTCs.

b. Establish working relationships and partnerships, including memberships when appropriate, with one-stop centers, state and local workforce investment boards, youth standing committees that are appointed by local boards, and other local employment and training programs for youth.
c. Ensure that Job Corps services are included on the menu of services found on the Internet that are available through the one-stop centers.

d. Develop linkages and relationships that enhance the quality of services to students and the community, such as work-based learning, leisure-time employment, high school, college, career technical training programs, on-the-job training, one-stop centers, career services, and job placement.

R7. Business and Community Participation

a. The Center Director will establish and develop mutually beneficial business and community relationships and networks, including with local boards, to enhance the effectiveness of the center. Relationships will be established and maintained, at a minimum, with the following:

1. Local and distant employers to the extent practicable (Outreach must be conducted in coordination with other Federal and non-Federal programs conducting similar outreach to employers.)

2. Applicable one-stop centers and local boards to:
   (a) Provide information on training opportunities available through Job Corps.
   (b) Encourage referral of appropriate potential students.
   (c) Identify job opportunities for Job Corps graduates.

3. Entities offering apprenticeship opportunities and youth programs

4. Labor-management organizations and local labor organizations

5. Employers and contractors that support national training programs and initiatives

6. Community-based organizations, non-profit organizations, and intermediaries providing workforce development-related services

b. Centers will establish a Community Relations Council to serve as a liaison between the center and the surrounding communities. The Community Relations Council will be used as a forum to:

1. Inform the community about projects of the Job Corps.

2. Share information about changes in center rules, procedures and activities that may affect the community.

3. Plan events of mutual interest to create and maintain community relations and community support.

c. The Council will have the following features:
1. Be representative of business, civic, and educational organizations; elected officials; law enforcement agencies; and other service providers, including organizations and entities that serve targeted populations.

2. Include student and staff representatives.

3. Meet at least once per quarter to consider issues of mutual interest to the center and the community.

4. Maintain records of Council meetings, documenting attendance and recommendations.

d. The business and community participation requirements outlined above should be carried out for Job Corps centers that are not yet operating at least 3 months prior to the date on which the center accepts its first enrollee.

**R8. Workforce Councils**

a. Each Job Corps center will establish a workforce council whose members are appointed by the Center Director.

b. The workforce council will include:

1. Non-governmental and private sector employers

2. Representatives of labor organizations, where present, and of employees

3. Job Corps students and graduates

4. In the case of the single State local area, a representative of the State Board

c. A majority of the workforce council members must be business owners; chief executives or chief operating officers of nongovernmental employers; or other private sector employers who have substantial management, hiring, or policy responsibility, and who represent businesses with employment opportunities in the local area and the areas in which students will seek employment.

d. The workforce council may include, or otherwise provide for consultation with, employers from outside the local area who are likely to hire a significant number of students from the Job Corps center.

e. The workforce council may also include members of applicable local boards, provided they meet the requirements described in b and c above.

f. Workforce Council Responsibilities
1. Work closely with all applicable local boards and review labor market information to determine and provide recommendations to the Regional Office regarding the center’s career technical training offerings, including identification of emerging occupations suitable for training.

2. Review all relevant labor market information, including related information in the State Plan or Local Plan, to:
   (a) Recommend in-demand industry sectors or occupations in the area where the center operates.
   (b) Determine employment opportunities in the areas in which students intend to seek employment.
   (c) Determine the skills and education necessary to obtain the identified employment.
   (d) Recommend to the Secretary the type of career and technical training that should be implemented at the center to enable students to obtain the employment opportunities identified.

3. Meet at least once every six months to reevaluate the labor market information and other relevant information, to determine and recommend to the center director any necessary changes in the career technical training provided at the center.

g. The responsibilities outlined above should be carried out for Job Corps centers that are not yet operating at least 3 months prior to the date on which the center accepts its first enrollee.
1.2 OUTREACH AND ADMISSIONS PROVIDER RESPONSIBILITIES IN THE ADMISSIONS PROCESS

PURPOSE

P1. To assess, verify, and document applicant eligibility for the Job Corps program.

P2. To enroll eligible youth who can benefit from the Job Corps program.

P3. To establish procedures for assignment of applicants to centers in accordance with the specifications outlined in the Outreach and Admissions (OA) contractor’s Statement of Work.

P4. To ensure a regular flow of applicants, for assignment to centers, that meets or exceeds the contractual goals.

P5. To provide applicants with accurate information about the Job Corps program.

P6. To ensure that assigned applicants are fully prepared for successful enrollment.

P7. To comply with applicable legal requirements.

P8. To ensure that Personally Identifiable Information (PII) collected during the admissions process is securely safeguarded.

REQUIREMENTS

R1. Interacting With the Applicant

a. Admissions Counselors (AC) must communicate by telephone, e-mail, or mail with each applicant referred by the National Call Center within 3 business days of receipt of either the prospect list, constituent issues, or voice-mail message.

b. ACs must obtain, through a face-to-face interview (whenever feasible) with each applicant, pertinent data to make a determination of eligibility. Eligibility requirements are the basic requirements necessary for participation in the Job Corps program as enacted in the Workforce Innovation and Opportunity Act (WIOA). The Outreach and Admissions (OA) staff will be responsible for determining whether an applicant meets each eligibility requirement. The eligibility requirements, as described in detail in Exhibit 1-1, Job Corps Eligibility Requirements, must be applied equitably to all individuals who apply to the Job Corps program and may not be replaced, revised, or changed, except for policy changes issued by the Office of Job Corps through the official process. The AC must recruit and screen enough applicants to generate a sufficient number of arrivals to maintain the designated Job Corps center(s) at an average on-board strength of 100 percent of the design capacity, in accordance with the delivery schedule outlined in the OA contract.
c. ACs must take appropriate steps to ensure their communications with applicants (and/or applicants’ parents, guardians, or other representatives) who have disabilities are as effective as communications with others. This obligation, which is separate from the reasonable accommodation obligation, is described in detail in Appendix 606 (Communicating with Persons with Disabilities). Even before taking the actions described in that appendix, ACs need to know that if they receive a request for auxiliary aids and services (communication aids) for a person with a disability, they:

1. Must address the request immediately
2. Must not begin, or continue with, any part of the admissions process until some sort of communication aid has been provided that is acceptable to the person for whom the auxiliary aid and/or service is being requested

d. A qualified applicant with a disability is entitled to request and receive reasonable accommodation at any time during the admissions process. If the applicant is requesting reasonable accommodation to participate in the admissions process, the AC:

1. Must address the applicant’s accommodation needs immediately
2. Must not begin, or continue with, any part of the admissions process for which the applicant has requested accommodation until the accommodation has been provided (Other parts of the admissions process may go forward if they do not directly involve the applicant’s participation, or if the applicant states that he or she does not need accommodations for those parts.)

Requirements for providing reasonable accommodation to participate in the admissions process, including the circumstances under which the AC may ask for documentation of the need for the accommodation, are explained in Appendix 106 (Job Corps Reasonable Accommodation Request Form-Admissions).

Even if the applicant requests accommodation for the admissions process, the AC:

1. Must not ask whether the applicant will need accommodation to actually participate in Job Corps
2. Must not assume that the applicant will need accommodation to participate in Job Corps
3. Must not ask for any disability-related information except at the times, and under the circumstances, that are described elsewhere in this chapter
4. Must not take the applicant’s disability into consideration in determining whether he or she meets the eligibility requirements or other factors for
enrollment in Job Corps, except as described in PRH Chapter 1, 1.2, R7.b.

5. Must document the request for reasonable accommodation in accordance with Job Corps reasonable accommodation guidelines.

The AC will inform each applicant of his or her right to request and receive reasonable accommodations at any time during the admissions process and then review the Job Corps Reasonable Accommodation Request Form-Admissions (see Appendix 106) with the applicant. If the applicant wants to request an accommodation to participate in the admissions process, the Job Corps Reasonable Accommodation Request Form-Admissions should be completed. The AC may assist with the completion of the form as necessary.

e. ACs must take reasonable steps to provide meaningful access to the application process for persons who have a limited ability to read, write, speak, or understand English. These persons are referred to as Limited English Proficient (LEP) or English Language Learners (ELL). The steps that must be taken should be described in the OA contractor’s LEP/ELL Readiness Plan, as described in Section 1.1 R1.h. On the Record Applicant Preference Screen in OASIS, ACs must document if the applicant is learning English in the English Language Learner (ELL) selection area. One of the following criteria should be used to determine if a student is considered LEP/ELL:

1. English is not the applicant’s primary language and he or she cannot communicate clearly in English.

2. The initial interview requires an interpreter.

3. The applicant will need language support in order to fully participate in the program.

4. The applicant self-identifies as needing language assistance or instruction.

R2. *Provision of Accurate Information About Enrollment Process and Rights*

ACs must provide every applicant with accurate information about the Job Corps enrollment process, and his or her rights in that process. That information must include, at a minimum:

a. The process for admissions determination and assignment to a center for enrollment

b. The rights of students to:

1. Privacy

2. Confidentiality of personal information, including medical and disability-related
3. Nondiscrimination and equal opportunity, including:
   (a) Communication aids and reasonable accommodations for persons with disabilities (see Appendices 601-Students Rights to Privacy and Disclosure of Information, 602-Civil Rights and Nondiscrimination, 605-Process for an Applicant or Student with Disability to Request Reasonable Accommodation to Participate in the Job Corps Program, and 606-Communication with Persons with Disabilities)
   (b) Information and services in languages other than English for LEP/ELL individuals as described in the OA contractor’s LEP/ELL Readiness Plan referred to in PRH Chapter 1, 1.1, R1.h
   (c) Religious accommodation

c. A copy of the “Equal Opportunity is the Law” notice that contains accurate information about where the applicant may file a discrimination complaint (see Exhibit 6-11, Equal Opportunity Rights Form)

   The notice must be:

   1. Signed and dated by the applicant, and a copy placed in the applicant’s file

   2. Provided in alternate formats to applicants with visual impairments and other disabilities (see Appendix 606, Communicating with Persons with Disabilities) Where notice has been provided in an alternate format, a record that an alternate-format notice has been given must also be a part of the applicant’s file. This record should indicate the format in which the notice was provided.

   3. Provided in appropriate languages for LEP/ELL individuals, as described in the OA contractor’s LEP/ELL Readiness Plan referred to in PRH Chapter 1, 1.1, R1.h

   4. Posted prominently, in reasonable numbers and places, in the OA Agency’s facilities

d. That enrollment in Job Corps is voluntary for each individual

**R3. Information on Center Life**

ACs must provide applicants with accurate information about:

a. Residential living arrangements

b. Student conduct standards and expectations, including Job Corps’ zero tolerance and drug testing policies

c. Center expectations for student behavior and information on regular evaluation of
student progress

d. Center life, including community service learning activities, recreational activities, Student Government Association (SGA), and other center-supported activities

e. Child care allotments, as applicable (see Exhibit 6-2, Student Allowance and Allotment System (SAAS))

R4. Career Development

ACs must inform applicants about career development describing, at a minimum:

a. Personalized career planning assistance

b. Preparation for career development

c. Career development combining academic, career technical training, social, and essential employability skills training in both center-based and work-based settings to meet each student’s individual needs

d. Career transition services

e. Placement services

f. Program expectations and graduation requirements

R5. Personal Career Development Assistance

ACs must assist applicants in initiating career planning by:

a. Discussing available career technical offerings, trade requirements, and waiting lists

b. Identifying certification, accreditation, and licensure opportunities; and associated training and experience requirements, or other prerequisites

c. Providing accurate information about:

   1. The requirements to achieve the expectations of each Training Achievement Record (TAR), such as the length of stay

   2. The increased salary opportunities associated with certificates, credentials, and licenses

   d. Using labor-market information to advise applicants regarding the career outlook for his or her expressed industry sectors and career technical training interests, and to
assist applicants in selecting career technical training preferences

e. Explaining the use of the Personal Career Development Plan (PCDP) as a personalized blueprint, which will be used throughout enrollment, and the Career Transition Period (CTP) to assist students in meeting their career goals (see Appendix 102, Information for Personal Career Development Plan)

**R6. Safeguarding Personally Identifiable Information (PII)**

a. Providers of enrollment services must ensure that PII gathered during the admissions process is protected at all times. ACs must adhere to the following guidelines:

1. ACs must not use personally owned or public computers to download or store protected PII.

2. ACs must only access and store student protected PII using the CDSS Suite of Applications.

3. E-mail containing any PII is not allowed outside the jobcorps.org domain.

4. Approved encryption must be used to encrypt data that is moved to a portable device like a thumb drive, Compact Disk (CD) or floppy disk.

5. Any missing documents or equipment that contains Protected PII must be immediately reported to the Information Technology (IT) Point of Contact (POC) and the Job Corps Technical Assistance Center.

6. When not in use, documents containing PII must be stored in locked file drawers or a secured room.

7. All documents containing PII must be immediately retrieved from printers, copiers and fax machines as soon as they are printed or received, including the originals.

8. Sensitive documents must be properly disposed of by shredding or placing them in a locked recycling bin, and never placed intact in a trashcan or open recycling bin.

9. Any kind of PII that may have been left by others, or any PII incidents that staff observe should be reported immediately.

b. Should circumstances necessitate that PII is taken outside of the OA office, ACs must adhere to the following guidelines:

1. ACs must not take any personally identifiable information belonging to Job Corps applicants, students or graduates off-site unless explicit approval is received from the OA manager. This applies to all forms of PII, whether in paper form such as
student documents and files, or electronic form such as CDs, thumb drives, portable hard-drives or laptops.

2. ACs must keep PII in his or her possession at all times during transit.

3. PII must not be left unattended in a vehicle; this includes any papers, document holders, briefcase, and/or any information on a CD, hard-drive or laptop.

4. PII must not be stored off-site (for example, at home) unless it can be stored securely such as in a locked filing cabinet or safe.

**R7. Collection and Handling of Education-Related Information and Documents**

ACs must:

a. Collect, maintain, and transmit education-related information and documents as follows:

1. Include copies of one or more of the records in the list below, if available, in the applicant’s file:
   (a) An official school transcript with the school’s seal affixed. If the applicant states that he or she has a high school equivalency (HSE) credential, a copy of the HSE certificate or official HSE test scores.
   (b) A copy of an acceptable High School Diploma (HSD) or official high school transcripts indicating graduation, if the applicant states that he or she completed the 12th grade and obtained a diploma. An acceptable diploma is one described in Criterion 6. Educational and Training Needs, in Exhibit 1-1, Eligibility Requirements.
   (c) May indicate in an applicant’s records that the applicant has a HSD only after receiving a copy of one or more of the following documents:
      (1) A regular/standard HSD
      (2) An honors diploma
      (3) An Individual Education Plan (IEP)/special education diploma
      (4) Official transcripts indicating graduation from a school that meets the guidelines set in PRH Appendix 304, Guidelines for the Accreditation of Job Corps High School Programs
      (5) A foreign diploma

2. When filing, storing, and transmitting IEP, Section 504 plans, IEP/special education diplomas, similar documents, or any documents indicating that a particular applicant has such documents, strictly comply with the following legal requirements related to medical and disability-related information, as explained in Appendix 607, Transmission, Storage, and Confidentiality of Medical, Health, and Disability-Related Information:
   (a) Place these records in separate “health records” files that are kept and stored separately from all other information about the individual applicant until the
records are sent to the center.

(b) Carefully limit access to these documents. For example, keep hard copies of the documents in locked files; ensure that electronic copies of the documents are password-protected. Be vigilant about who is permitted to know the password, or allowed to have access to the key or combination that opens the lock. Appendix 607, Transmission, Storage, and Confidentiality of Medical, Health, and Disability-Related Information, explains what categories of persons are legally authorized to have access to the documents.

(c) Transmit hard copies of the documents in sealed envelopes in accordance with Appendix 607, Transmission, Storage, and Confidentiality of Medical, Health, and Disability-Related Information. Make the best effort to ensure that the copies are delivered only to persons who are authorized to have access to those specific types of documents.

b. If the applicant has not provided copies of the required official records, contact the appropriate state HSE Administrator (see Exhibit 1-1, Eligibility Requirements, Criterion 6. Educational and Training Needs), or the last high school the applicant attended; send the administrator or school a Records Release Authorization (Exhibit 1-5), signed by the applicant or his or her parent or guardian, requesting that the required official records be delivered to the OA office or Job Corps center.

c. Before an applicant departs for his or her center of assignment, ensure that the center has received either the official records listed above, or documentation of the official request. This documentation must include contact information for the HSE Administrator or school from which the records have been requested.

R8. Eligibility Requirements

Use Exhibit 1-1, Eligibility Requirements, to determine if each applicant to Job Corps meets the eligibility requirements necessary to provide a conditional offer of enrollment.

a. Before beginning the eligibility requirements process, the AC must explain to every applicant, and his or her parent, guardian if a minor, or other representative, that two of the eligibility requirements questions (those related to age and low-income status) may result in answers disclosing that the applicant has a disability. The AC must also explain the four principles that apply to all medical and disability-related questions in Job Corps. See Chapter 1, 1.2, R7.b below.

b. Asking About Disability

In general, ACs may not ask whether an applicant is an individual with a disability or about the nature and severity of a disability prior to conditional enrollment in Job Corps. (An applicant is conditionally enrolled in Job Corps when additional documentation or information is needed to confirm that the applicant meets all the eligibility requirements.) At two points in the process of determining eligibility; however, ACs may invite an applicant to disclose whether he or she has a disability:
1. If the applicant is or will be older than 24 years old on the date of enrollment, the maximum age limit may be waived if he or she is a person with a disability.

2. If the applicant would not meet the low-income requirement unless the applicant is considered a “family of one” because of a disability.

The AC should explain to the applicant that under the law, he or she may be considered a “person with a disability” if:

(a) He or she has a physical or mental impairment.

(b) The impairment affects one or more of his or her major life activities. The term “major life activities” refers to activities that are of central importance to daily life, (e.g., caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working).

(c) The effect of the impairment is substantial.

Before inviting the applicant to disclose whether he or she falls into this category, the AC must explain to the applicant that:

(a) Providing disability-related information is voluntary – in other words, the applicant is not required to disclose whether he or she has a disability.

(b) The information will be kept confidential as required by law.

(c) Declining to disclose whether he or she has a disability will not cause the applicant to receive unfavorable treatment (except that if the applicant decides not to disclose, there is a possibility that he or she will not be found to meet the age requirements and/or qualify as low income).

(d) The information will be used only in accordance with the law.

The same four pieces of information, (a) through (d) above, must be provided whenever an applicant is about to be asked a question and the answer to the question is likely to lead to disclosure of a disability.

The AC should explain to the applicant that when he or she is asked whether he or she falls into the category of an individual with a disability, the applicant should select only one of three possible answers: yes, no, or do not wish to answer. If the applicant’s response is yes, the AC:

(a) Must not use this information to determine the applicant’s eligibility under any factors other than age or low-income status.

(b) Will continue with the admissions process and no other information regarding the disability will be requested or collected until and unless the applicant is notified that he or she has been determined eligible and selected for enrollment in Job Corps or unless the applicant asks for reasonable accommodation for the admissions process.

After the applicant is notified that he or she has been determined eligible and selected for enrollment in Job Corps, the AC will secure any corresponding supporting medical and/or educational documentation. The AC must not review the contents of
this information, and must place all medical documents and/or all special education and/or disability documentation in a separate envelope. The envelope must be sealed and included with the applicant file that is forwarded to the center for review (see Appendix 607, Transmission, Storage, and Confidentiality of Medical, Health, and Disability-Related Information). As part of the file review process, the center will then ensure that the applicant has a disability, and therefore meets the age eligibility requirement or can be considered as a family of one for the low-income eligibility requirement. If a center determines that the applicant has a disability, the center review of the applicant file will continue. If the center determines that the applicant does not have a disability, the applicant file will be forwarded to the Regional Office for final disposition.

c. If there are any eligibility requirements that the applicant does not meet, stop the application process at that point because the applicant is not eligible for admission to Job Corps. The AC must provide a written explanation of the denial to the applicant (see Appendix 104, Denial Letter Template for Admissions Counselors). This explanation must inform the applicant about his or her right to file an appeal with the OA agency or the Job Corps center. The explanation must also inform the individual of his or her right to file a discrimination complaint with either the recipient of the funds as defined in 29 CFR 38.4, such as the OA agency or the Job Corps contractor, or Center Operator, if not federally operated, or the Director of the U.S. Department of Labor Civil Rights Center (DOL-CRC) if the applicant feels he or she was discriminated against during the application process.

d. The following is a list of the eligibility requirements for Job Corps. This list provides only a brief outline of each requirement; it does not contain all of the information an AC must have in order to properly make a determination about whether a particular applicant meets each requirement. That information is found in Exhibit 1-1, Eligibility Requirements.

1. To be determined eligible for Job Corps, each applicant must be a
   (a) United States citizen or national, including a naturalized citizen;
   (b) lawfully admitted permanent resident alien, refugee, asylee or parolee, or other immigrant who has been authorized by the Department of Homeland Security to work in the United States; or
   (c) resident of a U.S. territory.

2. Be at least 16 years of age and not more than 24 years of age on the date of enrollment (i.e., date of departure for a center).

   For an individual with a disability who is otherwise eligible, the maximum age limit may be waived (minimum age is still 16). Therefore, this eligibility requirement will require the AC to invite an applicant older than 24 to disclose whether he or she has a disability (see Appendix 606, Communicating with Persons with Disabilities).
3. Qualify as “low income” as described in Exhibit 1-1, Eligibility Requirements. Documentation must be collected verifying that the applicant meets the low income criterion. This eligibility requirement will require the AC to invite an applicant who does not meet the standard low-income requirement to disclose whether he or she is a person with a disability who would meet the requirement under the disability waiver (see Appendix 606, Communicating with Persons with Disabilities).

Special Rule for Veterans: In making the income determination, the Admissions Counselor will disregard military income earned by the veteran in the 6 months prior to the application.

4. Face one or more of the following barriers to education and employment:
   (a) Is basic-skills deficient:
      (1) A youth with English, reading, writing, or computer skills at or below the 8th grade level on a generally accepted standardized test; or
      (2) An individual unable to compute or solve problems, read, write, or speak English, at a level necessary to function on the job, in the individual’s family, or in society.
   (b) Is a school dropout
   (c) Is homeless, as defined in sec. 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6)); is a homeless child or youth, as defined in sec. 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434(a)(2)); is a runaway, an individual in foster care, or an individual who was in foster care and has aged out of the foster care system (see Exhibit 1-1, Eligibility Requirements, for details)
   (d) Is a parent, an individual who, in law, has custody, guardianship, or access rights in regard to a child and who may have corollary obligations to financially support a minor, typically by way of child support
   (e) Requires additional education, career technical training, or workforce preparation skills in order to obtain and retain employment that leads to economic self-sufficiency
   (f) Is a victim of a severe form of trafficking in persons, as defined in Section 103 of the Victims of Trafficking and Violence Protection Act of 200 (22 U.S.C. 7102(9)) (Individuals who qualify as a victim of a severe form of trafficking in persons need not meet the income eligibility requirement described above in PRH Chapter 1, 1.2, R8.d.3.)

5. Meet the Selective Service Registration requirement, if applicable. If the applicant is male, he must sign a consent form for automatic Selective Service Registration.

6. Educational and training needs

For each applicant, the AC must determine, based on the information relating to the background, needs, and interests of the applicant, whether the educational and
career and technical training needs of the applicant can best be met through the Job Corps program, or if the applicant should be referred to an alternative program in the community in which he or she resides. Exhibit 1-1 contains a detailed explanation about how to make these determinations. The following should be considered:

(a) If the applicant has not graduated from high school:

(1) The applicant wants to earn a high school diploma or its recognized equivalent and participate in career technical training (the applicant must indicate a desire to obtain both academic and career technical training).

(2) After graduation from Job Corps, the applicant intends to
   - obtain employment,
   - enter the military, or
   - continue his or her education.

(b) If the applicant is a high school graduate:

(1) The applicant wishes to obtain career technical training.

(2) After graduation from Job Corps, the applicant intends to
   - obtain employment,
   - enter the military, or
   - continue his or her education.

7. Meet the 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 actions that would potentially
   (a) prevent other students from receiving the benefit of the program,
   (b) be incompatible with the maintenance of sound discipline, or
   (c) impede satisfactory relationships between the center to which the student is assigned and surrounding local communities.

8. Demonstrate a basic understanding of the rules of the Job Corps program and the consequences of failure to follow the rules, and document that the applicant agrees to comply with the rules. The criteria that the applicant must meet, and the questions that the AC must ask the applicant in order to determine whether he or she meets these requirements, are described in detail in Exhibit 1-1, Eligibility Requirements.

9. Disqualifying Convictions: An individual will not be selected as a student if the individual has been convicted of a felony consisting of
   (a) murder (as described in Section 1111 of Title 18, United States Code),
   (b) child abuse, or
   (c) a crime involving rape or sexual assault.

10. After conducting a background check consistent with applicable State and local laws, confirm that the applicant is not on probation or parole, under a suspended sentence, or under the supervision of any agency as a result of court action or institutionalization, to the extent that he or she will be prohibited from participating in the program. The steps that the AC must take to determine
Whether the applicant meets these requirements are described in detail in Exhibit 1-1, Eligibility Requirements, and Appendix 103, Admissions Counselor Guide for Evaluating Court Involvement/Agency Supervision and the Maintenance of Sound Discipline. The following is a brief description of the determinations the AC must make.

(a) If the applicant is on probation, or on parole, or under a suspended sentence, or under the supervision of any agency as a result of court action or institutionalization, then all of the following must be certified by the appropriate court or agency:
   (1) The court or agency will approve of the applicant’s release from its supervision.
   (2) The applicant’s release does not violate applicable statutes and regulations.
   (3) The applicant has responded positively to supervision.
   (4) The court or agency will permit the applicant to leave the local area or state while he or she is enrolled in Job Corps.

(b) If the applicant has court fines or court-ordered restitution in excess of $500, then one of the following requirements must be met:
   (1) The applicant must settle the court fine or court-ordered restitution prior to enrollment.
   (2) The court must agree to suspend the obligation during the applicant’s enrollment in Job Corps.
   (3) The Regional Office of Job Corps grants a waiver and permits entry.

11. Have child care, if applicable. If the applicant is a parent, he or she must certify that he or she has made suitable arrangements for the care of any dependent children for the proposed period of enrollment.

12. Sign, or have a parent, guardian if a minor, or other representative sign, the “Authorization for Use and Disclosure of Your Health Information”.

13. Receive parental consent, if applicable. If the applicant is an un-emancipated minor, his or her parent or legal guardian must provide consent for him/her to participate in Job Corps. Exhibit 1-1, Eligibility Requirements, describes how to determine whether the applicant is an emancipated minor.

e. Once the AC has completed the eligibility requirements process, if the AC makes a decision that the applicant meets the eligibility requirements, a conditional offer of enrollment will be made and the applicant will be assigned to a center. The AC will then:

1. Ask the applicant to complete the Job Corps Health Questionnaire (ETA 653).

2. Inform each applicant of his or her right to request reasonable accommodation and review the Reasonable Accommodation Request Form with the applicant.
(see Appendix 605, Definitions and Documentation Requirements Related to Reasonable Accommodations for Applicants and Students with Disabilities). If the applicant wants to request accommodation, the request form should be completed. The AC may assist with the completion of the request form as necessary.

3. Secure any corresponding supporting medical and/or educational documentation. The AC must not review the contents of this information, and must place all medical documents and/or all special education and/or disability documentation in a separate envelope. That envelope must be sealed and included with the applicant file that is forwarded to the center for review (see Appendix 607, Transmission, Storage and Confidentiality of Medical, Health and Disability-Related Information).

**R9. Priority Enrollment**

An applicant who meets all of the eligibility requirements listed above, and who is a veteran of the armed forces of the United States or an eligible spouse of a veteran (as specified in Exhibit 1-6, Factors for Priority Enrollment), will receive priority in enrollment at Job Corps centers. Those applicants who qualify for priority enrollment will be offered the opportunity to enroll in the program before all other applicants.

As warranted, the National Director of Job Corps may initiate an “expedited enrollment” policy for victims of natural and man-made disasters. As directed, Outreach and Admissions agencies serving affected areas should follow the procedures outlined in Exhibit 1-8, Office of Job Corps Expedited Applicant Enrollment for Natural and Man-Made Disaster Victims.

**R10. Documentation**

ACs must:

a. Enter all information involving applicant eligibility criteria in the Outreach and Admissions Student Input System (OASIS) in accordance with the procedures specified in the OASIS documentation and Regional Office procedures.

b. Use the procedures described in Exhibit 1-1, Eligibility Requirements, to verify, assess, and document information relating to applicant eligibility criteria.

c. Use the procedures described in Exhibit 1-2, Document Requirements for Assessment of Applicant Health Needs, to provide documentation to Job Corps centers for their use in assessing applicants’ health needs.
R11. Admissions Notification

ACs must advise all applicants of the results of the admissions determination.

a. If the applicant is eligible for enrollment, offer conditional enrollment to the applicant and advise the applicant that:

1. He or she will be assigned to a Job Corps center based on the applicant’s career training program preference, availability of training slots, and applicant’s geographic proximity to a center that has both.
2. The AC will collect medical information about the applicant and transmit it to the Job Corps center, along with the applicant’s file.
3. If the applicant offered enrollment has an apparent or known disability, the AC may ask whether he or she will need a reasonable accommodation to participate in Job Corps. Before the applicant responds, the AC must explain that:
   (a) Providing disability-related information is voluntary – in other words, the applicant is not required to disclose whether he or she has a disability.
   (b) Choosing not to disclose a disability, or to ask for a reasonable accommodation at this point, does not preclude him or her from asking for an accommodation at any point later in the enrollment process or during his or her participation in Job Corps.
   (c) Disability-related information will be kept confidential as required by law.
   (d) Disclosing whether he or she has a disability will not cause the applicant to receive unfavorable treatment.
   (e) The information will be used only in accordance with the law.

b. To request a reasonable accommodation, the applicant offered enrollment must complete the Reasonable Accommodation Request Form (see Appendix 605). Responses to questions on the form must be provided by the applicant offered enrollment and/or his or her parent, guardian, or other representative, although the AC may help in filling out the form. The AC must place the completed form in a separate file for medical and disability-related information about the applicant. This file must be stored separately from other information about the applicant, and must be kept confidential, as explained in Appendix 607, Transmission, Storage and Confidentiality of Medical, Health and Disability-Related Information.

c. If the applicant is not eligible for enrollment, take the following steps:

1. Inform the applicant that he or she has been determined not to meet the specific eligibility requirement(s). Provide the applicant with a clear, documented, written explanation for the determination (see Appendix 104, Denial Letter Template for Admissions Counselors).

2. Inform the applicant of his or her rights, as follows:
   (a) If the applicant believes that he or she has been denied admission as a result of discrimination on a protected basis (race, color, religion, sex (including
pregnancy and gender identity), national origin, age, disability (physical or mental), genetic information, parental status, sexual orientation, marital status, political affiliation or belief, or any other prohibited factor), he or she may file a written complaint within 180 days, either with the recipient of the funds as defined in 29 CFR 38.4, such as the OA agency or the Job Corps contractor, or center operator (if not federally operated) or with the director of the U.S. Department of Labor Civil Rights Center (DOL-CRC). Provide the applicant with the contact information of both the recipient and the Director of DOL-CRC. DOL-CRC’s information is as follows:

Director, Civil Rights Center
U.S. Department of Labor
200 Constitution Avenue, NW
Room N-4123
Washington, DC 20210
Phone: (202) 693-6502
TTY: (202) 693-6516
CivilRightsCenter@dol.gov

If the applicant files with the recipient of the funds as defined in 29 CFR 37.4 and is dissatisfied with the result, he or she has 30 days to file a new complaint with DOL-CRC. Likewise, if the applicant fails to receive a written Notice of Final Action from the recipient within 90 days of filing a complaint, then the applicant need not wait for the recipient to issue that notice before filing with DOL-CRC. However, the applicant must file with DOL-CRC within 30 days of the 90-day deadline.

(b) If the applicant believes that he or she has been wrongfully found unqualified for reasons unrelated to discrimination, he or she may file an appeal with the OA agency or the Job Corps center within 60 days of the determination. Provide the applicant with the name and address of the OA agency and the appropriate Job Corps center with whom the appeal must be filed, and explain the time frame and deadline for appealing. A hearing must be conducted within 30 days of when the appeal was filed.

The OA agency must establish procedures for the review of appeals. The procedures must include at a minimum the following steps:
(1) Designate a Point of Contact at the OA corporate office.
(2) Create an appeal review panel consisting of at least one corporate staff member and one contract staff member.
(3) Conduct a verification call with the applicant.
(4) Review final determination with the Admissions Counselor and Quality Assurance Manager.
(5) Submit written decision to the applicant and send a copy to the Regional Office.
The OA agency or Job Corps center must issue a decision on the appeal within 60 days of when the appeal was filed. If the OA agency or Job Corps center denies the appeal within 60 days of when the appeal was filed, the applicant may appeal the denial to the Job Corps Regional Director within 60 days of the date of the denial. If the OA agency or Job Corps center does not issue a decision on the appeal within 60 days of when the appeal was filed, the applicant may file an appeal with the Job Corps Regional Director within 60 days from the date the center operator or service provider should have issued the decision.

Also notify the applicant that if the OA agency, Job Corps center, or Regional Office rejects the appeal, and the applicant believes that the agency, center, or Regional Office rejected his or her appeal for reasons of discrimination, he or she has 180 days from receipt of the determination letter to file a complaint with the DOL-CRC.

3. Refer the applicant to an appropriate one-stop center, or other training/educational resource in his or her home community.

4. On a monthly basis, submit no fewer than 5 percent of files of applicants denied admission to the Regional Office for a quality review. The quality review does not take place before the applicant is notified of the denial.

5. Regardless of whether the applicant is enrolled, copies of his or her records must be kept for a period of no less than 3 years from the close of the program year in which the determination was made. If the applicant files an appeal, or a complaint alleging that the admissions process was affected by discrimination or that the Workforce Innovation and Opportunity Act (WIOA) nondiscrimination requirements were violated during the process, copies of the records must be kept for a period of no less than 3 years from the date on which the complaint or appeal was resolved.

R12. Collection and Handling of Health-Related Information and Documents

ACs must:

a. Use the Job Corps Health Questionnaire (ETA 6-53) to collect health information about the applicant offered enrollment, along with any medically connected documentation, as described in the instructions for the Job Corps Health Questionnaire (ETA 6-53).

b. Forward the originals of the Job Corps Health Questionnaire (ETA 6-53) of the applicant offered enrollment, and all documentation that has been collected, to the center of assignment. These documents must be forwarded in envelopes or files that are sealed and kept separate from any other information about the applicant offered enrollment.
c. For applicants who are not offered enrollment, retain copies of the Job Corps Health Questionnaire (ETA 6-53), and all related documentation that has been collected, in a file that is stored separately from any other information about the applicant. The Job Corps Health Questionnaire (ETA 6-53), the related documentation, and all other medical or disability-related information about the applicant must be kept confidential, and access to this information must be strictly limited to persons with a need to know, as described in Appendix 607, Transmission, Storage and Confidentiality of Medical, Health and Disability-Related Information.

OA agencies may retain copies of the ETA 652, Job Corps Reasonable Accommodation Request Form-Admissions (Appendix 106), applicant folder cover sheet, folder inventory, alternate contact sheet and a copy of documentation showing proof of low income eligibility. With the exception of Appendix 106, Job Corps Reasonable Accommodation Request Form-Admissions, copies of these documents may be filed electronically.

**R13. Collection and Handling of Other Types of Required Documents**

ACs must help the applicant offered enrollment to make copies of the documents in the list below for use on center. The AC should either send these documents to the center or ensure that the applicant offered enrollment takes them with him or her when he/she departs for the center.

a. Applicants need proof of citizenship, legal residency, or authorization to work.

b. Applicants need public assistance documentation, if applicable; e.g., records of Temporary Assistance for Needy Families (TANF) or food stamps. If this documentation discloses that the applicant offered enrollment has a disability, and the AC plans to send the documentation to the center rather than having the applicant take it with him or her, the following requirements apply:

1. It must be placed in a separate “health records file,” and until it is sent, it must be stored separately from all other documents related to the applicant.

2. Hard copies of the documentation must be transmitted in sealed envelopes.

3. Access to the documentation must be strictly limited, as explained in Appendix 607, Transmission, Storage and Confidentiality of Medical, Health and Disability-Related Information.

c. Applicants need their medical insurance card, if applicable.

d. Applicants need their immunization records. The transmission, storage, and confidentiality requirements described in Appendix 607, Transmission, Storage and Confidentiality of Medical, Health and
Disability-Related Information, apply to these records.

e. Applicants need their release entitled “Right to Use Photographic Likeness or Moving Images,” signed by the applicant offered enrollment, or by a parent or legal guardian if applicant is a minor (see Appendix 601, Student Rights to Privacy and Disclosure of Information).

f. Applicants need their form entitled, “Job Corps Informed Consent to Receive Mental Health and Wellness Treatment” signed by the applicant offered enrollment, or by a parent or legal guardian if the applicant is an un-emancipated minor (see Exhibit 1-4, Job Corps-Informed Consent to Receive Mental Health and Wellness Treatment).

