

FORM 2-03
DEFINITIONS AND DOCUMENTATION REQUIREMENTS
RELATED TO REASONABLE ACCOMMODATIONS FOR
APPLICANTS AND STUDENTS WITH DISABILITIES

PROCESS FOR AN APPLICANT OR STUDENT WITH A DISABILITY TO
REQUEST REASONABLE ACCOMMODATION TO PARTICIPATE IN THE
JOB CORPS PROGRAM

BACKGROUND

What is the definition of disability?¹

A disability is a physical or mental impairment that substantially limits one or more major life activities; a record (or past history) of such an impairment; or being regarded as having a disability.

What is a physical impairment?

A physical impairment is any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems:

- Cardiovascular
- Circulator
- Digestive
- Endocrine
- Genitourinary
- Hemic and Lymphatic
- Immune
- Musculoskeletal
- Neurological
- Reproductive
- Respiratory (including speech organs)
- Skin
- Special Sense Organs

What is a mental impairment?

A mental impairment is any mental or psychological disorder, such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

¹ The Americans with Disabilities Act Amendments Act (ADAAA) went into effect January 1, 2009. The ADAAA makes it much easier for an individual to meet the definition of disability, be protected from discrimination, and be entitled to reasonable accommodations. Changes to this act apply to all federal disability nondiscrimination laws including the Workforce Innovation and Opportunity Act and Section 504 of the Rehabilitation Act that apply to Job Corps. While these laws are not identical, they are consistent, and have been modified to conform to the ADAAA. While all regulations that apply to Job Corps have not been updated, the ADAAA changes still apply to these regulations.

Are there conditions, situations, or orientations that are not considered physical or mental impairments?

The following conditions, situations, or orientations are not considered physical or mental impairments:

- Homosexuality and bisexuality
- Normal pregnancy
- Environmental, cultural, and economic disadvantages (e.g., a prison record or a lack of education)
- Limited English proficiency/English as a second language

In addition, federal disability nondiscrimination laws do not protect people with the following conditions, even if the conditions would otherwise satisfy the definition of “disability.”

- Transvestitism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders
- Compulsive gambling, kleptomania, or pyromania
- Psychoactive substance-use disorders resulting from current illegal use of drugs
- Environmental, cultural, or economic disadvantages (e.g., poverty, lack of education, prison record)

What are major life activities?

Major life activities include, but are not limited to: caring for oneself; performing manual tasks; seeing; hearing; eating; sleeping; walking; standing; sitting; reaching; lifting; bending; speaking; breathing; learning; reading; concentrating; thinking; communicating; interacting with others; and working. Other major life activities include the operation of a major bodily function, including functions of the immune system; special sense organs and skin; normal cell growth; and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system. This list is not exhaustive, but carries examples of some activities that can be considered.

What is a substantial limitation?

When making a determination on whether an individual is substantially limited in performing a major life activity:

- The determination requires an individualized assessment.

- The determination should not require extensive analysis.
- An impairment need not prevent, or severely or significantly limit a major life activity in order to be considered substantially limiting. Nonetheless, every impairment does not constitute a disability.
- The term “substantially limits” should be construed broadly in favor of expansive coverage; “substantially limits” is not meant to be a demanding standard.
- An impairment is a disability if it substantially limits the ability of an individual to perform a major life activity as compared to most people in the general population. An impairment need not prevent, or significantly or severely restrict the individual from performing a major life activity in order to be considered substantially limiting.
- Although determination of whether an impairment substantially limits a major life activity as compared to most people will not usually require scientific, medical, or statistical evidence, such evidence may be used if appropriate.
- An individual need only be substantially limited, or have a record of a substantial limitation, in one major life activity to be covered under the first or second prong of the definition of disability.
- When determining whether a person is substantially limited in a major life activity, the beneficial effects of mitigating measures, except ordinary eyeglasses or contact lens, will be ignored. Mitigating measures are things such as:
 - Medication, medical supplies, equipment, or appliances, low-vision devices (defined as devices that magnify, enhance, or otherwise augment a visual image, but not including ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aid(s) and cochlear implant(s) or other implantable hearing devices, mobility devices, and oxygen therapy equipment and supplies;
 - Use of assistive technology;
 - Reasonable accommodations or auxiliary aids or services;
 - Learned behavioral or adaptive neurological modifications; or
 - Psychotherapy, behavioral therapy, or physical therapy.

Evidence showing that impairment would be substantially limiting without mitigating measures could include evidence of limitations that a person experienced prior to using a mitigating measure, evidence concerning the expected course of a particular disorder absent mitigating

measures, or readily available and reliable information of other types.

While the beneficial effects of mitigating measures are ignored; if the mitigating measure itself causes any limitations, they will be considered. The use of a mitigating measure cannot be required.

An impairment that is episodic or in remission meets the definition of disability if it would be substantially limiting when it is active. This means that chronic impairments with symptoms or effects that are episodic rather than present all the time can be a disability even if the symptoms or effects would only substantially limit a major life activity when the impairment is active. Examples of impairments that may be episodic include epilepsy, hypertension, asthma, diabetes, major depressive disorder, bipolar disorder, and schizophrenia.

