

## 5.2 Limited English Proficiency (LEP) Pathway

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Legal References:

- [RCW 74.08A.320](#)
- [WAC 388-310-0900](#)
- [WAC 388-271](#)

The *Limited English Proficiency Pathway* section includes:

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### 5.2.3 Who are RCA/~~RF~~ recipients and what are their participation requirements?

Refugee Cash Assistance (RCA/~~RF~~) recipients are single or married individuals without dependents, and who can't be claimed as someone else's dependent. They must meet program income and resource requirements, and their immigration status must allow them to access cash assistance. RCA/~~RF~~ recipients who aren't exempt are required to meet work and training (W&T) requirements, and can be served through the LEP Pathway to meet these requirements. See WAC [388-400-0030](#) , [388-466-0120](#), [388-466-0005](#), [388-466-0150](#).

Individuals receiving RCA/~~RF~~ can receive cash for ONLY an 8--month period beginning in the first month they entered the United States. For asylee (AS) and victims of trafficking (VT) clients, this is the date of their certification letter or order from the U.S. government. Due to this short timeline, these clients need immediate, intensive job search and job placement assistance.

RCA/~~RF~~ individuals:

- Are referred to LEP Pathway contractor as soon as possible

- If there's no DSHS contracted LEP Pathway provider in the area, refer client to the available work and/or training provider
- Aren't required to have an Individual Responsibility Plan (IRP)
- Must have an Employability Plan (EP) and a Family Self-Sufficiency Plan developed for them
- Must participate in work and/or training activities such as job search, ESL, skills training, etc. unless exempted

RCA/RF follows TANF exemption criteria. RCA/RF recipients are exempt from Work and Training (W&T) activities if they:

- Are sixty (60) years of age or older
- Have a severe and chronic disability
- Are required to be in the home to care for another adult with disabilities
- Are unable to participate in work activities because they are the victim of family violence

Age (client is sixty years of age or older) is an unconditional exemption. For all other reasons, client recipients must provide proof that they are unable to participate in the form of medical testimony or other evidence. An exempt RCA/RF client may voluntarily participate in W&T.

The W&T requirements of RCA/RF clients recipients may be met through participation in the LEP Pathway. The LEP Pathway offers several participation options ~~for participants~~ to enhance ~~their~~ skills and employability.

#### 5.2.4 What are participation requirements for survivors of certain crimes and lawfully residing individuals?

Survivors of certain crimes may be eligible for State Family Assistance (SFA), if they meet all other eligibility requirements with the exception of immigration status. Survivors of certain crimes who qualify for SFA are required to engage in WorkFirst.

For more information on this population, please see WAC 388-424-0001 and *EA-Z Manual: Citizen and Immigration Status Requirements Specific to Program – Benefits for Survivors of Certain Crimes.*

Lawfully present non-qualified aliens, (also referred to as ‘lawfully residing individuals’) who qualify for SFA benefits are also subject to WorkFirst requirements. This population was formerly referred to in WFHB as PRUCOL - *Permanently Residing Under Color of Law.*

**Note:** PRUCOL includes any noncitizen individual without official United States Citizenship and Immigration Services (USCIS) status who is residing and intends to reside in the U.S. indefinitely and the USCIS knows they’re residing in the U.S. but doesn’t take steps to enforce their departure. It isn’t an immigration status; rather a term formerly used to define the eligibility of certain individuals for public benefits.

Examples of lawfully residing individuals may include:

- Applicants for asylum
- Individuals with Suspension of Deportation granted
- Individuals with Voluntary Departure granted

For more information, please see WAC 388-424-0001 and *EA-Z Manual: Citizenship and Immigration Status Requirements for all Programs – Definitions.*

Survivors of certain crimes and lawfully residing individuals may not have work authorization. They aren't referred to employment-specific services or job search activities. Instead, they're:

- Excluded from work specific participation requirements
- Referred to LEP Pathway for ESL instruction, if their English skills are limited
- Referred for participation in appropriate activities and services that don't require them to have a Social Security Number (SSN) or work authorization. Examples of activities and service referrals include, but aren't limited to:
  - Basic education or high school equivalency completion
  - Family violence services
  - Emotional & mental health services – including counseling and support groups
  - Medical services
  - Community based organizations
  - Other appropriate Office of Refugee & Immigration Assistance (ORIA) providers
- Referred to legal services for assistance to adjust their immigration status (if desired by the participant)

Due to the unique circumstances of these populations, WorkFirst participation requirements are tailored to support the participant and their family. Actively take steps to refer and/or place participants into activities to help resolve or cope with their circumstances and create a safe environment for the family, as well as prepare for future employment if appropriate. WorkFirst participation exemptions are available to these populations, if they qualify (see WFHB 6.8).