R14. Assignment and Scheduling Procedures

A note about accessibility considerations: Because all Job Corps centers are required to comply with applicable accessibility requirements, it is unlawful to assign an applicant to a particular center, or to steer such an applicant away from a center, based solely on accessibility concerns. Even if the law does not require a specific center to comply with federal architectural accessibility guidelines, the center may be required to provide reasonable accommodations for the needs of a particular individual’s disabilities if the accommodations are not an undue hardship.

If an applicant offered enrollment has disclosed a mobility-related disability, or has such a disability that is obvious (for example, if he or she uses a wheelchair), and the AC has concerns about the accessibility of the most suitable center, the AC may raise those concerns with the applicant and/or his or her parent, guardian, or other representative. In these cases, three points must be kept in mind:

a. The AC should inform the applicant and/or his or her parent, guardian, or other representative that the applicant is entitled to ask for a reasonable accommodation, which may include a request for modifications to the center at issue.

b. Job Corps’ Reasonable Accommodation Committee (RAC) is required to consult with the applicant to identify possible accommodations and must give consideration to the applicant’s choice of accommodation, but Job Corps is not required to implement an accommodation that would impose an undue hardship.

c. The ultimate decision about whether the applicant will or will not accept a reasonable accommodation must be left up to the applicant and/or his or her parent, guardian, or other representative.

OA contractors must:

a. Assign enrollees to a center offering the type of career technical training selected by the individual, and, among the centers that offer such training, is closest to the enrollee’s home, unless:
1. The enrollee would be unduly delayed in participating in the Job Corps program because the closest center is operating at full capacity.

2. The parent or guardian of an enrollee requests assignment to another Job Corps center due to circumstances in the home community of the enrollee that would impair prospects for his or her successful participation in the Job Corps program. Such a request must be documented in the applicant file.

3. If a parent or guardian of the enrollee objects to the assignment of an enrollee under the age of 18 to a center other than the center closest to home that offers the desired career technical training, such an assignment must not be made. The objection of the parent or guardian must be documented in the applicant’s file.

b. Give priority in assignments of open slots to applicants offered enrollment who are veterans of the armed forces of the United States or spouses of veterans, as specified in Exhibit 1-6, Factors for Priority Enrollment.

**R15. Applicant Files**

OA contractors must ensure that OASIS files are available to the center of assignment and that hard copy documents are available to the center at least 7 working days prior to each applicant’s scheduled arrival at the center, or departure to the center, if using government-furnished transportation.

**R16. Withdrawal of Application**

If an applicant withdraws his or her application, or an applicant offered enrollment chooses not to enroll, all supporting documentation should be maintained with the central file, and returned to the OA agency if the application is not in regional review. If the application is in regional review, then the applicant file and all supporting documentation must be returned to the Regional Office who will review the documentation of the withdrawal before returning the file to OA. Files must be maintained for a minimum of 3 years from the end of the applicable program year. Health and disability-related documentation must be maintained in a separate file to which access is strictly limited, as described in Appendix 607, Transmission, Storage and Confidentiality of Medical, Health and Disability-Related Information.
1.3 DEPARTURE PREPARATION AND ENROLLMENT READINESS

PURPOSE

P1. To ensure that assigned applicants depart safely for centers.

REQUIREMENTS

R1. Pre-Departure Activity

Admissions Counselors (ACs) must:

a. Provide each assigned applicant with specific, current information about the center of assignment, including location, rules, career technical training waiting lists, and program expectations.

b. Provide the assigned applicant with a travel packet to include itinerary, e-ticket information, meal money (if applicable), emergency phone numbers, and written guidance on acceptable behavior and expectations while on travel to the center (see Chapter 6, 6.6 Student Transportation).

c. Send all required documents to the center and ensure that the applicant takes the documents with him or her when he or she departs for the center. (see PRH Chapter 1, 1.2, R12, Collection and Handling of Health-Related Information and Documents)

d. Notify each applicant of his or her assignment date, or departure date if using government-furnished transportation, and the process for departure.

e. Verify with the applicant that there has been no change to the applicant’s admission status that would alter any of his or her answers to the eligibility requirements since the completion of the original application.

R2. Departure Scheduling and Procedures

ACs must:

a. Contact the assigned applicant to provide travel information and answer any last-minute questions.

b. Whenever possible, accompany the applicant to the scheduled departure site or arrange for another responsible escort, and see that the applicant departs safely as scheduled.

c. As required in PRH Chapter 1, 1.1, R3, request that the applicant sign a release of “Right to Use Photographic Likeness or Moving Images” and forward it to the center of assignment (see Appendix 601, Student Rights to Privacy and Disclosure of Information).
R3. Delays

a. Travel Delay

In the event that an assigned applicant asks for a delay in the assigned day for travel to the center of assignment, the AC must take the following steps:

1. Determine whether the request for the delay is valid and reasonable, e.g., due to illness or death of an immediate family member.

   If the request is related to a disability, the AC should contact the center and ask that the appropriate center staff persons determine whether the delay is a reasonable accommodation for the disability, as explained in Appendix 605, Definitions and Documentation Requirements Related to Reasonable Accommodations for Applicants and Students with Disabilities.

2. If the reason is unrelated to a disability, and the AC determines that the reason is valid and reasonable, notify the center, and obtain instructions and a future date of travel. This notification must take place either before or on the assigned travel date.

b. Delayed Assignment

Under the following circumstances, the AC may ask the center for a delayed assignment for assigned applicants who fail to depart as originally scheduled and who did not request a travel delay:

1. The AC determines that the reason for the failure to depart is valid and reasonable. If the failure to depart is related to a disability, the AC should contact the center and ask that the appropriate staff persons determine whether the delay is a reasonable accommodation for the disability, as explained in Appendix 605, Definitions and Documentation Requirements Related to Reasonable Accommodations for Applicants and Students with Disabilities.

2. The assigned applicant requests a delayed assignment date within 90 days of the original interview date. If the request is made after the 90-day period expires, all of the eligibility documentation for the applicant must be re-verified.

3. The AC must verify with the assigned applicant that he or she continues to meet all the Job Corps eligibility criteria as of the rescheduled date of enrollment.

c. Under no circumstances may an AC send an assigned applicant to the center on a day other than the departure date entered on the applicant’s travel itinerary without obtaining center and/or Regional Office approval.
R4. No-Shows

In the event that the applicant fails to depart for the center and does not communicate with the AC 24 hours prior to the scheduled arrival time, or 24 hours prior to the scheduled departure time if using government-furnished transportation, he or she will be determined to be a no show, and the AC must:

a. Contact the assigned applicant promptly to determine the reason he or she did not arrive at the assigned center.

b. If appropriate, request a delayed assignment and reschedule the applicant in accordance with PRH Chapter 1, 1.3, R4.

c. Notify the center of assignment of any delay.
1.4 CENTER RESPONSIBILITIES IN THE ADMISSIONS PROCESS

PURPOSE

P1. To establish procedures for applicant file review by centers.

P2. To establish procedures for the review of applicant health information.

P3. To ensure that all assigned students are contacted by the center prior to arrival.

P4. To establish procedures for assignment of applicants to centers in accordance with Regional Office procedures.

P5. To establish procedures for a Regional review process of applications recommended for denial.

REQUIREMENTS

R1. Overall Legal Requirements

a. A center is not permitted to revisit an Admissions Counselor’s (AC’s) determination that an applicant meets the eligibility requirements and is eligible for Job Corps, even if the center disagrees with the AC’s determination of the applicant’s eligibility qualification(s), except in the following limited circumstances:

1. The center receives new information that:
   (a) Was not reasonably available to the AC at the time the applicant’s eligibility qualifications were established
   (b) Indicates that the applicant offered enrollment may no longer meet one of the eligibility requirements

b. Apart from the circumstances described in 1(a) above, the center may review the information in the applicant’s file, such as on the Job Corps Health Questionnaire (ETA 653), the accompanying documentation that is medically related to the information on the questionnaire, or that the applicant has otherwise voluntarily disclosed, to determine the health needs of the applicant and/or to determine whether the applicant has a disability, mental health, or medical condition that likely poses a significant risk of substantial harm to the health or safety of the individual or others.

Only the categories of persons identified in Appendix 607, Transmission, Storage and Confidentiality of Medical, Health and Disability-Related Information, may be permitted to review, or have access to the applicant’s medical, health, or disability-related information.
R2. **Applicant File Review Process**

a. Responsibilities of Records Staff

The records department is the gatekeeper of all applicant files. The records department must maintain a single ongoing log that documents:

1. The location of every applicant file
2. How long the file has been on center
3. Who the file was sent to
4. How long the file has been with a particular department or staff person
5. The center’s recommendation regarding enrollment and/or an explanation of any final movements or actions taken related to a file (i.e., for example, an applicant contacted a center to request a withdrawal of application and file returned to OA since file is not in regional review)

For those files sent to the Regional Office for review, the records department must document the date the file was sent, to whom it was sent, and the final disposition of the record.

b. Responsibilities of Center File Review Team

The Health and Wellness Manager (HWM) completes a review of the Job Corps Health Questionnaire (ETA 653) and supporting documentation to determine which center staff is needed to conduct a review of each applicant’s file. These staff comprise the center’s File Review Team (FRT). The center FRT must include the HWM and the Disability Coordinator (if a student with a disability) and may include other staff such as the Center Mental Health Consultant, physician, Trainee Employee Assistance Program (TEAP) Specialist, and/or the dentist.

c. Center Procedure

Each center is required to have a written procedure describing the center’s process for reviewing applicant files. This procedure should describe in detail how an applicant file is processed, from the time it arrives on center from the OA contractor, until the applicant is accepted into the program and assigned a start date, or recommended for denial and a final disposition is made by the Regional Office. The applicant’s file must be processed within 30 calendar days from receipt by center. If the center reasonably can substantiate needing the file longer than 30 days to complete the file review process, then an extension request may be submitted to the respective Regional Office.
While each center file review procedure may have unique aspects, all center procedures must incorporate the following requirements:

1. Location where files are sent and logged in upon arrival to the center and the method of tracking the movement of the file to include an explanation of the center’s disposition of the file (see Chapter 1, 1.4, R2.a)

2. Responsibilities and roles of applicant FRT members to include the HWM, the center clinicians, and the center’s Disability Coordinator(s) which usually will include the center’s HWM

3. Procedures for reviewing an applicant file to include the acceptable reasons for recommending denial of an application

4. Procedures for reviewing and determining reasonable accommodation

5. Procedures for processing application withdrawals both before and after submitting a file for regional review

6. Timeframe the center establishes to complete the file review process to ensure it meets the PRH required timeframe of 30 calendar days

7. Storage, transmission and maintenance of the applicant file information (see PRH Appendix 607, Transmission, Storage and Confidentiality of Medical, Health and Disability-Related Information)


R3. Review of Health Information

a. The HWM conducts the initial review of the health documentation in the individual applicant’s folder, including Job Corps Health Questionnaire (ETA 653) and the medically related supporting documentation that has been submitted with it, to:

1. Explain the health care needs of the applicant.
2. Determine whether Job Corps can meet the health-care needs of the applicant.
3. Determine if the applicant presents a direct threat to self or others.
4. Obtain consent for required routine medical assessments and/or consent to receive basic health care services.

b. Health-Care Needs Assessment
A health-care needs assessment may be conducted for an applicant if the center clinical staff believes that one of the following applies:

1. The health-care needs may not be manageable as defined by basic health care services in PRH Exhibit 6-4, Job Corps Basic Health Responsibilities.

2. The health care needs may be manageable but may require community support services that are not available near the center of assignment, the applicant should be assigned to a center where these needs can be met.

In the instance that a center has recommended the applicant’s health-care needs can be met in Job Corps if the individual were located at a center where needed resources and supports were available, the applicant’s file is routed through the typical regional review process with the following additional steps:

(a) If the center’s recommendation is supported by the Regional Health Specialist (RHS) and approved by the Regional Director or his or her designee, then the Regional Office returns the file, including the completed Health-Care Needs Assessment from the initial center, to the AC to contact the applicant and assist in identifying the new center.

(b) The new center completes a review of the documentation and confirms the current status of the applicant and then documents the contact and assessment in the progress notes narrative and includes in the medical file.

(c) If the center’s recommendation is to accept the applicant, the center notifies the AC and the Regional Office, and schedules the individual for arrival. If the center’s recommendation is to deny the applicant, then the center notifies the AC and forwards the file back to the Regional Office for a second clinical review by the appropriate RHS.

(d) If the RHS recommends overturning the center’s recommendation of denial and the Regional Director, or his or her designee, concurs, then the center is notified that the applicant must be scheduled for enrollment. If the RHS concurs with the center’s recommendation and the Regional Director, or designee concurs, then the applicant is notified of the disposition of his or her file, the file is returned to the AC, and the center notified of the Region’s decision.

See Appendix 610, Health Care Needs Assessment, for specific guidance on conducting a health care needs assessment. See section “Review of Applicant’s Health Care Needs by the Alternate Center” in Appendix 107, Applicant File Review Guidance-Center Process, and section, “Review Process for Recommendations to Attend an Alternate Center” in Appendix 108, Applicant File Review Guidance-Regional Process, for detailed descriptions of the requirements listed above.

c. Direct Threat Assessment

In the case of an applicant, a direct threat assessment may be conducted:
1. Whenever Job Corps believes that a known or apparent disability or medical condition poses a direct threat to the health or safety of the individual or others. This typically will occur after the applicant has received conditional assignment to a Job Corps center and has completed the Job Corps Health Questionnaire (ETA 653).

2. If the specific information that has been received about that particular applicant indicates that he or she may have a medical condition or disability that:
   (a) Poses a significant risk of substantial harm to the health or safety of the individual or others
   (b) Cannot be eliminated or reduced by reasonable accommodation or modification

If the specific information in the folder appears to meet the standards described above, the HWM will forward the applicant’s information to the licensed health provider employed by the center for a detailed direct threat assessment.

For specific guidance on conducting a direct threat assessment, see Appendix 609, Individualized Assessment of Possible Direct Threat.

**R4. New Information Review of Applicant Eligibility**

a. The AC determines an applicant’s initial eligibility (i.e., meets the eligibility requirements) to enroll in the Job Corps program. The files of eligible applicants are forwarded to the center in which the applicants have been conditionally assigned so that the center may complete clinical reviews. The center File Review Team or its individual members only may revisit the determination that an applicant is qualified for admission (i.e., an applicant’s eligibility status) if:

   1. There is new information presented that the AC could not have reasonably known at the time the applicant’s qualification for admission was established.

   2. The new information indicates that the applicant offered enrollment may no longer meet eligibility requirements (see PRH Chapter 1, 1.4, R1.a).

b. If new information is present that indicates that an applicant may no longer be eligible to enroll in Job Corps, the center File Review Team must complete the following steps:

   1. Identify the specific eligibility requirements that the applicant no longer is believed to meet as per the criteria listed in Exhibit 1-1, Eligibility Requirements.

   2. Re-apply the listed criteria for each of the specific eligibility requirements in question. Ask the applicant any questions outlined within the guidance information in Exhibit 1-1, Eligibility Requirements, for the specific eligibility requirement. The questions must be stated in the same way they are written in
Exhibit 1-1, Eligibility Requirements, and as they were originally asked by the AC. Their content may not be broadened or modified.

3. If the applicant provides a negative (e.g., “no”) response to the specific questions previously asked by the AC from Exhibit 1-1, Eligibility Requirements, then the applicant is no longer eligible and the application process is stopped. If the applicant responds with a “yes” response, then the application process continues.

For example, in Exhibit 1-1, Eligibility Requirements, within the guidance for Criterion 7, Group Participation, the AC was instructed to ask: “Do you understand that you will be living and working with members of various races, ethnic groups, political or religious affiliations or beliefs, sexual orientations, gender identities, and people with disabilities?” This question is informational only and is asked to confirm the applicant’s understanding of the Job Corps environment before proceeding with the actual eligibility question specific to the eligibility requirement which is, “Knowing this about Job Corps, are you willing to go forward with your application?” The applicant would have responded with a “yes” to have been found eligible previously by the AC.

If new information surfaces or is provided during the center’s review that the AC could not have reasonably known that may now indicate that this applicant is no longer eligible under the “Group Participation” eligibility requirement, then the center File Review Team must ask the exact same questions of the applicant as those originally asked by the AC for that specific eligibility requirement (i.e., “Do you understand that you will be living and working with members of various races, ethnic groups, political or religious affiliations or beliefs, sexual orientations, gender identities, and people with disabilities? Knowing this about Job Corps, are you willing to go forward with your application?”)

4. If the applicant is determined to no longer be eligible, then the center completes the Center Recommendation of Denial Form and submits it, the applicant file and the supporting documentation to the Regional Office for review.

c. New Information–Age (Criterion 2), Income Eligibility (Criterion 3), and Disability Status

1. In general, ACs may not ask whether an applicant is an individual with a disability or about the nature and severity of a disability prior to conditional enrollment in Job Corps. At two points in the process of determining eligibility, however, ACs may invite an applicant to disclose whether he or she has a disability:
   (a) If the applicant is, or will be, over 24 years old on the date of enrollment, the maximum age limit (Eligibility Requirement-Criterion 2) may be waived if he or she is a person with a disability.
   (b) If the applicant would not meet the low-income requirement unless the applicant is considered a “family of one” (Eligibility Requirement-
Criterion 3) because of disability.

2. The AC does not determine whether or not an applicant is a person with a disability. Appropriate center staff will do this since the AC does not review health and medical information. The AC will gather the documentation and place it in a sealed envelope with the applicant file that is then forwarded to the center for review.
   (a) The center reviews the documentation of disability. If the documentation supports that the applicant is a person with a disability, the applicant file review process continues.
   (b) If the center determines that the applicant is not a person with a disability, then the center completes and submits the “Center Recommendation of Denial Form” along with the applicant’s file and submits to the Regional Office for review.

R5. Determination of Ineligibility or Failure to Meet Other Eligibility Requirements After Enrollment

If, after an individual is enrolled in Job Corps, new information is received that is credible and reliable and that indicates that the individual does not meet the eligibility criteria for the program, appropriate members of the File Review Team will review the new information and determine, based solely on that information, whether or not the individual remains eligible for the program. If the team determines that the individual has become ineligible and recommends that the individual be removed, the file, the Applicant File Review Form (see Appendices 107, Applicant File Review Guidance-Center Process, and 108, Applicant File Review Guidance-Regional Review Process), and supporting documentation must be sent to the Regional Office for review prior to removing the individual. The individual should remain on center until he or she is officially separated, unless he or she poses a risk to himself/herself or others or would interfere with the delivery of services to other students. See Section 1.5, R1 for information about the Regional Office’s role in the process.

R6. Pre-Departure Center Contact

Centers will contact assigned students prior to scheduled arrival to welcome them, and provide information about the center, reiterating behavioral standards.

R7. Arrival Scheduling

Centers must:

a. Accurately project arrival needs and issue arrival requests to the ACs in accordance with Regional Office procedure.

b. Ensure that the application folder is complete and contains all required
documentation upon arrival at center. The center will contact the AC to obtain missing or incomplete documentation.

c. Schedule timely assignment, for first available opening on center, of applicants referred by ACs, to ensure maintaining center at capacity.

d. Where reasonable accommodations will be provided, ensure that the accommodations are in place before arrival. However, failure to provide timely accommodations will not excuse undue delay in an applicant’s arrival, and may be the basis for a discrimination complaint.

e. Provide timely travel authorization and arrival information to ACs and other appropriate parties, as required.

f. Meet and greet arrivals at the designated time on the center or at the determined travel termination point.
1.5 REGIONAL OFFICE ROLE IN THE ADMISSIONS PROCESS

PURPOSE

P1. To establish procedures for conducting an automatic quality review of applicant files in cases where the applicant has been denied admission by an admissions counselor.

P2. To establish procedures for processing applicant recommendations for denial by the Job Corps centers.

P3. To establish procedures for processing appeals from denials issued by the Outreach and Admissions (OA) agency or the Job Corps center.

P4. To establish procedures for processing appeals which have not been timely decided by the OA agency or Job Corps center.

REQUIREMENTS

R1. Regional Office Process for Review of Applicant Files

Each Regional Office must establish procedures:

- To perform quality reviews of applicant files found to be ineligible by the Admissions Counselor (AC)
- To review the files of applicants who have been recommended for denial by a center
- For the review of appeals filed by applicants who have been determined to not meet the eligibility requirements by the OA agency or Job Corps center, and where appeals have not been timely decided by the OA agency or Job Corps center

The Regional Office designates a Regional Office File Review Coordinator who will record and track the movement of applicant files recommended for denial throughout the regional review process (see Appendix 108). All applicant folders are logged in as they are received at the Regional Office and the Regional Office File Review Coordinator initiates a Regional Applicant File Review Process Form (see Appendix 108, Attachment A) that is attached to the file to subsequently be completed by each respective reviewer, as indicated on the form.

All applications must be reviewed in a timely manner.

a. Recommendation of Denial Due to New Information

Applicant files recommended for denial under this category are reviewed and processed internally at the Regional Office except in the instance where the denial is based upon disability status related to age or income. Files requiring a review of disability status are forwarded to the Regional Administrative File Review Coordinator to review and provide a recommendation to the Regional Director, or designee.
b. Recommendation of Denial Based Upon Health Care Needs, Direct Threat Assessment, or Disability Status

The applicant’s file is forwarded to the designated Regional Administrative File Review Coordinator to complete an administrative review to determine if all required file review procedures have been completed and if all required process documentation is included within the file. Once the administrative review is complete, the Regional Administrative File Review Coordinator forwards the file to the appropriate Regional Health Specialist for a clinical review, i.e., mental health, medical, dental, or Trainee Employee Assistance Program (TEAP). The Regional Health Specialist documents his/her findings and returns the file to the Regional Director, or designee for a final determination.

Applications in which a center has determined that the health care needs could be met if the applicant were to attend a center closer to the needed resources may require a second review by the Regional Health Specialist and the Regional Director, or designee, if the second center also recommends denial of the application. In that instance, the file will be reviewed by the Regional Health Specialist again and a recommendation made to the Regional Director, or designee, for a final determination.

R2. Notifications of Application Disposition

If the Regional Director, or his or her designee, upholds the center’s recommendation of denial, the Regional Office notifies both the AC and the center of the final determination and issues a clear, documented, written decision to the applicant. The AC provides the appropriate referral information to the applicant.

a. Denials based upon New Information (including disability status related to age and/or income)

If the Regional Director, or his or her designee, does not uphold the center’s recommendation to deny, the file is returned to the center and the center is given the opportunity to determine whether or not they wish to complete a health care needs or direct threat assessment, as appropriate, or to enroll the applicant.

b. Denials based upon Health Care Needs or Direct Threat

If the Regional Director, or his or her designee, does not uphold the center’s recommendation to deny, the file is returned to the center with direction to enroll the applicant.

R3. Regional Office Procedures for Assignment of Applicants Determined Qualified Pursuant to its Quality Control Reviews

Regional Offices must establish procedures for assignment of qualified applicants to centers, including waivers for applicants assigned to centers other than closest to home (see
PRH Chapter 1, 1.2, R14, Assignment and Scheduling Procedures).

**R4. Appeals**

Regional Offices must identify personnel responsible for the automatic review process and the appeals process. Each of the appeals processes must be managed by separate personnel.

With the Regional Office’s respect to deciding an appeal, the Regional Office must issue a clear, documented, written decision regarding review of a determination of ineligibility within 60 days of the date on which the appeal is filed.

**R5. Complaint Process**

If the applicant believes that he or she has been denied admission for enrollment as a result of discrimination on a protected basis (race, color, religion, sex/gender, national origin, age, disability, political affiliation or belief, citizenship, or participation in a program or activity financially assisted under Workforce Innovation and Opportunity Act Title I), he or she may file a written complaint within 180 days of the decision, with either the recipient of the funds, as defined in 29 CFR 38.4, such as the OA agency or the Job Corps contractor, or center operator (if not federally operated), or the U.S. Department of Labor Civil Rights Center (DOL-CRC). The contact information of the Director of DOL-CRC is as follows:

Director, Civil Rights Center  
U.S. Department of Labor  
200 Constitution Avenue, NW  
Room N-4123  
Washington, DC 20210  
(202) 693-6502 (voice)  
TTY: (202) 693-6516  
CivilRightsCenter@dol.gov

For electronic versions of DOL-CRC’s complaint form in English or Spanish (PDF or HTML format), please go to DOL-CRC’s website at:  
1.6 READMISSION

PURPOSE

P1. To establish criteria to verify an individual’s eligibility qualifications and to assess his or her appropriateness for re-entry to Job Corps.

REQUIREMENTS

R1. Readmission Criteria

Admissions Counselors (ACs) must assess, determine, and verify that applicants for readmission:

a. Meet all eligibility requirements (see Exhibit 1-1, Eligibility Requirements).

b. Have not been readmitted before, unless the most recent separation was the result of a medical separation; and the student is able to meet the eligibility requirements of the program with or without reasonable accommodation.

c. Have no more than 18 months of previous, paid Job Corps training, and can be expected to complete training within a period of time which, when added to the initial stay, will total no more than 24 months, unless the period is extended as part of a reasonable accommodation of a disability or to complete advanced career training.

d. Have been out of Job Corps a minimum of 1 year. This may be waived at the discretion of the Regional Director.

e. Have not previously received mandatory separations for Level I disciplinary reasons (refer to Exhibit 3-1, Infraction Levels and Appropriate Center Actions) except for applicants previously separated for Level I drug use or Level I alcohol-related infractions (possession, consumption, or distribution of alcohol while on center or under center supervision; or abuse of alcohol). Such applicants are eligible to reapply after 1 year. If applicants separated for a Level I drug use infraction test positive for drug use upon readmission, they will be separated immediately and not allowed to reapply to Job Corps.

R2. Application Procedures for Readmission

ACs must:

a. Help the applicant applying for readmission complete all required application forms.

b. Verify the applicant’s entry and separation dates, previous center of assignment, reason for separation, and center recommendation regarding readmission. Centers may recommend that the applicant be readmitted to Job Corps, but may recommend
that he or she not be readmitted to the previous center he or she attended, in cases where rejoining the original center would decrease the applicant’s likelihood to succeed in the program.

c. Provide justification for readmission that clearly demonstrates a motivational change as well as behavioral improvement by the applicant who previously received an unfavorable center recommendation or a disciplinary discharge. The applicant must provide the AC with documentation of how he or she has made positive improvements since leaving the program, (e.g., letter attesting to participation in volunteer activities, certificate of completion of vocational/educational classes. Documentation may be included in the applicant folder).

d. Original centers must provide student files to the receiving center in the case of readmitted students.

R3. Readmission Denials

ACs must:

a. Refer readmission applicants determined not to meet the eligibility requirements to an appropriate One-Stop Center or other training/educational resource in his or her home community.

b. Keep clear documentation on file about the steps that were taken to inform, counsel, and refer the readmission applicant who was determined not to meet the eligibility requirements.
EXHIBIT 1-1

JOB CORPS ELIGIBILITY REQUIREMENTS

ELIGIBILITY REQUIREMENTS

**CRITERION 1. U.S. CITIZEN/LEGAL RESIDENT/DEFERRED ACTION STATUS**

The applicant must be a (1) United States citizen or national, including naturalized citizen; or (2) lawfully admitted permanent resident alien, refugee, asylee or parolee, or other alien who has been authorized by the Department of Homeland Security to work in the United States; or (3) resident of a U.S. territory. Applicants must remain in legal status or retain employment eligibility throughout the length of his/her stay in Job Corps, as well as during the period allotted for the receipt of graduate services.

Guidance provided by the Employment and Training Administration provides that Deferred Action for Childhood Arrivals (DACA) participants, who meet program eligibility requirements, qualify for Job Corps if they have employment authorization.

A copy of each document used in the assessment/verification process to demonstrate eligibility under this criterion must be retained in the applicant’s file in all cases.

<table>
<thead>
<tr>
<th>Eligibility Requirement Details</th>
<th>Documentation Requirements</th>
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<tbody>
<tr>
<td><strong>The Admissions Counselor (AC) must review and verify that all applicants are</strong></td>
<td>1. Citizens or residents of U.S. territories: Acceptable source documents include:</td>
</tr>
<tr>
<td>1. a U.S. citizen; or</td>
<td>• Birth certificate</td>
</tr>
<tr>
<td>2. a lawfully admitted permanent resident alien, refugee, asylee or parolee, or other alien who has</td>
<td>• U.S. passport</td>
</tr>
<tr>
<td>been authorized by the Department of Homeland Security to work in the United States; or</td>
<td>• Social Security Card</td>
</tr>
<tr>
<td>3. a resident of a U.S. territory.</td>
<td>2. Non-Citizens: Acceptable source documents include:</td>
</tr>
<tr>
<td></td>
<td>• Employment Authorization Card – I-551 or I-151</td>
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<tr>
<td></td>
<td>• Valid foreign passport with Form I-94 containing a refugee admission stamp</td>
</tr>
<tr>
<td></td>
<td>• Social Security Card</td>
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<tr>
<td></td>
<td>3. Individuals admitted under Deferred Action for Childhood Arrivals (DACA) status: Acceptable source document:</td>
</tr>
<tr>
<td></td>
<td>• Employment Authority Card – I-551 or I-151.</td>
</tr>
<tr>
<td></td>
<td>• Social Security Card</td>
</tr>
</tbody>
</table>
ELIGIBILITY REQUIREMENTS

CRITERION 2. AGE
The applicant must be at least 16 years of age and not more than 24 years of age on the date of enrollment (i.e., date of arrival at the center, or date of departure for a center if using government-furnished transportation). The upper-age limit must be waived for individuals with disclosed disabilities who meet all other eligibility requirements. The minimum age requirement of 16 remains the same regardless of disability status.

A copy of each document used in the assessment/verification process to demonstrate eligibility under this criterion must be retained in the applicant’s file in all cases. If a Department of Homeland Security document is used to verify age, the following must be documented: date of issuance, Alien Registration Number, country of citizenship, and expiration date (as appropriate). If an official eligibility form from another government agency is used to verify age, the following must be documented: agency issuing form, title of form and form identification number, date completed, and purpose of form.

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| The AC must verify that the applicant is between the age of 16 and 24. | Acceptable source documents must state the applicant’s name and date of birth, and include:  
  • Birth certificate, with place of birth and documentation registration number; or  
  • Driver’s license/state identification card; or  
  • U.S. passport with date of issuance and document registration number; or  
  • Department of Homeland Security (DHS) documents including:  
    o Document I-55 Permanent Resident Card  
    o Form I-94 Arrival/Departure Record; or  
  • Other official forms or documents from other government agencies that identify the applicant’s name and date of birth, such as school records, welfare documents, military records, and employment records. |

GUIDANCE: Disability: Follow process described in Section 1.2, R8 of PRH Chapter 1.
ELIGIBILITY REQUIREMENTS

CRITERION 3. LOW INCOME
To qualify as low income, one or more of these conditions must exist:

Public Assistance: Receives, or is a member of a family (see Appendix 101 for definition of “family”) living in a single residence that is receiving, or in the past 6 months has received, assistance through:
• The supplemental nutrition assistance program established under the Food and Nutrition Act of 2008;
• The program of block grants to States for temporary assistance for needy families program under party A of Title IV of the Social Security Act; or
• The supplemental security income program established under Title XVI of the Social Security Act

Earned Income: An individual, or a member of a family living in a single residence that has received total family income (see Appendix 101 for definition of “family income”) for the 6-month period prior to application, which, in relation to family size, was not in excess of the higher of (1) the poverty level determined in accordance with criteria established by the Department of Health and Human Services (DHHS); or (2) 70 percent of the Lower Living Standard Income Level (LLSIL).

Special Rule for Veterans of the Armed Forces: In determining if a veteran meets the low income definition, the AC must disregard military income earned by the individual within the 6-month period prior to the individual’s application, if such income prevents the individual from meeting the income requirements.

Exception for victims of severe forms of trafficking in persons: The income requirement is disregarded for any victim of a severe form of trafficking in persons. See Criterion 4.

Homeless (as defined in the Violence Against Women Act of 1994 (Section 42 U.S.C. 14043e-2(6)) or the McKinney-Vento Homeless Assistance Act [42 U.S.C. 11434a(2)]):

An individual who lacks a fixed, regular, and adequate nighttime residence, and includes:

a. An individual who is
   1. sharing the housing of another person due to the loss of housing, economic hardship, or a similar reason;
   2. living in a motel, hotel, trailer park, or campground due to the lack of alternative adequate accommodations;
   3. living in an emergency or transitional shelter;
   4. abandoned in a hospital;
   5. living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; or
   6. awaiting foster care placement.

b. An individual who has a primary nighttime residence that is a public or private place
not designed for or ordinarily used as a regular sleeping accommodation for human beings; or

c. Migratory children who qualify as homeless under this section because the children in are living in circumstances described in this paragraph.

According to 20 U.S.C. 6399, a “migratory child” means a child who is, or whose parent or spouse is, a migratory agricultural worker, including a migratory dairy worker, or a migratory fisher, and who, in the preceding 36 months, in order to obtain or accompany such a parent or spouse, in order to obtain temporary or seasonal employment in agricultural or fishing work:

a. Has moved from one school district to another;

b. In a State that is comprised of a single school district, has moved from one administrative areas to another within such district; or

c. Resides in a school district of more than 15,000 square miles and migrates a distance of 20 miles or more to a temporary residence to engage in a fishing activity.

**Free or Reduced Price Lunch:** Receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act.

**Foster Child:** A child on behalf of whom state or local government payments are made.

**Individual with a Disability whose own Income Meets the Low Income Requirement above:** But who is a member of a family whose income does not meet this requirement. Follow process described in PRH Chapter 1, Section 1.2, R8.

Information pertaining to an applicant’s disability must be placed in a separate file, which must be:

- Stored separately from all other information about the applicant; and
- Accessible and available only to authorized persons (e.g., hard copies must be stored in a locked cabinet or room; electronic copies must be password-protected. In either case, access to the key or knowledge of the combination or password must be strictly limited.) See Appendix 607 (Transmission, Storage, and Confidentiality of Medical, Health, and Disability-Related Information).

A copy of each document used in the assessment/verification process to demonstrate eligibility under this criterion must be retained in the applicant’s file in all cases.

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<td><strong>Public Assistance</strong></td>
<td>Acceptable source documents include:</td>
</tr>
<tr>
<td>• When determining income eligibility for a person who applies to Job Corps as an individual, the</td>
<td>• A letter or printout from appropriate government agency acknowledging family receipt of cash payments from income-based public assistance</td>
</tr>
<tr>
<td><strong>Earned Income</strong></td>
<td>• Public assistance voucher or payment stub;</td>
</tr>
<tr>
<td>• When determining income eligibility for a person who applies to Job Corps as an individual, the</td>
<td>• Documented phone contact with case worker; or</td>
</tr>
<tr>
<td></td>
<td>• Public assistance voucher or payment stub.</td>
</tr>
</tbody>
</table>


<table>
<thead>
<tr>
<th>Eligibility Requirement Details</th>
<th>Documentation Requirements</th>
</tr>
</thead>
</table>
| AC must use the “Family Unit of One” standards in the official Poverty Guidelines, as revised by the Department of Health and Human Services. When using the LLSIL guidelines (http://www.doleta.gov/llsil/), the AC must use the “Family of One” column.  
  - Veteran: The AC must review and verify documentation of the applicant’s excludable military income for the 6-month period preceding the application, as specified above under Earned Income.  
  - Victim of severe form of trafficking in persons need not meet this requirement. | or documented phone calls with employers;  
  - Paycheck stubs, tax returns, or W-2s;  
  - Unemployment insurance quarterly wage records; or  
  - Documentation of excludable income, such as letters of receipt of unemployment insurance or Supplemental Security Income, or copies of checks. (Excludable income is not to be confused with public assistance.) |
| Applicants must be required to complete a Statement of Support form categorized under Homeless when  
(1) the applicant has zero or minimal income,  
(2) the claimed income appears unrealistic relative to family size, or  
(3) no income documentation is available. | Acceptable source documents include:  
  - A letter from caseworker or support provider; or  
  - If the above is unavailable, documented attempts to obtain such information accompanied by a completed Statement of Support form describing how the applicant is being supported in the absence of any significant income. The Statement of Support form can be found in Exhibit 1-7. |
| Homelessness (including Migratory Children) | Free or Reduced Price Lunch  
Acceptable source documents include:  
  - A letter or other documentation from the U.S. Department of Agriculture verifying the applicant’s eligibility; or  
  - Written documentation from the last school attended by the applicant verifying the applicant’s eligibility. |
| Foster Child | Foster Child  
Acceptable source documents include:  
  - Letter from a caseworker or public agency personnel attesting to the status of the applicant; or  
  - Documented phone contact with a caseworker or public agency personnel attesting to the status of the applicant. |
| Individual with a Disability whose own Income meets the Low Income Requirement | See low income documentation requirements above. |

**GUIDANCE:** Definitions of family and family income are outlined in Appendix 101.
ELIGIBILITY REQUIREMENTS

CRITERION 4. BARRIERS TO EDUCATION AND EMPLOYMENT
The applicant must be one or more of the following:

Basic skills deficient:
- A youth with English, reading, writing, or computer skills at or below the 8th grade level on a generally accepted standardized test; or
- An individual unable to compute or solve problems, or read, write or speak English, at a level necessary to function on the job, in the individual’s family, or in society.