The effects of an impairment lasting fewer than 6 months can be substantially limiting. At the same time, the duration of an impairment is one factor that is relevant in determining whether the impairment substantially limits a major life activity. Impairments that last only a short period of time are typically not covered, although they may be covered if sufficiently severe.

Are there certain impairments that will always result in substantial limitation in performing certain major life activities?

The following impairments are examples from the Americans with Disabilities Act Amendments Act (ADAAA) regulations of impairments that should be easily found to substantially limit a major life activity:

- Deafness substantially limits hearing
- Blindness substantially limits seeing
- An intellectual disability substantially limits brain function
- Partially or completely missing limbs or mobility impairments requiring the use of a wheelchair substantially limit musculoskeletal function
- Autism substantially limits brain function
- Cancer substantially limits normal cell growth
- Cerebral palsy substantially limits brain function
- Diabetes substantially limits endocrine function
- Epilepsy substantially limits neurological function
- Human Immunodeficiency Virus (HIV) infection substantially limits immune function

- Multiple sclerosis substantially limits neurological function
- Muscular dystrophy substantially limits neurological function
- Major depressive disorder, bipolar disorder, post-traumatic stress disorder, obsessive compulsive disorder, and schizophrenia substantially limit brain function

May the condition, manner, or duration under which a major life activity can be performed be considered in determining whether an impairment is a disability?

For conditions that are not so obviously disabilities, the regulations state that in determining whether an individual is substantially limited in a major life activity, it may be useful in appropriate cases to consider, as compared to most people in the general population:

- The condition under which the individual performs the major life activity;
- The manner in which the individual performs the major life activity; and/or
- The duration of time it takes to perform a major life activity or the amount of time the activity can be performed.

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, job, program, or activity that is equal to the opportunity given to similarly situated people without disabilities. Although many people with disabilities can (and do) apply for and participate in the Job Corps program without any reasonable accommodations, barriers do exist that keep other potential applicants or students with disabilities from applying or participating, 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.

Who is entitled to reasonable accommodations?

Under federal law, only a person who meets one or both of the first two prongs of the disability definition (i.e., actual disability or record of a disability) is entitled to reasonable accommodation.²

² People who are regarded as having a disability are protected from discrimination by federal disability nondiscrimination laws. However, these people are not entitled to the positive actions, such as reasonable accommodations, that must be provided to people with actual, current disabilities or those with a record (past history) of a disability.

How do federal disability nondiscrimination laws relating to drug addiction and alcoholism interact with Job Corps' Zero Tolerance Policy and alcohol-related policies?

Drug Addiction

The definition of “individual with a disability” under federal law explicitly excludes persons who are *currently* engaging in the illegal use of drugs. This exclusion means that even though a particular person’s drug addiction constitutes a disability, it is not against the law to take adverse action against that person – to separate him or her from Job Corps, or otherwise give him or her less favorable treatment than others – because of that drug addiction.

Only people who are *currently* using drugs illegally are excluded from protection under the relevant federal laws. The following categories of persons *are* considered individuals with disabilities under those laws, and are therefore protected from discrimination on the basis of *the drug addiction itself*:

- Persons with a drug addiction diagnosis who have successfully completed a supervised drug rehabilitation program (an in-patient, out-patient, or employee assistance program), and who are no longer using drugs illegally.
- Persons with a drug addiction diagnosis who have been rehabilitated successfully in some other way (*e.g.*, recognized self-help programs such as Narcotics Anonymous) and who are no longer using drugs illegally.
- Persons who have a drug addiction diagnosis, are currently participating in a supervised rehabilitation program, and who are no longer using drugs illegally.

A center **may** request documentation that an applicant/student:

- Has a drug addiction diagnosis
- Has completed/is participating in a rehabilitation program or been rehabilitated successfully in some other way
- Is not currently using, **only** if an applicant/student is requesting to be considered a person with a drug addiction disability (most likely so he/she can request reasonable accommodation)

An applicant who has a diagnosis of drug addiction but is not requesting accommodation cannot be required to provide documentation that he/she is not currently using drugs. A person who casually used drugs illegally in the past but did not become addicted is not an individual with a disability, and therefore is not protected from discrimination.

*Alcoholism*³

Even those who are currently using alcohol are protected by Federal disability nondiscrimination laws from adverse actions taken because of the alcoholism itself. However, students are subject to the center's disciplinary policies and measures regarding the use and abuse of alcohol, as well as to Job Corps' Zero Tolerance policy regarding the use of drugs.

It is important to understand the difference between taking adverse action against someone because of his or her *alcoholism itself*, and taking adverse action against him or her because of the *behavior that the alcoholism causes*. Taking adverse action *because of someone's behavior* (rather than because of his or her status as an alcoholic) is not considered discrimination.

For example, suppose a student who is an alcoholic is discovered drinking alcohol on-center – an action that is prohibited under the center's disciplinary policy. In this case, it is not discriminatory for the center to take action to discipline the student: the center is taking this action not because the center staff knows the student is an alcoholic, but because the student has violated the standards of conduct – in other words, because of the student's *behavior*. The policy is not intended to punish students for *being* alcoholics; it prohibits and punishes the *actual use of* alcohol – in other words, the *behavior*. For these reasons, the policy does not violate federal disability nondiscrimination law.