**Note:** Survivors of certain crimes may be cooperating with the Department of Justice (DOJ) on the prosecution of their traffickers or perpetrators. All details of their case are confidential and they can't talk about it, nor should they be asked to discuss the details of their case.

Survivors of certain crimes and lawfully residing individuals are identified in eJAS using the PU indicator (set at "0" hours), along with appropriate activity component, depending on assigned activities.

## Who are PRUCOL and what are their participation requirements?

The acronym PRUCOL means Permanently Residing Under Color of Law. PRUCOL isn't an alien status; it's a term used to define the eligibility of certain aliens for public benefits. PRUCOL includes any alien without official United States Citizenship and Immigration Services (USCIS) status who is residing and intends to reside in the U.S. indefinitely and the USCIS knows they are residing in the U.S. but doesn't take steps to enforce their departure. Examples of PRUCOL may include:

Applicants for asylum.

Suspension of deportation granted.

Voluntary departure granted.

For additional information see WAC [388-424-0001](#) and Eligibility A-Z Manual, [Citizenship and Alien Status](#).

Some participants in PRUCOL status don't have work authorization and shouldn't be referred to an employment provider. They are:

Excluded from work participation requirements

~~Referred to LEP Pathway for ESL instruction only if their English skills are limited~~

~~May be referred to legal services for assistance to adjust their immigration status~~

~~May be referred for participation in appropriate activities that don't require them to have Social Security Number (SSN) or work authorization (e.g. basic education and high school equivalency completion) to prepare for job search and employment later when they receive their work authorization~~

~~To identify PRUCOL cases in eJAS, add a PU component code to the eJAS component screen and refer to additional services as needed.~~

## 5.2.5 What is the comprehensive evaluation and/or assessment process for LEP participants?

Participants who are LEP are required to complete the comprehensive evaluation and assessments (if indicated) as applicable to all WorkFirst participants before being referred to the LEP employment pathway for bilingual and culturally appropriate services.

## 5.2.6 What are LEP Pathway participation activities?

The LEP Pathway offers several participation options for participants to enhance their skills and employability. Core activities are countable toward the federal TANF participation rate; however, some core activities are time-limited. Non-core activities can only be countable toward the federal TANF participation rate if they are stacked with a 20 hour per week countable core activity. See WFHB 1.2.3 for additional information about adding an additional three hours (preferably core activity hours) in the parent's IRP when possible.

- FT participation can be met with standalone Pathway activities, Job Search (**JS**), Customized Job Skills Training (**PE**) or up to the monthly FLSA maximum Work Experience (**WE**), or Community Service (**XS**) within 30 days of their referral to the LEP Pathway employment contract
- Or by ESL instruction (**JT**) and Job Skills Training (**JT**) stacked with other WorkFirst core activities

The LEP Pathway program includes:

- “Core” activities:
  - Unsubsidized employment (**FT, PT**)
  - Job Search (**JS**) (time limited to 12 weeks)
  - Customized Job Skills Training (**PE**) (time limited to 12 months)
  - Community Service (**XS**)
  - Work Experience (**WE**)
- “Non-core: Activities:
  - Job Skills Training (**JT**) is countable if stacked with 20 hours of core activities
  - ESL (**JT**) is countable if [stacked](#) with 20 hours of [core activities](#). See 5.2.10 for detailed explanation
  - ESL (**ES**) is not countable towards participation

Participants in the LEP pathway should:

- Start their pathway participation activities within 30 days after approval for TANF/RCA assistance, if able

- Have full-time (35-40 hours a week) participation in Job Search (**JS**), Customized Job Skills Training (**PE**) or up to the monthly FLSA maximum Work Experience (**WE**) or Community Service (**XS**) within 30 days of their referral to the LEP Pathway employment contractor
- Have ESL instruction (**JT**) and Job Skills Training (**JT**) ~~may be~~ stacked with other [WorkFirst core activities](#)
- Accept a job offer iff at any time during participation, a job becomes available and has been offered ~~to the participant, it is their responsibility to accept it~~, unless there's a good reason to refuse the job (for definitions of "good reason" see [WAC 388-310-1600](#))

**Note:** When a participant is able, but refuses without good cause to accept a job, a [sanction penalty](#) is imposed following the [Good Cause process](#).