A school dropout: The individual is a school dropout prior to high school graduation.

Homeless (as defined in the Violence Against Women Act of 1994 (Section 42 U.S.C. 14043e-2[6]) or the McKinney-Vento Homeless Assistance Act [42 U.S.C. 11434a(2)]):

An individual who lacks a fixed, regular, and adequate nighttime residence, and includes:

a. An individual who is
   1. sharing the housing of another person due to the loss of housing, economic hardship, or a similar reason;
   2. living in a motel, hotel, trailer park, or campground due to the lack of alternative adequate accommodations;
   3. living in an emergency or transitional shelter;
   4. abandoned in a hospital;
   5. living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings, or
   6. awaiting foster care placement.

b. An individual who has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; or

c. Migratory children who qualify as homeless under this section because the children are living in circumstances described in this paragraph.

According to 20 U.S.C. 6399, a “migratory child” means a child who is, or whose parent or spouse is, a migratory agricultural worker, including a migratory dairy worker, or a migratory fisher, and who, in the preceding 36 months, in order to obtain or accompany such a parent or spouse, in order to obtain temporary or seasonal employment in agricultural or fishing work:
   1. Has moved from one school district to another;
   2. In a State that is comprised of a single school district, has moved from one administrative areas to another within such district; or
   3. Resides in a school district of more than 15,000 square miles and migrates a distance of 20 miles or more to a temporary residence to engage in a fishing activity.

A runaway, an individual in foster care or an individual who was in foster care and has aged out of the foster care system. An individual for whom state or local government payments are or were made, or a ward of the state or court.
**Parent:** Father or mother or as otherwise defined by statute, such as through adoption or same sex relationships, or an individual who, by law, has custody, guardianship, or access rights in regard to a child and who may have corollary obligations to financially support a minor, typically by way of child support.

**Requires additional education:** The individual requires additional education, career and technical training, or workforce preparation skills to be able to obtain and retain employment that leads to economic self-sufficiency.

**A victim of a severe form of trafficking in persons** (as defined by section 103 of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7102)):

a. Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not yet attained 18 years of age; or

b. The recruiting, harboring, transportation, provision, or obtaining of a person for labor or service, through the use of force, fraud, or coercion for the purpose of subjecting to involuntary servitude, peonage, debt, bondage, or slavery.

Individuals meeting this definition need not meet the low income requirement in Criterion 3.

A copy of each document used in the assessment/verification process to demonstrate eligibility under this criterion must be retained in the applicant’s file in all cases.

<table>
<thead>
<tr>
<th>Eligibility Requirement Details</th>
<th>Documentation Requirements</th>
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<tbody>
<tr>
<td><strong>Basic Skills Deficient</strong></td>
<td>One of the following is necessary to assess basic skills deficiency:</td>
</tr>
<tr>
<td></td>
<td>• School records;</td>
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<td>• Standardized test results;</td>
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<td>• Criterion-referenced test scores; or</td>
</tr>
<tr>
<td></td>
<td>• Documented efforts to obtain school records or standardized test results.</td>
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<tr>
<td><strong>School Dropout</strong></td>
<td>One of the following is necessary to document that the applicant is a school dropout:</td>
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<tr>
<td></td>
<td>• Written verification from the records office or guidance counselor from the last school</td>
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<td>attended by the applicant that he or she is a school dropout; or</td>
</tr>
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<td></td>
<td>• Documentation in the case notes that the AC contacted the last school attended by the</td>
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<td></td>
<td>applicant via telephone and received confirmation that the applicant is a school dropout.</td>
</tr>
<tr>
<td><strong>Homeless (including Migratory Children)</strong></td>
<td>Acceptable source documents include:</td>
</tr>
<tr>
<td></td>
<td>• A letter from caseworker or support provider; or</td>
</tr>
<tr>
<td></td>
<td>• If the above is unavailable, documented attempts to obtain such information accompanied by a</td>
</tr>
<tr>
<td></td>
<td>completed Statement of Support form describing how the applicant is being supported in the</td>
</tr>
<tr>
<td></td>
<td>absence of any significant income. The Statement of Support form can be found in Exhibit 1-7.</td>
</tr>
<tr>
<td><strong>Runaway, in foster care or aged out of foster care</strong></td>
<td>Acceptable source documents include:</td>
</tr>
<tr>
<td>Eligibility Requirement Details</td>
<td>Documentation Requirements</td>
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<tr>
<td><strong>system</strong></td>
<td>• Letter from a caseworker, former caseworker, or public agency personnel attesting to the status of the applicant; or</td>
</tr>
<tr>
<td></td>
<td>• Documented phone contact with a caseworker, former caseworker or public agency personnel attesting to the status of the applicant.</td>
</tr>
<tr>
<td><strong>Parent</strong></td>
<td>Acceptable source documents include:</td>
</tr>
<tr>
<td>ETA 652 indicates one or more dependent children.</td>
<td>• Birth certificate indicating applicant as parent;</td>
</tr>
<tr>
<td></td>
<td>• Court decree indicating child support; or</td>
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<tr>
<td></td>
<td>• Any official government/school form indicating dependent children</td>
</tr>
<tr>
<td><strong>Victims of severe forms of trafficking in persons</strong></td>
<td>Acceptable source documents include:</td>
</tr>
<tr>
<td></td>
<td>• Letter from a caseworker, former caseworker, or clinical professional attesting to the status of the applicant; or</td>
</tr>
<tr>
<td></td>
<td>• Documented phone contact with a caseworker, former caseworker or clinical professional attesting to the status of the applicant.</td>
</tr>
<tr>
<td><strong>If ETA 652 indicates the applicant has a high school diploma or GED, the AC must assess the applicant's need for additional education, career and technical training, or workforce preparation skills.</strong></td>
<td>If ETA 652 indicates the applicant has a high school diploma or GED, the AC must obtain a copy of:</td>
</tr>
<tr>
<td></td>
<td>• The GED certificate or official GED test scores. A copy of the GED certificate or transcripts can be requested from the GED administrator of the state in which the GED was received. A complete list of GED administrators can be found on <a href="http://www.acenet.edu">http://www.acenet.edu</a>; or</td>
</tr>
<tr>
<td></td>
<td>• An HSD or official transcripts indicating graduation from a school that meets the guidelines set in PRH Appendix 304; or</td>
</tr>
<tr>
<td></td>
<td>• A foreign diploma. For information on acceptable foreign diplomas, refer to: NAFSA: Association of International Educators (A Guide to Educational Systems Around the World by Shelley Feagles) at <a href="http://www.nafsa.org">http://www.nafsa.org</a>, or the National Collegiate Athletic Association (NCAA Guide to International Academic Standards for Athletics Eligibility) <a href="http://www.ncaapublications.com/Uploads/PDF/2008_International_Standards0c81b59d-7bfc-4c90-b963-f1f8ce8e1833.pdf">http://www.ncaapublications.com/Uploads/PDF/2008_International_Standards0c81b59d-7bfc-4c90-b963-f1f8ce8e1833.pdf</a>.</td>
</tr>
<tr>
<td></td>
<td>• If school records are unavailable, the AC must document attempts to obtain educational history.</td>
</tr>
<tr>
<td><strong>If ETA 652 indicates the applicant does not have a high school diploma or GED, then the applicant requires additional education.</strong></td>
<td>If ETA 652 indicates the applicant does not have a diploma or GED:</td>
</tr>
<tr>
<td></td>
<td>• In-school applicants require a letter from a school official indicating that the applicant would benefit more from Job Corps than from staying in school, or a documented phone call that provides the same information.</td>
</tr>
</tbody>
</table>
**Eligibility Requirements**

**Criterion 5. Selective Service Registration**

A male applicant age 18 and older must comply with Section 3 of the Military Selective Service Act (50 USC App. 451) by registering with the Selective Service.

A copy of each document used in the assessment/verification process to demonstrate eligibility under this criterion must be retained in the applicant’s file in all cases.

<table>
<thead>
<tr>
<th>Eligibility Requirement Details</th>
<th>Documentation Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>The AC must ensure that all male applicants sign the consent form containing authorization for Selective Service Registration.</td>
<td>• A copy of the consent form containing the Selective Service Authorization must be completed, signed, and retained in each male applicant’s file.</td>
</tr>
<tr>
<td>This applies even if the applicant has documentation (e.g., Selective Service registration card, or letter of acknowledgment from Selective Service Board) that he is already registered with the Selective Service system. If the applicant is already registered, the computer data will show that the student is registered and will not register him again.</td>
<td>• For female applicants, the notation “NA/F” must be placed in the Selective Service authorization space on the consent form.</td>
</tr>
</tbody>
</table>
### ELIGIBILITY REQUIREMENTS

**CRITERION 6. EDUCATIONAL AND TRAINING NEEDS**

The applicant’s educational and training needs can best be met through the Job Corps program relative to other available programs that can address the immediate and long-terms needs of the applicant.

<table>
<thead>
<tr>
<th>Eligibility Requirement Details</th>
<th>Documentation Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>The AC must assess whether an applicant’s educational and training needs can best be met through the Job Corps program.</strong></td>
<td>The AC must document that applicants that have not graduated from high school have a desire to earn a HSD or a GED, AND want to participate in career technical training.</td>
</tr>
</tbody>
</table>
| If the applicant has not graduated from high school, the applicant must indicate a desire to:  
  • Earn a high school diploma or GED; AND  
  • Participate in career technical training. | The AC must document that applicants with a high school diploma wish to obtain career technical training. |
| If the applicant is a high school graduate, the applicant must indicate a desire to:  
  • Obtain career technical training. | The AC must document for all applicants that after graduation from Job Corps, the individual plans to obtain employment, enter the military, or continue his or her education. |
| After graduation from Job Corps, all applicants must intend to:**  
  • Obtain employment; or  
  • Enter the military; or  
  • Continue his or her education. | The AC must document that the applicant is able to answer questions about basic personal information, independently or with communication assistance/reasonable accommodation, as appropriate. |
| **The AC must determine whether the applicant is able to complete/answer basic Job Corps application questions (e.g., birth date, address, phone number, last school attended, last grade completed) with or without reasonable accommodation.** | **If the applicant states that he or she does not intend to:**  
  a. Obtain employment; or  
  b. Enter the military; or  
  c. Continue his or her education because he or she is afraid of losing certain existing benefits (e.g., Social Security Disability), then the AC should encourage the applicant to work with his or her case managers to determine the impact participation in Job Corps and eventually employment will have on benefits. |
| For example, an applicant’s parent, guardian, or other representative may help explain what an applicant with a disability that impairs his or her speech is saying in response to a question. However, the parent, guardian, or other representative should not supply the content of the answers to the questions on the applicant’s behalf. | **WIPAs provide SSA beneficiaries with disabilities (including transition-to-work aged youth) access to benefits planning and assistance services.** |

**WIPAs provide SSA beneficiaries with disabilities (including transition-to-work aged youth) access to benefits planning and assistance services.**
Some one-stop centers have Disability Navigators who are also able to provide assistance with benefits counseling.
## Eligibility Requirements

### Criterion 7. Group Participation

It can be reasonably expected that the applicant can participate successfully in group situations and activities.

<table>
<thead>
<tr>
<th>Eligibility Requirement Details</th>
<th>Documentation Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>The AC must access the likelihood that the applicant appears willing to function as a part of a group and can successfully participate in group situations and activities.</td>
<td>The AC must document the questions asked and the responses that indicate that the applicant appears willing to function as part of a group.</td>
</tr>
</tbody>
</table>

Ask the applicant:
- Do you understand that in order to succeed in Job Corps, you will need to function as part of a group? For example, you will share a dormitory room, you will be responsible for cleaning your living area, and you will need to rely on staff and other students to complete tasks and assignments.
- Knowing this about Job Corps, are you willing to go forward with your application?

The AC must document the questions asked and the responses that indicate that the applicant appears willing to function as part of a group.

<table>
<thead>
<tr>
<th>The AC must assess whether the applicant appears willing to live in a multi-cultural environment.</th>
<th>The AC must document that that applicant either expresses willingness or does not express active hostility to or dislike of living in a multicultural environment.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provide the applicant with an example of a multi-cultural environment.</td>
<td>The AC must document that that applicant either expresses willingness or does not express active hostility to or dislike of living in a multicultural environment.</td>
</tr>
</tbody>
</table>

Ask the applicant:
- Do you understand that if you are admitted to Job Corps that you will be living and working with members of various races, ethnic groups, political or religious affiliations or beliefs, sexual orientations, gender identities, and people with disabilities?
- Knowing this about Job Corps, are you willing to go forward with your application?

The AC must document that that applicant either expresses willingness or does not express active hostility to or dislike of living in a multicultural environment.
ELIGIBILITY REQUIREMENTS

CRITERION 7(A). INTERFERENCE WITH OTHER STUDENTS’ PARTICIPATION

It can be reasonably expected that the applicant is unlikely to engage in actions that would potentially prevent other students from receiving the benefits of the Job Corps program.

A copy of each document used in the assessment/verification process to demonstrate eligibility under this criterion must be retained in the applicant’s file in all cases.

<table>
<thead>
<tr>
<th>Eligibility Requirement Details</th>
<th>Documentation Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>The AC must assess whether the applicant displays disruptive and/or threatening behavior during the application process.</td>
<td>Any behavior observed by the AC that would indicate an applicant is likely to prevent other students from receiving the benefits of the Job Corps program must be documented in detail.</td>
</tr>
<tr>
<td>For example, during the application process:</td>
<td>A signed Applicant Commitment Statement (Form 652) must be included in the applicant’s file and noted on the Folder Inventory.</td>
</tr>
<tr>
<td>• Was the applicant involved in any altercation resulting in medical treatment?</td>
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<tr>
<td>• Did the applicant assault or threaten assault with the intent to do bodily harm with or without the use of a weapon?</td>
<td></td>
</tr>
<tr>
<td>• Did the applicant possess a gun or an illegal weapon during the application process?</td>
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<tr>
<td>• Did the applicant display inappropriate sexual behavior including unwelcome:</td>
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<tr>
<td>o Sexual advances; or</td>
<td></td>
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<td>o Requests for sexual favors; or</td>
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<tr>
<td>o Other verbal statements of a sexual nature; or</td>
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<tr>
<td>o Physical contact of a sexual nature?</td>
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<tr>
<td>• Did the applicant destroy/steal or attempt to destroy/steal property?</td>
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</tbody>
</table>
ELIGIBILITY REQUIREMENTS

CRITERION 7(B). MAINTENANCE OF SOUND DISCIPLINE AND POSITIVE CENTER CULTURE

It can be reasonably expected that the applicant’s behavior is compatible with the maintenance of sound discipline and positive center culture.

A copy of each document used in the assessment/verification process to demonstrate eligibility under this criterion must be retained in the applicant’s file in all cases.

<table>
<thead>
<tr>
<th>Eligibility Requirement Details</th>
<th>Documentation Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>The AC must assess whether the applicant’s behavior is compatible with the maintenance of sound discipline and positive center culture.</strong></td>
<td>The AC must document that the applicant acknowledges that:</td>
</tr>
<tr>
<td>Ask the applicant:</td>
<td>• Violence, bullying, and harassment are not tolerated in Job Corps.</td>
</tr>
<tr>
<td>• Do you understand that violence, bullying, and harassment are not tolerated in Job Corps?</td>
<td>• Job Corps is an alcohol- and drug-free environment and that in order to be admitted to Job Corps, you must commit to being alcohol and drug free.</td>
</tr>
<tr>
<td>• Do you understand that Job Corps is an alcohol- and drug-free environment and that in order to be admitted to Job Corps, you must commit to being alcohol and drug free?</td>
<td>• He or she will be tested for illegal use of drugs upon arrival to the center.</td>
</tr>
<tr>
<td>• Do you understand that when you arrive on center, you will be tested for illegal use of drugs?</td>
<td>• If he or she tests positive for illegal use of drugs on entry, he or she will be enrolled in a program to help him or her become drug free, and that he or she will be given a specified period of time to become drug free.</td>
</tr>
<tr>
<td>• Do you understand that if you test positive for illegal use of drugs on entry, the following steps will be taken:</td>
<td>• He or she is prohibited from illegally using, selling, or possessing drugs while on center or under center supervision.</td>
</tr>
<tr>
<td>o You will be enrolled in a program to help you to become drug free; AND</td>
<td>• Possession of unauthorized goods is not tolerated in Job Corps.</td>
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<tr>
<td>o You will be given a specified period of time to become drug free?</td>
<td>• All illegal and disruptive activity is prohibited in Job Corps.</td>
</tr>
<tr>
<td>• Do you understand that Job Corps has a Zero Tolerance policy for acts of violence; for use, sale or possession of a controlled substance; for abuse of alcohol; or for other illegal or disruptive activity?</td>
<td>• He or she must abide by Job Corps rules and policies to stay in the program.</td>
</tr>
<tr>
<td>• Do you understand that Zero Tolerance policy means that you can be automatically dismissed from the Job Corps program?</td>
<td>A signed Applicant Commitment Statement (Form 652) must be included in the applicant’s file and noted on the Folder Inventory.</td>
</tr>
<tr>
<td>• Do you understand that you are prohibited from illegally using, selling, or possessing drugs while you are on center or under center supervision?</td>
<td></td>
</tr>
<tr>
<td>• Do you understand that if you are convicted of illegal drug use, possession, or sale off center, you will have to leave the Job Corps program?</td>
<td></td>
</tr>
<tr>
<td>• Do you understand that you will be required to leave the Job Corps program if you possess alcohol while on center or under center supervision? In that case, do you understand that the following steps will be taken:</td>
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<tr>
<td>o You will be enrolled in a program to help you become alcohol free; AND</td>
<td></td>
</tr>
<tr>
<td>o You will be given a specified period of time to become alcohol free?</td>
<td></td>
</tr>
<tr>
<td>• Do you understand that you will be required to leave the Job Corps program if you possess unauthorized goods?</td>
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<td>Eligibility Requirement Details</td>
<td>Documentation Requirements</td>
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<td>prohibited goods while on center or under center supervision?</td>
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<tr>
<td>• Do you understand that you will be required to leave the Job Corps program if you engage in</td>
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<tr>
<td>illegal or disruptive activity while on center or under center supervision?</td>
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<tr>
<td>• Do you understand that you must abide by Job Corps rules and policies to stay in the program?</td>
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</table>
### Eligibility Requirements

**Criterion 7(C). Community Relations**

It can be reasonably expected that the applicant is not likely to engage in actions that would impede satisfactory relationships between the Job Corps center to which the individual might be assigned and its surrounding communities.

<table>
<thead>
<tr>
<th>Eligibility Requirement Details</th>
<th>Documentation Requirements</th>
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</thead>
<tbody>
<tr>
<td><strong>The AC must assess the applicant’s willingness to participate in community service activities at least twice per year.</strong> For example, students might: • Help build, clean up, or repair local community facilities; • Provide companionship and/or services to people in the community; and • Participate in environmental cleanup.</td>
<td>The AC must document that the applicant expresses a willingness to: • Participate in community services; and • Behave in a manner that reflects positively on Job Corps.</td>
</tr>
<tr>
<td><strong>The AC must assess the applicant’s willingness to participate in job shadowing during which they follow a worker around on the job and learn what he or she does.</strong> Ask the applicant: • Are you willing to participate in these kinds of activities? • Do you understand that while you participate in these activities, you are representing the Job corps program and must behave in a manner that reflects positively on Job Corps?</td>
<td></td>
</tr>
<tr>
<td><strong>The AC must assess the applicant’s willingness to refrain from the use of gang paraphernalia, symbols, gestures, handshakes, and colors or dress while in the Job Corps program.</strong> Ask the applicant: • Do you agree that you will not participate in any gang activity while you are in the Job Corps program? • Do you agree that you will not display or use gang paraphernalia, symbols, gestures, handshakes, colors, dress, and/or any other gang-related activities or items while you are in the Job Corps program? If the AC observes the use or display of any gang paraphernalia, symbols, gestures, handshakes, and colors or dress, say to the applicant: • I see that you have (describe gang-related behavior, symbol, activity). Do you agree that if you are admitted to Job Corps, you will not (use/wear/display) (list behavior or symbols, etc.)?</td>
<td>The AC must document that the applicant acknowledges that gang paraphernalia, symbols, gestures, handshakes, and colors or dress are not allowed in the Job Corps program and agrees that he or she will not participate in and/or display gang paraphernalia or symbols while enrolled in Job Corps.</td>
</tr>
<tr>
<td>Eligibility Requirement Details</td>
<td>Documentation Requirements</td>
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</tr>
<tr>
<td>If the AC observes that the applicant is displaying a gang symbol in the form of permanent body art, including but not limited to tattoos or scars, say to the applicant: • Do you agree that if you are admitted to Job Corps, you will keep (the symbol) covered to the best of your ability throughout your participation in the program?</td>
<td></td>
</tr>
</tbody>
</table>
## Eligibility Requirements

### Criterion 8. Understanding and Agreeing to Comply with the Rules

The applicant demonstrates a basic understanding of the rules of the Job Corps program and the consequences of failure to follow the rules. The applicant’s agreement to comply with the rules is documented.

A copy of each document used in the assessment/verification process to demonstrate eligibility under this criterion must be retained in the applicant’s file in all cases.

<table>
<thead>
<tr>
<th>Eligibility Requirement Details</th>
<th>Documentation Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>The AC must assess an applicant’s understanding of center rules and the consequences for not following those rules.</td>
<td>At the end of the process, the applicant will sign the Applicant Commitment Statement (Form 652). It must be included in the applicant's file and noted on the Folder Inventory.</td>
</tr>
</tbody>
</table>
| Example of behavior and verbal statements that would make the applicant qualified for admission include, but are not limited to:  
  • The applicant states that he or she is willing to follow the rules of the Job corps program and/or to accept instruction and direction.  
  • The applicant demonstrates compliance with the outreach and admissions process by following rules and complying with timelines. | |

| The applicant must clearly state that he or she is willing to follow the rules of the Job Corps program and/or to accept instruction and direction, and does not make statements that he or she is not willing to do so. | The AC must document that the applicant acknowledges authority and expresses or demonstrates willingness to follow directions. |
| Ask the applicant:  
  • Do you understand that if you are accepted into Job Corps, you will be expected to comply with the rules and regulations of Job Corps?  
  • For example, if you live on center, you will have to follow a curfew, your center will have rules about cell phone use, you may not be permitted to smoke on center, and you may be required to wear a uniform.  
   The applicant should not make statements such as, “No one tells me what to do,” or express strong objection to the rules.  
   Ask the applicant:  
   • Knowing this about Job Corps, are you willing to go forward with your application and sign a statement acknowledging that you understand and will follow the rules? | |
ELIGIBILITY REQUIREMENTS

CRITERION 9. DISQUALIFYING CONVICTIONS

An applicant will not be admitted to Job Corps if he/she has been convicted of any of the following felonies:

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

A copy of each document used in the assessment/verification process to demonstrate eligibility under this criterion must be retained in the applicant’s file in all cases.

<table>
<thead>
<tr>
<th>Eligibility Requirement Details</th>
<th>Documentation Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Background Check:</strong> The AC will complete a criminal history review as described in Appendix 103.</td>
<td>All background check information should be maintained, in hard copy, in the student’s folder. The results of background checks with each court, agency, and institution should be conducted in accordance with applicable State and local laws, and recorded on the ETA Form 655, unless the court, agency, or institution provides the results of a check on its own letterhead or stationery. Should the AC use an online or electronic system to conduct the background check, the AC should complete the appropriate portions of Section 1 of the ETA Form 655, and attach it to the hard-copy results of the online or electronic search.</td>
</tr>
</tbody>
</table>
| **Does the applicant have a conviction for any of the following?**  
  - Murder (as described in section 1111 of title 18, United States Code);  
  - Child abuse; or  
  - A crime involving rape or sexual assault. | If yes, the conviction must be documented and the applicant is ineligible for enrollment. |
ELIGIBILITY REQUIREMENTS

CRITERION 10. COURT INVOLVEMENT AND/OR AGENCY SUPERVISION

The applicant who is on probation, parole, under a suspended sentence, or under the supervision of any agency as a result of court action or institutionalization may be considered eligible only if the court or appropriate agency certifies in writing its approval of the applicant’s release from supervision, that the release does not violate applicable laws and regulations, that the applicant has responded positively to supervision, and that the agency will permit the applicant to leave the local area or state while enrolled in Job Corps. If the applicant has court fines or court ordered restitution in excess of $500, he or she must meet one of the criteria below.

No individual shall be denied a position in Job Corps solely on the basis of individual contact with the criminal justice system, except for the disqualifying felony convictions of murder (as described in section 1111 of Title 18, United States Code), child abuse, or a crime involving rape or sexual assault.

A copy of each document used in the assessment/verification process to demonstrate eligibility under this criterion must be retained in the applicant’s file in all cases.

<table>
<thead>
<tr>
<th>Eligibility Requirement Details</th>
<th>Documentation Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Background Check: The AC will complete a criminal history review as described in Appendix 103 for every applicant. The AC must obtain from every applicant the addresses where the applicant has lived in the last 3 years and any residential history arrest records during that time. Using these two pieces of data, the AC must obtain sufficient information from the applicable courts, institutions, and agencies in those jurisdictions, in accordance with applicable State and local laws, so as to determine whether the applicant has any current court or agency involvement.</td>
<td>• All background check information should be maintained in hard copy in the student’s folder.</td>
</tr>
<tr>
<td>• Lack of Information: If courts/agencies refuse or fail to supply information, and the applicant (1) indicates that there has been past history with the courts, and (2) admits an offense, the AC should make a reasonable judgment of eligibility consistent with the type of offense admitted to by the applicant.</td>
<td>• The results of background checks with each court, agency, and institution should be conducted in accordance with applicable State and local laws, and recorded on the ETA Form 655, unless the court, agency, or institution provides the results of a check on its own letterhead or stationery.</td>
</tr>
<tr>
<td>• Fraudulent Enrollment: Where courts refuse to disclose juvenile history and applicant denies any court involvement, the AC should emphasize that concealing a criminal history is grounds for immediate discharge from Job Corps for fraudulent enrollment.</td>
<td>• Should the AC use an online or electronic system to conduct the background check, the AC should complete the appropriate portions of Section 1 of the ETA Form 655, and attach it to the hard-copy results of the online or electronic search.</td>
</tr>
</tbody>
</table>

Is the applicant facing pending criminal court action?  If yes, the pending criminal court action must be documented and the applicant is ineligible until the court makes a final adjudication of the matter.

Is the applicant:  If yes, in order for the applicant to be eligible, the court or appropriate agency must certify in writing:
• On probation; or  • The approval of the applicant’s release from its parole; or  • The approval of the applicant’s release from its parole; or

A Discharge Summary may be accepted in lieu of a form ETA 655 from institutions where applicants were assigned as a result of court action. For all applicants for whom it is applicable, items indicating receipt of or attempt to obtain court information must be checked on the form ETA 655.
<table>
<thead>
<tr>
<th>Eligibility Requirement Details</th>
<th>Documentation Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Under a suspended sentence; or • Under the supervision of any agency as a result of court action or institutionalization?</td>
<td>• That the applicant’s release does not violate applicable laws and regulations • That the applicant has responded positively to supervision • That it will permit the applicant to leave the local area or state while enrolled in Job Corps</td>
</tr>
<tr>
<td>Does the applicant have court fines or court-ordered restitution in excess of $500?</td>
<td>If yes, one of the three criteria below must be met and documented in writing: • The applicant settles the court fine or court-ordered restitution; or • The court agrees to suspend the obligation during the applicant’s enrollment in Job Corps; or • The Regional Office permits entry.</td>
</tr>
</tbody>
</table>
ELIGIBILITY REQUIREMENTS

CRITERION 11. CHILD CARE
An applicant with dependent children who provides primary or custodial care must have established suitable arrangements for the care of any dependent children for the proposed period of enrollment. This applies to weekend and evening times, as well as class times, for all residential applicants.

A copy of each document used in the assessment/verification process to demonstrate eligibility under this criterion must be retained in the applicant’s file in all cases.

<table>
<thead>
<tr>
<th>Eligibility Requirement Details</th>
<th>Documentation Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>The AC must determine that suitable arrangements for the care of any dependent children have been made for the proposed period of enrollment.</td>
<td>The only acceptable source document is a Child Care Certification (ETA 682), which specifies the care provider and the child(ren) for whom the care has been arranged. A copy of the child care certification obtained during the assessment/verification process must be retained in the applicant’s file for each child in all applicable (applicants with dependent children) cases. Appropriate items related to dependents and child care must be completed on the ETA 682.</td>
</tr>
</tbody>
</table>
ELIGIBILITY REQUIREMENTS

CRITERION 12. AUTHORIZATION FOR USE AND DISCLOSURE OF HEALTH INFORMATION

All applicants or parent/legal guardian sign the “Authorization for Use and Disclosure of Your Health Information.”

A copy of each document used in the assessment/verification process to demonstrate eligibility under this criterion must be retained in the applicant’s file in all cases.

<table>
<thead>
<tr>
<th>Eligibility Requirement Details</th>
<th>Documentation Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>All applicants, or their parent/legal guardian if an unemancipated minor, must sign the “Authorization for Use and Disclosure of Your Health Information.”</td>
<td>A signed “Authorization for Use and Disclosure of Your Health Information” must be received at the receiving center prior to the applicant’s arrival.</td>
</tr>
</tbody>
</table>
ELIGIBILITY REQUIREMENTS

CRITERION 13. PARENTAL CONSENT
An applicant must have parental/legal guardian consent to participate when the applicant is an unemancipated minor. Legal guardians (e.g., social workers, probation officers, other family members) must have official documents legally granting custodianship, with respect to a particular state’s laws.

Exceptions to this requirement occur when an applicant:
• Is considered to be emancipated according to applicable laws of the state; or
• Is younger than 18 years of age and married.

A copy of each document used in the assessment/verification process to demonstrate eligibility under this criterion must be retained in the applicant’s file in all cases.

<table>
<thead>
<tr>
<th>Eligibility Requirement Details</th>
<th>Documentation Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>The AC must obtain the consent to participate from the parent/legal guardian when the applicant is an unemancipated minor.</td>
<td>Acceptable source documents include:</td>
</tr>
<tr>
<td>Only signatures of parents or legal guardians should be obtained. If minor applicant lives with other family members who have not obtained legal guardianship status, such as grandparents, siblings, uncles or aunts, they may not consent to the applicant’s enrollment in Job Corps until guardianship has been obtained.</td>
<td>• Parent/guardian signature on appropriate Job Corps forms, such as the ETA 652, 653, and other appropriate forms; or</td>
</tr>
<tr>
<td>If only one parent has legal custody for the minor applicant, only that parent’s consent is necessary; if both parents share custody, consent of both is needed, although signature of consent is needed from only one. Consent of the second parent is assumed if no documented objection is raised. If a parent refuses to provide consent not out of objection to the applicant participating in the program but because of disinterest in being involved, the applicant must be emancipated by a court in order to be eligible for the program.</td>
<td>• Emancipation papers for all applicants claiming to be emancipated; or</td>
</tr>
<tr>
<td></td>
<td>• Marriage license for married applicants under 18 years of age.</td>
</tr>
</tbody>
</table>
Admissions Counselors (ACs) must collect the following information:

a. Authorization for Use and Disclosure of Your Health Information (Exhibit 1-5)

b. ACs should encourage all applicants to provide the following information for use by center staff in assessing the applicant’s health needs:
   1. ETA Form 653, Job Corps Health Questionnaire
   2. Physician/institution report describing injuries, illnesses, and conditions noted on the ETA Form 653, including comments about medications taken

A copy of all health information collected must be retained in the applicant’s file and forwarded to the center of assignment in a sealed envelope.
EXHIBIT 1-3
AUTHORIZATION FOR USE AND DISCLOSURE OF YOUR HEALTH INFORMATION

As Required by the Health Insurance Portability and Accountability Act of 1996

We, the ______________________ Health Center, are prohibited by federal law from using or disclosing your personal health information (except for the uses and disclosures listed in a Notice you have received or will receive), unless you authorize us to share this information with others. This Authorization lists the uses and disclosures of your health information that may be required during your participation in the Job Corps program. Your signature on this document authorizes us to use and disclose your health information in the situations described in this document.

Job Corps requires applicants to sign this Authorization as a condition of enrollment in the Job Corps program. You have the right to revoke this Authorization by notifying us in writing, except if we have relied on the Authorization. You may submit a written revocation of this Authorization to ______________________________. We will provide you with health services regardless of whether you revoke this Authorization or any part of it, as long as you are a Job Corps student. However, revoking this Authorization may result in dismissal from Job Corps. If you are dismissed from Job Corps, we will no longer provide you with health center services.

Please note that health information that we share with others under this Authorization may, in certain circumstances, be further disclosed, and may no longer be protected by applicable health privacy standards. This Authorization will be effective from the date of your signature and will remain in effect, unless revoked, until 3 years after you have separated from Job Corps, in accordance with the Job Corps document retention policy.

By signing this document, you authorize us to share your personal health information with others in a number of circumstances. These circumstances are listed below. In each circumstance, we will share only the minimum amount of information needed to accomplish the purposes described. We will share information only with people who need to know this information. Nothing in this Authorization allows anyone to share your entire medical file with anyone else, unless that is the minimum amount of information necessary to accomplish the purposes described. Also, nothing in this Authorization allows anyone to share information about you if it is not lawful to share that information.

The law requires us to identify the person, or class of persons, who are authorized to use or disclose protected health information with someone else. In each circumstance in which we share information, a health care provider or health center staff member, including the head of the health center, will convey the information. These people may be doctors, nurses, dentists, mental health professionals, or other health care providers; health center receptionists, record keepers, or other administrative staff; or health center supervisors or managers.

The following is a list of ways information may be used or disclosed:
1. **We may share with the Center Director information about your physical and mental health, including any diagnosis and any recommended accommodations or modifications.** This information may be shared only if it has an effect on the operation of the center or any of its staff, or any other Job Corps student, and only if the Center Director would need to know the information for purposes of managing such an effect appropriately. The types of information may include information about the following conditions, among others: contagious diseases, including sexually transmitted diseases; positive illegal drug or alcohol screens; pregnancy; suicidal or homicidal thoughts or other life-threatening situations; and disability. The Center Director, as the supervisor of all other center personnel, also may be informed of any information that we share with other center staff persons, to ensure appropriate use of the information, as described in this Authorization.

2. **We may share with academic, career technical, and career counseling staff information about certain health conditions.** We may share information about a present health condition that may be aggravated by the activities being supervised or conducted by academic and career technical staff persons or that could cause harm to yourself or another student, for the purpose of avoiding such health aggravation or harm. In addition, if you make a request for an accommodation or a modification in your academic or career technical training, we may share that request and the minimum health information necessary to support that request with members of the academic and career technical staff for the purpose of fulfilling your request. To the extent that present health restrictions in the academic or career technical programs or your requests for accommodation or modification could affect your overall career technical or academic plan or goals, or could discourage you from pursuing your existing plans or goals, we may share this limited health information with members of the career counseling staff for the purpose of encouraging you to select, remain in, or return to programs you are able to complete. Career counseling staff, however, will not use this limited health information to “steer” students into stereotypical programs based on their health conditions.

3. **We may share with career transition staff information about certain health conditions, as described below.** This information may be shared when you are absent from or on leave from Job Corps or have been separated from Job Corps for purposes of assisting you in meeting your own health needs away from the Job Corps center, and ultimately assisting you in obtaining career opportunities outside of the Job Corps program. Information we may share includes the following: mental health information (excluding psychotherapy notes), including information about medications that may alter mental functioning; information about pregnancies, diseases (including HIV), medication management, and illegal drug use or alcohol abuse (including drug test results); information about accommodations or modifications you have requested, whether for a disability or for any other health condition; oral health information, including treatment plan and appointments; and any health information that may be responsible for a leave of absence from Job Corps or your separation from Job Corps. We may share this information for the purpose of helping you identify community health, housing, child care, support groups, affinity job clubs, social organizations, or other community resources that may assist you in staying healthy and obtaining and keeping employment. In addition, this information may be shared for the purpose of following up with you regarding your independent living needs as well as to
encourage you to return to Job Corps, if possible.

4. **We may share with residential living staff (including counselors), Trainee Employee Assistance Program (TEAP) specialists, and mental health staff (including mental health consultants) information about certain health conditions, as described below.** This information may be shared for purposes of assisting you in meeting your own health needs while on center. Information we may share includes the following: mental health information (excluding psychotherapy notes), including information about medications that may alter mental functioning; information about pregnancies, diseases (including HIV), medication management, and illegal drug/alcohol use (including drug test results); information about accommodations or modifications you request, whether for a disability or for any other health condition; and oral health information, including treatment plan and appointments. We may share each piece of information only with particular staff members that need to know this information to assist you or to avoid an emergency.