POLICY

An applicant or student with a disability is entitled to request and receive reasonable accommodation to participate in the Job Corps program at any time during the admissions process or enrollment. Each center is required to have a reasonable accommodation Standard Operating Procedure (SOP). The SOP should describe the center's process for ensuring applicants/students with disabilities who may need accommodation are engaged in an interactive process to consider/determine the functional limitations resulting from their disability and the potential accommodations that would allow them to participate in the Job Corps program. The center's Disability Coordinators (DCs) should ensure that a reasonable accommodation process SOP is in place, and should coordinate the center's reasonable accommodation process.

The reasonable accommodation process will have some variations depending on when the accommodation process begins, either during admissions or after enrollment. The center's reasonable accommodation SOP, and process should include both of these situations and the following components:

- Requesting accommodation
- Determining the need for accommodation

³ As with illegal use of drugs, a person's use of alcohol does not constitute a disability unless it is an addiction that substantially limits one or more of the person's major life activities.

- Ensuring appropriate documentation
- Reviewing a request
- Determining reasonableness
- Entering the accommodation plan
- Notifying staff/viewing the accommodation plan
- Determining accommodation effectiveness
- Documenting the accommodation process
- Maintaining the accommodation file
- Storing accommodation and disability documentation
- Confidentiality

PROCESS

Requesting Accommodation

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 – Program (included in this document). This form cannot be changed, and must be used to document the request.

The Admissions Counselor (AC) will inform each applicant of his or her right to request reasonable accommodation, and then review the request form with the applicant. If the applicant wants to request accommodation or discuss the need for accommodations with a DC, the request form should be completed. The AC may assist with completion of the request form, as necessary.

If the applicant does not want to request accommodation, the AC should inform the applicant about his or her right to request reasonable accommodation at any point during the admissions process or during enrollment in the program. If a reasonable accommodation request is made after enrollment, a DC will go through the form with the student, and may assist with its completion, as necessary. All requests for reasonable accommodation to participate in the program will be reviewed at the center level (center of assignment).

Determining the Need for Accommodation

There must be an interactive process between the center and applicant/student (and parent/guardian, when appropriate) to determine accommodation needs.

- **Applicant to Participate in Program** – If an applicant:
 - Makes an accommodation request by completing the Job Corps Reasonable Accommodation Request Form – Program;
 - Indicates on the Job Corps Reasonable Accommodation Request Form – Program s/he would like to discuss the need for accommodation with a DC; or
 - Provides documentation that indicates s/he may be an individual with a disability who may need reasonable accommodation to participate in Job Corps.

The DC must engage the applicant in an interactive process (even if the applicant did not request accommodation) to review request and/or determine possible accommodation needs.

- **Student to Participate in Program** – Applicants are not required to request accommodation during the admissions process and once enrolled in the program may request accommodation at any time. A student may complete the request form and/or make an accommodation request to any staff person. All requests should be referred to a DC.

If an applicant/student with a disability determines s/he does not want accommodations, a DC should ensure the decline is documented by ensuring completion of either the Job Corps Reasonable Accommodation Request Form – Program or the Reasonable Accommodation Review Due To Documentation of Disability Form as appropriate.

Ensuring Appropriate Documentation

If an applicant makes a reasonable accommodation request, the AC should ask the applicant for reasonable documentation about his or her disability and functional limitations. A DC will gather this information if the request is made after enrollment. Only the documentation that is needed to establish that (1) a person has a disability, and (2) the disability necessitates a reasonable accommodation, may be requested. It is important to obtain this type of information since the accommodation needs of an individual with a disability will depend on his or her functional capacities and limitations rather than his or her diagnosis. The applicant/student may be provided assistance to obtain the appropriate documentation to support the request. If an applicant/student provides insufficient documentation of a disability in response to the center's initial request, the center should explain why the documentation is insufficient and allow the person an opportunity to provide the missing information in a timely manner. A center 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 center with sufficient information to substantiate that she or he has a disability and needs the reasonable accommodation requested.

DCs should not spend a lot of time analyzing whether an applicant/student meets the definition of disability or requesting extensive documentation. Instead, the focus should be on the accommodation, whether it is reasonable, whether it can be provided without an undue hardship, and whether there are other accommodations that can be considered.

The documentation about the disability and the functional limitations should come from an appropriate health-care or rehabilitation professional (e.g., physicians, psychiatrists, psychologists, nurses, physical therapists, occupational therapists, speech therapists, vocational rehabilitation specialists). In addition, if the applicant has received a past accommodation, the associated documentation should be obtained (e.g., Individualized Education Program (IEP) or 504 Plan from the school system, along with supporting educational and psychological assessments when available).

All documentation should be reviewed to ensure the accommodation requested is supported by the documentation provided. Accommodations afforded to an applicant or student must be relevant to that individual's manifestations and functional limitations resulting from the impairment. For example, a student who has diabetes and who has been granted accommodations that includes schedule adjustments and frequent breaks related to the manifestations of his diabetes would not be entitled to the use of a calculator on the non- allowable portions of the Test of Adult Basic Education (TABE) unless there was also a corresponding disability in the area of math calculations. For examples of possible types of documentation for specific disabilities, see the Reasonable Accommodation Guidelines section of the Job Corps Disability website.