Regular case staffing(s) are encouraged to review participation and progress. Anyone with an EA plan may need more time in the component activity and fewer participation hours to [accommodate their additional needs](#).

Participants who meet participation requirements are eligible for [WorkFirst support services](#) -(see [WAC 388-310-0800](#)). Those who are working full time and are still eligible for TANF cash assistance should be encouraged, but not required, to enroll in educational activities along with their employment.

### 5.2.7 Can LEP participants engage/caregivers in non-LEP Pathway activities?

WorkFirst LEP participants can engage participate in activities outside the LEP pathway. The WorkFirst Program Specialist (WFPS) or Refugee Social Service Specialist (RSW) must follow the referral process as outlined in the appropriate WorkFirst chapter in those cases.

The following core activities are examples:

- Community Jobs - [CJ](#) (Note: Some Commerce providers offer LEP CJ)
- On-the-job Training - [OT](#)
- Vocational Education - [VE](#)
- High Wage High Demand Training - [HW](#)
- High School completion or High School equivalency (age 19 or younger) - [HS](#)

Non-core activities used to stack with core activities, are also great opportunities when a participant doesn't need ESL. These activities can include:

- High School completion (age 20 or older) - [BE](#)
- High School equivalency (age 20 or older) - [GE](#)

The non-LEP pathway contractor or agency must report these activities, and the WFPS/RSW must review them.

### 5.2.8 When should LEP participants be placed into a Community Service or Work Experience activity?

**Community Service** is a structured unpaid work activity in which LEP TANF participants work for the direct benefit of the community under the support of a public or non-profit organization. It's a core activity that counts towards the federal participation rate and is coded as **XS** on the eJAS component code screen.

Participants may be determined to be best suited for Community Service if they:

- Have little or no work experience in the U.S. and placement in this activity will provide the skills needed to be successful in the workplace

- Need to participate in a core work activity so their participation in a non-core work activity counts towards the WorkFirst participation rate
- Need additional core countable hours to meet minimum WorkFirst participation requirements
- Need to participate in a work activity pending start-up of another activity (e.g. waiting for classes to begin, breaks between classes, etc.)

**Work Experience (WEX)** is a structured unpaid work activity, which offers an opportunity for participants to practice or expand their work skills in a supportive and flexible work environment in a public or non-profit organization. It is a core activity that counts towards the federal participation rate and is coded as **WE** on the eJAS component code screen.

Participants may be determined to be best suited for a WEX if they:

- Need time to acquire job skills needed for work and need minimal case management to be successful on the worksite
- Have work experience, but need additional experience to become competitive in the labor market
- Need to participate in a core work activity so their participation in a non-core work activity counts towards the WorkFirst participation rate
- Need additional core countable hours to meet minimum WorkFirst participation requirements

A Bilingual Site Supervisor can be assigned at the Community Service or WEX worksite to provide supervision and bilingual support to the participant, assisting in developing the skills, insights and attitudes that enhance their parent's ability to advance toward eventual employment.

### 5.2.10 When it is appropriate to code ESL as “JT” in eJAS?

ESL service is provided for participants with ESL levels 1-6 to assist in gaining language skills necessary to obtain and maintain employment. CASAS and ORIA-approved assessment tools are used to determine a participant's ESL level and language skill gains, as defined by the Washington State Board of Community and Technical Colleges (SBCTC).

- Use the **JT** eJAS component code for ESL when stacked with 20 hours of core activities and indicate in the participant's Individual Responsibility Plan (IRP) that ESL is a skill needed for employment
- Use the **ES** eJAS component code for a stand-alone ESL activity until the participant's English proficiency is sufficient to participate in core activities

### 5.2.12 How do we claim unsupervised homework hours for ESL when the participant drops out or is referred back ~~to the CSO~~?

In the event that the participant drops out or is referred back ~~to the CSO~~ before completing their ESL class, one hour of homework time can be claimed for each *actual* class time hour attended by the participant if the homework expectation hours are equal to or greater than the scheduled class hours. This applies to community or technical college and CBO contractors.

~~E~~For example: ~~if a~~ A participant is scheduled to go to class for 12 hours a week for three months. ~~T~~and they drop out or are referred back ~~to the CSO~~ after only two weeks of ESL class, with 18 hours of total class time attendance, ~~then~~ 36 total participation hours may be claimed for the participant (18 attendance hours plus 18 unsupervised homework hours).