5. **We may share with food service staff information about your dietary needs, including information about allergies, weight management, diabetes management, and other diet needs or recommendations.** This information may be shared for purposes of avoiding medical emergencies and ensuring you are provided with appropriate food and nutrition. We will share this information only if you have a specific dietary need arising from or related to a health condition.

6. **We may share with residential living staff information about medications, allergies, medical (including mental) conditions that may warrant emergency or other immediate care, accommodations or modifications requested, or infectious/contagious diseases.** We may share this information for the following purposes: assisting you with your medication schedule or other health needs; protecting other students from infection or contagion; providing you with an appropriate environment for allergy control, including, if necessary, appropriate personal products; and ensuring that you receive requested accommodations or modifications in your living quarters for any disability. In addition, if you have a condition for which medication is prescribed for you, and you do not take that medication after you have been instructed to do so, and your uncontrolled condition may result in an unwarranted risk to yourself or others, we may share information about your condition and your failure to take your medication with disciplinary staff, including the center standards officer.

7. **We may share with safety and security staff, including federal safety officers, information about illegal drug use or alcohol abuse (underage alcohol use or disruptive or other inappropriate consumption by legal drinkers), including positive drug or alcohol test results, information about any injury or illness you incur in the performance of your duties at Job Corps, and information about medical or mental health conditions only if such conditions may assist in explaining harmful or unusual behavior you display.** We may share this information for the purpose of preventing further access by you or other students to illegal drugs, correcting or preventing environmental or other hazardous conditions that may cause injury or illness to you or other students, and managing harmful or unusual behavior (that may pose a threat to you or others) appropriately for your individual circumstance. In addition, we may share information about your allergies
to foods, drugs, insect venom, or other substances for the purpose of appropriately managing emergency situations that may arise due to an allergic reaction, as well as attempting to prevent such situations.

8. **We may share with recreational staff information about allergies, asthma, or other health conditions, to the extent that those conditions may contribute to a medical emergency while participating in certain recreational activities. In addition, we may share information about the results of any sports physical or other examination you may have been required to have in order to participate in certain recreational activities. We may share this information for purposes of helping to ensure your safety while participating in sports or other recreational activities, and to help ensure that activities you are asked or required to do are not dangerous for you.**

9. **We may share with a Trainee Employee Assistance Program (TEAP) specialist information about illegal drug use or alcohol abuse (underage alcohol use or disruptive or other inappropriate consumption by legal drinkers), including positive drug and alcohol test results, and information about medications you may be taking. We may share this information for purposes of assisting you in appropriate medication management and avoiding unhealthy drug dependencies.**

10. **We may share with student records and data management staff information about a health condition that causes you to be absent from or take leave from Job Corps, or that results in your medical separation from Job Corps. Medical information documenting the reasons for absences may be shared for purposes of accounting for your health-related absence from Job Corps, as well as to assist center staff in evaluating your possible re-enrollment in Job Corps after a medical separation. Only the information necessary to accomplish these purposes may be shared.**

11. **We may transfer your medical records to the student records staff for the purpose of meeting Privacy Rule document retention requirements and for providing storage of your records until they are forwarded to the Department of Labor under Job Corps’ records retention requirements.**

12. **We may share information about illegal use of drugs and alcohol abuse (underage alcohol use or disruptive or other inappropriate consumption by legal drinkers), including the results of any drug test. (Job Corps has a Zero Tolerance policy for illegal drug use and alcohol abuse. This means you may be expelled from Job Corps for illegal use of drugs or for alcohol abuse.) This information may be shared with a wide variety of people, including other medical testing facilities, the center standards officer and other disciplinary staff (including members of the Review Board who review proposed disciplinary action), law enforcement officers, probation officers, center safety and security staff, the center group life manager, members of the academic and career technical staffs, members of the student records and data management staff, center and off-center mental health, rehabilitation, or support group personnel, and employees of the U.S. Department of Labor and their contractors. We may share this information with any of the above individuals, for any of the following purposes: verifying that the results of a drug/alcohol test are accurate; enforcing**
the Zero Tolerance policy by determining whether you have used illegal drugs or abused alcohol and, if so, determining the appropriate consequence (including appeals of that consequence); referring you to center or off-center mental health professionals, counselors, and/or addiction support groups; preventing further access by you or other students to illegal drugs or alcohol; assisting in compliance with local, state, or federal law; assisting you in managing your social life, education, and career without using illegal drugs or abusing alcohol; identifying illegal drug use or alcohol abuse trends among Job Corps students; and documenting illegal drug use and alcohol abuse in your student records to account for resulting consequences, as well as for purposes of determining your eligibility for re-enrollment in Job Corps.

13. **We may share information with others if you request us to do so.** We will ask you for a separate Authorization in that case.

14. We may share limited amounts of health information about you with Job Corps center or Department of Labor personnel, or their contractors, for the purposes of resolving internal grievances or disputes, to the extent that the health information is a subject of the dispute.

15. **Nothing in this Authorization authorizes us to share psychotherapy notes about you, except as allowed by federal law.** Psychotherapy notes are notes made by a health care professional about the contents of a private counseling session or a group, joint, or family counseling session that are kept separate from your medical record. These notes do NOT include information about your medications, counseling session start and stop times, type and frequency of any treatment, clinical test results, and any summary of the following: diagnosis, ability to function, treatment plan, symptoms, prognosis (outlook), and your progress. This information may be shared as provided in the Notice and this Authorization. If we believe that we should share psychotherapy notes for a purpose that requires your authorization, we will ask you to sign an authorization for that particular circumstance. Refusal to give us an authorization to share psychotherapy notes about you will not affect your eligibility to continue in Job Corps.

16. **Nothing in this Authorization authorizes us to share your health information for other purposes.** For instance, this Authorization does not permit us to share your health information for purposes of determining your selection for Job Corps, your enrollment at any particular Job Corps center, your career choices (unless you require reasonable accommodations to perform the essential functions of a job), or any other purpose not set forth in this Authorization. However, other law or policies may govern these purposes. Again, we will share only the minimum amount of information necessary to accomplish the purposes described.

**Other Routine Uses**

In addition to the above uses and disclosures of your medical information (and the uses and disclosures listed in the Notice you have received or will receive), we may disclose any and all medical information about you under the following circumstances:
• We may share information with state and federal law enforcement agencies or other government investigators to assist them in locating you or your family.
• If you are a minor, we may share information with your parent(s) or guardian(s), if not prohibited by law.
• We may share information with social service agencies in cases of a student’s termination in order to provide services such as Medicaid.

AUTHORIZATION

I, ____________________________, have received a copy of this Authorization. I have read this Authorization and I understand that it explains circumstances in which I permit my health information to be used and shared with others. I authorize the uses and disclosures described in this Authorization.

/ __________________________________________
DATE Signature

AUTHORIZATION BY PARENT OR GUARDIAN (IF A MINOR)

I, ____________________________, am a parent or guardian of the individual named above. I have received a copy of this Authorization. I have read this Authorization and I understand that it explains circumstances in which I permit my child’s (or charge’s) health information to be used and shared with others. I authorize the uses and disclosures described in this Authorization.

/ __________________________________________
DATE Signature
EXHIBIT 1-4

JOB CORPS — INFORMED CONSENT TO RECEIVE MENTAL HEALTH AND WELLNESS TREATMENT

I, ____________________________, consent to receive services from Job Corps, through appropriate mental health personnel, to promote and maintain my mental and emotional well-being. The services may involve mental health and/or substance abuse counseling, educational activities, medications, and other methods and services as deemed necessary by the wellness staff.

The Job Corps center operates under a team approach and I understand all treatment is confidential, as limited in the following special circumstances:

1. If the staff believes it is in the best interest of my treatment to share some information with other center staff, they will do so only on a need-to-know basis as allowed through the authorization for disclosure under HIPAA (the Health Insurance Portability and Accountability Act) that I have signed.

2. If I become a danger to myself or others, center staff will take measures to maintain my safety, and the safety of others. This may include a medical separation based on an evaluation by the health and wellness staff.

3. If I disclose any past or present abuse of a minor, center staff are legally required to report the abuse to the appropriate children’s social services agency.

4. If I disclose any past or present abuse of an elder, center staff are legally required to report the abuse to the appropriate adult protective services agency.

I have read and understand the above information concerning mental health and wellness assistance, my privilege of confidentiality, and the limitations to it. This consent will remain in force during my stay in Job Corps.

/  
Job Corps Applicant’s Signature                  Date

/  
Parent’s Signature (Required if Minor)          Date

/  
Admissions Counselor’s Signature               Date
**EXHIBIT 1-5**

**RECORDS RELEASE AUTHORIZATION**

- **To:**
- **From:**

Date of Request:  
Date of Receipt:  

Please print your name, sign, date, and return this form with the information requested below.

<table>
<thead>
<tr>
<th>Academic Transcript</th>
<th>High School Equivalency (HSE) Transcript</th>
</tr>
</thead>
<tbody>
<tr>
<td>Copy of High School Diploma</td>
<td>Copy of HSE Certificate</td>
</tr>
<tr>
<td>Individual Education Plan (IEP), Psycho-educational Evaluations, Eligibility and Triennial Evaluation Reports, and IEP Progress Notes</td>
<td>Criminal Background Check</td>
</tr>
<tr>
<td>504 Plan and Eligibility Evaluation Reports</td>
<td>Medical/Mental Health/Dental Records</td>
</tr>
</tbody>
</table>

**MAIL TO:**

**Outreach and Admissions (OA) Agency/Center Name:**  
**Number, Street:**  
**City, State, Zip Code:**

If you have any question regarding this request, please call (______) - ____________.

Signature:  
Date:  

Printed Name:  
Title:  

**STUDENT INFORMATION:**

<table>
<thead>
<tr>
<th>Name:</th>
<th>Social Security Number:</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Last)</td>
<td>(First)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Dates of School Attendance:</th>
<th>Date of Birth (MM/DD/YYYY):</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Mother’s Maiden Name:</th>
</tr>
</thead>
</table>

**INFORMATION RELEASE AUTHORIZATION:**

My signature below authorizes the release of the requested information. This authorization remains in effect for a period of 1 year from the date of this request.

Student Signature:  

Signature of Parent or Guardian (if applicant is under 18 years of age):  

Address:  
City:  
State:  
Zip Code:  
Phone #:  
Records Release Authorization – Instructions

Admissions Counselors (AC) may use the “Records Release Authorization” to obtain educational records of Job Corps applicants. The following information explains the sections of the form.

To: Agency from which the AC/OA office is requesting information (verify correct and current address)

From: Name of the AC requesting the information

Date of Request: Date when the request is sent

Date of Receipt: Date when the AC received the requested information (or date when the center received the requested information, if the form was sent to the center as documentation that the AC has made the request prior to a student’s enrollment/arrival)

Academic Transcript or Copy of HSD: Send request to the high school or middle school office (NOT to the guidance or counseling offices, which are often closed during school breaks and vacations)

HSE Transcript or Copy of Certificate: Send to the HSE testing site where the applicant took his or her HSE tests

IEP or 504: Send request to the Office of Special Education, or the high school or middle school office

Mail to: Enter the recipient’s address

Telephone Number: Enter the AC’s contact number

Name, Signature, and Date: To be completed by the person responding to the request

Student Information: To be completed by the AC with information provided by the applicant

Information Release Authorization: To be completed by the applicant or the applicant’s parent or guardian (if applicant is an unemancipated minor), with assistance from the AC
## EXHIBIT 1-6
**FACTORS FOR PRIORITY ENROLLMENT**

<table>
<thead>
<tr>
<th>Factors for Priority Enrollment</th>
<th>Assessment/Verification Requirements (All Applicants)</th>
<th>Documentation Requirements (All Applicants)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A: VETERANS’ PRIORITY</strong></td>
<td>AC assesses documentation of veteran status.</td>
<td>At the time of application to Job Corps, veterans must provide their form DD 214, Report of Separation, which identifies a veteran’s condition of discharge. In addition to form DD 214, veterans with a service-connected disability of 30% or more must also submit a copy of a letter, dated within the last 12 months, from the Department of Veterans Affairs or the Department of Defense certifying receipt of compensation.</td>
</tr>
<tr>
<td>Veterans are defined as those individuals who have been separated with an honorable discharge or under honorable conditions from active duty in the Armed Forces of the United States, performed during one of the periods or campaigns described in 5 U.S.C. 2108.</td>
<td>AC assesses documentation of veteran status.</td>
<td>At the time of application to Job Corps, spouses must provide their:</td>
</tr>
<tr>
<td>Spouses of veterans also receive priority if they are married to:</td>
<td></td>
<td>• Marriage license</td>
</tr>
<tr>
<td>• Any veteran who died of a service-connected disability;</td>
<td></td>
<td>• Spouse’s form DD 214, Report of Separation</td>
</tr>
<tr>
<td>• Any member of the Armed Forces serving on active duty who, at the time of application for assistance under this section, is listed, pursuant to section 556 of title 37 and regulations issued thereunder, by the Secretary concerned in one or more of the following categories and has been so listed for a total of more than 90 days: (1) missing in action; (2) captured in the line of duty by a hostile force; or (3) forcibly detained or interned in the line of duty by a foreign government or power;</td>
<td></td>
<td>• Spouse’s military identification</td>
</tr>
<tr>
<td>• Any veteran who has a total disability resulting from a service-connected disability; or</td>
<td></td>
<td>• Where applicable, a letter dated within the last 12 months from the Department of Veteran’s Affairs or the Department of Defense certifying receipt of compensation for the spouse’s service-connected disability of 30% or more.</td>
</tr>
<tr>
<td>• Any veteran who died while a disability so evaluated was in existence.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
EXHIBIT 1-7
JOB CORPS APPLICATION STATEMENT OF SUPPORT

Applicant Name: ____________________________________________  Interview Date: ____________________________

To Whom It May Concern:

I do not have any earned income. I am being supported by ____________________________  (Supporter’s Name)
who provides me with room and board. I am/I am not claimed as a dependent by this person for tax purposes. ____________________________  (Supporter’s Name) is not charging me for room and board.

Applicant’s Signature: _____________________________________ Date: ____________________________

Supporter’s Signature: _____________________________________ Date: ____________________________
Address: ____________________________________________________________
City: ____________________________  State: ____________________________  Zip Code: ____________________________  Phone #: ____________________________

Admissions Counselor’s Signature: ____________________________ Date: ____________________________
**EXHIBIT 1-8**

**OFFICE OF JOB CORPS EXPEDITED APPLICANT ENROLLMENT FOR NATURAL AND MAN-MADE DISASTER VICTIMS**

**Enrollment Procedures**
The enrollment process can be time consuming, as applicants are assessed on a variety of eligibility criteria. Due to the urgency of any natural or man-made disaster situation, Job Corps will expedite the enrollment process as described below. Currently, it may take weeks or months to admit a new young person into Job Corps – this expedited process will strive for immediate admissions in a temporary, streamlined process.

Please note that this process does not exempt applicants from any eligibility criteria, but instead allows for temporary self-certification for those applicants who may have difficulty accessing the required documentation. As such, an expedited process may lead to the enrollment of some students who would be excluded in a formal enrollment process. Per Job Corps’ Policy and Requirements Handbook (PRH), any student who is found to be ineligible at the time of screening or was enrolled due to a screening error, may be subsequently separated from the program.

**Eligibility Standards**
As a natural or man-made disaster can leave so many without homes or access to public education, the evacuee population at large already meets many of Job Corps’ eligibility requirements. Since many evacuees may be without a source of income indefinitely, the Job Corps program will inform all potential applicants that, as a result of admission into the Job Corps program, they will be individually ineligible for unemployment insurance, food stamps, and possibly other forms of government aid.

**Low-Income Eligibility**
The program anticipates that many potential applicants will be housed in temporary residences, which will make them eligible under the “homeless” provision of the low-income criterion. For these applicants, no additional income information is required, and they will be coded as “homeless” in Job Corps’ system. Applicants will be flagged as expedited enrollment students in the Outreach and Admissions Student Input System (OASIS).

For an applicant with a permanent residence, he or she will be permitted to self-certify as receiving public assistance, his or her status as a foster child, or his or her family’s income. These applicants will be informed of the low-income threshold for their geographic area and be required to provide documentation after enrollment, when such documents become available.

**Citizenship and Residency**
Minimally, the Job Corps policy mandates a Social Security card (or other ID with SSN) as verification of citizenship or legal residency status. For those applicants who do not have their Social Security card, Job Corps will allow them to self-certify their SSN on ETA 652.

For those applicants who neither have their Social Security card nor know their SSN, Job Corps
will work with the applicants to request this information from the Social Security Administration, and assign each student a unique, temporary identification number.

**Parental Consent, Child Care for Dependents, and Selective Service**
Assure that parents and legal guardians give consent for unemancipated minors. For individuals with a disability, who are otherwise eligible, the maximum age limit may be waived, per current PRH standards.

Assure that applicants have made appropriate arrangements for child care.

Inform male applicants, who are 18 years of age or older, that completing the ETA 652 will automatically register them for Selective Service.

**Criminal and Behavioral History**
Where possible, Job Corps will screen applicants for behavioral problems and criminal history that would exclude them from participation in the Job Corps program. As usual, Job Corps will be observing behavior throughout the application process to determine whether any unsafe or troubling behavior is displayed, but formal screening of behavioral and criminal history will be streamlined as much as possible.

In the affected areas, state courts should still be available for records checks. State courts will have records of felony and sexual offenses. The only unavailable records may be municipal courts and county courts, which could have pending cases and minor offenses.

**Health and Wellness**
Limited medical information may be available on these applicants from their health care providers. Admissions Counselors (ACs) will explain the need for the applicant to answer medical and mental health questions honestly, to prevent the possibility of the enrollee being medically separated if the center is unable to provide for the enrollee’s mental health or medical needs. If the enrollee has a history of recent medical or mental health issues, this enrollee may not be a candidate for expedited enrollment. The AC will contact the receiving center directly to discuss the enrollee’s medical health issues to determine if the applicant can be admitted to the center.

**Personal Career Development Plan**
Currently, applicants who are determined to be eligible for the program participate in a goal-setting and career-planning session with an AC. The information collected in this effort is documented in the Personal Career Development Plan. To expedite the enrollment process, this requirement is temporarily suspended, and will take place once the applicant is enrolled and has arrived on center.

**Referrals**
In the event an applicant is denied enrollment, Job Corps will provide the contact information for the local one-stop career center and other education and training programs. Job Corps will not simply deny an applicant without having other alternatives readily available.
APPENDIX 101
DEFINITIONS OF FAMILY AND FAMILY INCOME

a. **Family** means persons living in a single residence who are related by blood, marriage, or decrees of court and may include one or more of the following categories: (1) a husband, wife, and dependent children; (2) a parent, grandparent, or guardian and dependent children; and (3) a husband and wife. A step-child or step-parent is considered to be related by marriage.

1. For purposes of this definition, an applicant who lives in a single residence with family members, at least one of whom claims the applicant as a dependent, will be considered a family member supported by the family, and income of all family members will be included in the family income computation.

2. A person must be considered an “individual” if he or she:
   - Lives alone;
   - Lives with unrelated individuals; or
   - Lives in a single residence where no family member claims him or her as a dependent.

3. A person with disabilities has an option of applying and being considered as a family member or as an individual.

b. **Head of household** means an individual in one family setting who provides actual support and maintenance to one or more individuals who are related to him or her through adoption, blood, or marriage.

c. **Family income** means all income actually received from all sources by all members of the family for the 6-month period prior to application. **Family size** is the maximum number of family members during the 6-month period prior to application. When computing family income, income of a spouse and other family members is counted for the portion of the 6-month (annualized) period prior to application that the person was actually a part of the family unit.

1. For the purpose of determining an individual’s eligibility for participation in the Job Corps program, family income includes:
   - Gross wages, including wages from community service employment (CSE), work experience, and On-the-Job training (OJT) paid from Workforce Innovation and Opportunity Act funds, and salaries (before deductions);
   - Net self-employment income (gross receipts minus operating expenses); and
   - Other money income received from sources such as interest, net rents, OASI (Old Age and Survivors Insurance) Social Security benefits, pensions, alimony, and periodic income from insurance policy annuities, and other sources of income (including continuing disability income).

2. Family income does not include:
(a) Non-cash income such as food stamps or compensation received in the form of food or housing;
(b) Imputed value of owner-occupied property, i.e., rental value;
(c) Public assistance payments;
(d) Cash payments received pursuant to a state plan approved under Titles IV, X, or XVI (Supplemental Security Income) of the Social Security Act, or disability insurance payments received under Title II of the Social Security Act;
(e) Federal, state, or local unemployment benefits;
(f) Capital gains and losses;
(g) One-time unearned income, such as, but not limited to:
   (1) Payments received for a limited fixed term under income maintenance programs and supplemental (private) unemployment benefits plans;
   (2) One-time or fixed-term scholarship or fellowship grants;
   (3) Accident, health, and casualty insurance proceeds;
   (4) Disability (one-time payments) and death payments including fixed term (but not lifetime) life insurance annuities and death benefits;
   (5) Fixed-term workers compensation awards;
   (6) Soil bank payments; and
   (7) Agricultural crop stabilization payments.
(h) Pay or allowances that were previously received by any veteran while serving on active duty in the Armed Forces;
(i) Educational assistance and compensation payments to veterans and other eligible persons under Chapters 11, 13, 31, 34, 35, and 36 of Title 38, U.S. Code;
(j) Payments made under the Trade Act of 1974;
(k) Payments received under the Black Lung Benefits Act (30 U.S.C. 901 et seq);
(l) Any income directly or indirectly derived from, or arising out of, any property held by the United States in trust for any Indian tribe, band, or group of any individual; per capita payments; and services, compensation or funds provided by the United States in accordance with, or generated by, the exercise of any right guaranteed or protected by treaty; and any property distributed or income derived therefrom, or any amounts paid to or for the legatees or next of kin of any member, derived from or arising out of the settlement of an Indian claim; and
(m) Child support payments.
ADDITIONAL INFORMATION FOR PERSONAL CAREER DEVELOPMENT PLAN

Admissions Counselors must use this form only to collect information for the applicant’s Personal Career Development Plan, and to help Job Corps provide services to the applicant if he or she enrolls in Job Corps. The information collected must not be used to determine whether the applicant meets eligibility requirements.

Responses should be recorded in the Outreach and Admissions Student Input System (OASIS).

a. APPLICANT HISTORY

1. Explain reason for pursuing further training.

b. GOALS

1. Short-term goals (What does applicant plan to accomplish during Job Corps enrollment?)

2. Long-term goals (What are the applicant’s career, educational, career technical training, and personal plans subsequent to Job Corps enrollment?)

3. Action plan for accomplishing these goals, including target dates (Discuss with the applicant short- and long-term goals, and establish realistic target dates for completion.)

c. NEEDS

1. Discuss recommended length of stay to receive the maximum benefit from the program. Record and summarize applicant’s responses to discussion of planned duration of training.

2. Does applicant have an interest in a specific career technical training area? Yes/No
   If yes, please explain. List choices, if no. Summarize results of career technical training choices discussion.

3. If required, is the admitted applicant willing and able to relocate for advanced training or placement? Yes/No

4. Discuss career technical training choices, and correlation with labor market information. Summarize discussion of need and willingness to relocate for advanced training and quality placement.
This guide provides Admissions Counselors (ACs) with strategies to use when assessing whether an applicant meets one or both of the following eligibility requirements:

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)

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.

a. 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:

1. Documentation from a criminal background check (see below)
2. Any documentation detailing behavior from institutions, agencies, or schools
3. Criminal or behavioral history provided to the AC by the applicant
4. 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.
b. **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:

1. 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).

2. So as to determine whether the applicant has any current court or agency involvement (Criterion 10, Exhibit 1-1).

c. **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:

1. murder (as described in section 1111 of Title 18, United States Code),

2. child abuse, or

3. 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:

1. **The relevance of each conviction or verified serious behavior to the requirements of Job Corps.** Considerations must include:
   
   (a) 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?

(b) Does the criminal and/or institutional record indicate that the applicant has a history of theft or of running away?

2. **The nature of the crime(s) committed.** Considerations must include:
   (a) Has the applicant been convicted of assault (other than sexual assault) or physical aggression toward other persons?
   (b) Has the applicant been convicted of poisoning or attempted poisoning of others, or crimes that involve kidnapping, robbery, or extortion?
   (c) Has the applicant been convicted of possessing a weapon or using one in a crime?
   (d) Has the applicant been convicted of stalking, or of any other behaviors that involve threats or harm to individuals?
   (e) Has the applicant been convicted of arson-related property crimes?
   (f) Has the applicant been convicted of any felony crimes other than those listed as disqualifying?

3. **The facts surrounding each offense.** Considerations must include:
   (a) 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?
   (b) Was the offense a first offense?
   (c) 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?
   (d) Did the crime of which the applicant was convicted involve significant planning, or did it appear to be an unplanned response to an opportunity?

4. **The number and recency of convictions.** Considerations must include:
   (a) Does the applicant’s criminal record contain only one conviction (other than a disqualifying conviction), or are there multiple convictions?
   (b) 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)?
   (c) 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?
   (d) When (meaning how long ago) did the crime of which the applicant was convicted take place?
   (e) When was the applicant convicted?
   (f) When did the applicant complete his or her court- or institution-imposed sanctions, if applicable?

5. **The applicant’s school and employment history before and after the conviction.** Considerations must include:
   (a) Did the applicant attend school or have employment prior to the conviction?
   (b) Was the applicant reasonably successful in school or employment prior to the
conviction? After his or her release?
(c) 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?
(d) Is the applicant now employed or in school? Does he or she appear to be reasonably successful?

6. The applicant’s other efforts at rehabilitation. Considerations must include:
   (a) 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?
   (b) Does the applicant acknowledge personal responsibility for his or her crimes or verified serious behaviors?

d. 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.

   1. In addition to the tools or resources listed in Section a. 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:
      (a) Any documentation of court fines;
      (b) Any documentation of parole, probation, suspended sentence, or court or agency supervision.

   2. 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:
      (a) The court or agency will release the applicant from supervision; and
      (b) Such a release does not violate applicable statutes or regulations; and
      (c) The applicant has responded positively to supervision; and
      (d) The court or agency will permit the applicant to leave the local area or state while enrolled in Job Corps.

   3. Court Fines/Restitution
      (a) 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.

      (b) 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.

      (c) 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.

e. Special Considerations

Drug and Alcohol Involvement

1. 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:

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

3. 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.

4. The files of applicants who are not currently using drugs illegally, but who:
   (a) Have a history of such use; and
   (b) Have not completed a supervised drug treatment program; and
   (c) Have not been otherwise rehabilitated successfully (such as through a self-help program); and
   (d) 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).
Dear Applicant:

Thank you for your interest in Job Corps. It has been determined that Job Corps is not a program that best meets your needs at this time. As I explained to you, Job Corps has specific eligibility requirements. Your application has been denied because (insert explanation from box below).

<table>
<thead>
<tr>
<th>Reason</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eligibility Requirement – Criterion 1</td>
<td>You did not meet the legal U.S. residency requirement which states that an applicant must be (1) a legal U.S. resident; or (2) lawfully admitted permanent resident alien, refugee, asylee or parolee, or other alien who has been authorized by the Attorney General to work in the United States; or (3) resident of a U.S. territory.</td>
</tr>
<tr>
<td>Eligibility Requirement – Criterion 2</td>
<td>You did not meet the age requirement which states that applicants must be at least 16 years of age, and not more than 24 on the date of enrollment.</td>
</tr>
<tr>
<td>Eligibility Requirement – Criterion 3</td>
<td>You did not meet the low income eligibility criterion.</td>
</tr>
<tr>
<td>Eligibility Requirement – Criterion 4</td>
<td>You did not meet the barriers to education and employment requirement which states that an applicant must be one or more of the following: • Basic skills deficient; • A school dropout; • Homeless; • An individual in foster care or an individual who was in foster care and has aged out of the foster care system; • A runaway • A parent; or • An individual that requires additional education, career and technical training, or workforce preparation skills to be able to obtain and retain employment that leads to economic self-sufficiency.</td>
</tr>
<tr>
<td>Eligibility Requirement – Criterion 5</td>
<td>You refused to sign a copy of the consent form containing authorization for Selective Service Registration.</td>
</tr>
<tr>
<td>Eligibility Requirement – Criterion 6</td>
<td>Your educational and training needs cannot be best met through the Job Corps program.</td>
</tr>
<tr>
<td>Eligibility Requirement – Criterion 7 – Group Participation</td>
<td>You did not demonstrate that you are reasonably expected to participate successfully in group situations.</td>
</tr>
<tr>
<td>Eligibility Requirement – Criterion 7(a) – Interference with other students’ participation</td>
<td>You did not demonstrate that you are unlikely to engage in actions that would potentially prevent other students from receiving the benefit of the Job Corps program.</td>
</tr>
<tr>
<td>Eligibility Requirement – Criterion 7(b) – Maintenance of Sound Discipline and Positive Center Culture</td>
<td>You did not demonstrate that your behavior is compatible with the maintenance of sound discipline and positive center culture on a Job Corps center.</td>
</tr>
<tr>
<td>Eligibility Requirement – Criterion 7(c) – Community Relations</td>
<td>You did not demonstrate that it is unlikely that your behavior will impede satisfactory relationships between the Job Corps center you would be assigned to and its surrounding communities.</td>
</tr>
<tr>
<td>Eligibility Requirement – Criterion 8</td>
<td>You did not demonstrate that you understand the rules and document that you agree to comply with them.</td>
</tr>
<tr>
<td>Eligibility Requirement – Criterion 9</td>
<td>You have a disqualifying conviction.</td>
</tr>
<tr>
<td>Eligibility Requirement – Criterion 10</td>
<td>You are under probation, parole, under a suspended sentence, or under the supervision of an agency that will not release you from its supervision in order to participate in the program.</td>
</tr>
<tr>
<td>Eligibility Requirement – Criterion 11</td>
<td>You did not demonstrate that you had made suitable arrangements for child care.</td>
</tr>
<tr>
<td>Eligibility Requirement – Criterion 12</td>
<td>You or your parent/legal guardian did not sign the “Authorization for Use and Disclosure of Your Health Information” form.</td>
</tr>
<tr>
<td>Eligibility Requirement – Criterion 13</td>
<td>Your parent/legal guardian did not consent to your participation in Job Corps.</td>
</tr>
<tr>
<td>Insufficient documentation requirement</td>
<td>You did not provide the required documentation within 60 days from the date of your interview with your Admissions Counselor.</td>
</tr>
</tbody>
</table>

If you wish to contest your admissions denial, you must send your request by mail to the following, within 60 days of the date of the determination:

**Name and Address of Outreach and Admissions Agency**

If your denial is not overturned or a decision is not issued within 60 days, you may file an appeal, by mail, with

- Regional Director Office of Job Corps
- U.S. Department of Labor Address
- City, State, Zip code
- Telephone number (voice)
- Telephone number (TTY)

You have 60 days from the date of the denial to file your appeal with the Regional Director. Alternatively, if the decision from the Outreach and Admissions Agency or the Job Corps center was not issued within 60 days of your filing your complaint, you must file your request for review with the Regional Director within 60 days of the date that the Outreach and Admissions agency should have issued its decision.

Also, if you believe that your application has been denied because of discrimination on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, citizenship, participation in any Workforce Innovation and Opportunity Act (WIOA) Title I-financially assisted program or activity, or because legal requirements related to nondiscrimination were violated during the application process, you may file a discrimination complaint with either the designated Regional Office or the U.S. Department of Labor’s Civil Rights Center (DOL-CRC). Your complaint must be filed in writing, within 180 days of the date on this letter.

DOL-CRC’s information is as follows:
Director, Civil Rights Center  
U.S. Department of Labor  
200 Constitution Avenue, NW Room N-4123  
Washington, D.C. 20210  
(202) 693-6502 (voice)  
(202) 693-6515 (TTY)  
CivilRightsCenter@dol.gov

For electronic versions of DOL-CRC’s complaint form in English or Spanish (PDF or HTML format), please go to DOL-CRC’s Web page at:  
http://www.dol.gov/oasam/programs/crc/EO.htm

Although your application to attend Job Corps has been denied, you have taken a very positive step in seeking education and training. We encourage you to contact the agency below. This agency provides education, training or other services in your area.

Contact Name  
Address  
City, State, Zip code  
Telephone number (Voice)  
Telephone number (TTY)

Please contact me for any clarification regarding your application or for additional referrals in your area.

Sincerely,

Admissions Counselor
## APPENDIX 105
### JOB CORPS APPLICANT ELIGIBILITY FOLDER INVENTORY

Admissions Counselors must use the following layout when creating an applicant folder. **Only the documents listed on this form should be included, as applicable.** Please see Exhibit 1-1, Eligibility Requirements, for more information on the types of required documentation. The Applicant Eligibility Folder Cover Sheet must be stapled to the front of the folder and the inside left flap.

**Name of Applicant:** ____________________________  **Student ID#:** ____________________________

**English Language Learner:** □ Yes □ No  If yes, specify language: ____________________________

**Veteran (see Exhibit 1-6, Factors for Priority Enrollment):** □ Yes □ No

### Folder Inventory

<table>
<thead>
<tr>
<th>Left Side</th>
<th>Right Side</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ETA 652</strong></td>
<td><strong>Child Care (if applicable)</strong></td>
</tr>
<tr>
<td><strong>U.S. Citizen Documentation</strong></td>
<td>□ Child care certificate (ETA 682)</td>
</tr>
<tr>
<td>□ Social Security Card</td>
<td>□ Single Parent Contract Form</td>
</tr>
<tr>
<td>□ Birth Certificate</td>
<td><strong>If applicant is applying to a residential parent dorm or applying for a child care allotment then the following documents should be included:</strong></td>
</tr>
<tr>
<td>□ U.S. Passport</td>
<td>□ Child’s birth certificate</td>
</tr>
<tr>
<td><strong>Legal Resident Documentation</strong></td>
<td>□ Child’s Social Security card</td>
</tr>
<tr>
<td>□ Military Records (DD 214)</td>
<td>□ Child’s immunization records</td>
</tr>
<tr>
<td>□ Unexpired foreign passport with Form I-94 containing a refugee admission stamp</td>
<td>□ Child’s medical or physical records</td>
</tr>
<tr>
<td>□ Alien Registration Receipt Card: I-688A or I- 688B; Temporary Residence Card, I-688; or Employment Authorization Card: I-551 or I- 151 (green card)</td>
<td></td>
</tr>
<tr>
<td><strong>Age Documentation</strong></td>
<td></td>
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<tr>
<td>□ Birth certificate</td>
<td></td>
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<tr>
<td>□ Driver license/state identification card</td>
<td></td>
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<tr>
<td>□ U.S. passport</td>
<td></td>
</tr>
<tr>
<td>□ Department of Homeland Security (DHS) Documents, such as Document I-55 Permanent Resident Card or Form I-94 Arrival/Departure Record</td>
<td></td>
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<tr>
<td>Other official forms or documents from other government agencies, such as school records, welfare documents and employment records that identify the applicant's name and date of birth.</td>
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<tr>
<td><strong>Eligibility Requirements</strong></td>
<td><strong>Behavioral Adjustment History &amp; Court Involvement and/or Agency Supervision</strong></td>
</tr>
<tr>
<td>□ Written statement from the court or appropriate agency that the applicant has responded positively to supervision, and that it will permit the applicant to leave the local area or state while enrolled in Job...</td>
<td></td>
</tr>
<tr>
<td>Low Income – One or More of the Following:</td>
<td>Non-Required Non-Eligibility Forms</td>
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<tr>
<td>-------------------------------------------</td>
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<tr>
<td>□ Letter or printout from appropriate government agency acknowledging family receipt of cash payments from income-based public assistance e.g., documented eligibility for food stamps at the current time or within the previous 6 months; public assistance voucher or payment stub; documented phone contact with case worker</td>
<td>□ Career Interest Assessment Tools, e.g., O*NET Interest Profiler</td>
</tr>
<tr>
<td>□ At least 1 month’s worth of paycheck stubs from each employer, for each working adult member of the family, during the last 6 months, which indicate the employer’s name and date of the check</td>
<td>□ Personal Career Development Plan (PCDP)</td>
</tr>
<tr>
<td>□ Income verification statements from, or documented phone calls with employers</td>
<td>□ State-specific parental consent form for Drivers Learner’s Permit</td>
</tr>
<tr>
<td>□ Excludable income: Letter of receipt of Supplemental Security Income or letter of receipt of unemployment insurance</td>
<td>□ State-specific parental consent form for General Education Diploma (GED) test</td>
</tr>
<tr>
<td>□ Tax returns or W-2s</td>
<td></td>
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</tbody>
</table>
### Requires Additional Education and Training (ETA 652 Form), and one or more of the following:

- The GED certificate or Official GED Test Scores
- School transcript request documentation
- A copy of a HSD or official transcript of completion
- Documented efforts by AC to obtain school records or standardized test results
- Foreign diploma

<table>
<thead>
<tr>
<th>Confidential Envelope</th>
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<tbody>
<tr>
<td>Records Release Authorization Form (Exhibit 1-5)</td>
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<table>
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<tr>
<th>Health and Disability History Envelope</th>
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<tbody>
<tr>
<td>Any other protected medical/disability-related information (i.e., summaries from current and/or recent medical providers or treatment facilities, including mental health and substance abuse)</td>
</tr>
<tr>
<td>Orthodontic treatment form (if applicable)</td>
</tr>
<tr>
<td>ETA 653</td>
</tr>
<tr>
<td>Authorization for Use and Disclosure of Your Health Information Form (HIPAA)</td>
</tr>
<tr>
<td>Job Corps Informed Consent to Receive Mental Health and Wellness Treatment</td>
</tr>
<tr>
<td>Medical records</td>
</tr>
<tr>
<td>Individualized Education Program (IEP)</td>
</tr>
<tr>
<td>Reasonable Accommodation Request form</td>
</tr>
<tr>
<td>Psycho-educational reports</td>
</tr>
<tr>
<td>Other cognitive and achievement testing results</td>
</tr>
<tr>
<td>Immunization records (required)</td>
</tr>
<tr>
<td>Chronic Care Management Plans provider form(s)</td>
</tr>
<tr>
<td>Dental records (if applicable)</td>
</tr>
<tr>
<td>Supplemental documentation relating to health and wellness (examples)</td>
</tr>
<tr>
<td>Copy of health insurance card (front and back)</td>
</tr>
<tr>
<td>Memo to Health and Wellness Center Staff</td>
</tr>
</tbody>
</table>

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/  
Admissions Counselor’s Signature  Date

/  
Admissions Contractor Quality Check Signature  Date

/  
Center Quality Check Signature  Date
Note: Only applicants who are requesting reasonable accommodation to participate in the admissions process should complete this form. Admissions Counselors (AC) should only follow the process outlined in this appendix when an applicant needs accommodation to participate in the admissions process.