Reasonable accommodation is not provided to struggling students without disabilities. Keep in mind that reasonable accommodation has a legal foundation and is intended to provide barrier removal for some limitation imposed by a person's disability.

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

Documentation to Support Accommodations for Standardized Testing

Types of accommodations that are allowable in a standardized testing situation such as the TABE usually are more limited than in other environments such as the academic and career technical training classrooms because certain accommodations may significantly alter what the test is intended to measure. Currently, centers should be using McGraw-Hill's guidelines on appropriate accommodations as a general guide for the types of accommodations that are allowed for use with students with disabilities during TABE testing (see Appendix 301).

Appropriate documentation must support accommodations. An accommodation cannot be provided simply because the student requests one or because staff members believe it would be helpful to a student. For example, a student with a documented reading disability would not likely be entitled to the use of a calculator. Certain accommodations are never appropriate in the standardized testing environment such as rephrasing the TABE test questions by simplifying, rewording, or otherwise changing the structure of the test and therefore impacting the standardization beyond what Job Corps allows.

Reviewing a Request

The Reasonable Accommodation Committee (RAC) is led by the center's DCs and always includes the applicant or the student. The RAC's primary functions are to:

- Review an applicant's request or need for accommodation (if documentation of disability is present) to participate in the Job Corps program when a center has recommended denial of an application or when the center intends to enroll the individual;
- Review a student's request or need for accommodation (if documentation of disability is present) to participate in the Job Corps program;
- Assist applicant or student in determining needed accommodations by identifying the functional limitations resulting from the disability (i.e., student cannot read print material because text appears as a series of jumbled letters and needs access to a text-reader, audio tapes, or other oral communication supports, student has mobility impairment, and needs first floor dorm room);
- Ensure accommodation review considers accessibility needs and barrier removal for all areas of the center (residential/classroom/common areas/transportation, etc.) in which it is needed;
- Meet with students when issues with implementation or effectiveness of accommodation plans are identified during the effectiveness review process and when referrals are made to the DC that indicate an accommodation plan review may be needed;
- Assist with accommodation review during the work-based learning and transition periods; or
- Review TABE waiver requests to evaluate accommodation supports and effectiveness, make recommendations about additional accommodation needs, if appropriate, and provide feedback for the regional paperwork.

Reviewing a Simple Accommodation Request

If the accommodation request is straightforward and does not involve significant expense, the review can be an informal meeting (phone or face-to-face) between a DC and the applicant/student (and parents, service providers, if applicable). Agreed upon accommodations can be determined at this meeting and approved by a DC.

Reviewing a Complex Accommodation Request with RAC

If the request involves complex accommodation issues and/or significant expense, a RAC meeting may be required. Participants will vary depending on the nature of the request, but must always include a DC (chairperson) and applicant/student and his or her parents (if the applicant/student is a minor or requests his or her parents attend the meeting). Other possible members may include:

- Academic Manager and the Health and Wellness Director, if the center has a dedicated position for a DC; otherwise, it is presumed that the Academic Manager and the Health and Wellness Director are DCs, see Chapter 2, Section 2.4, R1.
- Center Mental Health Consultant, physician, dentist, or TEAP Specialist
- Career Technical Training Manager
- Student's counselor
- Representatives of center departments directly impacted by the accommodation request
- Community social service agency if the applicant/student is receiving benefits in the community

A DC will provide information on the applicant's/student's accommodation request, functional limitations, and manifestations of the disability, as appropriate. The RAC will then determine:

- Whether Job Corps can provide the requested accommodation or an alternate accommodation that is equally effective. If no specific accommodations have been requested, the RAC will assist in identifying accommodations.
- The center staff responsible for ensuring the accommodation is made and the date by which the accommodation will be in place. Accommodations for applicants should be in place by the scheduled arrival date of the applicant.
- The amount and type of contribution to be obtained from other sources toward the purchase or acquisition of the requested accommodation.

- If appropriate accommodations can be developed/agreed to at this meeting, an accommodation plan can be developed. If additional information is needed or research into specific accommodations is necessary, a DC or appropriate staff should stay in contact with the applicant/student until a plan can be developed.

A summary of any informal or formal meetings with the applicant/student should be included as a note in the Center Information System (CIS) Notes tab. RAC meeting documentation (i.e., copy of agenda/list of attendees) should be maintained for all RAC meetings. For more information on reviewing a request and the RAC meeting process see the Reasonable Accommodation Guidelines section of the Job Corps Disability website.

Accommodation Request or Documentation of Disability within Applicant File Review

If the center's File Review Team has decided to recommend denial of an applicant who has a disability because it is believed that the applicant either poses a direct threat or that the applicant's health care needs exceed those of basic care as provided within Job Corps, the center's RAC will need to engage the applicant in the interactive process to determine whether or not accommodations would sufficiently reduce the barriers to enrollment such that the applicant can enroll in the program. Accommodation considerations within the assessment process will only include those related to the symptoms and behaviors that are presenting barriers to enrollment. For more information, see Forms 1-07, 2-04, and 2-05.

Determining Reasonableness

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.

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. Fundamental alteration means that providing the accommodation would alter the nature or operation of the program.