### 5.2.15 LEP Pathway - Step-by-step guide

1. After eligibility is established and cash assistance is approved, the WFPS/RSW:

- a. Completes the eJAS comprehensive evaluation in the Pathway Development Tool (See section [WFHB 3.2](#) - Comprehensive Evaluation for more information).
- b. Provides family planning and family violence information in the participant's primary language and makes necessary referrals.
- c. Refers the participant to RSW/Social Service Specialist (SW) for [intensive services](#) if there are barriers to participation or an emergent issue(s). The RSW/SW determines whether the participant needs EA/NSA services and appropriate activities.
- d. After completing the comprehensive evaluation or assessment, discuss the LEP Pathway and if participant chooses this option, refers the participant to the LEP Pathway contractor. If there are no barriers, for ESL level testing and creation of an Employment Plan:
  - i. Enters **LP** and **ES** components with 0 participation hours for 10 business days. ES component is used to indicate a referral to the employment contractor for ESL testing and creation of the employment plan.
  - ii. Enters the LEP Pathway contractor code to both the LP and ES components by clicking on the "Add a Contractor" link above the components. (For help with Contractor code click the question mark "?" or use the [LEP Pathway Contractors List.](#)) The ES contractor code is opened to allow the contractor electronic access to the case in eJAS. The LP contractor code is opened to allow the WFPS/RSW to create the initial IRP.
  - iii. Creates an IRP from the LP component for ESL testing and completion of EP with chosen contractor.
  - iv. Creates/completes a referral to the contractor with:
    - Contractor's agency name and code
    - Contact person name and phone number
    - Referral type - Participation
    - participant's primary language
    - Description of expected specific activities (ESL testing, recommendations for EP) in Comments section
    - Signed Authorization for Release of Information on file
  - v. E-Messages the referral to the contractor,
  - vi. Prints the referral for the participant and explains that it is [their participant's](#) responsibility to contact the contractor.
- e. If the LEP participant is a returner, asks if they are already working with a contractor. If yes, generates a referral to this contractor and continues working with the case as usual. When referring the [participating](#) participant to a different contractor, notifies the previous contractor immediately.

2. The LEP Pathway contractor:

- a. Accepts the **ES** component by entering the date when the referral is accepted.
- b. Makes all efforts to contact the participant as soon as possible to make an appointment.
- c. Reviews the referral and meets with the participant for a ~~face to face~~ one-on-one interview.
- d. Conducts/arranges for the CASAS language testing.
- e. Enters the ESL level and CASAS test date on the Client Demographic Screen and in the Client Notes.

- f. If the ESL level is 1 through 6:
- i. Reviews together with the participant their previous education, training, work history, skills and occupational goals to determine appropriate activities.
  - ii. Discusses WorkFirst participation requirements with the participant and develops a written Employment Plan.
  - iii. Completes the eJAS Client Notes and e-Messages to WFPS/RSW information about the first meeting, recommends employment activities, and explains why they may be beneficial. Indicates if any of the following activities are recommended:
    - ESL instructions only
    - ESL instructions when combined with other activities as a skill needed for employment
    - Skills Enhancement training when meeting the 20 hour core participation
    - Customized Job Skills Training
    - Community Service
    - Work Experience
    - Job Search
    - Other non-LEP Pathway employment services deemed necessary (i.e. Vocational Education, Community Jobs, etc.)
  - g. Rejects the **ES** component by referring back the participant to the CSO within ten business days if no contact was made (face-to-face meeting with the parent) by the tenth business day.

3. The WFPS/RSW:

- a. Discusses the proposed participation activities with LEP Pathway contractor to reach an agreement.
- b. Extends the **LP** indicator code on the Active Component Screen for the duration of the LEP Pathway services in addition to opened participation components.
- c. Finalizes the IRP and enters the activity components with the scheduled hours of participation and the contractor's 3 digit code.
- d. Uses the following eJAS component codes for ESL instructions:
  - **JT** if the ESL is stacked with a core activity
  - **ES** if the ESL is recommended as a stand-alone activity

4. The LEP Pathway contractor:

- a. Works with WFPS/RSW to discuss and finalize the suggested activities. Makes sure that the participant is a part of the decision making process.
- b. Modifies the Employment Plan as needed and schedules the participant for full-time (35 to 40 hours a week) WorkFirst activities using the [stacking activities](#) as needed.
- c. Enters the date the participant began participating in WorkFirst activities in Actual Start Date column of Contractor Caseload Screen.
- d. Documents participant's actual participating hours by keeping daily attendance/timesheets. Documents [excused absences](#) in eJAS and states the reason for absence in eJAS Notes. (Although not specifically stated in WAC, cultural holidays may be considered an excused absence.)
- e. Reports actual participation hours monthly on the eJAS Contractor Caseload and Multiple Clients Monthly Participation screens by the 10th of the following month for the previous month's activities.