Applicants who are requesting accommodation to participate in the Job Corps program should complete the Job Corps Reasonable Accommodation Form in Appendix 605. ACs should follow the process described in Section 1.2, R8 and Section 1.2, R10 (b) when an applicant is requesting accommodation to participate in the Job Corps program.

BACKGROUND

What are reasonable accommodations? Reasonable accommodations are any changes to the environment, or in the way things are customarily done, that give a person with a disability an opportunity to participate in the application process that is equal to the opportunity given to similarly situated people without disabilities. Although many people with disabilities can (and do) apply for the Job Corps program without any reasonable accommodations, barriers do exist that keep other potential applicants from applying, and that could be overcome with some form of accommodation. Reasonable accommodation may involve providing an appropriate service or product; modifying or adjusting a job, work/academic environment, policy, program, or procedure; or any other action that removes those barriers for the person with a disability.

For additional background information on reasonable accommodation, please see Appendix 605.

POLICY

A qualified applicant with a disability is entitled to request and receive reasonable accommodation at any time during the admissions process. If an applicant with a disability is requesting accommodation to participate in the admissions process, the Outreach and Admissions (OA) contractor must engage the applicant in an interactive process to determine the limitations resulting from their disability, and the potential accommodations that would allow them to participate in the admissions process.

Keep in mind that the applicant is the best source of information about his or her disability, and what assistance is needed to participate in the admissions process. No accommodation should be implemented without the applicant’s consent.
**PROCESS**

*Requests*

A reasonable accommodation request can be communicated in any form (e.g., oral, written, sign language); however, the request must be documented on the Job Corps Reasonable Accommodation Request Form-Admissions (included in this appendix). This is a Job Corps required form; it must be used as is, and is the only form that can be used to document the reasonable accommodation process. The AC will go through the form with the applicant, and may assist with its completion, as necessary.

If the applicant is requesting reasonable accommodation to participate in the admissions process, the AC:

a. Must address the applicant’s accommodation needs immediately

b. Must not begin, or continue with any part of the admissions process for which the applicant has requested accommodation until the accommodation has been provided. Other parts of the admissions process may go forward if they do not directly involve the applicant’s participation, or if the applicant states that he or she does not need accommodations for those parts

*See Appendix 605 for the policy on providing accommodations to an applicant who requests them to participate in the Job Corps program.*

*Documentation*

Under federal disability nondiscrimination law, OA staff cannot ask for documentation when (1) both the disability and the need for reasonable accommodation are obvious; or (2) the person has already provided the OA staff with sufficient information to substantiate that she or he has an actual, current disability, and needs the reasonable accommodation requested.

When the disability and/or the need for accommodation is not obvious, OA staff may ask the applicant for reasonable documentation about his or her disability and functional limitations. The OA staff is entitled to know that the person actually has a covered disability for which she or he needs a reasonable accommodation.

Reasonable documentation means that the OA staff may require only the documentation that is needed to establish that a person has an actual, current disability, and that the disability necessitates a reasonable accommodation. Thus, the OA staff, in response to a request for reasonable accommodation, cannot ask for documentation that is unrelated to determining the existence of a disability and the necessity for an accommodation.

OA staff may require that the documentation about the disability and the functional limitations come from an appropriate health care or rehabilitation professional. The appropriate professional in any particular situation will depend on the disability and the type of functional limitation it
imposes. Appropriate professionals include doctors (including psychiatrists), psychologists, nurses, physical therapists, occupational therapists, speech therapists, vocational rehabilitation specialists, and licensed mental health professionals.

The OA staff must maintain the confidentiality of all medical information collected during this process, regardless of where the information comes. If a person provides insufficient documentation of a disability in response to the OA staff’s initial request, the admissions staff should explain why the documentation is insufficient and allow the person an opportunity to provide the missing information in a timely manner.

See the Reasonable Accommodation Process section of the Job Corps Disability website (https://supportservices.jobcorps.gov/disability/Pages/AccommodationGuidelines.aspx) for examples of possible types of documentation for specific disabilities.

**Applicant Without Documentation**

If an applicant’s disability or need for reasonable accommodation is not obvious, and she or he refuses to provide the reasonable documentation requested by OA staff, then she or he is not entitled to reasonable accommodation. If an applicant suspects that she or he may have a disability that has not been diagnosed, and is unable to pay for an evaluation, the AC should provide appropriate referral information.

See the Testing Accommodations section of the Job Corps Disability website (https://supportservices.jobcorps.gov/disability/Pages/TestingAccommodations.aspx) for assessment resources.

**Reviewing a Request**

OA staff will review the request. If the applicant requests an accommodation the OA contractor cannot provide, or is unsure how to provide, the contractor should request assistance from the Regional Office.

There are many gray areas in the interpretation of what constitutes a reasonable accommodation, therefore, Job Corps has no specific list of accommodations that will or will not be provided. Each request for accommodation should be evaluated individually and a determination made regarding whether it is reasonable. When evaluating a request for reasonable accommodation, the following factors should be considered:

a. Effect of the request on overall financial resources of the OA contractor, the region, and the program;

b. Does the OA contractor have the funds to provide the accommodation?

c. Can the Regional or National Office provide funding or identify other resources that may provide funding?
d. What effect would funding a particular accommodation have on the total amount of resources available to the OA contractor, region, and/or program?

1. Availability of outside funding: Can other agencies/organizations provide or contribute to the cost of providing the accommodation?

2. Effectiveness of the accommodation: Will it allow the individual applicant to participate in the admissions process?

3. Benefits of the accommodation: Could the requested accommodation benefit other persons with disabilities?

4. Effect of the accommodation: Will the requested accommodation affect the daily operation of the OA contractor, or affect the ability of staff to do their job?

5. Is there a more appropriate accommodation at another admissions office?

**Undue Hardship and Fundamental Alteration**

If granting a requested accommodation would pose an undue hardship or fundamental alteration to the program, Job Corps is not obligated to provide it. Undue hardship means that providing the accommodation would be unduly costly or extensive when considered in light of the factors mentioned above. Fundamental alteration means that providing the accommodation would alter the nature or operation of the program based on the factors mentioned above.

In cases where the OA contractor determines that providing the accommodation would be an undue hardship or fundamental alteration, the OA contractor must take any other action that would not result in such a hardship or alteration, but would allow the applicant to participate in the admissions process.

An applicant cannot be prohibited from participating in the admissions process based solely on the need to provide reasonable accommodation.

**Denying a Request**

No accommodation can be denied at the OA staff level. If the OA contractor believes that providing the accommodation would be an undue hardship or a fundamental alteration to the nature or operation of the program, and no alternate accommodation can be agreed upon, the decision must be forwarded to the Regional Director for a final decision.

Before sending a recommendation for denial to the region, the OA staff should review the following statements to determine if the reasonable accommodation process was completed.

a. The OA staff met with the applicant and his or her parents/guardians/advocates to determine his or her reasonable accommodation needs.
b. The interactive process was well documented.

c. Specific accommodations were considered.

d. If appropriate, the OA staff contacted the Job Accommodation Network (JAN), and documented the date, name of the JAN staff person who assisted, and JAN’s recommendations for accommodation.

e. The reason for the recommendation for denial is clearly documented, and is because providing the accommodation would be an undue hardship or a fundamental alteration to the nature or operation of the program.

f. The OA staff offered another solution that would permit the applicant to participate in the program to the greatest extent possible. The applicant’s decision to decline this offer is documented.

g. If the recommendation for denial is based on undue hardship due to cost, the Regional and National Offices were contacted to determine if assistance could be provided.

h. The review of the request was completed within a reasonable amount of time (e.g., a dated log tracks the accommodation process, and there was continuous progress toward a resolution unless extenuating circumstances are indicated on file).

If all steps were taken, the OA staff should submit all documentation/notes/forms related to the request to the region for a final decision. The Regional Director will then make a determination after consultation with regional health consultants, other appropriate staff, and the National Office (e.g., national health staff) as to whether there is an obligation to grant the accommodation request. If the Regional Director determines that the accommodation should be granted, the accommodation will be provided. If the Regional Director determines that there is no obligation to grant the accommodation, the Regional Office will provide the applicant with a written statement that includes the reason for the denial, and why no other accommodation is possible.

**Record Keeping**

Documentation relating to the reasonable accommodation request should be located in a separate envelope maintained with the applicant’s file. When preparing the file to submit to the center of assignment for review, the envelope of disability documentation/information must be sealed and included with the rest of the file.

**CONFIDENTIALITY**

Information regarding the applicant’s disability and prior accommodation will be discussed during the reasonable accommodation process. To maintain confidentiality, documentation is made available on a need-to-know basis only, and participants in the process should not discuss information about the request outside of the process. Those responsible for implementing the
accommodation will be informed of the accommodation, and the reasons for it, only to the extent necessary to ensure effective implementation of the accommodation.

**FUNDING**

Often, an individual with a disability can be accommodated with little or no financial expenditure. For example, the individual may already have the accommodation they require, or they can be accommodated using existing OA resources. Sometimes the accommodation merely requires a change in a policy, program, or procedure (e.g., oral provision of application information). OA contractors are responsible for any costs associated with providing reasonable accommodation during the admissions process. If the OA contractor cannot fund the request, the Regional Office should be contacted.

For more detailed information, tools/forms, tips, and resources to support the reasonable accommodation process, see the Reasonable Accommodation Process section (https://supportservices.jobcorps.gov/disability/Pages/AccommodationGuidelines.aspx) of the Job Corps Disability website.
JOB CORPS REASONABLE ACCOMMODATION REQUEST FORM-ADMISSIONS

If you are a person with a disability, you may request accommodations (changes in the way things are done, or other types of help) to assist you in participating in and completing the application and admissions process for the Job Corps program. If you ever,

- Had an IEP or 504 plan in school;
- Had special education support;
- Had extra supports or pullout classes in school;
- Were given extra time to complete assignments or tests in school;
- Were allowed extra time to get to and from class;
- Received any adjustments to the scheduled school day for appointments or because of side effects of medication;
- Got help in a resource room in high school;
- Were/are a client of Vocational Rehabilitation or a related program;
- Receive Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI);

you may be qualified to receive reasonable accommodation.

If you are worried about talking about your disability, it is important to understand that Job Corps upholds strict policies on confidentiality, which means this information will only be shared with those who need to know. The main reason for you telling us about your disability is so you can get the support you need to participate effectively in the Job Corps admissions process.

Depending on your disability and the type of accommodation you are asking for, we may ask you to provide documentation about your disability and how it affects you so we can determine your need for reasonable accommodation. Your AC can assist you with the accommodation process.

If you indicate in section A below that either you would like accommodations or think you may need accommodations, the AC will discuss your request with you, and assist you in the completion of the process, if needed.

Your request will be reviewed and you will be notified of the decision. If we cannot provide you with an accommodation you have asked for because it is unreasonable, we will explain why, and we will offer you at least one alternative accommodation.

Your Admissions Counselor will guide you through completion of this form.
SECTION A – APPLICANT

Name:

<table>
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<tr>
<th>(Last)</th>
<th>(First)</th>
<th>(Middle)</th>
</tr>
</thead>
</table>

Address:

City:  
State:  
Zip Code:

Contact Information (include all phone numbers and email addresses):

☐ I would like to request accommodations to participate in the Job Corps admissions process.  
*Please list the accommodations requested:*

☐ __________________________

☐ __________________________

☐ __________________________

☐ __________________________

☐ I think that I may need an accommodation, but I am not sure what accommodations I will need.

/  
Applicant/Student Signature  
Date

/  
Parent/Guardian Signature  
Date

SECTION B – ADMISSIONS COUNSELOR

I have met with the applicant to discuss his or her accommodation needs. At this time the applicant

☐ Has been approved to receive the following accommodations to participate in the admissions process.

☐ __________________________

☐ __________________________

☐ __________________________

☐ __________________________
☐ Does not wish to receive any accommodations. The applicant has been informed that he or she may request reasonable accommodation at any time.

☐ And the AC cannot agree on requested and/or offered accommodations, and alternative accommodations have been offered and rejected. All documentation related to the accommodation plan is being sent to the Regional Office for review. This documentation includes information on the accommodation requested, alternate offered, and reason for applicant rejection of alternate accommodation.

/  
Admissions Counselor Signature          Date

SECTION C – APPLICANT
I have met with the AC to discuss my accommodation needs. At this time

☐ We have agreed to accommodation.

☐ I do not wish to receive accommodations. I understand that I may request reasonable accommodation at any time.

☐ We cannot agree to accommodations and I do not accept the alternative accommodations offered. I understand all documentation related to my accommodation plan is being sent to the Regional Office for review.

/  
Applicant/Student Signature          Date

/  
Parent/Guardian Signature            Date

The original of the document should be stored with the rest of the applicant's file.
APPENDIX 107
APPLICANT FILE REVIEW GUIDANCE – CENTER PROCESS

Purpose

To provide additional information and guidance on the center file review process outlined in Chapter 1, Section 1.4.

Background

Congressional and administrative mandates require Job Corps to enroll applicants who meet the admissions requirements imposed by Congress (as interpreted by the U.S. Department of Labor in the Job Corps regulations). This guidance will assist the center’s applicant File Review Team (FRT) in understanding:

- The team’s roles and responsibilities in the applicant file review process;
- The components of the applicant file review process; and
- The documentation requirements associated with the applicant file review process.

Standard Operating Procedure (SOP)

Each center is required to have a written procedure describing the center’s process for reviewing applicant files. This policy should describe in detail how an applicant file is processed from the time it arrives on center until the applicant is accepted into the program and assigned a start date, or recommended for denial and a final disposition made by the Regional Office. See PRH Chapter 1, Section 1.4, R2(c).

All center policies must address the following requirements:

- Location where files are sent and logged in upon arrival to the center and the method of tracking the movement of the file to include an explanation of the center’s disposition of the file.

All applicant files received from Outreach and Admissions (OA) are forwarded to the center records department where the applicant file review process begins. The records department enters the necessary file information into the tracking log (see Chapter 1, Section 1.4, R2 a) and forwards the sealed medical, health, and/or disability-related information unopened to the Health and Wellness Manager (HWM) or his or her designee for a health documentation review and initial direct threat review. During the applicant file review, the center may also revisit an applicant's eligibility status only if there is new information that the Admissions Counselor (AC) could not have reasonably known at the time of the certification of eligibility that now leads the center to believe that the applicant may no longer be eligible for Job Corps.
• Responsibilities and roles of applicant File Review Team members to include the Health and Wellness Manager, the center clinicians, and the center’s Disability Coordinators (DC) which usually will include the center’s Health and Wellness Manager;

• Procedures for reviewing an applicant file to include the acceptable reasons for recommending denial of an application (see “Application Outcomes”);

• Procedures for reviewing and determining reasonable accommodation;

In cases where an applicant requests accommodation or there is presence of information/documentation in the applicant file that indicates that s/he may be a person with a disability, the applicant must be engaged in an interactive process to determine reasonable accommodation needs (see Appendix 605) prior to the applicant’s arrival on center or as a component of completing the health-care needs or direct-threat assessments.

• Procedures for submitting applicant files for regional review when there is a recommendation for denial;

All files that are recommended for denial by the center must be forwarded to the Regional Office for final disposition. Centers must follow the appropriate regional procedure for preparing and submitting files recommended for denial and include the appropriate completed center recommendation of denial form (see Appendices 107 and 108).

If a center’s recommendation of denial based upon new information is overturned (i.e., the applicant remains eligible), the file is returned to the center with instructions for it to resume the file review process. The center has the option to complete a health-care needs or direct-threat assessment, if appropriate or if not, to enroll the applicant.

If a center’s recommendation of denial based upon health-care needs or direct-threat status is overturned by the region, the applicant’s file is returned to the center and the applicant must be scheduled for enrollment. The scheduled arrival date must be based upon the date when the application arrived on center and not by the date it was returned from the region.

• Procedures for processing application withdrawals both before and after submitting a file for regional review;

If the applicant withdraws his or her application or chooses not to enroll, all supporting documentation, including all medical, health, and disability-related documentation, must be returned to the AC if the application has not entered into regional review. If the application is under regional review, all supporting documentation, including all medical, health, and disability-related documentation must be returned to the Regional Office for final processing. Medical, health, and disability-related documentation must be placed in a sealed envelope by a person who is authorized to have access to that information, and
included with the rest of the information about the applicant (see Appendix 607) before being transmitted to either the AC or the Regional Office.

- Time frame the center establishes to complete the file review process to ensure it meets the Policy and Requirements Handbook (PRH) required time frame of 30 calendar days (see “Timelines for Review”);

- Storage and maintenance of the applicant file information (see the “Storage and Transmission of Health and Disability Information” section below).

**Timelines for Review**

The applicant file review process must be completed within 30 days of the receipt of the file on center. Taking excessive amounts of time to review a file for a person with a disability may be construed as discriminatory when compared to the amount of time it takes to review a file of an individual without a disability. If the center reasonably needs additional time to complete the review of the applicant file, then the center may request an extension from the appropriate regional program manager.

**Storage and Transmission of Health and Disability Information**

When filing, storing, and transmitting Individualized Education Programs (IEP), Section 504 plans, IEP/special education diplomas, similar documents, or any documents indicating that a particular applicant has such documents, strictly comply with the following legal requirements related to medical and disability-related information, as explained in Appendix 607.

- Maintain and/or place acquired health and disability documentation in a separate envelope marked “Health/Disability Records.” Health-care needs or direct threat assessments are medical information and must be included within the medical envelope.

- Carefully limit access to these documents. For example, keep hard copies of the documents in locked files; ensure that electronic copies of the documents are password-protected. Be vigilant about who is permitted to know the password, or to have access to the key or combination that opens the lock. Appendix 607 explains what categories of persons are legally authorized to have access to the documents.

- Transmit hard copies of the documents in sealed envelopes in accordance with Appendix 607. Make the best effort to ensure that the copies are delivered only to persons who are authorized to have access to those specific types of documents.

**Application Outcomes**

Once application has been made to the Job Corps program, it must result in one of the final dispositions listed below:

- Enrollment
• Applicant withdrawal

• Recommendation for denial – a center FRT (along with Center Director approval) may recommend denial of enrollment if:
  
  o The applicant has been determined to pose a direct threat.

  o The applicant’s health-care needs exceed those of basic care and cannot be met by the center.

  o The applicant’s health-care needs are manageable at Job Corps as defined by basic health-care services in Exhibit 6-4, but require community supports and services which are not available near center.

  o There is new information that the AC could not have reasonably known that demonstrates that the applicant no longer meets one or more of the eligibility requirements.

All files that are recommended for denial by the center must be forwarded to the Regional Office for final disposition. Centers must follow required procedures for preparing and submitting files recommended for denial (see “Regional Review” section). Center responsibilities in the applicant file review process are outlined in Chapter 1, Section 1.4 and described in detail in this appendix.

Withdrawals of Application

Processing a Withdrawal – Applicant Request

Document the applicant’s request for withdrawal of his or her application and return the file to OA if a recommendation of denial has not yet been made.

Processing a Withdrawal – Center is Unable to Reach Applicant

If the center is completing its review of an applicant file and is unable to reach the applicant to conduct clinically related interviews, or to complete the reasonable accommodation process within the health care needs or direct threat assessment, then the center, in collaboration with the AC, would document the attempts to contact the applicant and if unable to do so, then would process the file as a withdrawal.

The routing of the applicant’s file is dependent upon what part of the process the application is in when the staff is unable to reach the applicant.

  • If the center has not yet made a recommendation regarding enrollment, the file would be returned to OA.

  • If the center has submitted a file to the Regional Office as a recommendation of denial and the file has been returned to a center to complete some missing component of the file
review process, then the file must be returned to the Regional Office. Once a file is in regional review, the final disposition of the file is within the purview of the Regional Director or his or her designee even if that is to simply verify the withdrawal documentation before returning the file to the AC.

The center must document its good faith effort in making these contacts and the applicant should be afforded a reasonable amount of time to respond to such requests.

**Awaiting Documentation**

If the center has requested additional documentation about an applicant and it does not receive that information or the applicant does not have the means to secure it, the center **must** make a decision on the information that is available to it (i.e., documentation already collected along with the clinical interview findings). The applicant’s file may not be returned to OA as unable to process if the center has been able to reach the applicant to conduct the clinically related interviews (see “Timelines” section).

**Direct Threat**

Job Corps requires that applicants not have conditions, disabilities, or behaviors that pose a direct threat to the health or safety of themselves, other students, or staff; and behaviors that cannot be eliminated by reasonable accommodations or modifications. In the case of an applicant, a direct-threat assessment typically will occur after the applicant has received conditional assignment to a Job Corps center and has completed the “Job Corps Health Questionnaire (ETA 653)” and if an initial review of the specific information that has been received about that applicant (including the “Job Corps Health Questionnaire (ETA 653),” the medically related information that has been collected by the AC, and the results of the background check) indicates that he/she may have a medical condition or disability that poses a significant risk of substantial harm to the health or safety of the individual or others.

If the specific information in the folder appears to meet the standards described above, the Health and Wellness Manager will forward the applicant’s information to the appropriately qualified licensed health provider employed by the center for a detailed direct threat assessment.

**Reasonable Accommodation in the Direct-Threat Process**

If the applicant’s condition rises to the level of disability and documentation of the disability has been provided or the disability is obvious (i.e., person who is blind, uses a wheelchair, etc.), then the center’s Reasonable Accommodation Committee (RAC) needs to engage the applicant in the interactive reasonable accommodation process (see Appendix 605).

The applicant must be a participant in this discussion. The goal is to identify the symptoms and behaviors that are resulting in the applicant being reviewed as a direct threat and then determining whether or not reasonable accommodation will support the individual such that the symptoms and behaviors (i.e., the barriers to enrollment) are sufficiently reduced so that the applicant would no longer pose a direct threat. Accommodations are not intended to treat the
impairment.

The “Form for Individualized Assessment of Possible Direct Threat” found in Appendix 609 must be used to complete the direct threat assessment. Appendix 609 also contains detailed information and guidance for conducting a direct threat assessment.

**Health-Care Needs**

If the center staff believes that the health care needs of an applicant is beyond what the Job Corps Health and Wellness Program can provide as defined as basic-health care in Exhibit 6-4, then the center would complete the “Form for Individualized Health-Care Needs Assessment” in Appendix 610. A component of the process will be to determine whether or not reasonable accommodation would sufficiently reduce or eliminate the barriers to providing the necessary health care needs. If so, the center would enroll the applicant. If not, the center will forward the “Form for Individualized Health-Care Needs Assessment” in Appendix 610 and any supporting documentation along with the applicant file to the Regional Office as a recommendation of denial.

**Reasonable Accommodation in the Health-Care Needs Assessment Process**

If the applicant’s condition rises to the level of disability and documentation of the disability has been provided, then the center RAC needs to engage the applicant in the interactive reasonable accommodation process (see Appendix 605). The applicant must be a participant in this discussion. The goal is to identify the symptoms and behaviors that are resulting in the center’s determination that the applicant’s basic health-care needs exceed those provided by Job Corps and then determining whether or not reasonable accommodation will support the individual such that the symptoms and behaviors (i.e., the barriers to enrollment) are sufficiently reduced so that the center would be able to meet the applicant’s basic health-care needs. Accommodations are not intended to treat the impairment.

**Documenting Local Resources when Recommending Enrollment at another Center**

When the center clinical staff believe that an applicant’s health-care needs are manageable within the Job Corps program but only if the applicant is located within his or her home state and closer to existing resources, the center must document efforts to arrange for less frequent treatment in home state and/or to secure community support near center and include this information in the health-care needs assessment. Then if the center determines that the applicant’s health-care needs cannot be met locally, the applicant should be considered for possible enrollment at a center closer to home where health support and insurance coverage is available.

In determining the need to consider enrollment at another center, document the following efforts:

- Contact the treating provider and discuss applicant’s needs and see if treating provider (not the Health and Wellness staff) recommends less frequent treatment or monitoring.
• If treating provider does not recommend changes to frequency of treatment or monitoring, consider local community services with sliding fee scales for applicants without insurance or insurance in another state.

• If community services are not available, document name of local resource contacted and information provided by the resource.

The file should then be forwarded to Regional Office for final determination.

*Review of Applicant’s Health-Care Needs by the Alternate Center*

When a Regional Office has upheld a center’s recommendation of denial that it cannot meet the basic health-care needs of an applicant but has indicated that the health-care needs could likely be met if the applicant were to be considered for a center closer to those needed resources and supports, the file is returned to the AC who will work with the applicant to identify an alternate center.

Once an alternate center is identified, the AC submits the file to that center. The medical envelope should already contain the health-care needs assessment that was completed from the previous center. The center completes a clinical assessment to determine if the center can meet the applicant’s health-care needs and the applicant’s current stability. If the center finds that it can meet the health-care needs of the applicant at their location, the center schedules the applicant for enrollment. If the center believes that the applicant’s health-care needs exceed those of basic care even with the access to local supports and services, then the center must complete its own health-care needs assessment and resubmits the file to the Regional Office for review.

The “Form for Individualized Health-Care Needs Assessment” found in Appendix 610 must be used to complete the health-care needs assessment. Appendix 610 also contains detailed information and guidance for conducting a health-care needs assessment.

*New Information*

Neither the center File Review Team nor its individual members may revisit the determination that an applicant is qualified for admission unless:

1. There is new information presented that the AC could not have reasonably known at the time the applicant’s qualification for admission was established;

2. This new information indicates that the applicant offered enrollment may no longer meet an eligibility requirement;

For example, an applicant may have committed a felony crime after the file was sent to the center and the center learned of this when the applicant told the Health and Wellness Manager that he could not make a visit to the center on a particular day because he had to be in court. This information prompted the Health and Wellness Manager to question the applicant further and he disclosed he was being charged with a felony crime.
If the applicant doesn’t meet the initial admission criteria for court involvement after the adjudication of his charges, then the center completes the “Center Recommendation of Denial Form for New Information” (see Attachment A) and submits the file along with the recommendation form to the Regional Office as a recommendation for denial based upon review of new information.

New Information–Age (Eligibility Requirement Criterion 2) and Income Eligibility (Eligibility Requirement Criterion 3)/Disability Status

In general, ACs may not ask whether an applicant is an individual with a disability or about the nature and severity of a disability prior to conditional enrollment in Job Corps. At two points in the process of determining eligibility, however, ACs may invite an applicant to disclose whether he or she has a disability:

1. If the applicant is, or will be, over 24 years old on the date of enrollment, the maximum age limit may be waived if he or she is a person with a disability (Eligibility Requirement Criterion 2);

2. If the applicant would not meet the low-income requirement unless the applicant is considered a “family of one” because of disability (Eligibility Requirement Criterion 3).

The AC will not determine whether or not an applicant is a person with a disability. Appropriate center staff will do this since the AC does not review health and medical information. The AC will gather the documentation and place it in a sealed envelope with the applicant file that is then forwarded to the center for review.

- The center reviews the documentation of disability. If the documentation supports that the applicant is a person with a disability, the applicant file review process continues.

- If the center determines that the applicant is not a person with a disability, then the center completes the “Center Recommendation of Denial Form for Health-Care Needs, Direct Threat or Disability Status” (see Attachment B) and submits the form along with the file and submits to the Regional Office for review.

The centers are encouraged to collaborate with the AC in situations where center staff is having difficulty contacting the applicant.

Center Applicant File Review Process

Applicant file review is the process by which the center reviews health, medical and disability-related information, and other information about the applicant that was not reasonably available to the AC, to ensure that the applicant meets the eligibility requirements under applicable statutes, regulations, Executive Orders, and policies.

File review can be a complex process at times and in those and all situations, it is essential that
an appropriate, uniform process is used and documented. An effective file review process requires cooperation between ACs, records staff, wellness staff, and possibly other staff.

**Step 1**
Applicant file(s) arrive on center.

All applicant files come from OA, and should be immediately forwarded to the center’s records department. Upon receipt of the file, the records staff must record the arrival of the record in a tracking log, and maintain the movement of the record until a final disposition of the application has been reached.

The records log should indicate:
- The date the file arrived on center
- To whom each file was sent
- How long a file has been with a particular department or staff member
- How long the file has been on center
- Notes/explanation of any delays in the process
- The start date or an explanation of the disposition of the file
- The applicant told HWM during clinical interview that he was no longer interested in coming to Job Corps so file was returned to OA

For those files sent to the Regional Office for review, the records log should contain:
- The date the file was sent
- To whom each file was sent
- The final disposition of the application

**Step 2**
The records department forwards the sealed medical, health, or disability-related information unopened to the Health and Wellness Manager.

**Step 3**
The HWM completes a review of the “Job Corps Health Questionnaire (ETA 653)”.

The information on the “Job Corps Health Questionnaire (ETA 653)” and the medically related documentation is reviewed to determine:
- The health care needs of the applicant
- Whether Job Corps can meet the health-care needs of the applicant
- If the applicant presents a direct threat to self or others

**Step 4**
Obtain consent for required routine medical assessments and/or consent to receive basic health care services. The HWM opens the sealed information and conducts a health-documentation review and initial direct threat review of the applicant’s file.

The Health and Wellness Manager determines who else may need to review the protected information based upon his or her determination of “need to know.” This is essentially the
center’s File Review Team and may include the following staff persons:

- HWMHealth and Wellness Manager reviews medical information and directs the file review process
- Center Mental Health Consultant (CMHC) reviews mental health-related information
- Center physician reviews medical information
- Center dentist reviews oral health information
- TEAP specialist reviews substance-related information
- Academic Manager reviews IEPs, 504 plans, educational reports including special-education assessments

**Step 5**
The appropriate members of the File Review Team determine if a health care needs or a direct threat assessment is necessary or if there is a need to revisit the eligibility factors. **If there are no health-care needs or direct-threat assessment necessary, skip to Step 11.**

**Step 6**
Convene the Reasonable Accommodation Committee if completing a direct threat assessment or a health care needs assessment and the applicant’s impairment rises to the level of disability in order to identify accommodations that may reduce the barriers to enrollment to a level that allows for the applicant to be enrolled in the program.

In these scenarios, the Reasonable Accommodation Committee would only be comprised of those staff members with a need to know and would likely consist of the center clinician, the Health and Wellness Manager/Disability Coordinator, and must include the applicant. Accommodation considerations might include those requested or suggested by the applicant and/or those suggested by staff members of the committee. Accommodations suggested by the staff members should generally be reasonable in scope and cost and seek to support manifestations, behaviors, or other barriers presented because of the disability.

For example, if a staff member on the committee believes that the applicant needs 24 hour a day 1:1 supervision and monitoring, that type of extreme suggestion is not likely going to be deemed reasonable and the applicant is also not likely to accept it. This concern should be noted in the narrative of the assessment form being completed but not listed as an accommodation. However, if an applicant were to request that the center consider providing him or her with 1:1 supervision, then a reasonableness review would need to be completed. See Step 9. Generally, the goal for staff committee participants is to assist the applicant in possibly identifying reasonable supports that would assist in reducing the barriers to enrollment that might allow the applicant to be able to enroll in the program.

**Step 7**
The Reasonable Accommodation Committee provides the File Review Team with its list of accommodation recommendations.

**Step 8**
Then the qualified licensed professional who conducted the original assessment must determine:
- In the case of direct threat, whether or not accommodations and/or modifications would remove the barriers to enrollment by sufficiently reducing the threat to below a level of direct threat or eliminating the direct threat.

- In the case of health-care needs exceed those of basic care, whether or not accommodations and/or modifications would remove the barriers to enrollment and make condition manageable at Job Corps as defined by basic health services in PRH Exhibit 6-4 or would allow the center to meet the applicant’s health-care needs instead of recommending the applicant be referred to an alternate center where needed supports and services likely would be available.

See “Review of Applicant’s Health-Care Needs by the Alternate Center” above and “Review Process for Recommendations to Attend an Alternate Center” in Appendix 108.

If the Reasonable Accommodation Committee (inclusive of the licensed professional) cannot identify any appropriate accommodations to eliminate or reduce the level of threat or remove barriers due to health-care needs, then the clinician completing the direct-threat or health-care needs assessment would check “no” – that there were no appropriate accommodations that could be identified given the significance of the applicant’s current behavior and symptoms. Every effort should be made to identify appropriate accommodations, however, and Reasonable Accommodation Committees are encouraged to use identified resources (e.g., Job Accommodation Network) to assist them, as appropriate.

**Step 9**

If the individual is a person with a disability and accommodations or modifications that could either eliminate the risk or reduce it to an acceptable level have been listed by the center’s Reasonable Accommodation Committee, the Center Director is responsible for making a determination as to whether such accommodations or modifications would be “reasonable.” Unreasonableness may only be due to the accommodation(s) being unduly costly or the accommodation resulting in a fundamental alteration to the program. Guidance on how to make this determination is available in the “Evaluating a Request and Denying a Request” section of Appendix 605.

If the Center Director does believe that an accommodation(s) is unreasonable, then the “Accommodation Recommendation for Denial Form” (available on the Job Corps Disability website) must be completed. The team may assist the Center Director as needed in gathering the necessary data to make this determination.

**Step 10**

The center File Review Team must determine its recommendation of the application. The File Review Team, whether it meets collectively or individually, must make a recommendation as to the disposition of the file (i.e., accept, deny, etc.).

Any applicant file recommended for denial at the center level is packaged up along with supporting information and forwarded to the Regional Office for a final disposition.
The appropriate center recommendation of denial form should be placed in a separate envelope entitled “Regional Office.” All other documents, including the health-care needs and/or the direct-threat assessment, containing protected information must be placed within the sealed health/disability envelope.

**Step 11**

*Reasonable Accommodation Process when Enrolling*

If an applicant has been accepted or approved for enrollment and has either requested reasonable accommodation or there is information/documentation in the applicant file that indicates the applicant is a person with a disability, the center must engage the applicant in an interactive process to determine reasonable accommodation needs prior to assigning the applicant a start date. An applicant may not wish to receive accommodations and reject any suggestions offered. If they do, document any accommodations discussed and the applicant’s refusal of accommodation.

See Appendix 605 for detailed information about reasonable accommodation process requirements.

**Consistency in Documentation**

If a center physician, Center Mental Health Consultant, or other Health and Wellness staff disagrees with an opinion provided by an outside clinician or related professional regarding Job Corps’ ability to provide basic health-care needs of the applicant, the current condition of the applicant, or the applicant’s ability to manage relatively independently, the center physician and/or the Center Mental Health Consultant (as appropriate) should contact the outside professional to attempt to resolve the difference in opinion as well or be able to sufficiently document the reasons for it. If the outside professional can’t be contacted within a reasonable time frame, please indicate efforts within the health-care needs or direct threat assessments.

**Who Secures Documentation?**

*Outreach and Admissions*

The AC should obtain the needed information if the:

- Applicant has checked an affirmative answer on the “Job Corps Health Questionnaire (ETA 653)” for some type of medical, mental health or learning impairment
- Applicant has requested accommodations to participate in the program
- Applicant has indicated that he or she may need accommodations to participate in the program

*Center*

The center should obtain the needed information if the center staff discover additional medical
information that is needed to complete the direct threat or health-care needs assessment or to be able to assist the individual on center should he or she be enrolled.

It is strongly encouraged that the AC and center staff work together to gather information needed to make recommendations on applicants.

**Who Pays?**

If a center wants additional tests or evaluations from the applicant and this information is necessary to make an enrollment decision, the center may request the applicant obtain these if they have insurance and/or access to a facility that can provide the testing or evaluations at a rate the applicant can afford. The center will need to work with the applicant and AC to identify specific resources. If applicant cannot afford to obtain additional tests or evaluations, or has not provided the additional health information requested within a reasonable amount of time, the center must make its best recommendation based on the information available.