When considering if a request is an undue hardship or fundamental alteration, consider:

- What is the net cost of the accommodation, taking into consideration the availability of tax credits, deductions, or outside funding?
- What are the overall financial resources of the center, center operator, contractor, outreach and admissions agency, or placement agency; any parent companies of any of these entities; and Job Corps as a whole? Does the center have the funds to provide the accommodation? Can the National Office provide funding?
- Can other agencies/organizations provide or contribute to the cost of providing the accommodation?

- Will the accommodation allow the individual applicant to participate in and benefit from the Job Corps program?
- Could the requested accommodation benefit other persons with disabilities?
- Will the requested accommodation affect the daily operation of the center, prevent or reduce the benefit other students receive from the program, or affect the ability of staff to do their job?

In cases where the center determines that providing the accommodation would be an undue hardship or fundamental alteration, the center must take any other action that would not result in such a hardship or alteration, but would allow the applicant to participate in the program. Job Corps is required to make every effort to accommodate an applicant with a disability at the appropriate center in accordance with the assignment procedures in Chapter 1. However, if this assignment is not sensible, the applicant should be assigned to a center that offers comparable training, and is able to accommodate the applicant's particular needs.

Funding High Cost Accommodations

Generally, centers are responsible for any costs associated with providing reasonable accommodation to students with disabilities. In rare cases, a high cost accommodation (e.g., sign language interpreter) may be needed. In these cases, if the center is unable to fund the accommodation or locate a funding source in the community, a request can be made through the appropriate Regional Office for National Office funding assistance. The Job Corps Reasonable Accommodation Funding Request Form must be used to request National Office funding. If supplemental funding is necessary after an initial request has been approved, it must be requested using the Job Corps Reasonable Accommodation Supplemental Funding Request Form. Both forms are available in this appendix, and additional guidance for completing these forms is available from the Regional Disability Coordinators.

Recommending Denial of an Accommodation

Recommending denial of an accommodation should be a rare occurrence. **No accommodation can be denied at the center level.** If the center feels 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, center staff should contact its Regional Disability Coordinator for guidance and review the following statements to determine if the reasonable accommodation process was completed.

- The center held an interactive RAC meeting that included the applicant/student;
- The interactive process is well documented;

- The RAC considered specific accommodations;
- If appropriate, the center contacted the Job Accommodation Network (JAN) and documented the date, name of the JAN staff person who assisted, and JAN's accommodation recommendations;
- The reason for the recommendation for denial of the accommodation is clearly documented, and is because providing the accommodation would be an undue hardship or a fundamental alteration to program;
- The center offered another solution that would permit the applicant/student to participate in the program to the greatest extent possible. The applicant's/student's decision to decline this offer is documented.
- If the recommendation for denial is based on undue hardship due to cost, funding from the National Office was requested.

If all steps were taken, the center should complete the Accommodation Recommendation for Denial form (included in this appendix) and submit along with all other documentation/notes/forms related to the request to the Regional Office for a final decision. The Regional Director will make a determination after consultation with Regional Disability Coordinators, other appropriate staff, and the National Office (i.e., 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 applicant/student will be provided a written statement from the Regional Office that includes the reason for the denial and why no other accommodation is possible.

The center will make every effort to respond to the request in a timely manner and will inform the applicant/student if the request is being sent to the region for review or delayed for any other reason. Centers should complete the review of an accommodation request within 30 days of the arrival of the applicant's file on center. When this is not possible, a DC should document the reason.

Entering the Accommodation Plan

After accommodation determinations have been made and as soon as possible after the student enters the program, the accommodation plan will be entered in CIS using the accommodation plan icon. For students who require TABE testing accommodations, the plan will be entered prior to the administration of the first TABE test. Accommodation plans should not include information about an individual student's diagnosis, medication needs, or other health-related history or information. The DC and student will sign the plan. A copy of the plan must be provided to the student, and the original should be maintained in the student's accommodation

file.

Notifying Staff/Viewing the Accommodation Plan

As necessary (i.e., when accommodation plans are added or updated in CIS), but at least biweekly, a DC should e-mail all staff members who interact with students a list of students with accommodation plans available in the CIS, the list should specifically indicate any plans that are new or updated. Copies of these e-mails should be maintained by a DC. Managers are responsible for ensuring that approved accommodations are implemented in their areas of supervision.

Staff should access plans in CIS using the accommodation plan icon. Access to the plan's content must be determined on a "need to know" basis. Since in most cases accommodations need to be provided throughout all departmental areas of the center, access to the plans may need to be center-wide.

Determining Accommodation Effectiveness

As the student participates in the program, new needs may be identified or accommodation adjustments may be required. The effectiveness of a student's accommodation will be evaluated as part of student performance panels on a regular basis throughout his or her enrollment in Job Corps (at least every 60 days). Student and staff feedback is required as part of this process and this feedback should be documented in the accommodation file. Forms and additional guidance for supporting this process are available on the Job Corps Disability website.

Note: Staff should not wait for a performance panel review to request a modification of an existing plan if a need for a change has been identified.

Documenting the Accommodation Process

Documentation of actions and decisions can be very important if an applicant/student alleges discrimination. Therefore all interactions with the applicant/student and activities related to the provision of reasonable accommodation should be documented. The Notes tab in CIS will be used to document the process. For examples of notes, see the Reasonable Accommodation Guidelines section of the Job Corps Disability website.