- f. Reports in eJAS any issues identified. Attempts to resolve the issue with the participant and involves the WFPS/RSW immediately when unable to resolve or if the issues are affecting the participant's ability to participate.
- g. Sends immediate notification to the WFPS/RSW within 1 business day after a participant has 2 excused or unexcused absences in a calendar month by using the "Immediate Notify" column in the Contractor Caseload screen, and keeps the activity open. (Refer to WFHB [5.2.13](#)- *What steps do you take when a participant is absent?*)
- h. Contacts the participant and WFPS/RSW to discuss next steps, including if it is appropriate to refer the participant client back to DSHS.
- i. Sends immediate notification to the WFPS/RSW when a participant is unable to participate for the scheduled number of hours. Initiates conversation with WFPS/RSW and participant about whether the activity is appropriate.
- j. Updates appropriate sections of eJAS.
- k. Monitors employed participants for a minimum of 90 days following job placement.

5. The WFPS/RSW:

- a. Continues to monitor the LEP Pathway case.
- b. Addresses any rejected referrals.
- c. Refer participants with ESL level 5 and 6 to ESD, Commerce or Education and Training activities for employment services.
- d. Updates the IRP and eJAS with any activity changes as follows:
  - i. Updates activity components and enter contractor's 3 digit code (LEP Pathway Contractors List) in eJAS Active Components screen to give the contractor access to the case record.
  - ii. Updates or creates a new IRP, if necessary, and has the participant sign it.
  - iii. Documents scheduled WorkFirst activities in eJAS LEP notes.
- e. Notifies the contractor of changes in the participants' participation requirements so that EP can be updated.
- f. Reviews the Contractors Caseload and Monthly Participation screens for monthly reporting. If the contractor is not reporting as required, contacts the Supervisor. If unable to resolve the issue locally, the regional WorkFirst Coordinator would contact ORIA who works with the contractor on any issues.
- g. Reviews the case every 90 days for participation and progress. The participating participant may be reassigned to a new contractor if the WFPS/RSW believes progress has not be made with the current contractor. Notifies the current contractor immediately about the change in contractor and indicates the reason for it.
- h. Notifies the LEP contractor if the participant moves to different address outside of the CSO area or has been referred to a different contractor and indicates why.
- i. Updates the eJAS Employment screen as soon as possible with employment information received from contractor.
- j. Ensures the ACES EARN screen is updated.

**Note:** "PT" and "FT" components for LEP Pathway participants always need a 3 digit contractor code to allow the contractor an eJAS access to the case for additional monitoring and reporting. When closing WorkFirst case, remember to leave the eJAS case open for another 4 months from the date of TANF closure.

For a summary of the LEP Pathway process, please see the [TANF/WorkFirst Application and LEP Pathway Program](#) flow chart.

# Resources

## Related WorkFirst Handbook Sections

- [1.2 Required Participation](#)
- [1.4 WorkFirst Orientation](#)
- [2.2 Support Services](#)
- [3.2.1 Comprehensive Evaluation](#)
- [3.3.1 Individual Responsibility Plan](#)
- [3.3.2 Stacking Activities](#)
- [3.5.1 Entering Sanction](#)
- [7.1 Education and Training Overview](#)
- [7.2 Vocational Education](#)
- [7.3 Basic Education, Skills Enhancement, High School/HSE](#)
- [8.3 Community Jobs](#)

## Forms & Other Resources

- [Capturing Homework Hours Chart](#)
- [Educational & Homework Requirements Worksheet](#) (used by LEP Pathway contractors)
- [LEP Pathway ESL Competency Levels](#)
- [TANF/WorkFirst Application and LEP Pathway Program Flow Chart](#)
- [WorkFirst Calculator Tool](#) (used by SBCTC staff)
- [WorkFirst Partner Directory – \*only accessible to CSD staff\*](#)