**Regional Review**

*Preparing Documentation for Regional Review*

If an applicant is being recommended for denial of enrollment, the applicant’s file and supporting documentation must be packaged and sent to the Regional Office for review.

Applicant files submitted to the Regional Office as a recommendation of denial for direct threat and health-care needs should include the following information:

- Completed “Center Recommendation of Denial form for Direct Threat, Health-Care Needs, and Disability Status” (Attachment B)

- Completed “Form for Individualized Assessment of Possible Direct Threat” from Appendix 609 if for direct threat or “Form for Individualized Health-Care Needs Assessment” from Appendix 610 if for health-care needs. Note: Submit only one assessment per applicant. Do not submit both a health-care needs and a direct-threat assessment.

- Supporting documentation

Applicant files submitted to the Regional Office as a recommendation of denial for new information should include the following information:

- Completed “Center Recommendation of Denial Form for New Information” (Attachment A)

- Supporting documentation

*New Information–Age (Eligibility Requirement Criterion 2) and Income Eligibility (Eligibility*
Requirement Criterion 3/Disability Status

If an applicant who meets the age or income eligibility requirements (Eligibility Requirement Criteria 2 and 3) for enrollment because he or she is a person with a disability, the center’s clinical staff reviews the applicant’s supporting documentation to verify that the individual is actually a person with a disability. If it is determined that the applicant is not an individual with a disability, the file and supporting documentation is forwarded to the Regional Office for review. The Regional Office forwards these files to the Regional Administrative File Review Coordinator for completion of the disability status review.

Applicant files submitted to the Regional Office for a disability review related to age or income should include the following information:

- Completed “Center Recommendation of Denial Form for Direct Threat, Health-Care Needs, and Disability Status”
- Supporting documentation

Administrative File Review

Files submitted to the regional review undergo an administrative file review which is completed by a Regional Administrative File Review Coordinator under the following circumstances:

- Center has recommended denial because the applicant is believed to pose a direct threat
- Center has recommended denial because the health-care needs of the applicant exceed those provided by the Job Corps program
- Center has recommended denial because the applicant’s health-care needs can be met but require community supports not available to the center
- Center has recommended denial because the appropriate center staff did not find the applicant to be a person with a disability (for applicants whose age exceeds those required for Job Corps enrollment and/or the applicant met the income eligibility requirement as a family of one)

The administrative review of these files is completed to ensure that all required procedures have been completed and all required documentation is included with the request. If the file review process is incomplete or the documentation is insufficient, the file is returned to the center with instructions as to what part(s) of the process must be completed and/or what documentation is needed. The corrected documentation and file should be returned to the Regional Administrative File Review Coordinator within 10 business days of receipt of the file.

The Regional Office will conduct the administrative review of applicant files recommended for denial based on new eligibility requirement information not related to disability status.
Note: Receiving a file back from the Regional Administrative File Review Coordinator for completion or correction of some component of the file review process does not mean that the center’s recommendation has been overturned. It is simply ensuring the file review process has been completed before the file is submitted to one of the Regional Health Specialists (RHS) for review. The final determination regarding the center’s recommendation is then made by the Regional Director. See “Clinical Review” and “Regional Director Decision” sections.

Clinical Review

Once the administrative review is complete, the Regional Administrative File Review Coordinator forwards the file to the appropriate Regional Health Specialist for a clinical review. The Regional Health Specialist documents his or her support or disagreement with the center’s recommendation, and the file is submitted to the Regional Director for a final determination.

Regional Director’s Decision

The Regional Director may either uphold the File Review Team’s recommendation of denial, or may overturn it. If the Regional Office supports the center’s recommendation for denial, a clear, documented, written decision regarding the recommendation of denial must be completed and issued by the Regional Office within 60 days of the date on which the file was received. If a denial recommendation is rejected by the Regional Office and the applicant’s file returned to the center for enrollment, that applicant must be scheduled for arrival based on the date on which the application first arrived on center, not the date on which it was returned from the region.
ATTACHMENT A

Applicant File Review

Center Recommendation of Denial Form for New Information
(For Center Use)

(To be completed by the center’s File Review Coordinator, i.e., Health & Wellness Manager or designee.)

Applicant Name: ___________________________ ID#: ___________________________
Center: ___________________________ Regional Office: ___________________________
Date File Received from OA: ______________ Date Sent to Regional Office (required): ______________

File Review Team Participants:
Name: ___________________________ Position: ___________________________
Name: ___________________________ Position: ___________________________
Name: ___________________________ Position: ___________________________

Reason for Recommendation of Denial:
The applicant is ineligible for Job Corps due to the review of new information that the AC could not have reasonably known at the time the applicant was deemed eligible. Please refer to Exhibit 1-1 of Chapter 1 of the PRH and identify the specific eligibility requirement(s) that you believe the applicant no longer meets.

Note: If you believe the applicant is no longer eligible because of disability status related to eligibility requirement criterion “2” (age) or eligibility requirement criterion “3” (low income), then please complete the Center Recommendation of Denial Form – Health-Care Needs, Direct Threat or Disability Status instead of this form.

| □ | B. Selective Service Registration | □ | I. Program Suitability |
| □ | C. Legal U.S. Resident | □ | J. Group Participation and Understanding of Rules |
| □ | E. Education/Training/Family Needs | □ | K. Interference with Other Students’ Participation |
| □ | F. Authorization for Use and Disclosure of Health Information | □ | L. Community Relations |
| □ | G. Parental Consent | □ | M. Court Involvement and/or Agency Supervision |
| □ | H. Child Care | □ | N. Maintenance of Sound Discipline |

IMPORTANT: Neither the center file review team nor its individual members may revisit the determination that an applicant is qualified for admission unless:
- There is new information presented that the AC could not have reasonably known at the time the applicant’s qualification for admission was established, and
- This new information indicates that the applicant offered enrollment may no longer meet one or more of the Eligibility Requirements.

Section 1: Please list the specific question or criterion from Exhibit 1-1 for the eligibility requirements checked above that the applicant no longer meets.
<table>
<thead>
<tr>
<th>Section 2: What is the applicant’s response to the specific question(s) asked from Section 1 above and/or how does the applicant no longer meet the specific criterion for the checked eligibility requirement(s)?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 3: Identify the specific new information that the AC could not have reasonably known that provided the basis for revisiting eligibility (i.e., document name and where the document was located, applicant stated the following during a specific interview, etc.).</td>
</tr>
<tr>
<td>Section 4: Summarize your findings.</td>
</tr>
</tbody>
</table>

Signature (of Person Completing the Form): ___________________________  Date: ___________________________

Title: ___________________________

*Center Recommendation of Denial Form – New Information*
ATTACHMENT B

Applicant File Review
Center Recommendation of Denial Form for Health Care Needs, Direct Threat or Disability Status
(For Center Use)

(To be completed by the center’s File Review Coordinator, i.e., Health and Wellness Manager or designee)

Applicant Name: ___________________________ ID#: ___________________________
Center: ___________________________ Regional Office: ___________________________
Date File Received ___________________________ Date Sent to ___________________________
from OA (required): ___________________________ Regional Office (required): ___________________________

Section A:

Reason for Recommendation of Denial:

☐ 1. Applicant poses a direct threat to self or others that cannot be alleviated with reasonable accommodation. If so, the completed direct threat assessment form found in Appendix 609 of the PRH is attached to this document. **Skip to Section C.**

☐ 2. The health-care needs of an applicant is beyond what the Job Corps’ Health and Wellness Program can provide as defined as basic health care in PRH Exhibit 6-4: Job Corps Basic Health Care Responsibilities and cannot be eliminated or reduced by reasonable accommodation or modification. If so, the completed health-care needs assessment form found in Appendix 610 of the PRH is attached to this document. **Skip to Section C.**

☐ 3. The health-care needs are manageable at Job Corps as defined by basic health care services in PRH Exhibit 6-4, but require community support services which are not available near center. If so, the completed health-care needs assessment form found in Appendix 610 of the PRH is attached to this document for consideration of a different center. **Skip to Section C.**

☐ 4. The applicant is ineligible for Job Corps due to age or income related to disability status (i.e., the applicant is over 24 years of age and the center does not believe s/he is a person with a disability or the applicant would no longer be considered a family of one for low-income consideration because of being a person with a disability). **Complete Sections B & C.**

Section B:

Eligibility Re-evaluation due to eligibility requirement criterion “2” (Age) or eligibility requirement criterion “3” (Income) from Exhibit 1-1 related to Disability Status (i.e., the applicant is older than age of 24 and/or considered a family of one for low-income consideration because of being a person with a disability).

☐ A. Age ☐ D. Low Income

Summarize why the center does not believe this applicant to be a person with a disability.

Section C:

☐ The file review team rationale for recommendation of denial may be found in the attached completed direct threat assessment (direct threat assessment form from PRH Appendix 609).

☐ The file review team rationale for recommendation of denial may be found in the attached completed basic health-care needs assessment (health care needs assessment form from Appendix 610).

☐ The file review team rationale for recommending consideration for enrollment to a different center closer to where available supports and services are located may be found in the attached completed basic health-care needs assessment (health-care needs assessment form from Appendix 610).

Signature (of Person Completing the Form): ___________________________ Date: ___________________________

Title: ___________________________
APPENDIX 108
APPLICANT FILE REVIEW GUIDANCE – REGIONAL REVIEW PROCESS

Purpose

To provide additional information and guidance on the regional review process of applications recommended for denial by a center as outlined in PRH Chapter 1, Section 1.5.

Policy

Centers can only recommend denial of enrollment because:

- Of direct threat
- The center cannot meet the applicant’s health-care needs
- The health-care needs of the applicant are manageable at Job Corps as defined by basic health-care services in Exhibit 6-4, but require community support services which are not available near center
- New information demonstrating that the applicant does not meet one of the eligibility requirements outlined in Exhibit 1-1

Regional Review Documentation Requirements for Direct Threat or Health-Care Needs

- Applicant files submitted by a center to the Regional Office as a recommendation of denial for direct threat and health-care needs should include the following information:
  - Completed “Center Recommendation of Denial Form for Direct Threat, Health-Care Needs, and Disability Status” (found in Appendix 107)
  - Completed “Form for Individualized Assessment of Possible Direct Threat” (found in Appendix 609) or a completed “Form for Individualized Health-Care needs Assessment” (found in Appendix 610)
  - Supporting documentation

The Regional Office File Review Coordinator sends these files to the Regional Administrative File Review Coordinator who completes an administrative review of the file to ensure that the file review process has been completed.

Regional Review Documentation Requirements for New Information

Applicant files submitted to the Regional Office for a disability review related to age or income should include the following information:
• Completed “Center Recommendation of Denial Form for Direct Threat, Health-Care Needs, and Disability Status” (found in Appendix 107)

• Supporting documentation

The Regional Office will forward the file and supporting documentation to the Regional Administrative File Review Coordinator for completion of the disability status review.

Regional Review Documentation Requirements for New Information

Applicant files submitted to the Regional Office as a recommendation of denial for new information should include the following information:

• Completed “Center Recommendation of Denial Form for New Information” (found in Appendix 107)

• Supporting documentation

The Regional Office appoints an internal staff or staff person(s) to review files submitted with recommendations of denial based upon new information.

Withdrawal of Application while a File is in Regional Review

If the application has entered the regional review process, the center must return the file to the Regional Office and not to Outreach and Admissions. The Regional Office verifies the documentation that the center was either unable to reach the applicant to complete a required interview or that the applicant requested withdrawal of his or her application. If the Regional Office’s tracking log shows that the file had been returned to the center for additional work by either the Regional Administrative File Review Coordinator or by a Regional Health Specialist (RHS), then the Regional Office notifies that individual that the file is being processed as a withdrawal so that all tracking logs may be updated and tracking of the file closed.

Center Transmission of Applicant File and Supporting Documentation

The center should place the “Center Recommendation of Denial Form for Direct Threat, Health-care needs and Disability Status” in a separate sealed envelope marked “Regional Office.” The center should also maintain and/or place acquired health and/or disability documentation including the health-care needs or direct threat assessments in a separate envelope marked “Health/Disability Records.”

This ensures that all protected information is secured prior to transmission, but allows the Regional Office to access the form needed for processing the recommendation.

Regional Review Process for Center Recommendations of Denial
All applicant files received in the Regional Office are received and logged in and the “Regional Office File Review Process Form” is initiated (see Attachment A) by the Regional Office File Review Coordinator, and attached to the file for tracking and monitoring purposes.

**Review of Center Recommendations of Denial Based Upon New Information**

**Step 1:**

The Regional Office receives the applicant file that has been recommended for denial and logs it into the Regional Office tracking log.

**Step 2:**

The Regional Office File Review Coordinator reviews the center recommendation of denial form to determine the type of denial. If the center has completed the “Center Recommendation of Denial Form Based Upon New Information,” the Regional Office File Review Coordinator forwards the file to the Regional Office staff person or persons designated by the Regional Director to complete the review of the file.

**Step 3:**

If the center has not provided all the required information or documentation, the Regional Office staff person contacts the center and obtains the missing information.

**Step 4:**

The Regional Office makes a determination on the recommendation. Each Regional Director determines if he or she needs to review and/or make the final application determinations or whether it is handled solely by the designated regional reviewer.

If the determination is to overturn the recommendation of denial, the applicant’s file is returned to the center with guidance to resume the applicant file review process. The center may complete a health-care needs or a direct threat assessment, if appropriate, and resubmit the file to the Regional Office for review. See “Review of Center Recommendation of Denial Based Upon Health-Care Needs, Direct Threat Assessment, or Disability Status.” If the center no longer has a basis for recommending denial, the center must schedule the applicant for enrollment.

If the determination is to uphold the center’s recommendation, a clear, documented, written decision regarding the recommendation of denial is completed and issued to the applicant with notification of the application outcome to both the Admissions Counselor (AC) and the center. The AC provides the appropriate referral information to the applicant.

All applications must be reviewed in a timely manner.
Review of Center Recommendation of Denial Based Upon Health-Care Needs, Direct Threat Assessment, or Disability Status

Step 1:

The Regional Office receives the applicant file that has been recommended for denial and logs it into the Regional Office tracking log.

Step 2:

The Regional Office File Review Coordinator reviews the center recommendation of denial form to determine the type of denial. If the center has completed the “Center Recommendation of Denial Form Based upon Health Care Needs, Direct Threat Assessment, or Disability Status,” the Regional Office File Review Coordinator forwards the file to the Regional Administrative File Review Coordinator to complete an administrative (i.e., process) review of the file.

Step 3:

If the center has not provided all the required information or documentation or has not completed some component of the required file review process, the Regional Administrative File Review Coordinator returns the file to the center with guidance and instruction as to what part(s) of the process must be completed and/or what documentation is needed.

The corrected documentation and file should be returned to the Regional Administrative File Review Coordinator within 10 business days of receipt of the file.

Step 4:

Once the administrative review is completed, the Regional Administrative File Review Coordinator forwards the file to the appropriate RHS(s) for a clinical review (i.e., mental health, medical, dental, TEAP).

Step 5:

The RHS documents his or her support or disagreement with the center’s recommendation and the file is submitted to the Regional Director for a final determination. If the recommendation is for the applicant to be considered for an alternate center due to health care needs that may require resources closer to the applicant’s current home address, then the RHS also completes a “Referral for Alternate Center Form” (see Attachment B and Review Process for Recommendations to Attend an Alternate Center below).

Step 6:

The Regional Director, or designee, reviews the recommendations. If the Regional Director supports the center’s recommendation for denial, a clear, documented, written decision


regarding the recommendation of denial is completed and issued to the applicant with notification of the application outcome to both the AC and the Center. The AC provides the appropriate referral information to the applicant.

If the Regional Director rejects a denial recommendation, the applicant’s file is returned to the center for the applicant’s enrollment. The applicant must be scheduled for arrival based on the date on which the application first arrived on center, not the date that it was returned from the region.

Review Process for Recommendations to Attend an Alternate Center

Step 1:

If the center has recommended that an applicant’s health-care needs exceed basic health care but could possibly be met at an alternate site, then the RHS reviews the health-care needs assessment and supporting documentation. The RHS documents his or her recommendations.

Step 2:

If the RHS concurs with the center’s recommendation, the “Referral to an Alternate Center Form” (see Attachment B) is completed and included with the RHS’s recommendations for the Regional Director or his or her designee’s review.

Step 3:

If the Regional Director or designee concurs, the Regional Office forwards this the applicant’s file back to the AC for assignment to an alternate center. The Regional File Review Coordinator ensures that the following documents are included with the applicant’s file:

- The Health-Care Needs Assessment completed by the previous center which should be stored in the “Medical” information envelope. This assessment is included for the alternate center’s clinical staff to review.

- The “Referral to an Alternate Center Form” which is completed by the RHS and guides the AC in selecting an appropriate alternate center to consider.

Additionally, the original center is notified that the Regional Office has upheld their recommendation.

If the Regional Director or designee overturns the center’s recommendation, the AC and the center are notified, and the center directed to enroll the applicant and the review process ends.

Step 4:
The AC reviews the “Referral to an Alternate Center Form” and contacts the applicant to discuss and determine which alternate center the applicant is going to be conditionally enrolled.

**Step 5:**

The AC forwards the applicant file along with the information identified in Step 3 of this section to the alternate center.

**Step 6:**

The alternate center completes a clinical assessment to determine if the center can meet the applicant’s health-care needs and to assess the applicant’s current stability. If the center finds that it can meet the health-care needs of the applicant at their location, the center schedules the applicant for enrollment and notifies the Regional Office of the applicant’s acceptance.

If the alternate center, however, believes that the applicant’s health-care needs exceed those of basic care even with the access to local supports and services, then the center must complete its own Health-Care Needs Assessment using the current form in Appendix 610 and resubmit the file to the Regional Office for review.

**Step 7:**

The Regional Office logs receipt of the file and forwards it to the RHS who conducted the original review of the previous center’s recommendation to consider an alternate center.

**Step 8:**

If the RHS recommends overturning the alternate center’s recommendation of denial and the Regional Director, or his or her designee, concurs, then the AC and the center are notified and the center directed to enroll the applicant.

If the Regional Director, or designee concurs, a clear, documented, written decision regarding the recommendation of denial is completed and issued to the applicant with notification of the application outcome to both the AC and the center. The AC provides the appropriate referral information to the applicant.
# Regional Applicant File Review Process Form

*(For Regional Office use only)*

<table>
<thead>
<tr>
<th>Applicant Name:</th>
<th>ID#:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Center:</td>
<td>Date:</td>
</tr>
</tbody>
</table>

**Readmit:** ☐

**Reason(s) for Review:**

- ☐ Health Care Needs *(Send file to Regional Administrative File Review Coordinator)*
- ☐ Direct Threat *(Send file to Regional Administrative File Review Coordinator)*
- ☐ New Information *(Regional Office Staff processes the file – Complete Section A below; Send to Regional Administrative File Review Coordinator only if the recommendation under new information is for disability status related to age or income – eligibility requirement criteria 2 and/or 3)*

## Section A: New Information – Applicant Eligibility Review – Regional Office Staff

<table>
<thead>
<tr>
<th>Reviewer:</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Yes ☐ No</td>
<td>Did the center staff list the specific eligibility requirement that resulted in the applicant being ineligible?</td>
<td></td>
</tr>
<tr>
<td>☐ Yes ☐ No</td>
<td>Did the center staff list the specific eligibility requirement question or reference the specific criteria from Exhibit 1-1 that was the basis for the recommendation of denial?</td>
<td></td>
</tr>
<tr>
<td>☐ Yes ☐ No</td>
<td>Did the center staff list the specific responses to the questions and/or document the current status of the criterion re-asked/re-assessed from Exhibit 1-1?</td>
<td></td>
</tr>
<tr>
<td>☐ Yes ☐ No</td>
<td>Did the center identify by title and source the new information that the AC could not have reasonably known and that was the basis for revisiting eligibility?</td>
<td></td>
</tr>
<tr>
<td>☐ Yes ☐ No</td>
<td>Does the file need to be returned to the center to complete any missing documentation related to the above new information review?</td>
<td></td>
</tr>
</tbody>
</table>

**If returned to center – Date Sent:**  Date Returned:

*If the new information review is complete, proceed to Section D and complete, as appropriate.*

## Section B: Administrative Review – Regional Disability Staff

<table>
<thead>
<tr>
<th>Reviewer:</th>
<th>Date Received:</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Medical ☐ Mental Health ☐ TEAP ☐ Dental</td>
<td></td>
</tr>
</tbody>
</table>

| ☐ Yes ☐ No | Returned to Center | Date Sent: | Date Returned: |
| ☐ Yes ☐ No | Returned to Regional | Date Sent: |  |
| RHS: | Date Sent: |  |

**Comments:**

- ☐ *This file contains an Accommodation Recommendation of Denial request that requires regional review. Please see recommendations/comments included on the Administrative File Review Form stored in the sealed envelope marked “Regional Office.”*
**Section C: Clinical Review – Regional Health Specialist**

<table>
<thead>
<tr>
<th>Reviewer:</th>
<th>Date Received:</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Yes  ☐ No Returned to Center</td>
<td>Date Sent: Date Returned:</td>
</tr>
<tr>
<td>☐ Yes  ☐ No Forwarded to RHS:</td>
<td>Date Sent:</td>
</tr>
<tr>
<td>☐ Yes  ☐ No Forwarded to Regional</td>
<td>Date Sent:</td>
</tr>
<tr>
<td>☐ Yes  ☐ No Support Recommendation (See comments on Regional Health Specialist Form stored in the sealed envelope marked “Regional Office.”)</td>
<td></td>
</tr>
</tbody>
</table>

**Clinical Review – Regional Health Specialist**

<table>
<thead>
<tr>
<th>Reviewer:</th>
<th>Date Received:</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Yes  ☐ No Returned to Center</td>
<td>Date Sent: Date Returned:</td>
</tr>
<tr>
<td>☐ Yes  ☐ No Forwarded to RHS:</td>
<td>Date Sent:</td>
</tr>
<tr>
<td>☐ Yes  ☐ No Forwarded to Regional</td>
<td>Date Sent:</td>
</tr>
<tr>
<td>☐ Yes  ☐ No Support Recommendation (See comments on Regional Health Specialist Form stored in the sealed envelope marked “Regional Office.”)</td>
<td></td>
</tr>
</tbody>
</table>

**Section D: Regional Office Final Disposition – Regional Office**

<table>
<thead>
<tr>
<th>Regional Director or Authorized Representative:</th>
<th>Date:</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Eligible for Enrollment*</td>
<td></td>
</tr>
<tr>
<td>☐ Ineligible</td>
<td></td>
</tr>
<tr>
<td>☐ Approved for Enrollment</td>
<td></td>
</tr>
<tr>
<td>☐ Disapproved</td>
<td></td>
</tr>
<tr>
<td>☐ Administrative – RO Withdrawal of Application**</td>
<td>Date:</td>
</tr>
<tr>
<td>☐ Applicant Requested Withdrawal of Application</td>
<td>Date:</td>
</tr>
<tr>
<td>File Returned to Center</td>
<td>Date:</td>
</tr>
<tr>
<td>File Returned to OA</td>
<td>Date:</td>
</tr>
<tr>
<td>Comments or Findings:</td>
<td></td>
</tr>
</tbody>
</table>

* If the applicant is eligible, please return the file to the center that submitted it with instructions to contact the applicant and resume the admissions process. The center may complete a health care needs or direct threat assessment, as appropriate, and resubmit to the Regional Office.

** Applicant file has entered into the regional review process and the file was returned to the center for completion of the file review process. During this time, the center (along with the AC) was unable to contact the applicant after multiple attempts.
ATTACHMENT B

Referral for Alternate Center Form
Recommendations to be shared with Admissions Counselor (AC)

Regional Office: As per PRH 1: 1.4, R3(b)(2a), if the center’s recommendation is supported by the Regional Health Specialist (RHS) and approved by the Regional Director or his or her designee, then the Regional Office returns the file, including the completed Health-Care Needs Assessment from the initial center, to the AC to contact the applicant and assist in identifying the new center.

<table>
<thead>
<tr>
<th>Applicant Name:</th>
<th>ID#:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Original Center:</td>
<td>RHS:</td>
</tr>
</tbody>
</table>

Reason for Recommendation of Alternate Center
The Regional Health Specialist (RHS) concurs with the recommendation from the center that health care needs are manageable at Job Corps as defined by basic health care services in PRH Exhibit 6-4, but require community support services which are not available near center. Applicant should be considered for center with specific health support as checked below:

- □ 1. Access to current treatment providers/specialists in home state.
- □ 2. Access to medical or mental health agency offering services within reasonable distance from center.
- □ 3. Access to health specialist (specify type): __________________________________________________________________________.
- □ 4. Other: ______________________________________________________________________.

AC Guidance
Contact applicant and discuss needs identified above on this form. Once an appropriate alternate center is identified, submit the complete file along with a copy of this form to that center. The medical envelope should already contain the Health Care Needs Assessment that was completed from the previous center.

Alternate Center Guidance
The alternate center completes a clinical assessment to determine if the center can meet the applicant’s health care needs and the applicant’s current stability.

- If the alternate center finds that it can meet the health care needs of the applicant at their location, the applicant is scheduled for enrollment.
- If the alternate center believes that the applicant’s health care needs exceed those of basic care even with the access to local supports and services, then the alternate center must complete its own Health Care Needs Assessment and resubmit the file to the Regional Office for review.

See Appendix 107 for more detail.

_________________________________________                ____________
Regional Health Specialist’s Signature                          Title

_________________________________________                ____________
Regional Office

*Please place in a separate envelope and label it as “Regional Office.”*
THE MCKINNEY-VENTO HOMELESS ASSISTANCE ACT
AS AMENDED BY S. 896
THE HOMELESS EMERGENCY ASSISTANCE AND
RAPID TRANSITION TO HOUSING (HEARTH) ACT OF 2009

SEC. 103. [42 USC 11302]. GENERAL DEFINITION OF HOMELESS INDIVIDUAL.

(a) IN GENERAL.—For purposes of this Act, the term “homeless”, “homeless individual”, and “homeless person” means—

(1) an individual or family who lacks a fixed, regular, and adequate nighttime residence;

(2) an individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground;

(3) an individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including hotels and motels paid for by Federal, State, or local government programs for low-income individuals or by charitable organizations, congregate shelters, and transitional housing);

(4) an individual who resided in a shelter or place not meant for human habitation and who is exiting an institution where he or she temporarily resided;

(5) an individual or family who—

(A) will imminently lose their housing, including housing they own, rent, or live in without paying rent, are sharing with others, and rooms in hotels or motels not paid for by Federal, State, or local government programs for low-income individuals or by charitable organizations, as evidenced by—

(i) a court order resulting from an eviction action that notifies the individual or family that they must leave within 14 days;

(ii) the individual or family having a primary nighttime residence that is a room in a hotel or motel and where they lack the resources necessary to reside there for more than 14 days; or

(iii) credible evidence indicating that the owner or renter of the housing will not allow the individual or family to stay for more than 14 days, and any oral statement from an individual or family seeking homeless assistance that is found to be credible shall be considered credible evidence for purposes of this clause;

(B) has no subsequent residence identified; and
(C) lacks the resources or support networks needed to obtain other permanent housing; and

(6) unaccompanied youth and homeless families with children and youth defined as homeless under other Federal statutes who--

(A) have experienced a long term period without living independently in permanent housing,

(B) have experienced persistent instability as measured by frequent moves over such period, and

(C) can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse, the presence of a child or youth with a disability, or multiple barriers to employment.

(b) DOMESTIC VIOLENCE AND OTHER DANGEROUS OR LIFE-THREATENING CONDITIONS.—Notwithstanding any other provision of this section, the Secretary shall consider to be homeless any individual or family who is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions in the individual's or family's current housing situation, including where the health and safety of children are jeopardized, and who have no other residence and lack the resources or support networks to obtain other permanent housing.

(c) INCOME ELIGIBILITY.—

(1) IN GENERAL.—A homeless individual shall be eligible for assistance under any program provided by this Act, only if the individual complies with the income eligibility requirements otherwise applicable to such program.

(2) EXCEPTION.—Notwithstanding paragraph (1), a homeless individual shall be eligible for assistance under title I of the Workforce Investment Act of 1998.

(d) EXCLUSION.—For purposes of this Act, the term “homeless” or “homeless individual” does not include any individual imprisoned or otherwise detained pursuant to an Act of the Congress or a State law.

(e) PERSONS EXPERIENCING HOMELESSNESS.—Any references in this Act to homeless individuals (including homeless persons) or homeless groups (including homeless persons) shall be considered to include, and to refer to, individuals experiencing homelessness or groups experiencing homelessness, respectively.

SEC. 104. [42 USC 11303]. FUNDING AVAILABILITY AND LIMITATIONS.

(a) CALCULATION.—The amounts authorized in this Act shall be in addition to any
amount appropriated for the programs involved before July 22, 1987.

(b) **AVAILABILITY UNTIL EXPENDED.**—Any amount appropriated under an authorization in this Act shall remain available until expended.

(c) **LIMITATION.**—Appropriations pursuant to the authorizations in this Act shall be made in accordance with the provisions of the Congressional Budget and Impoundment Control Act of 1974, which prohibits the consideration of any bill that would cause the deficit to exceed the levels established by the Balanced Budget and Emergency Deficit Control Act of 1985, such that it shall not increase the deficit of the Federal Government for fiscal year 1987.

SEC. 105. [42 USC 11304]. PROGRAM SUMMARY BY COMPTROLLER GENERAL.

The Comptroller General of the United States may evaluate the disbursement and use of the amounts made available by appropriation Acts under the authorizations in titles III and IV of.

**TITLE IV**—HOUSING ASSISTANCE

**SUBTITLE A**—GENERAL PROVISIONS

SEC. 401. DEFINITIONS.

For purposes of this title:

(1) **AT RISK OF HOMELESSNESS.**—The term `at risk of homelessness' means, with respect to an individual or family, that the individual or family—

(A) has income below 30 percent of median income for the geographic area;

(B) has insufficient resources immediately available to attain housing stability; and (C)(i) has moved frequently because of economic reasons;

(ii) is living in the home of another because of economic hardship;

(iii) has been notified that their right to occupy their current housing or living situation will be terminated;

(iv) lives in a hotel or motel;

(v) lives in severely overcrowded housing;

(vi) is exiting an institution; or

(vii) otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness.
Such term includes all families with children and youth defined as homeless under other Federal statutes.

(2) CHRONICALLY HOMELESS.—

(A) IN GENERAL.—The term `chronically homeless' means, with respect to an individual or family, that the individual or family—

(i) is homeless and lives or resides in a place not meant for human habitation, a safe haven, or in an emergency shelter;

(ii) has been homeless and living or residing in a place not meant for human habitation, a safe haven, or in an emergency shelter continuously for at least 1 year or on at least 4 separate occasions in the last 3 years; and

(iii) has an adult head of household (or a minor head of household if no adult is present in the household) with a diagnosable substance use disorder, serious mental illness, developmental disability (as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002)), post traumatic stress disorder, cognitive impairments resulting from a brain injury, or chronic physical illness or disability, including the co-occurrence of 2 or more of those conditions.

(B) RULE OF CONSTRUCTION.—A person who currently lives or resides in an institutional care facility, including a jail, substance abuse or mental health treatment facility, hospital or other similar facility, and has resided there for fewer than 90 days shall be considered chronically homeless if such person met all of the requirements described in subparagraph (A) prior to entering that facility.

(3) COLLABORATIVE APPLICANT.—The term `collaborative applicant' means an entity that—

(A) carries out the duties specified in section 402;

(B) serves as the applicant for project sponsors who jointly submit a single application for a grant under subtitle C in accordance with a collaborative process; and

(C) if the entity is a legal entity and is awarded such grant, receives such grant directly from the Secretary.

(4) COLLABORATIVE APPLICATION.—The term `collaborative application' means an application for a grant under subtitle C that—

(A) satisfies section 422; and

(B) is submitted to the Secretary by a collaborative applicant.
CONSOLIDATED PLAN.—The term 'Consolidated Plan' means a comprehensive housing affordability strategy and community development plan required in part 91 of title 24, Code of Federal Regulations.

ELIGIBLE ENTITY.—The term `eligible entity' means, with respect to a subtitle, a public entity, a private entity, or an entity that is a combination of public and private entities, that is eligible to directly receive grant amounts under such subtitle.

FAMILIES WITH CHILDREN AND YOUTH DEFINED AS HOMELESS UNDER OTHER FEDERAL STATUTES.—The term `families with children and youth defined as homeless under other Federal statutes' means any children or youth that are defined as 'homeless' under any Federal statute other than this subtitle, but are not defined as homeless under section 103, and shall also include the parent, parents, or guardian of such children or youth under subtitle B of title VII this Act (42 U.S.C. 11431 et seq.).

GEOGRAPHIC AREA.—The term `geographic area' means a State, metropolitan city, urban county, town, village, or other nonentitlement area, or a combination or consortia of such, in the United States, as described in section 106 of the Housing and Community Development Act of 1974 (42 U.S.C. 5306).

HOMELESS INDIVIDUAL WITH A DISABILITY.—

(A) IN GENERAL.—The term `homeless individual with a disability' means an individual who is homeless, as defined in section 103, and has a disability that—

(i)(I) is expected to be long-continuing or of indefinite duration;

(II) substantially impedes the individual's ability to live independently;

(III) could be improved by the provision of more suitable housing conditions; and

(IV) is a physical, mental, or emotional impairment, including an impairment caused by alcohol or drug abuse, post traumatic stress disorder, or brain injury;

(ii) is a developmental disability, as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002); or

(iii) is the disease of acquired immunodeficiency syndrome or any condition arising from the etiologic agency for acquired immunodeficiency syndrome.

(B) RULE—Nothing in clause (iii) of subparagraph (A) shall be construed to limit eligibility under clause (i) or (ii) of subparagraph (A).
(10) LEGAL ENTITY.—The term `legal entity' means—

   (A) an entity described in section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)) and exempt from tax under section 501(a) of such Code;

   (B) an instrumentality of State or local government; or

   (C) a consortium of instrumentalities of State or local governments that has constituted itself as an entity.

(11) METROPOLITAN CITY; URBAN COUNTY; NONENTITLEMENT AREA.—The terms `metropolitan city', `urban county', and `nonentitlement area' have the meanings given such terms in section 102(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)).

(12) NEW.—The term `new' means, with respect to housing, that no assistance has been provided under this title for the housing.

(13) OPERATING COSTS.—The term `operating costs' means expenses incurred by a project sponsor operating transitional housing or permanent housing under this title with respect to—

   (A) the administration, maintenance, repair, and security of such housing;

   (B) utilities, fuel, furnishings, and equipment for such housing; or

   (C) coordination of services as needed to ensure long-term housing stability.

(14) OUTPATIENT HEALTH SERVICES.—The term `outpatient health services' means outpatient health care services, mental health services, and outpatient substance abuse services.

(15) PERMANENT HOUSING.—The term `permanent housing' means community-based housing without a designated length of stay, and includes both permanent supportive housing and permanent housing without supportive services.

(16) PERSONALLY IDENTIFYING INFORMATION.—The term `personally identifying information' means individually identifying information for or about an individual, including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, including—

   (A) a first and last name;

   (B) a home or other physical address;

   (C) contact information (including a postal, e-mail or Internet protocol address, or telephone or facsimile number);
(D) a social security number; and

(E) any other information, including date of birth, racial or ethnic background, or religious affiliation, that, in combination with any other non-personally identifying information, would serve to identify any individual.

(17) PRIVATE NONPROFIT ORGANIZATION.—The term `private nonprofit organization' means an organization—

(A) no part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual;

(B) that has a voluntary board;

(C) that has an accounting system, or has designated a fiscal agent in accordance with requirements established by the Secretary; and

(D) that practices nondiscrimination in the provision of assistance.

(18) PROJECT.—The term `project' means, with respect to activities carried out under subtitle C, eligible activities described in section 423(a), undertaken pursuant to a specific endeavor, such as serving a particular population or providing a particular resource.

(19) PROJECT-BASED.—The term `project-based' means, with respect to rental assistance, that the assistance is provided pursuant to a contract that—

(A) is between—

(i) the recipient or a project sponsor; and

(ii) an owner of a structure that exists as of the date the contract is entered into;

and

(B) provides that rental assistance payments shall be made to the owner and that the units in the structure shall be occupied by eligible persons for not less than the term of the contract.

(20) PROJECT SPONSOR.—The term `project sponsor' means, with respect to proposed eligible activities, the organization directly responsible for carrying out the proposed eligible activities.

(21) RECIPIENT.—Except as used in subtitle B, the term `recipient' means an eligible entity who—

(A) submits an application for a grant under section 422 that is approved by the Secretary;
(B) receives the grant directly from the Secretary to support approved projects described in the application; and

(C)(i) serves as a project sponsor for the projects; or

(ii) awards the funds to project sponsors to carry out the projects.

(22) SECRETARY.—The term `Secretary' means the Secretary of Housing and Urban Development.