Maintaining the Accommodation File

A separate accommodation file (similar to the student's health record) should be maintained for each student receiving accommodation. Appropriate staff should have access to the information and medical records should be stored separately (in student's health record).

All accommodation files will contain documents and information to support the provision of accommodation and notes/updates documenting the accommodation process. For suggested content and layout for an accommodation file, see the Reasonable Accommodation Guidelines section of the Job Corps Disability website. All suggested contents may not be required for each

accommodation file. If a different layout is preferred, it should be consistent for all accommodation files.

Storing Accommodation and Disability Documentation

Storage of Accommodation Files

Each student should have only one accommodation file, and all accommodation files must be stored as a group in a separate drawer, file cabinet, or storage room that is locked. When the student separates, the accommodation file should be sealed and sent to records to be combined with other files into a single record and stored in a central location on center. See Appendix 202 for more information on storage of disability-related information.

Storage of Non-Health Disability Documentation, No Accommodation Plan

If a student with a disability does not wish to receive accommodations, either Reasonable Accommodation Review/Documentation of Disability Form or a Job Corps Reasonable Accommodation Request Form – Program will be completed for the student. A “disability, no accommodations” file will be created for each student that has a disability, but no accommodation plan. This file will contain the appropriate form and any non-health disability-related documentation such as an IEP. These files should be stored in the same location as the accommodation files, but should be differentiated (e.g., stored as a group in a separate area of the cabinet or color coded).

When the student separates, these files should be sealed and sent to records to be combined with other files into a single record and stored in a central location on center. See Appendix 202 for more information on storage of disability-related information.

Confidentiality

Information regarding disability and prior accommodation will be discussed during the 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. See Appendix 202 for more information on confidentiality of disability-related information.

For more detailed information, tools, forms, tips, and resources to support the center reasonable accommodation process, see the Reasonable Accommodation Guidelines section of the Job Corps Disability website.

JOB CORPS REASONABLE ACCOMMODATION REQUEST FORM – PROGRAM

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 successfully participating in the Job Corps program. You **may** be qualified to receive reasonable accommodation 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
- Got help in a resource room in high 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
- Were/are a client of Vocational Rehabilitation or a related program
- Receive Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI)

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/successfully while enrolled in the Job Corps program.

In high school, you may have gone to a separate resource room for instruction if you received special education services. In Job Corps, students with disabilities attend all the same classes and participate in all of the same programs as students without disabilities.

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. Each center has staff that can assist you with the accommodation process.

If you indicate that you would like accommodations, would like to discuss accommodations with a Center Disability Coordinator, or provide information indicating that accommodations may be necessary, a Center Disability Coordinator will contact you to talk about the need for accommodation.

You are not required to have an accommodation plan. Should you choose to have an accommodation plan, you will work jointly with a Center Disability Coordinator to develop one. If an accommodation you have requested cannot be provided because it is unreasonable, every effort will be made to offer you an equally effective alternate accommodation that is reasonable.

Your Admission's Counselor or a Center Disability Coordinator (if you are requesting accommodation after arrival on center) will guide you through completion of this form.

SECTION A – APPLICANT/STUDENT

Name:		ID#:	
Address:		Phone:	
		E-mail:	

- I would like to request accommodations to participate in the Job Corps program. *(Please list the accommodations requested.)*
 -
 -
 -

- I think I may need an accommodation, but I am not sure what I will need. I would like to talk directly with a Center Disability Coordinator about my accommodation needs.

Applicant/Student Signature **Date**

Parent/Guardian Signature **Date**

The Admission’s Counselor should forward the center this form and related documentation in the sealed envelope containing health/disability information.

SECTION B – DISABILITY COORDINATOR

I have met with the applicant/student by telephone in person to discuss his or her accommodation needs. The applicant/student:

- Has a drafted agreed upon accommodation plan pending enrollment* or has an agreed upon accommodation plan.
- Does not wish to receive accommodations. The applicant/student has been informed that s/he may request reasonable accommodation at any time.
- The center cannot agree to an accommodation plan. The Accommodation Recommendation for Denial form and related documentation are being sent to the Regional Office for review.

Applicant/Student Signature **Date**

Parent/Guardian Signature **Date**

Disability Coordinator Signature **Date**

**Upon enrollment, the student’s plan is entered into CIS, printed out and the student asked to review and sign the printed copy if in agreement. The student is given a copy of the signed plan.*

**REASONABLE ACCOMMODATION REVIEW/
DOCUMENTATION OF DISABILITY FORM**

Job Corps policy requires that the Center Disability Coordinators engage an individual in the interactive reasonable accommodation process if the applicant or student either requests an accommodation (see the Job Corps Reasonable Accommodation Request Form–Program) or provides documentation of a disability. Center Disability Coordinators must use this form to document the interactive process for an applicant or student who has not requested accommodations, but who has provided documentation of the disability.

