

Appendix 106

REASONABLE ACCOMMODATION TO PARTICIPATE IN THE JOB CORPS ADMISSION PROCESS

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 Reasonable Accommodation Process Form for 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. All applicants must complete this form. The AC will go through the form with each applicant, and may assist with its completion, as necessary.

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

- Must address the applicant's accommodation needs immediately.
- 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 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 from. 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 section of the Job Corps Disability Website 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 reasonable accommodation section of the Job Corps Disability Website for resources for assessment.

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:

- Effect of the request on overall financial resources of the OA contractor, the region, and the program.
- Does the OA contractor have the funds to provide the accommodation?
- Can the Regional or National Office provide funding or identify other resources that may provide funding?
- What effect would funding a particular accommodation have on the total amount of resources available to the OA contractor, region, and/or program?
 - Availability of outside funding — Can other agencies/organizations provide or contribute to the cost of providing the accommodation?
 - Effectiveness of the accommodation — Will it allow the individual applicant to participate in the admissions process?
 - Benefits of the accommodation — Could the requested accommodation benefit other persons with disabilities?
 - 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?
 - Availability of existing or 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.

- The OA staff met with the applicant and his or her parents/guardians/advocates to determine his or her reasonable accommodation needs.
- The interactive process was well documented.
- Specific accommodations were considered.
- 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.
- 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.
- 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.
- 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.
- 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 outreach and admissions resources. Sometimes the accommodation merely requires a change in a policy, program, or procedure (e.g., oral provision of application information). Outreach and admissions contractors are responsible for any costs associated with providing reasonable accommodation during the admissions process. If the outreach and admissions 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 section of the Job Corps Disability Website.

REASONABLE ACCOMMODATION PROCESS FORM FOR 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 the remainder of this document.

- I have reviewed the information above with the applicant and informed the applicant about his or her right to request reasonable accommodation to participate in the admissions process.

Admissions Counselor Signature

Date

SECTION A – APPLICANT

| | |
|--|--|
| Name: | |
| Address: | |
| Contact Information (include all phone numbers and e-mail addresses): | |

- I do not wish to request any accommodations at this time. I understand that I may request reasonable accommodation at any time during the application process.
- I would like to request accommodations to participate in the Job Corps admissions process. **Please list the accommodations requested:**
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- 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

If the applicant requested accommodation or thinks he or she may need an accommodation, then the AC must complete Section B and the applicant must complete Section C.

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.

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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 reasoning, 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.