(23) SERIOUS MENTAL ILLNESS.—The term `serious mental illness' means a severe and persistent mental illness or emotional impairment that seriously limits a person's ability to live independently.

(24) SOLO APPLICANT.—The term `solo applicant' means an entity that is an eligible entity, directly submits an application for a grant under subtitle C to the Secretary, and, if awarded such grant, receives such grant directly from the Secretary.

(25) SPONSOR-BASED.—The term `sponsor-based' means, with respect to rental assistance, that the assistance is provided pursuant to a contract that—

(A) is between—

(i) the recipient or a project sponsor; and

(ii) an independent entity that—

(I) is a private organization; and

(II) owns or leases dwelling units; and

(B) provides that rental assistance payments shall be made to the independent entity and that eligible persons shall occupy such assisted units.

(26) STATE.—Except as used in subtitle B, the term `State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

(27) SUPPORTIVE SERVICES.—The term `supportive services' means services that address the special needs of people served by a project, including—

(A) the establishment and operation of a child care services program for families experiencing homelessness;

(B) the establishment and operation of an employment assistance program,
including providing job training;

(C) the provision of outpatient health services, food, and case management;

(D) the provision of assistance in obtaining permanent housing, employment counseling, and nutritional counseling;

(E) the provision of outreach services, advocacy, life skills training, and housing search and counseling services;

(F) the provision of mental health services, trauma counseling, and victim services;

(G) the provision of assistance in obtaining other Federal, State, and local assistance available for residents of supportive housing (including mental health benefits, employment counseling, and medical assistance, but not including major medical equipment);

(H) the provision of legal services for purposes including requesting reconsiderations and appeals of veterans and public benefit claim denials and resolving outstanding warrants that interfere with an individual's ability to obtain and retain housing;

(I) the provision of—

(i) transportation services that facilitate an individual's ability to obtain and maintain employment; and

(ii) health care; and

(J) other supportive services necessary to obtain and maintain housing.

(28) TENANT-BASED.—The term `tenant-based' means, with respect to rental assistance, assistance that—

(A) allows an eligible person to select a housing unit in which such person will live using rental assistance provided under subtitle C, except that if necessary to assure that the provision of supportive services to a person participating in a program is feasible, a recipient or project sponsor may require that the person live—

(i) in a particular structure or unit for not more than the first year of the participation;

(ii) within a particular geographic area for the full period of the participation, or the period remaining after the period referred to in subparagraph (A); and

(B) provides that a person may receive such assistance and move to another structure, unit, or geographic area if the person has complied with all other obligations of the program and has moved out of the assisted dwelling unit in order to protect the health or safety of an
individual who is or has been the victim of domestic violence, dating violence, sexual assault, or stalking, and who reasonably believed he or she was imminently threatened by harm from further violence if he or she remained in the assisted dwelling unit.

(29) TRANSITIONAL HOUSING.—The term `transitional housing’ means housing the purpose of which is to facilitate the movement of individuals and families experiencing homelessness to permanent housing within 24 months or such longer period as the Secretary determines necessary.

(30) UNIFIED FUNDING AGENCY.—The term `unified funding agency’ means a collaborative applicant that performs the duties described in section 402(g).

(31) UNDERSERVED POPULATIONS.—The term `underserved populations' includes populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Secretary, as appropriate.

(32) VICTIM SERVICE PROVIDER.—The term `victim service provider’ means a private nonprofit organization whose primary mission is to provide services to victims of domestic violence, dating violence, sexual assault, or stalking. Such term includes rape crisis centers, battered women's shelters, domestic violence transitional housing programs, and other programs.

(33) VICTIM SERVICES.—The term `victim services' means services that assist domestic violence, dating violence, sexual assault, or stalking victims, including services offered by rape crisis centers and domestic violence shelters, and other organizations, with a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking.

SEC. 402. COLLABORATIVE APPLICANTS.

(a) ESTABLISHMENT AND DESIGNATION.—A collaborative applicant shall be established for a geographic area by the relevant parties in that geographic area to—

(1) submit an application for amounts under this subtitle; and

(2) perform the duties specified in subsection (f) and, if applicable, subsection (g).

(b) NO REQUIREMENT TO BE A LEGAL ENTITY.—An entity may be established to serve as a collaborative applicant under this section without being a legal entity.

(c) REMEDIAL ACTION.—If the Secretary finds that a collaborative applicant for a geographic area does not meet the requirements of this section, or if there is no collaborative applicant for a geographic area, the Secretary may take remedial action to ensure fair distribution of grant amounts under subtitle C to eligible entities within that area. Such measures may include designating another body as a collaborative applicant, or permitting
other eligible entities to apply directly for grants.

(d) CONSTRUCTION.—Nothing in this section shall be construed to displace conflict of interest or government fair practices laws, or their equivalent, that govern applicants for grant amounts under subtitles B and C.

(e) APPOINTMENT OF AGENT.—

(1) IN GENERAL.—Subject to paragraph (2), a collaborative applicant may designate an agent to—

(A) apply for a grant under section 422(c);

(B) receive and distribute grant funds awarded under subtitle C; and

(C) perform other administrative duties.

(2) RETENTION OF DUTIES.—Any collaborative applicant that designates an agent pursuant to paragraph (1) shall regardless of such designation retain all of its duties and responsibilities under this title.

(f) DUTIES.—A collaborative applicant shall—

(1) design a collaborative process for the development of an application under subtitle C, and for evaluating the outcomes of projects for which funds are awarded under subtitle B, in such a manner as to provide information necessary for the Secretary—

(A) to determine compliance with—

(i) the program requirements under section 426; and

(ii) the selection criteria described under section 427; and

(B) to establish priorities for funding projects in the geographic area involved;

(2) participate in the Consolidated Plan for the geographic area served by the collaborative applicant; and

(3) ensure operation of, and consistent participation by, project sponsors in a community- wide homeless management information system (in this subsection referred to as ‘HMIS’) that—

(A) collects unduplicated counts of individuals and families experiencing homelessness;

(B) analyzes patterns of use of assistance provided under sub titles B and C for the geographic area involved;
(C) provides information to project sponsors and applicants for needs analyses and funding priorities; and

(D) is developed in accordance with standards established by the Secretary, including standards that provide for—

(i) encryption of data collected for purposes of HMIS;

(ii) documentation, including keeping an accurate accounting, proper usage, and disclosure, of HMIS data;

(iii) access to HMIS data by staff, contractors, law enforcement, and academic researchers;

(iv) rights of persons receiving services under this title;

(v) criminal and civil penalties for unlawful disclosure of data; and

(vi) such other standards as may be determined necessary by the Secretary.

(g) UNIFIED FUNDING.—

(1) IN GENERAL.—In addition to the duties described in subsection (f), a collaborative applicant shall receive from the Secretary and distribute to other project sponsors in the applicable geographic area funds for projects to be carried out by such other project sponsors, if—

(A) the collaborative applicant—

(i) applies to undertake such collection and distribution responsibilities in an application submitted under this subtitle; and

(ii) is selected to perform such responsibilities by the Secretary; or

(B) the Secretary designates the collaborative applicant as the unified funding agency in the geographic area, after—

(i) a finding by the Secretary that the applicant—

(I) has the capacity to perform such responsibilities; and

(II) would serve the purposes of this Act as they apply to the geographic area; and

(ii) the Secretary provides the collaborative applicant with the
technical assistance necessary to perform such responsibilities as such assistance is agreed to by the collaborative applicant.

(2) REQUIRED ACTIONS BY A UNIFIED FUNDING AGENCY.—A collaborative applicant that is either selected or designated as a unified funding agency for a geographic area under paragraph (1) shall—

(A) require each project sponsor who is funded by a grant received under subtitle C to establish such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursal of, and accounting for, Federal funds awarded to the project sponsor under subtitle C in order to ensure that all financial transactions carried out under subtitle C are conducted, and records maintained, in accordance with generally accepted accounting principles; and

(B) arrange for an annual survey, audit, or evaluation of the financial records of each project carried out by a project sponsor funded by a grant received under subtitle C.

(h) CONFLICT OF INTEREST.—No board member of a collaborative applicant may participate in decisions of the collaborative applicant concerning the award of a grant, or provision of other financial benefits, to such member or the organization that such member represents.

SEC. 403. [42 USC 11361]. HOUSING AFFORDABILITY STRATEGY.

Assistance may be made under this title only if the grantee certifies that it is following-

(1) a consolidated plan which has been approved by the Secretary in accordance with section 105 of the Cranston-Gonzalez National Affordable Housing Act (referred to in such section as a “comprehensive housing affordability strategy”), or

(2) a comprehensive homeless assistance plan which was approved by the Secretary during the 180-day period beginning on November 28, 1990, or during such longer period as may be prescribed by the Secretary in any case for good cause.

SEC. 404. PREVENTING INVOLUNTARY FAMILY SEPARATION.

(a) IN GENERAL.—After the expiration of the 2-year period that begins upon the date of the enactment of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, and except as provided in subsection (b), any project sponsor receiving funds under this title to provide emergency shelter, transitional housing, or permanent housing to families with children under age 18 shall not deny admission to any family based on the age of any child under age 18.

(b) EXCEPTION.—Notwithstanding the requirement under subsection (a), project sponsors of transitional housing receiving funds under this title may target transitional housing
resources to families with children of a specific age only if the project sponsor—

(1) operates a transitional housing program that has a primary purpose of implementing an evidence-based practice that requires that housing units be targeted to families with children in a specific age group; and

(2) provides such assurances, as the Secretary shall require, that an equivalent appropriate alternative living arrangement for the whole family or household unit has been secured.

SEC. 405. TECHNICAL ASSISTANCE.

(a) IN GENERAL.—The Secretary shall make available technical assistance to private nonprofit organizations and other nongovernmental entities, States, metropolitan cities, urban counties, and counties that are not urban counties, to implement effective planning processes for preventing and ending homelessness, to improve their capacity to prepare collaborative applications, to prevent the separation of families in emergency shelter or other housing programs, and to adopt and provide best practices in housing and services for persons experiencing homelessness.

(b) RESERVATION.—The Secretary shall reserve not more than 1 percent of the funds made available for any fiscal year for carrying out subtitles B and C, to provide technical assistance under subsection (a).

SEC. 406. [42 USC 11362]. DISCHARGE COORDINATION POLICY.

The Secretary may not provide a grant under this title for any governmental entity serving as an applicant unless the applicant agrees to develop and implement, to the maximum extent practicable and where appropriate, policies and protocols for the discharge of persons from publicly funded institutions or systems of care (such as health care facilities, foster care or other youth facilities, or correction programs and institutions) in order to prevent such discharge from immediately resulting in homelessness for such persons.

SEC. 407. PROTECTION OF PERSONALLY IDENTIFYING INFORMATION BY VICTIM SERVICE PROVIDERS.

In the course of awarding grants or implementing programs under this title, the Secretary shall instruct any victim service provider that is a recipient or subgrantee not to disclose for purposes of the Homeless Management Information System any personally identifying information about any client. The Secretary may, after public notice and comment, require or ask such recipients and subgrantees to disclose for purposes of the Homeless Management Information System non-personally identifying information that has been de-identified, encrypted, or otherwise encoded. Nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this subsection for victims of domestic violence, dating violence, sexual assault, or stalking.
SEC. 408. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $2,200,000,000 for fiscal year 2010 and such sums as may be necessary for fiscal year 2011.

SUBTITLE B—EMERGENCY SOLUTIONS GRANTS PROGRAM

SEC. 411. [42 USC 11371]. DEFINITIONS.

For purposes of this subtitle:

(1) The term “local government” means a unit of general purpose local government.

(2) The term “locality” means the geographical area within the jurisdiction of a local government.

(3) The term “metropolitan city” has the meaning given such term in section 102 of the Housing and Community Development Act of 1974.

(4) The term “operating costs” means expenses incurred by a recipient operating a facility assisted under this subtitle with respect to—

   (A) the administration, maintenance, repair, and security of such housing; and

   (B) utilities, fuels, furnishings, and equipment for such housing.

(5) The term “private nonprofit organization” means a secular or religious organization described in section 501(c) of the Internal Revenue Code of 1986 that is exempt from taxation under subtitle A of such Code, has an accounting system and a voluntary board, and practices nondiscrimination in the provision of assistance.

(6) The term “recipient” means any governmental or private nonprofit entity that is approved by the Secretary as to financial responsibility.

(7) The term “Secretary” means the Secretary of Housing and Urban Development.

(8) The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

(9) The term “urban county” has the meaning given such term in section 102 of the Housing and Community Development Act of 1974.

SEC. 412. [42 USC 11372]. GRANT ASSISTANCE.

The Secretary shall make grants to States and local governments (and to private nonprofit
organizations providing assistance to persons experiencing homelessness or at risk of homelessness, in the case of grants made with reallocated amounts) for the purpose of carrying out activities described in section 415.

SEC. 413. AMOUNT AND ALLOCATION OF ASSISTANCE.

(a) IN GENERAL.—Of the amount made available to carry out this subtitle and subtitle C for a fiscal year, the Secretary shall allocate nationally 20 percent of such amount for activities described in section 415. The Secretary shall be required to certify that such allocation will not adversely affect the renewal of existing projects under this subtitle and subtitle C for those individuals or families who are homeless.

(b) ALLOCATION.—An entity that receives a grant under section 412, and serves an area that includes 1 or more geographic areas (or portions of such areas) served by collaborative applicants that submit applications under subtitle C, shall allocate the funds made available through the grant to carry out activities described in section 415, in consultation with the collaborative applicants.

SEC. 414. [42 USC 11373]. ALLOCATION AND DISTRIBUTION OF ASSISTANCE.

(a) IN GENERAL.—The Secretary shall allocate assistance under this subtitle to metropolitan cities, urban counties, and States (for distribution to local governments and private nonprofit organizations in the States) in a manner that ensures that the percentage of the total amount available under this subtitle for any fiscal year that is allocated to any State, metropolitan city, or urban county is equal to the percentage of the total amount available for section 106 of the Housing and Community Development Act of 1974 for such prior fiscal year that is allocated to such State, metropolitan city, or urban county.

(b) MINIMUM ALLOCATION REQUIREMENT.—If, under the allocation provisions applicable under this subtitle, any metropolitan city or urban county would receive a grant of less than 0.05 percent of the amounts appropriated under section 408 and made available to carry out this subtitle for any fiscal year, such amount shall instead be reallocated to the State, except that any city that is located in a State that does not have counties as local governments, that has a population greater than 40,000 but less than 50,000 as used in determining the fiscal year 1987 community development block grant program allocation, and that was allocated in excess of $1,000,000 in community development block grant funds in fiscal year 1987, shall receive directly the amount allocated to such city under subsection (a).

(c) DISTRIBUTIONS TO NONPROFIT ORGANIZATIONS.—Any local government receiving assistance under this subtitle may distribute all or a portion of such assistance to private nonprofit organizations providing assistance to homeless individuals. Any State receiving assistance under this subtitle may distribute all or a portion of such assistance to private nonprofit organizations providing assistance to homeless individuals, if the local government for the locality in which the project is located certifies that it approves of the project.
(d) REALLOCATION OF FUNDS.—

(1) The Secretary shall, not less than twice during each fiscal year, reallocate any assistance provided under this subtitle that is unused or returned or that becomes available under subsection (b).

(2) If a city or county eligible for a grant under subsection (a) fails to obtain approval of its comprehensive plan during the 90-day period following the date funds authorized by this subtitle first become available for allocation during any fiscal year, the amount that the city or county would have received shall be available to the State in which the city or county is located if the State has obtained approval of its comprehensive plan. Any amounts that cannot be allocated to a State under the preceding sentence shall be reallocated to other States, counties, and cities that demonstrate extraordinary need or large numbers of homeless individuals, as determined by the Secretary.

(3) If a State fails to obtain approval of its comprehensive plan during the 90-day period following the date funds authorized by this subtitle first become available for allocation during any fiscal year, the amount that the State would have received shall be reallocated to other States and to cities and counties as applicable, that demonstrate extraordinary need or large numbers of homeless individuals, as determined by the Secretary.

(e) ALLOCATIONS TO TERRITORIES.—In addition to the other allocations required in this section, the Secretary shall (for amounts appropriated after July 22, 1987) allocate assistance under this subtitle to the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States, in accordance with an allocation formula established by the Secretary.

SEC. 415. [42 USC 11374]. ELIGIBLE ACTIVITIES.

(a) IN GENERAL.—Assistance provided under section 412 may be used for the following activities:

(1) The renovation, major rehabilitation, or conversion of buildings to be used as emergency shelters.

(2) The provision of essential services related to emergency shelter or street outreach, including services concerned with employment, health, education, family support services for homeless youth, substance abuse services, victim services, or mental health services, if—

(A) such essential services have not been provided by the local government during any part of the immediately preceding 12-month period or the Secretary determines that the local government is in a severe financial deficit; or

(B) the use of assistance under this subtitle would complement the provision
of those essential services.

(3) Maintenance, operation, insurance, provision of utilities, and provision of furnishings related to emergency shelter.

(4) Provision of rental assistance to provide short-term or medium-term housing to homeless individuals or families or individuals or families at risk of homelessness. Such rental assistance may include tenant-based or project-based rental assistance.

(5) Housing relocation or stabilization services for homeless individuals or families or individuals or families at risk of homelessness, including housing search, mediation or outreach to property owners, legal services, credit repair, providing security or utility deposits, utility payments, rental assistance for a final month at a location, assistance with moving costs, or other activities that are effective at—

(A) stabilizing individuals and families in their current housing; or

(B) quickly moving such individuals and families to other permanent housing.

(b) MAXIMUM ALLOCATION FOR EMERGENCY SHELTER ACTIVITIES.—A grantee of assistance provided under section 412 for any fiscal year may not use an amount of such assistance for activities described in paragraphs (1) through (3) of subsection (a) that exceeds the greater of—

(1) 60 percent of the aggregate amount of such assistance provided for the grantee for such fiscal year; or

(2) the amount expended by such grantee for such activities during fiscal year most recently completed before the effective date under section 1503 of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009.
(3) In calculating the amount of supplemental funds provided by a recipient under this subtitle, a recipient may include the value of any donated material or building, the value of any lease on a building, any salary paid to staff to carry out the program of the recipient, and the value of the time and services contributed by volunteers to carry out the program of the recipient at a rate determined by the Secretary.

(b) ADMINISTRATION OF ASSISTANCE.—Each recipient shall act as the fiscal agent of the Secretary with respect to assistance provided to such recipient.

(c) CERTIFICATIONS ON USE OF ASSISTANCE.—Each recipient shall certify to the Secretary that—

(1) it will—

(A) in the case of assistance involving major rehabilitation or conversion, maintain any building for which assistance is used under this subtitle as a shelter for homeless individuals and families for not less than a 10-year period;

(B) in the case of assistance involving rehabilitation (other than major rehabilitation or conversion), maintain any building for which assistance is used under this subtitle as a shelter for homeless individuals and families for not less than a 3-year period; or

(C) in the case of assistance involving solely activities described in paragraphs (2) and (3) of section 414(a), provide services or shelter to homeless individuals and families for the period during which such assistance is provided, without regard to a particular site or structure as long as the same general population is served;

(2) any renovation carried out with assistance under this subtitle shall be sufficient to ensure that the building involved is safe and sanitary;

(3) it will assist homeless individuals in obtaining—

(A) appropriate supportive services, including permanent housing, medical and mental health treatment, counseling, supervision, and other services essential for achieving independent living; and

(B) other Federal, State, local, and private assistance available for such individuals;

(4) in the case of a recipient that is a State, it will obtain any matching amounts required under subsection (a) in a manner so that local governments, agencies, and local nonprofit organizations receiving assistance from the grant that are least capable of providing the recipient State with such matching amounts receive the benefit of the $100,000 subtrahend under subsection (a)(2);

(5) it will develop and implement procedures to ensure the confidentiality of records pertaining to any individual provided family violence prevention or treatment services under
any project assisted under this subtitle and that the address or location of any family violence shelter project assisted under this subtitle will, except with written authorization of the person or persons responsible for the operation of such shelter, not be made public;

(6) activities undertaken by the recipient with assistance under this subtitle are consistent with any housing strategy submitted by the grantee in accordance with section 105 of the Cranston-Gonzalez National Affordable Housing Act; and

(7) to the maximum extent practicable, it will involve, through employment, volunteer services, or otherwise, homeless individuals and families in constructing, renovating, maintaining, and operating facilities assisted under this subtitle, in providing services assisted under this subtitle, and in providing services for occupants of facilities assisted under this subtitle.

(d) PARTICIPATION OF HOMELESS INDIVIDUALS.—The Secretary shall, by regulation, require each recipient that is not a State to provide for the participation of not less than 1 homeless individual or former homeless individual on the board of directors or other equivalent policymaking entity of such recipient, to the extent that such entity considers and makes policies and decisions regarding any facility, services, or other assistance of the recipient assisted under this subtitle. The Secretary may grant waivers to recipients unable to meet the requirement under the preceding sentence if the recipient agrees to otherwise consult with homeless or formerly homeless individuals in considering and making such policies and decisions.

(e) TERMINATION OF ASSISTANCE.—If an individual or family who receives assistance under this subtitle from a recipient violates program requirements, the recipient may terminate assistance in accordance with a formal process established by the recipient that recognizes the rights of individuals affected, which may include a hearing.

(f) PARTICIPATION IN HMIS.—The Secretary shall ensure that recipients of funds under this subtitle ensure the consistent participation by emergency shelters and homelessness prevention and rehousing programs in any applicable community-wide homeless management information system.

SEC. 417. [42 USC 11376]. ADMINISTRATIVE PROVISIONS.

(a) REGULATIONS.—Not later than 60 days after July 22, 1987, the Secretary shall by notice establish such requirements as may be necessary to carry out the provisions of this subtitle. Such requirements shall be subject to section 553 of Title 5, United States Code. The Secretary shall issue requirements based on the initial notice before the expiration of the 12-month period following July 22, 1987. Prior to the issuance of such requirements in final form, the requirements established by the Secretary implementing the provisions of the emergency shelter grants program under the provisions made effective by section 101(g) of Public Law 99-500 or Public Law 99-591 shall govern the emergency shelter grants program under this subtitle.

(b) INITIAL ALLOCATION OF ASSISTANCE.—Not later than the expiration of the 60-
day period following the date of enactment of a law providing appropriations to carry out this subtitle, the Secretary shall notify each State, metropolitan city, and urban county that is to receive a direct grant of its allocation of assistance under this subtitle. Such assistance shall be allocated and may be used notwithstanding any failure of the Secretary to issue requirements under subsection (a).

(c) MINIMUM STANDARDS OF HABITABILITY.—The Secretary shall prescribe such minimum standards of habitability as the Secretary determines to be appropriate to ensure that emergency shelters assisted under this section are environments that provide appropriate privacy, safety, and sanitary and other health-related conditions for homeless persons and families. Grantees are authorized to establish standards of habitability in addition to those prescribed by the Secretary.

SEC. 418. [42 USC 11378]. ADMINISTRATIVE COSTS.

A recipient may use up to 7.5 percent of any annual grant received under this subtitle for administrative purposes. A recipient State shall share the amount available for administrative purposes pursuant to the preceding sentence with local governments funded by the State.

**SUBTITLE C—CONTINUUM OF CARE PROGRAM**

SEC. 421. PURPOSES.

The purposes of this subtitle are—

(1) to promote community-wide commitment to the goal of ending homelessness;

(2) to provide funding for efforts by nonprofit providers and State and local governments to quickly rehouse homeless individuals and families while minimizing the trauma and dislocation caused to individuals, families, and communities by homelessness;

(3) to promote access to, and effective utilization of, mainstream programs described in section 203(a)(7) and programs funded with State or local resources; and

(4) to optimize self-sufficiency among individuals and families experiencing homelessness.

SEC. 422. CONTINUUM OF CARE APPLICATIONS AND GRANTS.

(a) PROJECTS.—The Secretary shall award grants, on a competitive basis, and using the selection criteria described in section 427, to carry out eligible activities under this subtitle for projects that meet the program requirements under section 426, either by directly awarding funds to project sponsors or by awarding funds to unified funding agencies.

(b) NOTIFICATION OF FUNDING AVAILABILITY.—The Secretary shall release a notification of funding availability for grants awarded under this subtitle for a fiscal year not later than 3 months after the date of the enactment of the appropriate Act making
appropriations for the Department of Housing and Urban Development for such fiscal year.

(c) APPLICATIONS.—

(1) SUBMISSION TO THE SECRETARY.—To be eligible to receive a grant under subsection (a), a project sponsor or unified funding agency in a geographic area shall submit an application to the Secretary at such time and in such manner as the Secretary may require, and containing such information as the Secretary determines necessary—

(A) to determine compliance with the program requirements and selection criteria under this subtitle; and

(B) to establish priorities for funding projects in the geographic area.

(2) ANNOUNCEMENT OF AWARDS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall announce, within 5 months after the last date for the submission of applications described in this subsection for a fiscal year, the grants conditionally awarded under subsection (a) for that fiscal year.

(B) TRANSITION.—For a period of up to 2 years beginning after the effective date under section 1503 of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, the Secretary shall announce, within 6 months after the last date for the submission of applications described in this subsection for a fiscal year, the grants conditionally awarded under subsection (a) for that fiscal year.

(d) OBLIGATION, DISTRIBUTION, AND UTILIZATION OF FUNDS.—

(1) REQUIREMENTS FOR OBLIGATION.—

(A) IN GENERAL.—Not later than 9 months after the announcement referred to in subsection (c)(2), each recipient or project sponsor shall meet all requirements for the obligation of those funds, including site control, matching funds, and environmental review requirements, except as provided in subparagraphs (B) and (C).

(B) ACQUISITION, REHABILITATION, OR CONSTRUCTION.—Not later than 24 months after the announcement referred to in subsection (c)(2), each recipient or project sponsor seeking the obligation of funds for acquisition of housing, rehabilitation of housing, or construction of new housing for a grant announced under subsection (c)(2) shall meet all requirements for the obligation of those funds, including site control, matching funds, and environmental review requirements.

(C) EXTENSIONS.—At the discretion of the Secretary, and in compelling circumstances, the Secretary may extend the date by which a recipient or project sponsor shall meet the requirements described in subparagraphs (A) and (B) if the Secretary determines that compliance with the requirements was delayed due to
factors beyond the reasonable control of the recipient or project sponsor. Such factors may include difficulties in obtaining site control for a proposed project, completing the process of obtaining secure financing for the project, obtaining approvals from State or local governments, or completing the technical submission requirements for the project.

(2) OBLIGATION.—Not later than 45 days after a recipient or project sponsor meets the requirements described in paragraph (1), the Secretary shall obligate the funds for the grant involved.

(3) DISTRIBUTION.—A recipient that receives funds through such a grant—

(A) shall distribute the funds to project sponsors (in advance of expenditures by the project sponsors); and

(B) shall distribute the appropriate portion of the funds to a project sponsor not later than 45 days after receiving a request for such distribution from the project sponsor.

(4) EXPENDITURE OF FUNDS.—The Secretary may establish a date by which funds made available through a grant announced under subsection (c)(2) for a homeless assistance project shall be entirely expended by the recipient or project sponsors involved. The date established under this paragraph shall not occur before the expiration of the 24-month period beginning on the date that funds are obligated for activities described under paragraphs (1) or (2) of section 423(a). The Secretary shall recapture the funds not expended by such date. The Secretary shall reallocate the funds for another homeless assistance and prevention project that meets the requirements of this subtitle to be carried out, if possible and appropriate, in the same geographic area as the area served through the original grant.

(e) RENEWAL FUNDING FOR UNSUCCESSFUL APPLICANTS.—The Secretary may renew funding for a specific project previously funded under this subtitle that the Secretary determines meets the purposes of this subtitle, and was included as part of a total application that met the criteria of subsection (c), even if the application was not selected to receive grant assistance. The Secretary may renew the funding for a period of not more than 1 year, and under such conditions as the Secretary determines to be appropriate.

(f) CONSIDERATIONS IN DETERMINING RENEWAL FUNDING.—When providing renewal funding for leasing, operating costs, or rental assistance for permanent housing, the Secretary shall make adjustments proportional to increases in the fair market rents in the geographic area.

(g) MORE THAN 1 APPLICATION FOR A GEOGRAPHIC AREA.—If more than 1 collaborative applicant applies for funds for a geographic area, the Secretary shall award funds to the collaborative applicant with the highest score based on the selection criteria set forth in section 427.

(h) APPEALS.—
(1) IN GENERAL.—The Secretary shall establish a timely appeal procedure for grant amounts awarded or denied under this subtitle pursuant to a collaborative application or solo application for funding.

(2) PROCESS.—The Secretary shall ensure that the procedure permits appeals submitted by entities carrying out homeless housing and services projects (including emergency shelters and homelessness prevention programs), and all other applicants under this subtitle.

(i) SOLO APPLICANTS.—A solo applicant may submit an application to the Secretary for a grant under subsection (a) and be awarded such grant on the same basis as such grants are awarded to other applicants based on the criteria described in section 427, but only if the Secretary determines that the solo applicant has attempted to participate in the continuum of care process but was not permitted to participate in a reasonable manner. The Secretary may award such grants directly to such applicants in a manner determined to be appropriate by the Secretary.

(j) FLEXIBILITY TO SERVE PERSONS DEFINED AS HOMELESS UNDER OTHER FEDERAL LAWS.—

(1) IN GENERAL.—A collaborative applicant may use not more than 10 percent of funds awarded under this subtitle (continuum of care funding) for any of the types of eligible activities specified in paragraphs (1) through (7) of section 423(a) to serve families with children and youth defined as homeless under other Federal statutes, or homeless families with children and youth defined as homeless under section 103(a)(6), but only if the applicant demonstrates that the use of such funds is of an equal or greater priority or is equally or more cost effective in meeting the overall goals and objectives of the plan submitted under section 427(b)(1)(B), especially with respect to children and unaccompanied youth.

(2) LIMITATIONS.—The 10 percent limitation under paragraph (1) shall not apply to collaborative applicants in which the rate of homelessness, as calculated in the most recent point in time count, is less than one-tenth of 1 percent of total population.

(3) TREATMENT OF CERTAIN POPULATIONS.—

(A) IN GENERAL.—Notwithstanding section 103(a) and subject to subparagraph (B), funds awarded under this subtitle may be used for eligible activities to serve unaccompanied youth and homeless families and children defined as homeless under section 103(a)(6) only pursuant to paragraph (1) of this subsection and such families and children shall not otherwise be considered as homeless for purposes of this subtitle.

(B) AT RISK OF HOMELESSNESS.—Subparagraph (A) may not be construed to prevent any unaccompanied youth and homeless families and children defined as homeless under section 103(a)(6) from qualifying for, and being treated for purposes of this subtitle as, at risk of homelessness or from eligibility for any
projects, activities, or services carried out using amounts provided under this subtitle for which individuals or families that are at risk of homelessness are eligible.

SEC. 423. [42 USC 11383]. ELIGIBLE ACTIVITIES.

(a) IN GENERAL.—Grants awarded under section 422 to qualified applicants shall be used to carry out projects that serve homeless individuals or families that consist of one or more of the following eligible activities:

(1) Construction of new housing units to provide transitional or permanent housing.

(2) Acquisition or rehabilitation of a structure to provide transitional or permanent housing, other than emergency shelter, or to provide supportive services.

(3) Leasing of property, or portions of property, not owned by the recipient or project sponsor involved, for use in providing transitional or permanent housing, or providing supportive services.

(4) Provision of rental assistance to provide transitional or permanent housing to eligible persons. The rental assistance may include tenant-based, project-based, or sponsor-based rental assistance. Project-based rental assistance, sponsor-based rental assistance, and operating cost assistance contracts carried out by project sponsors receiving grants under this section may, at the discretion of the applicant and the project sponsor, have an initial term of 15 years, with assistance for the first 5 years paid with funds authorized for appropriation under this Act, and assistance for the remainder of the term treated as a renewal of an expiring contract as provided in section 429. Project-based rental assistance may include rental assistance to preserve existing permanent supportive housing for homeless individuals and families.

(5) Payment of operating costs for housing units assisted under this subtitle or for the preservation of housing that will serve homeless individuals and families and for which another form of assistance is expiring or otherwise no longer available.

(6) Supportive services for individuals and families who are currently homeless, who have been homeless in the prior six months but are currently residing in permanent housing, or who were previously homeless and are currently residing in permanent supportive housing.

(7) Provision of rehousing services, including housing search, mediation or outreach to property owners, credit repair, providing security or utility deposits, rental assistance for a final month at a location, assistance with moving costs, or other activities that—

(A) are effective at moving homeless individuals and families immediately into housing; or

(B) may benefit individuals and families who in the prior 6 months have been homeless, but are currently residing in permanent housing.
(8) In the case of a collaborative applicant that is a legal entity, performance of the duties described under section 402(f)(3).

(9) Operation of, participation in, and ensuring consistent participation by project sponsors in, a community-wide homeless management information system.

(10) In the case of a collaborative applicant that is a legal entity, payment of administrative costs related to meeting the requirements described in paragraphs (1) and (2) of section 402(f), for which the collaborative applicant may use not more than 3 percent of the total funds made available in the geographic area under this subtitle for such costs.

(11) In the case of a collaborative applicant that is a unified funding agency under section 402(g), payment of administrative costs related to meeting the requirements of that section, for which the unified funding agency may use not more than 3 percent of the total funds made available in the geographic area under this subtitle for such costs, in addition to funds used under paragraph (10).

(12) Payment of administrative costs to project sponsors, for which each project sponsor may use not more than 10 percent of the total funds made available to that project sponsor through this subtitle for such costs.

(b) MINIMUM GRANT TERMS.—The Secretary may impose minimum grant terms of up to 5 years for new projects providing permanent housing.

(c) USE RESTRICTIONS.—

(1) ACQUISITION, REHABILITATION, AND NEW CONSTRUCTION.—A project that consists of activities described in paragraph (1) or (2) of subsection (a) shall be operated for the purpose specified in the application submitted for the project under section 422 for not less than 15 years.

(2) OTHER ACTIVITIES.—A project that consists of activities described in any of paragraphs (3) through (12) of subsection (a) shall be operated for the purpose specified in the application submitted for the project under section 422 for the duration of the grant period involved.

(3) CONVERSION.—If the recipient or project sponsor carrying out a project that provides transitional or permanent housing submits a request to the Secretary to carry out instead a project for the direct benefit of low-income persons, and the Secretary determines that the initial project is no longer needed to provide transitional or permanent housing, the Secretary may approve the project described in the request and authorize the recipient or project sponsor to carry out that project.

(d) REPAYMENT OF ASSISTANCE AND PREVENTION OF UNDUE BENEFITS.—

(1) REPAYMENT.—If a recipient or project sponsor receives assistance under
section 422 to carry out a project that consists of activities described in paragraph (1) or (2) of subsection (a) and the project ceases to provide transitional or permanent housing—

(A) earlier than 10 years after operation of the project begins, the Secretary shall require the recipient or project sponsor to repay 100 percent of the assistance; or

(B) not earlier than 10 years, but earlier than 15 years, after operation of the project begins, the Secretary shall require the recipient or project sponsor to repay 20 percent of the assistance for each of the years in the 15-year period for which the project fails to provide that housing.

(2) PREVENTION OF UNDUE BENEFITS.—Except as provided in paragraph (3), if any property is used for a project that receives assistance under subsection (a) and consists of activities described in paragraph (1) or (2) of subsection (a), and the sale or other disposition of the property occurs before the expiration of the 15-year period beginning on the date that operation of the project begins, the recipient or project sponsor who received the assistance shall comply with such terms and conditions as the Secretary may prescribe to prevent the recipient or project sponsor from unduly benefitting from such sale or disposition.

(3) EXCEPTION.—A recipient or project sponsor shall not be required to make the repayments, and comply with the terms and conditions, required under paragraph (1) or (2) if—

(A) the sale or disposition of the property used for the project results in the use of the property for the direct benefit of very low-income persons;

(B) all of the proceeds of the sale or disposition are used to provide transitional or permanent housing meeting the requirements of this subtitle;

(C) project-based rental assistance or operating cost assistance from any Federal program or an equivalent State or local program is no longer made available and the project is meeting applicable performance standards, provided that the portion of the project that had benefitted from such assistance continues to meet the tenant income and rent restrictions for low-income units under section 42(g) of the Internal Revenue Code of 1986; or

(D) there are no individuals and families in the geographic area who are homeless, in which case the project may serve individuals and families at risk of homelessness.

(e) STAFF TRAINING.—The Secretary may allow reasonable costs associated with staff training to be included as part of the activities described in subsection (a).

(f) ELIGIBILITY FOR PERMANENT HOUSING.—Any project that receives assistance under subsection (a) and that provides project-based or sponsor-based permanent housing for homeless individuals or families with a disability, including projects that meet the
requirements of subsection (a) and subsection (d)(2)(A) of section 428 may also serve individuals who had previously met the requirements for such project prior to moving into a different permanent housing project.

(g) ADMINISTRATION OF RENTAL ASSISTANCE.—Provision of permanent housing rental assistance shall be administered by a State, unit of general local government, or public housing agency.

SEC. 424. INCENTIVES FOR HIGH-PERFORMING COMMUNITIES.