Name:		ID#:	
Address:		Phone:	
		E-mail:	

- Documentation source(s) (e.g., IEP, Chronic Care Management Plan, health documentation, etc.)
 -
 -

I have met with the applicant/student by telephone in person to discuss his or her accommodation needs. The applicant/student:

- Has a drafted agreed upon accommodation plan pending enrollment* or has an agreed upon signed accommodation plan.
- Does not wish to receive accommodations. The applicant/student has been informed that s/he may request reasonable accommodation at any time.
- The center cannot agree to an accommodation plan. The Accommodation Recommendation for Denial Form and related documentation are being sent to the Regional Office for review.

Applicant/Student Signature **Date**

Parent/Guardian Signature **Date**

Disability Coordinator Signature **Date**

**Upon enrollment, the student’s plan is entered into CIS, printed out and the student asked to review and sign the printed copy if in agreement. The student is given a copy of the signed plan and the original is stored in the accommodation file.*

JOB CORPS REASONABLE ACCOMMODATION FUNDING REQUEST FORM

Centers are responsible for any costs associated with providing reasonable accommodation to an applicant or student with a disability. If a center cannot fund an accommodation or locate a funding source in the community, a request can be made through the appropriate Regional Office for National Office funding assistance for high-cost accommodations (those greater than \$5,000).

All requests for funding assistance should be made as part of the accommodation process. Funding requests for accommodations already provided will not be considered. National Office funding for medications and personal use items is not available. This form can only be used to request funding assistance for an individual applicant or student. No requests that contain multiple students on the same form will be considered.

Please complete the appropriate section of the following form. All requests should be expedited so as not to unreasonably delay entry or provision of accommodation to the applicant/student.

A. CENTER DISABILITY COORDINATOR REQUEST	
<i>Complete this section of the form and send it to your Regional Disability Coordinator within 7 days of the applicant's or student's reasonable accommodation committee meeting. You should include the applicant's IEP or other documentation that indicates the applicant's functional limitations and any past accommodations. You must contact your Regional Disability Coordinator for guidance on completing this form and providing supporting documentation.</i>	
Center:	Center Disability Coordinator:
E-mail:	Phone:
Applicant/Student Name:	Date File Received on Center:
Accommodation Request Date:	RAC Meeting Date(s) and Attendees:
Describe the nature of the applicants/student's disability and resulting functional limitation(s).	
In the space below, list each accommodation with a one-time fixed cost (e.g., software, equipment, etc.,) that is being requested and provide the vendor estimates for these items with supporting documentation that was used to determine these costs. For accommodations requiring on-going costs (e.g., sign language interpreters), these costs should be estimated for a one-year period utilizing the Cost Analysis Form that will be provided to you by your Regional Disability Coordinator. This form must be completed and submitted with this funding request.	
Accommodation:	One-time Fixed Cost:
Accommodation:	One-time Fixed Cost:
Accommodation:	One-time Fixed Cost:
Accommodation:	One-time Fixed Cost:
Accommodation:	On-going Cost:
Accommodation:	On-going Cost:

Total Estimated Fixed Costs:	Total Estimated On-going Costs:	Total Estimated Costs:
<p>List other possible funding sources consulted along with their contact information. If any funding is being provided by these sources, please list amount.</p>		
<p>How will this/these accommodations remove or minimize the barriers presented by the applicant's/students' functional limitation(s)?</p>		
<p>Were any alternate accommodations considered? If yes, list and describe why not chosen.</p>		
<p>Could the requested accommodation(s) benefit other students with disabilities enrolled in the program? If yes, describe the benefit.</p>		
<p><i>If you are requesting funding for a sign language interpreter, you must review the Deaf/Hard of Hearing Guidance available on the Job Corps Disability website, including the guidance on interpreting services. A DC must have the applicant/student complete the interview form available on the overview page of the guidance. This form should be included with your request.</i></p>		
<p>Date Guidance reviewed:</p>		
<p>List any other accommodations that will/are being provided.</p>		
Disability Coordinator Signature:	Center Director Signature:	
<p>Date Forwarded to Regional Disability Coordinator:</p>		
<p>B. REGIONAL DISABILITY COORDINATOR REVIEW</p>		
<p><i>Please review the center's request. If the center section of the form is not complete or inadequate documentation/information has been provided, please contact the Center Disability Coordinator to resolve these concerns. If the center section of the form is complete and adequate documentation/ information has been provided, complete this section of the form and send it with a summary of your review to the Regional Office Program/Project Manager and cc National Health Staff within 7 days of receipt from the center.</i></p>		
Regional Disability Coordinator:	E-mail:	
Phone:	Date Request Received:	
Date Request Reviewed:	Date Forwarded to Regional Office:	

