

(sections 204(a)(1)(A), 253(c)(1) and 264(b)(1)(A)).

(c) *Methods of objective assessment.* (1) The SDA shall choose the most appropriate means to measure skills, abilities, attitudes, and interests of the participants. The methods used in conducting the objective assessment may include, but are not limited to, structured interviews, paper and pencil tests, performance tests (e.g., skills, and/or work samples, including those that measure interest and capability to train in nontraditional employment), behavioral observations, interest and/or attitude inventories, career guidance instruments, aptitude tests, and basic skills tests.

(2) Instruments used for objective assessment may be developed at the local level; however, any formalized instruments nationally available should be used only for the specific populations for which they are normed.

(d) *Updating of assessments.* Objective assessment should be treated as an ongoing process. As additional relevant information relating to a participant becomes available, it should be reviewed and considered for inclusion in the individual service strategy.

(e) *Other sources of objective assessment.* Other non-JTPA assessments (e.g., through the Job Opportunities and Basic Skills (JOBS) program under title IV of the Social Security Act, or through schools) which have been completed within one year of application for services, and which meet the requirements of this section, may be used to comply with the requirement to assess each participant.

§ 628.520 Individual service strategy.

(a) *General.* The requirements of this section shall apply to programs conducted under title I (i.e., sections 121 and 123) and title II, parts A, B and C.

(b) *Definition.* (1) Individual service strategy (ISS) means an individual plan for a participant, which shall include an employment goal (including, for women, consideration of nontraditional employment), appropriate achievement objectives, and the appropriate combination of services for the participant based on the objective assessment conducted pursuant to § 628.515 of this part, Objective assess-

ment. In developing the ISS, the participant shall be counseled regarding required loan repayments if the participant chooses to incur personal indebtedness to participate in an education program. The participant shall also be apprised of the requirements for self-sufficiency and the occupational demands within the labor market.

(2) Decisions concerning appropriate services shall be customer-centered, and ensure that the participant is not excluded from training or career options consistent with the provisions of 29 CFR part 34 concerning non-discrimination and equal opportunity.

(3) For the title II-B program, the ISS may include the components specified in paragraph (b)(1) of this section (sections 204(a)(1)(B), 253(c)(2) and 264(b)(1)(B)). For purposes of titles II-B and II-C, the employment goal may be interpreted broadly and based on long-term career guidance.

(c) *Joint Development of ISS.* The ISS shall be developed in partnership with the participant and reflect the needs indicated by the objective assessment and the expressed interests and desires of the participant. It is not a formal contract and signatures are not a requirement.

(d) *Review of ISS.* The ISS shall be reviewed periodically to evaluate the progress of each participant in meeting the objectives of the service strategy, including an evaluation of the participant's progress in acquiring basic skills, and occupational skills, as appropriate, and the adequacy of the supportive services provided.

(e) *Provision of services.* If JTPA resources are not sufficient to provide the full range of training or supportive services which might be identified in the ISS, the SDA shall make every reasonable effort to arrange for, through other community resources, basic and occupational skills training and supportive services identified as needed in the ISS for participants under titles II-A and II-C and, in addition, preemployment and work maturity skills training and work experience combined with skills training for participants under title II-C (sections 204(a)(1)(D) and 264(b)(1)(D)).

(f) *SDA review of objective assessment and ISS.* (1) The objective assessment

§ 628.525

and development of the ISS may be conducted by service providers.

(2) The SDA administrative entity shall ensure that development of the ISS and the services provided, respond to the individual needs of the participant and that the combination of services to the participant is indicated by the results of the objective assessment.

(g) *ISS record of decisions.* The ISS shall be used as the basic instrument for the SDA to record the results of decisions made about the combination and sequence of services for the participant based on the objective assessment. Justification for decisions may be referenced but need not be recorded in the ISS. These decisions shall include, but are not limited to, the employment goal and/or career cluster; referrals to other programs for specified activities; the provision and amount of supportive services; and the delivery agents and schedules for training and supportive services activities. The decisions for time and duration of OJT (§ 627.240 of this chapter) shall be briefly recorded in the ISS and may not reference other documents.

(h) The ISS is a customer-centered case management tool and shall not be used as a compliance document.

§ 628.525 Limitations.

Neither eligibility for nor participation in a JTPA program creates an entitlement to services, and nothing in the Act or this part shall be construed to establish a private right of action for a participant to obtain services described in the objective assessment or ISS.

§ 628.530 Referrals of participants to non-title II programs.

(a) When it is determined, through the objective assessment and the ISS, that a participant would be better served by a program other than one under title II (e.g., Job Corps, Vocational Rehabilitation, State or local education, substance abuse treatment center, and/or dislocated worker programs), the participant shall be referred to the appropriate program. Such referral shall be recorded in the ISS.

(b) In cases where there will be a continuing relationship with a participant,

20 CFR Ch. V (4-1-11 Edition)

a referral to another program(s) for specific services will be part of the participant's title II program strategy and will be recorded in the ISS.

(c) When there will not be a continuing relationship with a participant as the result of a referral to a program other than title II, and an assessment but no training component has been provided, the referral should be recorded in a partial ISS and the individual shall not be counted for purposes of calculating performance against the SDA's performance standards. Further tracking or follow-up of referrals out of title II is not required.

§ 628.535 Limitations on job search assistance.

(a) *General.* Job search assistance is designed to give a participant skills in acquiring full time employment. (See § 626.5 of this chapter, Definitions.)

(b) *Conditions.* Job search activities may be conducted only:

(1) For participants when specified as appropriate in the ISS; and

(2) When delivered in conjunction with other training or educational services designed to increase the participant's ability to acquire employment. Additional services which may be provided in conjunction with job search include the direct training services listed in JTPA section 204(b)(1) of the Act, excluding standalone skill assessment, counseling, work experience and case management and the direct training services listed in 264(b) of the Act excluding tutoring, standalone skill assessment, counseling, work experience and case management. (See § 627.245 of this chapter, "Work Experience," especially § 627.245(d) regarding combination of other services.)

(c) *Exceptions.* (1) Job search assistance activities, including job search skills, training, and job clubs may be provided without the accompanying services specified in paragraph (b) of this section only when:

(i) The objective assessment and the ISS indicate that the additional services are not appropriate; and

(ii) The activities are not available or accessible through other public agencies, including the Employment Service.