(a) DESIGNATION AS A HIGH-PERFORMING COMMUNITY.—

(1) IN GENERAL.—The Secretary shall designate, on an annual basis, which collaborative applicants represent high-performing communities.

(2) CONSIDERATION.—In determining whether to designate a collaborative applicant as a high-performing community under paragraph (1), the Secretary shall establish criteria to ensure that the requirements described under paragraphs (1)(B) and (2)(B) of subsection (d) are measured by comparing homeless individuals and families under similar circumstances, in order to encourage projects in the geographic area to serve homeless individuals and families with more severe barriers to housing stability.

(3) 2-year PHASE IN.—In each of the first 2 years after the effective date under section 1503 of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, the Secretary shall designate not more than 10 collaborative applicants as high-performing communities.

(4) EXCESS OF QUALIFIED APPLICANTS.—If, during the 2-year period described under paragraph (2), more than 10 collaborative applicants could qualify to be designated as high-performing communities, the Secretary shall designate the 10 that have, in the discretion of the Secretary, the best performance based on the criteria described under subsection (d).

(5) TIME LIMIT ON DESIGNATION.—The designation of any collaborative applicant as a high-performing community under this subsection shall be effective only for the year in which such designation is made. The Secretary, on an annual basis, may renew any such designation.

(b) APPLICATION.—

(1) IN GENERAL.—A collaborative applicant seeking designation as a high-performing community under subsection (a) shall submit an application to the Secretary at such time, and in such manner as the Secretary may require.

(2) CONTENT OF APPLICATION.—In any application submitted under paragraph (1), a collaborative applicant shall include in such application—
(A) a report showing how any money received under this subtitle in the preceding year was expended; and

(B) information that such applicant can meet the requirements described under subsection (d).

(3) PUBLICATION OF APPLICATION.—The Secretary shall—

(A) publish any report or information submitted in an application under this section in the geographic area represented by the collaborative applicant; and

(B) seek comments from the public as to whether the collaborative applicant seeking designation as a high-performing community meets the requirements described under subsection (d).

(c) USE OF FUNDS.—Funds awarded under section 422(a) to a project sponsor who is located in a high-performing community may be used—

(1) for any of the eligible activities described in section 423; or

(2) for any of the eligible activities described in paragraphs (4) and (5) of section 415(a).

(d) DEFINITION OF HIGH-PERFORMING COMMUNITY.—For purposes of this section, the term `high-performing community' means a geographic area that demonstrates through reliable data that all five of the following requirements are met for that geographic area:

(1) TERM OF HOMELESSNESS.—The mean length of episodes of homelessness for that geographic area--

(A) is less than 20 days; or

(B) for individuals and families in similar circumstances in the preceding year was at least 10 percent less than in the year before.

(2) FAMILIES LEAVING HOMELESSNESS.—Of individuals and families--

(A) who leave homelessness, fewer than 5 percent of such individuals and families become homeless again at any time within the next 2 years; or

(B) in similar circumstances who leave homelessness, the percentage of such individuals and families who become homeless again within the next 2 years has decreased by at least 20 percent from the preceding year.

(3) COMMUNITY ACTION.—The communities that compose the geographic area have--
(A) actively encouraged homeless individuals and families to participate in homeless assistance services available in that geographic area; and

(B) included each homeless individual or family who sought homeless assistance services in the data system used by that community for determining compliance with this subsection.

(4) EFFECTIVENESS OF PREVIOUS ACTIVITIES.—If recipients in the geographic area have used funding awarded under section 422(a) for eligible activities described under section 415(a) in previous years based on the authority granted under subsection (c), that such activities were effective at reducing the number of individuals and families who became homeless in that community.

(5) FLEXIBILITY TO SERVE PERSONS DEFINED AS HOMELESS UNDER OTHER FEDERAL LAWS.—With respect to collaborative applicants exercising the authority under section 422(j) to serve homeless families with children and youth defined as homeless under other Federal statutes, effectiveness in achieving the goals and outcomes identified in subsection 427(b)(1)(F) according to such standards as the Secretary shall promulgate.

(e) COOPERATION AMONG ENTITIES.—A collaborative applicant designated as a high-performing community under this section shall cooperate with the Secretary in distributing information about successful efforts within the geographic area represented by the collaborative applicant to reduce homelessness.

SEC. 425. [42 USC 11385]. SUPPORTIVE SERVICES.

(a) IN GENERAL.—To the extent practicable, each project shall provide supportive services for residents of the project and homeless persons using the project, which may be designed by the recipient or participants.

(b) REQUIREMENTS.—Supportive services provided in connection with a project shall address the special needs of individuals (such as homeless persons with disabilities and homeless families with children) intended to be served by a project.

(c) SERVICES.—Supportive services may include such activities as (A) establishing and operating a child care services program for homeless families, (B) establishing and operating an employment assistance program, (C) providing outpatient health services, food, and case management, (D) providing assistance in obtaining permanent housing, employment counseling, and nutritional counseling, (E) providing security arrangements necessary for the protection of residents of supportive housing and for homeless persons using the housing or project, (F) providing assistance in obtaining other Federal, State, and local assistance available for such residents (including mental health benefits, employment counseling, and medical assistance, but not including major medical equipment), and (G) providing other appropriate services.

(d) PROVISION OF SERVICES.—Services provided pursuant to this section may be
provided directly by the recipient or by contract with other public or private service providers. Such services may be provided to homeless individuals who do not reside in supportive housing.

(e) COORDINATION WITH SECRETARY OF HEALTH AND HUMAN SERVICES.—

(1) APPROVAL.—Promptly upon receipt of any application for assistance under this subtitle that includes the provision of outpatient health services, the Secretary of Housing and Urban Development shall consult with the Secretary of Health and Human Services with respect to the proposed outpatient health services. If, within 45 days of such consultation, the Secretary of Health and Human Services determines that the proposal for delivery of the outpatient health services does not meet guidelines for determining the appropriateness of such proposed services, the Secretary of Housing and Urban Development may require resubmission of the application, and the Secretary of Housing and Urban Development may not approve such portion of the application unless and until such portion has been resubmitted in a form that the Secretary of Health and Human Services determines meets such guidelines.

(2) GUIDELINES.—The Secretary of Housing and Urban Development and the Secretary of Health and Human Services shall jointly establish guidelines for determining the appropriateness of proposed outpatient health services under this section. Such guidelines shall include any provisions necessary to enable the Secretary of Housing and Urban Development to meet the time limits under this subtitle for the final selection of applications for assistance.

SEC. 426. [42 USC 11386]. PROGRAM REQUIREMENTS.

(a) SITE CONTROL.—The Secretary shall require that each application include reasonable assurances that the applicant will own or have control of a site for the proposed project not later than the expiration of the 12-month period beginning upon notification of an award for grant assistance, unless the application proposes providing supportive housing assistance under section 423(a)(3) or housing that will eventually be owned or controlled by the families and individuals served. An applicant may obtain ownership or control of a suitable site different from the site specified in the application. If any recipient or project sponsor fails to obtain ownership or control of the site within 12 months after notification of an award for grant assistance, the grant shall be recaptured and reallocated under this subtitle.

(b) REQUIRED AGREEMENTS.—The Secretary may not provide assistance for a proposed project under this subtitle unless the collaborative applicant involved agrees—

(1) to ensure the operation of the project in accordance with the provisions of this subtitle;

(2) to monitor and report to the Secretary the progress of the project;

(3) to ensure, to the maximum extent practicable, that individuals and families experiencing homelessness are involved, through employment, provision of volunteer services, or otherwise, in constructing, rehabilitating, maintaining, and operating facilities for the project and in providing supportive services for the project;
(4) to require certification from all project sponsors that—

(A) they will maintain the confidentiality of records pertaining to any individual or family provided family violence prevention or treatment services through the project;

(B) that the address or location of any family violence shelter project assisted under this subtitle will not be made public, except with written authorization of the person responsible for the operation of such project;

(C) they will establish policies and practices that are consistent with, and do not restrict the exercise of rights provided by, subtitle B of title VII, and other laws relating to the provision of educational and related services to individuals and families experiencing homelessness;

(D) in the case of programs that provide housing or services to families, they will designate a staff person to be responsible for ensuring that children being served in the program are enrolled in school and connected to appropriate services in the community, including early childhood programs such as Head Start, part C of the Individuals with Disabilities Education Act, and programs authorized under subtitle B of title VII of this Act (42 U.S.C. 11431 et seq.); and

(E) they will provide data and reports as required by the Secretary pursuant to the Act;

(5) if a collaborative applicant is a unified funding agency under section 402(g) and receives funds under subtitle C to carry out the payment of administrative costs described in section 423(a)(11), to establish such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of, and accounting for, such funds in order to ensure that all financial transactions carried out with such funds are conducted, and records maintained, in accordance with generally accepted accounting principles;

(6) to monitor and report to the Secretary the provision of matching funds as required by section 430;

(7) to take the educational needs of children into account when families are placed in emergency or transitional shelter and will, to the maximum extent practicable, place families with children as close as possible to their school of origin so as not to disrupt such children's education; and

(8) to comply with such other terms and conditions as the Secretary may establish to carry out this subtitle in an effective and efficient manner.

(c) OCCUPANCY CHARGE.—Each homeless individual or family residing in a project providing supportive housing may be required to pay an occupancy charge in an amount determined by the recipient or project sponsor providing the project, which may not exceed
the amount determined under section 3(a) of the United States Housing Act of 1937. Occupancy charges paid may be reserved, in whole or in part, to assist residents in moving to permanent housing.

(d) FLOOD PROTECTION STANDARDS.—Flood protection standards applicable to housing acquired, rehabilitated, constructed, or assisted under this subtitle shall be no more restrictive than the standards applicable under Executive Order No. 11988 (May 24, 1977) to the other programs under this title.

(e) PARTICIPATION OF HOMELESS INDIVIDUALS.—The Secretary shall, by regulation, require each recipient or project sponsor to provide for the participation of not less than 1 homeless individual or former homeless individual on the board of directors or other equivalent policymaking entity of the recipient or project sponsor, to the extent that such entity considers and makes policies and decisions regarding any project, supportive services, or assistance provided under this subtitle. The Secretary may grant waivers to applicants unable to meet the requirement under the preceding sentence if the applicant agrees to otherwise consult with homeless or formerly homeless individuals in considering and making such policies and decisions.

(f) LIMITATION ON USE OF FUNDS.—No assistance received under this subtitle (or any State or local government funds used to supplement such assistance) may be used to replace other State or local funds previously used, or designated for use, to assist homeless persons.

(g) TERMINATION OF ASSISTANCE.—If an individual or family who receives assistance under this subtitle (not including residents of an emergency shelter) from a recipient violates program requirements, the recipient may terminate assistance in accordance with a formal process established by the recipient that recognizes the rights of individuals receiving such assistance to due process of law, which may include a hearing.

SEC. 427. SELECTION CRITERIA.

(a) IN GENERAL.—The Secretary shall award funds to recipients through a national competition between geographic areas based on criteria established by the Secretary.

(b) REQUIRED CRITERIA.—

(1) IN GENERAL.—The criteria established under subsection (a) shall include—

(A) the previous performance of the recipient regarding homelessness, including performance related to funds provided under section 412 (except that recipients applying from geographic areas where no funds have been awarded under this subtitle, or under subtitles C, D, E, or F of title IV of this Act, as in effect prior to the date of the enactment of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, shall receive full credit for performance under this subparagraph), measured by criteria that shall be announced by the Secretary, that
shall take into account barriers faced by individual homeless people, and that shall include—

(i) the length of time individuals and families remain homeless;

(ii) the extent to which individuals and families who leave homelessness experience additional spells of homelessness;

(iii) the thoroughness of grantees in the geographic area in reaching homeless individuals and families;

(iv) overall reduction in the number of homeless individuals and families;

(v) jobs and income growth for homeless individuals and families;

(vi) success at reducing the number of individuals and families who become homeless;

(vii) other accomplishments by the recipient related to reducing homelessness; and

(viii) for collaborative applicants that have exercised the authority under section 422(j) to serve families with children and youth defined as homeless under other Federal statutes, success in achieving the goals and outcomes identified in section 427(b)(1)(F);

(B) the plan of the recipient, which shall describe—

(i) how the number of individuals and families who become homeless will be reduced in the community;

(ii) how the length of time that individuals and families remain homeless will be reduced;

(iii) how the recipient will collaborate with local education authorities to assist in the identification of individuals and families who become or remain homeless and are informed of their eligibility for services under subtitle B of title VII of this Act (42 U.S.C. 11431 et seq.);

(iv) the extent to which the recipient will—

(I) address the needs of all relevant subpopulations;

(II) incorporate comprehensive strategies for reducing homelessness, including the interventions referred to in section 428(d);
(III) I) set quantifiable performance measures;

(IV) set timelines for completion of specific tasks;

(V) identify specific funding sources for planned activities; and

(VI) identify an individual or body responsible for overseeing implementation of specific strategies; and

(v) whether the recipient proposes to exercise authority to use funds under section 422(j), and if so, how the recipient will achieve the goals and outcomes identified in section 427(b)(1)(F);

(C) the methodology of the recipient used to determine the priority for funding local projects under section 422(c)(1), including the extent to which the priority-setting process—

(i) uses periodically collected information and analysis to determine the extent to which each project has resulted in rapid return to permanent housing for those served by the project, taking into account the severity of barriers faced by the people the project serves;

(ii) considers the full range of opinions from individuals or entities with knowledge of homelessness in the geographic area or an interest in preventing or ending homelessness in the geographic area;

(iii) is based on objective criteria that have been publicly announced by the recipient; and

(iv) is open to proposals from entities that have not previously received funds under this subtitle;

(D) the extent to which the amount of assistance to be provided under this subtitle to the recipient will be supplemented with resources from other public and private sources, including mainstream programs identified by the Government Accountability Office in the two reports described in section 203(a)(7);

(E) demonstrated coordination by the recipient with the other Federal, State, local, private, and other entities serving individuals and families experiencing homelessness and at risk of homelessness in the planning and operation of projects;

(F) for collaborative applicants exercising the authority under section 422(j) to serve homeless families with children and youth defined as homeless under other Federal statutes, program goals and outcomes, which shall include—

(i) preventing homelessness among the subset of such families with children and youth who are at highest risk of becoming homeless, as such term
is defined for purposes of this title; or

(ii) achieving independent living in permanent housing among such families with children and youth, especially those who have a history of doubled-up and other temporary housing situations or are living in a temporary housing situation due to lack of available and appropriate emergency shelter, through the provision of eligible assistance that directly contributes to achieving such results including assistance to address chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse, or multiple barriers to employment; and

(G) such other factors as the Secretary determines to be appropriate to carry out this subtitle in an effective and efficient manner.

(2) ADDITIONAL CRITERIA.—In addition to the criteria required under paragraph (1), the criteria established under paragraph (1) shall also include the need within the geographic area for homeless services, determined as follows and under the following conditions:

(A) NOTICE.—The Secretary shall inform each collaborative applicant, at a time concurrent with the release of the notice of funding availability for the grants, of the pro rata estimated grant amount under this subtitle for the geographic area represented by the collaborative applicant.

(B) AMOUNT.—

(i) FORMULA.—Such estimated grant amounts shall be determined by a formula, which shall be developed by the Secretary, by regulation, not later than the expiration of the 2-year period beginning upon the date of the enactment of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, that is based upon factors that are appropriate to allocate funds to meet the goals and objectives of this subtitle.

(ii) COMBINATIONS OR CONSORTIA.—For a collaborative applicant that represents a combination or consortium of cities or counties, the estimated need amount shall be the sum of the estimated need amounts for the cities or counties represented by the collaborative applicant.

(iii) AUTHORITY OF SECRETARY.—Subject to the availability of appropriations, the Secretary shall increase the estimated need amount for a geographic area if necessary to provide 1 year of renewal funding for all expiring contracts entered into under this subtitle for the geographic area.

(3) HOMELESSNESS COUNTS.—The Secretary shall not require that communities conduct an actual count of homeless people other than those described in paragraphs (1) through (4) of section 103(a) of this Act (42 U.S.C. 11302(a)).
(c) ADJUSTMENTS.—The Secretary may adjust the formula described in subsection (b)(2) as necessary—

(1) to ensure that each collaborative applicant has sufficient funding to renew all qualified projects for at least one year; and

(2) to ensure that collaborative applicants are not discouraged from replacing renewal projects with new projects that the collaborative applicant determines will better be able to meet the purposes of this Act.

SEC. 428. ALLOCATION OF AMOUNTS AND INCENTIVES FOR SPECIFIC ELIGIBLE ACTIVITIES.

(a) MINIMUM ALLOCATION FOR PERMANENT HOUSING FOR HOMELESS INDIVIDUALS AND FAMILIES WITH DISABILITIES.—

(1) IN GENERAL.—From the amounts made available to carry out this subtitle for a fiscal year, a portion equal to not less than 30 percent of the sums made available to carry out subtitle B and this subtitle, shall be used for permanent housing for homeless individuals with disabilities and homeless families that include such an individual who is an adult or a minor head of household if no adult is present in the household.

(2) CALCULATION.—In calculating the portion of the amount described in paragraph (1) that is used for activities that are described in paragraph (1), the Secretary shall not count funds made available to renew contracts for existing projects under section 429.

(3) ADJUSTMENT.—The 30 percent figure in paragraph (1) shall be reduced proportionately based on need under section 427(b)(2) in geographic areas for which subsection (e) applies in regard to subsection (d)(2)(A).

(4) SUSPENSION.—The requirement established in paragraph (1) shall be suspended for any year in which funding available for grants under this subtitle after making the allocation established in paragraph (1) would not be sufficient to renew for 1 year all existing grants that would otherwise be fully funded under this subtitle.

(5) TERMINATION.—The requirement established in paragraph (1) shall terminate upon a finding by the Secretary that since the beginning of 2001 at least 150,000 new units of permanent housing for homeless individuals and families with disabilities have been funded under this subtitle.

(b) SET-ASIDE FOR PERMANENT HOUSING FOR HOMELESS FAMILIES WITH CHILDREN.—From the amounts made available to carry out this subtitle for a fiscal year, a portion equal to not less than 10 percent of the sums made available to carry out subtitle B and this subtitle for that fiscal year shall be used to provide or secure permanent housing for homeless families with children.
(c) TREATMENT OF AMOUNTS FOR PERMANENT OR TRANSITIONAL HOUSING.— Nothing in this Act may be construed to establish a limit on the amount of funding that an applicant may request under this subtitle for acquisition, construction, or rehabilitation activities for the development of permanent housing or transitional housing.

(d) INCENTIVES FOR PROVEN STRATEGIES.—

(1) IN GENERAL.—The Secretary shall provide bonuses or other incentives to geographic areas for using funding under this subtitle for activities that have been proven to be effective at reducing homelessness generally, reducing homelessness for a specific subpopulation, or achieving homeless prevention and independent living goals as set forth in section 427(b)(1)(F).

(2) RULE OF CONSTRUCTION.—For purposes of this subsection, activities that have been proven to be effective at reducing homelessness generally or reducing homelessness for a specific subpopulation includes—

  (A) permanent supportive housing for chronically homeless individuals and families;

  (B) for homeless families, rapid rehousing services, short-term flexible subsidies to overcome barriers to rehousing, support services concentrating on improving incomes to pay rent, coupled with performance measures emphasizing rapid and permanent rehousing and with leveraging funding from mainstream family service systems such as Temporary Assistance for Needy Families and Child Welfare services; and

  (C) any other activity determined by the Secretary, based on research and after notice and comment to the public, to have been proven effective at reducing homelessness generally, reducing homelessness for a specific subpopulation, or achieving homeless prevention and independent living goals as set forth in section 427(b)(1)(F).

(3) BALANCE OF INCENTIVES FOR PROVEN STRATEGIES.—To the extent practicable, in providing bonuses or incentives for proven strategies, the Secretary shall seek to maintain a balance among strategies targeting homeless individuals, families, and other subpopulations. The Secretary shall not implement bonuses or incentives that specifically discourage collaborative applicants from exercising their flexibility to serve families with children and youth defined as homeless under other Federal statutes.

(e) INCENTIVES FOR SUCCESSFUL IMPLEMENTATION OF PROVEN STRATEGIES.—If any geographic area demonstrates that it has fully implemented any of the activities described in subsection (d) for all homeless individuals and families or for all members of subpopulations for whom such activities are targeted, that geographic area shall receive the bonus or incentive provided under subsection (d), but may use such bonus or incentive for any eligible activity under either section 423 or paragraphs (4) and (5) of
section 415(a) for homeless people generally or for the relevant subpopulation.

SEC. 429. RENEWAL FUNDING AND TERMS OF ASSISTANCE FOR PERMANENT HOUSING.

(a) IN GENERAL.—Renewal of expiring contracts for leasing, rental assistance, or operating costs for permanent housing contracts may be funded either—

(1) under the appropriations account for this title; or

(2) the section 8 project-based rental assistance account.

(b) RENEWALS.—The sums made available under subsection (a) shall be available for the renewal of contracts in the case of tenant-based assistance, successive 1-year terms, and in the case of project-based assistance, successive terms of up to 15 years at the discretion of the applicant or project sponsor and subject to the availability of annual appropriations, for rental assistance and housing operation costs associated with permanent housing projects funded under this subtitle, or under subtitle C or F (as in effect on the day before the effective date of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009). The Secretary shall determine whether to renew a contract for such a permanent housing project on the basis of certification by the collaborative applicant for the geographic area that—

(1) there is a demonstrated need for the project; and

(2) the project complies with program requirements and appropriate standards of housing quality and habitability, as determined by the Secretary.

(c) CONSTRUCTION.—Nothing in this section shall be construed as prohibiting the Secretary from renewing contracts under this subtitle in accordance with criteria set forth in a provision of this subtitle other than this section.

SEC. 430. MATCHING FUNDING.

(a) IN GENERAL.—A collaborative applicant in a geographic area in which funds are awarded under this subtitle shall specify contributions from any source other than a grant awarded under this subtitle, including renewal funding of projects assisted under subtitles C, D, and F of this title as in effect before the effective date under section 1503 of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, that shall be made available in the geographic area in an amount equal to not less than 25 percent of the funds provided to recipients in the geographic area, except that grants for leasing shall not be subject to any match requirement.

(b) LIMITATIONS ON IN-KIND MATCH.—The cash value of services provided to the residents or clients of a project sponsor by an entity other than the project sponsor may count toward the contributions in subsection (a) only when documented by a memorandum of understanding between the project sponsor and the other entity that such services will be provided.
(c) COUNTABLE ACTIVITIES.—The contributions required under subsection (a) may consist of—

(1) funding for any eligible activity described under section 423; and

(2) subject to subsection (b), in-kind provision of services of any eligible activity described under section 423.

SEC. 431. APPEAL PROCEDURE.

(a) IN GENERAL.—With respect to funding under this subtitle, if certification of consistency with the consolidated plan pursuant to section 403 is withheld from an applicant who has submitted an application for that certification, such applicant may appeal such decision to the Secretary.

(b) PROCEDURE.—The Secretary shall establish a procedure to process the appeals described in subsection (a).

(c) DETERMINATION.—Not later than 45 days after the date of receipt of an appeal described in subsection (a), the Secretary shall determine if certification was unreasonably withheld. If such certification was unreasonably withheld, the Secretary shall review such application and determine if such applicant shall receive funding under this subtitle.

SEC. 432. [42 USC 11387]. REGULATIONS.

Not later than the expiration of the 90-day period beginning on October 28, 1992, the Secretary shall issue interim regulations to carry out this subtitle, which shall take effect upon issuance. The Secretary shall issue final regulations to carry out this subtitle after notice and opportunity for public comment regarding the interim regulations, pursuant to the provisions of section 553 of Title 5, United States Code (notwithstanding subsections (a)(2), (b)(B), and (d)(3) of such section). The duration of the period for public comment shall not be less than 60 days, and the final regulations shall be issued not later than the expiration of the 60-day period beginning upon the conclusion of the comment period and shall take effect upon issuance.

SEC. 433. [42 USC 11388]. REPORTS TO CONGRESS.

The Secretary shall submit a report to the Congress annually, summarizing the activities carried out under this subtitle and setting forth the findings, conclusions, and recommendations of the Secretary as a result of the activities. The report shall be submitted not later than 4 months after the end of each fiscal year (except that, in the case of fiscal year 1993, the report shall be submitted not later than 6 months after the end of the fiscal year).

SEC. 429. [42 USC 11389]. AUTHORIZATION OF APPROPRIATIONS. REPEALED.

SUBTITLE D—SAFE HAVENS FOR HOMELESS INDIVIDUALS
DEMONSTRATION PROGRAM

REPEALED.

SUBTITLE E—MISCELLANEOUS PROVISIONS REPEALED.
SUBTITLE F—SHELTER PLUS CARE PROGRAM PART I—GENERAL REQUIREMENTS

REPEALED.

TITLE IV—HOUSING ASSISTANCE
SUBTITLE D—RURAL HOUSING STABILITY ASSISTANCE PROGRAM

SEC. 491. [42 USC 11408]. RURAL HOUSING STABILITY GRANT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Housing and Urban Development shall establish and carry out a rural housing stability grant program. In carrying out the program, the Secretary may award grants to eligible organizations in lieu of grants under subtitle C in order to pay for the Federal share of the cost of—

(1) rehousing or improving the housing situations of individuals and families who are homeless or in the worst housing situations in the geographic area;

(2) stabilizing the housing of individuals and families who are in imminent danger of losing housing; and

(3) improving the ability of the lowest-income residents of the community to afford stable housing.

(b) USE OF FUNDS.—

(1) IN GENERAL.—An eligible organization may use a grant awarded under subsection (a) to provide, in rural areas—

(A) rent, mortgage, or utility assistance after 2 months of nonpayment in order to prevent eviction, foreclosure, or loss of utility service;

(B) security deposits, rent for the first month of residence at a new location, and relocation assistance;

(C) short-term emergency lodging in motels or shelters, either directly or through vouchers;

(D) construction of new housing units to provide transitional or permanent housing to homeless individuals and families and individuals and
families at risk of homelessness;

(E) acquisition or rehabilitation of a structure to provide supportive services or to provide transitional or permanent housing, other than emergency shelter, to homeless individuals and families and individuals and families at risk of homelessness;

(F) leasing of property, or portions of property, not owned by the recipient or project sponsor involved, for use in providing transitional or permanent housing to homeless individuals and families and individuals and families at risk of homelessness, or providing supportive services to such homeless and at-risk individuals and families;

(G) provision of rental assistance to provide transitional or permanent housing to homeless individuals and families and individuals and families at risk of homelessness, such rental assistance may include tenant-based or project-based rental assistance;

(H) payment of operating costs for housing units assisted under this title;

(I) rehabilitation and repairs such as insulation, window repair, door repair, roof repair, and repairs that are necessary to make premises habitable;

(J) development of comprehensive and coordinated support services that use and supplement, as needed, community networks of services, including—

(i) outreach services to reach eligible recipients;

(ii) case management;

(iii) housing counseling;

(iv) budgeting;

(v) job training and placement;

(vi) primary health care;

(vii) mental health services;

(viii) substance abuse treatment;

(ix) child care;

(x) transportation;

(xi) emergency food and clothing;
(xii) family violence services;
(xiii) education services;
(xiv) moving services;
(xv) entitlement assistance; and
(xvi) referrals to veterans services and legal services; and

(K) costs associated with making use of Federal inventory property programs to house homeless families, including the program established under title V of the Stewart B. McKinney Homeless Assistance Act and the Single Family Property Disposition Program established pursuant to section 204(g) of the National Housing Act.

(2) CAPACITY BUILDING ACTIVITIES.—Not more than 20 percent of the funds transferred under subsection (l)(1) for a fiscal year may be used by eligible organizations for capacity building activities, including payment of operating costs and staff retention.

(c) AWARD OF GRANTS.—

(1) COMMUNITIES WITH POPULATIONS OF LESS THAN 10,000.—

(A) SET-ASIDE.—In awarding grants under subsection (a) for a fiscal year, the Secretary shall make available not less than 50 percent of the funds transferred under subsection (l)(1) for the fiscal year for grants to eligible organizations serving communities that have populations of less than 10,000.

(B) PRIORITY WITHIN SET-ASIDE.—In awarding grants in accordance with subparagraph (A), the Secretary shall give priority to eligible organizations serving communities with populations of less than 5,000.

(2) COMMUNITIES WITHOUT SIGNIFICANT FEDERAL ASSISTANCE.—In awarding grants under subsection (a), including grants awarded in accordance with paragraph (1), the Secretary shall give priority to eligible organizations serving communities not currently receiving significant Federal assistance under this chapter.

(3) STATE LIMIT.—In awarding grants under subsection (a) for a fiscal year, the Secretary shall not award to eligible organizations within a State an aggregate sum of more than 10 percent of the funds transferred under subsection (l)(1), for the fiscal year.

(d) APPLICATION.—In order to be eligible to receive a grant under subsection (a), an organization shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. The application shall include, at a minimum—
(1) a description of the target population and geographic area to be served;

(2) a description of the types of assistance to be provided;

(3) an assurance that the assistance to be provided is closely related to the identified needs of the target population;

(4) a description of the existing assistance available to the target population, including Federal, State, and local programs, and a description of the manner in which the organization will coordinate with and expand existing assistance or provide assistance not available in the immediate area;

(5) an agreement by the organization that the organization will collect data on the projects conducted by the organization, including assistance provided, number and characteristics of persons served, and causes of homelessness for persons served;

(6) a description of how individuals and families who are homeless or who have the lowest incomes in the community will be involved by the organization through employment, volunteer services, and otherwise, in providing, operating, and rehabilitating housing assisted under this section and in providing services assisted under this section and services for occupants of housing assisted under this section;

(7) a description of consultations that took place within the community to ascertain the most important uses for funding under this section, including the involvement of potential beneficiaries of the project; and

(8) a description of the extent and nature of homelessness and of the worst housing situations in the community.

(e) ELIGIBLE ORGANIZATIONS.—Organizations eligible to receive a grant under subsection (a) shall include private nonprofit entities and county and local governments.

(f) MATCHING FUNDING.—

(1) IN GENERAL.—An organization eligible to receive a grant under subsection (a) shall specify matching contributions from any source other than a grant awarded under this subtitle, that shall be made available in the geographic area in an amount equal to not less than 25 percent of the funds provided for the project or activity, except that grants for leasing shall not be subject to any match requirement.

(2) LIMITATIONS ON IN-KIND MATCH.—The cash value of services provided to the beneficiaries or clients of an eligible organization by an entity other than the organization may count toward the contributions in paragraph (1) only when documented by a memorandum of understanding between the organization and the other entity that such services will be provided.
(3) COUNTABLE ACTIVITIES.—The contributions required under paragraph (1) may consist of—

(A) funding for any eligible activity described under subsection (b); and

(B) subject to paragraph (2), in-kind provision of services of any eligible activity described under subsection (b).

(g) SELECTION CRITERIA.—The Secretary shall establish criteria for selecting recipients of grants under subsection (a), including—

(1) the participation of potential beneficiaries of the project in assessing the need for, and importance of, the project in the community;

(2) the degree to which the project addresses the most harmful housing situations present in the community;

(3) the degree of collaboration with others in the community to meet the goals described in subsection (a);

(4) the performance of the organization in improving housing situations, taking account of the severity of barriers of individuals and families served by the organization;

(5) for organizations that have previously received funding under this section, the extent of improvement in homelessness and the worst housing situations in the community since such funding began;

(6) the need for such funds, as determined by the formula established under section 427(b)(2); and

(7) any other relevant criteria as determined by the Secretary.

(h) EVALUATION.—

(1) IN GENERAL.—Not later than 18 months after funding is first made available pursuant to the amendments made by title IV of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, the Secretary shall conduct an evaluation of the program to—

(A) determine the effectiveness of the program in meeting the goals described in subsection (a) in the area served; and

(B) determine the types of assistance needed to meet the goals described in subsection (a) in rural areas.

(2) REPORT.—Not later than 24 months after funding is first made available pursuant to the amendment made by title IV of the Homeless Emergency Assistance and Rapid
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Transition to Housing Act of 2009, the Secretary shall submit to Congress, the evaluation of the program conducted under paragraph (1), including recommendations for any Federal administrative or legislative changes that may be necessary to improve the ability of rural communities to meet the goals described in subsection (a).

(i) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to eligible organizations in developing programs in accordance with this section, and in gaining access to other Federal resources that may be used to assist homeless persons in rural areas. Such assistance may be provided through regional workshops, and may be provided directly or through grants to, or contracts with, nongovernmental entities.

(j) TERMINATION OF ASSISTANCE.—If an individual or family who receives assistance under this section violates requirements of the assistance program provided by the organization receiving a grant under this section, the organization may terminate assistance in accordance with a formal process established by the organization that recognizes the rights of individuals receiving such assistance to due process of law, which may include a hearing.

(k) DEFINITIONS.—For purposes of this section:

(1) PROGRAM.—The term “program” means the rural housing stability grant program established under this section.

(2) RURAL AREA; RURAL COMMUNITY.—The terms “rural area” and “rural community” mean—

(A) any area or community, respectively, no part of which is within an area designated as a standard metropolitan statistical area by the Office of Management and Budget;

(B) any area or community, respectively, that is—

(i) within an area designated as a metropolitan statistical area or considered as part of a metropolitan statistical area; and

(ii) located in a county where at least 75 percent of the population is rural;

or

(C) any area or community, respectively, located in a State that has population density of less than 30 persons per square mile (as reported in the most recent decennial census), and of which at least 1.25 percent of the total acreage of such State is under Federal jurisdiction, provided that no metropolitan city (as such term is defined in section 102 of the Housing and Community Development Act of 1974) in such State is the sole beneficiary of the grant amounts awarded under this section.

(3) SECRETARY.—The term “Secretary” means the Secretary of Housing and
Urban Development.

(1) PROGRAM FUNDING.—

(1) IN GENERAL.—The Secretary shall determine the total amount of funding attributable under section 427(b)(2) to meet the needs of any geographic area in the Nation that applies for funding under this section. The Secretary shall transfer any amounts determined under this subsection from the Community Homeless Assistance Program and consolidate such transferred amounts for grants under this section, except that the Secretary shall transfer an amount not less than 5 percent of the amount available under subtitle C for grants under this section. Any amounts so transferred and not used for grants under this section due to an insufficient number of applications shall be transferred to be used for grants under subtitle C.

(2) AVAILABILITY.—Any amount paid to a grant recipient for a fiscal year that remains unobligated at the end of the year shall remain available to the recipient for the purposes for which the payment was made for the next fiscal year. The Secretary shall take such action as may be necessary to recover any amount not obligated by the recipient at the end of the second fiscal year, and shall redistribute the amount to another eligible organization.

(m) ) DETERMINATION OF FUNDING SOURCE.—For any fiscal year, in addition to funds awarded under subtitle B, funds under this title to be used in a city or county shall only be awarded under either subtitle C or subtitle D.

TITLE I—GENERAL PROVISIONS

SECTION 101. [42 U.S.C. 11301 note]. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “McKinney-Vento Homeless Assistance Act”.

(b) TABLE OF CONTENTS.—[NOTE: Only title IV is listed.]
TITLE IV—HOUSING ASSISTANCE

SUBTITLE A—GENERAL PROVISIONS
Sec. 401. Definitions.
Sec. 402. Collaborative Applicants.
Sec. 403. Housing affordability strategy.
Sec. 404. Preventing involuntary family separation.
Sec. 405. Technical assistance.
Sec. 406. Discharge coordination policy.
Sec. 407. Protection of personally identifying information by victim service providers.
Sec. 408. Authorization of appropriations.

SUBTITLE B—EMERGENCY SOLUTIONS GRANTS PROGRAM
Sec. 411. Definitions.
Sec. 412. Grant assistance.
Sec. 413. Amount and allocation of assistance.
Sec. 414. Allocation and distribution of assistance.
Sec. 415. Eligible activities.
Sec. 416. Responsibilities of recipients.
Sec. 417. Administrative provisions.
Sec. 418. Administrative costs.

SUBTITLE C—CONTINUUM OF CARE PROGRAM
Sec. 421. Purposes.
Sec. 422. Continuum of care applications and grants.
Sec. 423. Eligible activities.
Sec. 424. Incentives for high-performing communities.
Sec. 425. Supportive services.
Sec. 426. Program requirements.
Sec. 427. Selection criteria.
Sec. 428. Allocation of amounts and incentives for specific eligible activities.
Sec. 429. Renewal funding and terms of assistance for permanent housing.
Sec. 430. Matching funding.
Sec. 431. Appeal procedure.
Sec. 432. Regulations.
Sec. 433. Reports to Congress.

SUBTITLE D—SAFE HAVENS FOR HOMELESS INDIVIDUALS DEMONSTRATION PROGRAM
REPEALED.

SUBTITLE E—MISCELLANEOUS PROGRAMS
REPEALED.

SUBTITLE F—SHELTER PLUS CARE PROGRAM
REPEALED.

SUBTITLE D—RURAL HOMELESS HOUSING ASSISTANCE
Sec. 491. Rural housing stability assistance.
Sec. 492. Use of FMHA inventory for transitional housing for homeless persons and for turnkey housing.