Regional Disability Coordinator Signature:	
C. REGIONAL PROGRAM/PROJECT MANAGER REVIEW	
<p><i>Please review the center's request. If the sections A or B of the form are not complete or inadequate information has been provided, please contact the Regional Disability Coordinator to resolve these concerns. If sections A and B of the form are complete and adequate documentation/information has been provided, complete this section of the form and send to National Health Staff at the address below within 5 days of receipt from the Regional Disability Coordinator.</i></p>	
<p><i>National Health Staff U.S. Department of Labor Office of Job Corps 200 Constitution Avenue, NW, Room N-4507 Washington, DC 20210</i></p>	
Program/Project Manager:	Phone:
E-mail:	Date Request Received:
Date Request Reviewed:	Date Forwarded to National Office:
Regional Director Signature:	Program/Project Manager Signature:
D. NATIONAL HEALTH STAFF REVIEW	
<p><i>Please review the center's request and supporting documentation. If the required signatures are missing, or additional information is needed, please return the form to the Regional Disability Coordinator to resolve these concerns. If the previous sections of the form are complete and adequate information has been provided, draft an approval letter and begin the National Office signature process within 3 days of receipt of form from the Regional Program/Project Manager.</i></p>	
National Office Health Staff Person:	Position:
Phone:	E-mail:
Date Request Received:	Date Request Reviewed:
Date Approval Letter Drafted:	Amount Approved (if different from original request, please explain):
E. NATIONAL OFFICE SIGNATURE APPROVAL PROCESS	
<p><i>National Health staff will coordinate the signature approval process in the following order; the National Health and Wellness Director, Division Chief, Budget Chief, Deputy Director, and National Director. Complete this section of the form within 7 days of beginning the signature approval process.</i></p>	
Health and Wellness Director Signature:	Date:
Division Chief Signature:	Date:
Budget Chief Signature:	Date:
Deputy Director Signature:	Date:
National Director Signature:	Date:

Final Amount Approved <i>(if no funding is approved or amount is different from original request, please explain):</i>	Final Disposition Date:
F. NATIONAL OFFICE FINAL DISPOSITION	
<i>If funding is approved, National Health staff will provide signed documentation to the Budget Chief, Regional Office Program/Project Manager, Center Disability Coordinator, and Regional Disability Coordinator. If the request is denied, National Health staff will notify the Regional Office Program/Project Manager, Center Disability Coordinator, and Regional Disability Coordinator.</i>	
National Health Staff Making Notification:	Position:
Phone:	E-mail:
Date Notification Provided:	National Health Staff Signature:

JOB CORPS REASONABLE ACCOMMODATION SUPPLEMENTAL FUNDING REQUEST FORM

Please complete this form to request supplemental funding for an accommodation funding request that has been approved using the Job Corps Reasonable Accommodation Funding Request Form. If this is a new accommodation funding request or all funds have been used from your initial request, complete the Job Corps Reasonable Accommodation Funding Request Form.

A. CENTER DISABILITY COORDINATOR REQUEST		
<i>Complete this section of the form and send it to your Regional Disability Coordinator and cc the Regional Office Program/Project Manager. Attach the most recent follow up you provided to your Regional Disability Coordinator and the student's accommodation plan.</i>		
Center Disability Coordinator:	E-mail:	
Phone:	Student Name/ID:	
Describe the accommodation that supplemental funding is being requested for and why additional funding is being requested (attach supporting documentation).		
Amount of Additional Funding Being Requested:	Date of Last Request:	Amount Previously Requested:
Center Director Signature:		
Disability Coordinator Signature:		
Date forwarded to Regional Disability Coordinator:		

B. REGIONAL DISABILITY COORDINATOR REVIEW	
<i>Please review the center's request. If the center section of the form is not complete or inadequate information has been provided, please contact the Center Disability Coordinator to resolve these concerns. If the center section of the form is complete and adequate information has been provided, complete this section of the form and send it to the National Health Staff and cc the Regional Program/Project Manager within 7 days of receipt from the center.</i>	
Regional Disability Coordinator:	E-mail:
Phone:	Date Request Received:
Date Request Reviewed:	Date Forwarded to Regional Office:
Regional Disability Coordinator Signature:	

ACCOMMODATION RECOMMENDATION FOR DENIAL FORM

Center:		Date:	
Applicant/Student:		ID#:	
Regional Office:		Date Submitted to Regional Office:	

If this request is for an applicant and you have already completed the Applicant File Review Center Recommendation for Denial Form, please attach this form to it and skip to Section B. If this request is for a student, please complete Sections A through C.

Section A

Reasonable Accommodation Committee Participants			
Name:		Position:	
Name:		Position:	
Name:		Position:	
Name:		Position:	

Summarize the Applicant's Input:

Section B

Please list any accommodations that the center has identified as being unreasonable and then identify any alternative options that are deemed reasonable that the applicant rejected. If none can be identified, please state none and explain why in the Summary section of the document.

Accommodation	Applicant Requested?	Alternative Options	Basis for Unreasonableness
	<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Unduly costly <input type="checkbox"/> Fundamental Alteration
	<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Unduly costly <input type="checkbox"/> Fundamental Alteration
	<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Unduly costly <input type="checkbox"/> Fundamental Alteration

Section C

Please show calculated costs for each accommodation being recommended for denial that has been identified as unduly costly and/or document why the accommodation requires a fundamental alteration to the program.

Cost Analysis or Fundamental Alteration

Summary/Notes

Center Director's Signature:

Signature

Date

<i>Regional Office Only</i>	
Accommodation	Disposition
	<input type="checkbox"/> Concur with Recommendation <input type="checkbox"/> Deny
	<input type="checkbox"/> Concur with Recommendation <input type="checkbox"/> Deny
	<input type="checkbox"/> Concur with Recommendation <input type="checkbox"/> Deny

*If the region does not support the recommendation for denial of the accommodation(s), then the center must be notified that it is responsible for providing the requested/agreed upon accommodation.