Reasonable Accommodation Committee Guide

A Comprehensive Guide to Engaging Applicants and Students in the Interactive Reasonable Accommodation Process, Implementing Accommodations, and Monitoring Accommodation Effectiveness

September 2013

CONTENTS

BACKGROUND

Applicants with disabilities who apply to, and students with disabilities who enroll in the Job Corps program are entitled to reasonable accommodation. This guide provides additional information, resources, and tools for supporting the reasonable accommodation process.

Guide highlights include:

- Communication requirements and communicating with students with disabilities

- Reasonable accommodation process

- Reasonable Accommodation Committee (RAC) meeting considerations

- Reasonableness determinations

- Referrals for suspicion of disability

- Accommodation process considerations within the health-care needs and direct threat assessment versus program enrollment

- Standardized testing accommodation considerations

- Work-based learning and transition accommodation review

- Throughout this guide, you will see pictures of a red flag. These are special notes that address common misperceptions or misunderstandings with relation to the reasonable accommodation process. They have been highlighted to emphasize that these are issues or concerns that often result in an applicant file being returned to a center for additional process work or are frequently identified areas of need or concern noted during desktop data reviews or center visits.

LEGAL OBLIGATIONS REGARDING COMMUNICATION

Appendix 606

The obligation to communicate effectively with people with disabilities – whether those people are applicants for admission, parents, guardians, or members of the public – is separate from the obligation to provide reasonable accommodations for people with disabilities.

Therefore, when a person with a disability that affects his/her ability to communicate approaches Job Corps, first determine how to communicate as effectively with that person as you do with people without disabilities.

APPLICANT INTERVIEW SPECIAL CONSIDERATIONS

If there is an obvious or otherwise disclosed potential barrier to communicating effectively (i.e., applicant is deaf, has processing difficulties, etc.), then you may wish to ask the applicant if it would be helpful to have a face-to-face interview versus a phone interview or have the phone interview take place in the admission's counselors office so additional accommodations may be used, if necessary. Ultimately, however, the law still requires that the primary consideration is given to the requests of that person.

ACCOMMODATION FUNDING

See the *Accommodation Funding* section if interpreter services or other communication-related accommodation is needed for effective communication.

COMMUNICATING WITH APPLICANTS/STUDENTS WITH DISABILITIES

Sometimes staff members have fears about what is acceptable to say when talking to an applicant or a student with a disability. First and foremost, remember to treat the individual respectfully as you would any applicant or student. Become familiar with some of the basic terminology related to disability and be sensitive to the specific needs of each individual.

It is also important to use the proper language when discussing disabilities with an individual. **Person-first language** is the appropriate way to address someone with a disability. It is important to address the individual first as their disability is only a part of who they are as a person. Some examples of person-first language are

Incorrect Phrase	Person-first Phrase
Learning Disabled	Person with a learning disability
Disabled, crippled, handicapped, etc.	Person with a disability
Retard, mentally retarded, etc.	Person with an intellectual disability
Wheelchair bound	Person with a wheelchair

To learn more about person-first language, go to the Job Corps Disability website located within Job Corps Community Web site on the Job Corps Citrix Portal.

Some individuals do not wish to discuss or disclose their disability for a variety of reasons such as negative past experiences, a fear of being labeled, not really knowing much about their disability, or because they simply wish to exercise their right not to disclose. In case the reason for disclosure is due to a fear of being labeled or from negative past experiences, it may be helpful for the Disability Coordinator (DC) to state his or her understanding of those reasons which may help ease the individual's fears.

We all understand disability differently and may have some misconceptions about how a disability may or may not limit a person's ability. Center staff should review the examples

provided and familiarize themselves with the truths related to common myths about disabilities.

Myth	Truth
People with learning disabilities (LD) are lazy.	Many times individuals with LD have experienced repeated failure. They often shut down and believe it hurts less to not try than to try and fail. The individual may feel he/she has no control over what happens to him/her which is known as learned helplessness. Small doses of success are the best antidote for learned helplessness.
Accommodations provide individuals with a disability an unfair advantage over individuals without a disability.	An accommodation does not tip the scale in the individual's favor; it merely levels the playing field.
All applicants with the same disability will need the same accommodations.	Different individuals with the same diagnosis may have manifestations from their disability that are quite different from one another. Some of it depends upon the severity of the disability, the resiliency of the person, the level of previous support and exposure to good instruction, etc. Accommodations must be determined and/or provided based upon the individual needs of the person with a disability.

DISCUSSING DISABILITY

Some individuals who need reasonable accommodation may be reluctant to talk about their disability even though they may be in need of reasonable accommodation. The following scenario is an example of how a DC might assist a student in being able to communicate their needs.

Sample Script for Talking to a Student Suspected of Having a Disability

Your _____ (reading, GED, career technical instructor or whomever) has observed you struggling with your work in class (or whatever location). Can you tell me why you think you are struggling so we can figure out how to help you be successful here?

If you are a person with a disability, you may be entitled to receive reasonable accommodation. For example, if your disability causes you to take longer to read information or to complete tasks, you might be eligible to receive extra time to complete assignments and tests.

- Did you receive special education services or have an individualized education program (IEP) or 504 plan in school?

- Have you ever had extra support in school?

- Were you given extra time to complete assignments or tests in school?

- Did you get help in a resource room in high school?

- If you are eligible to receive extra support or accommodations, we will need to have documentation of your disability (unless it is obvious such as mobility impairment, blindness, etc.). We will need to request documentation from your (fill in with whatever applies – school, therapist, doctor, etc.). This information will remain confidential and will only be shared with those individuals with a need to know it.

Please see the *Reasonable Accommodation* section of this guide as well as *Appendix 605, Process for an Applicant or Student with a Disability to Request Reasonable Accommodation to Participate in the Job Corps Program,* for further general and policy guidance on the reasonable accommodation process.

LEGAL AND POLICY REQUIREMENTS

DEFINITION OF DISABILITY

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 ARE ACCOMMODATIONS AND MODIFICATIONS?

An **accommodation** is an adjustment or adjustments to the application process that will help an individual with a disability participate in the Job Corps program or adjustments that will allow the individual with a disability to perform the essential functions of a job, or receive aid, benefits, services or training equal to that provided to qualified individuals without disabilities. A **modification** is an alteration or alterations of the policies, practices and procedures of the program (the way things are done).

Examples of accommodations/modifications:

- Modifying a facility, work or training schedules

- Acquiring or modifying equipment or devices

- Adjusting or modifying examinations, training materials, or policies

- Providing readers or interpreters

One of the more commonly misunderstood areas of support has to do with accommodations in relation to medication management and various therapies. Medication management and therapy are both case management supports. They are **NOT** accommodations; however, the use of medications or therapies might result in the need for an accommodation. Related accommodations might include such considerations as:

- Schedule adjustments to come to wellness center to obtain medicine or for appointments during non-standard hours or to attend off-center appointments

- Special transportation to attend off-center appointments

- Equipment in the dormitory area such as a refrigerator to store medication or medication-related supplies

- Special organizers, such as pill boxes, provided to help a student manage proper dosing and independence

- Items or adjustments that support medication side effects such as a water bottle for dry mouth, or schedule changes that support sleep-related side-effects, or the need for frequent restroom breaks, and so forth

WHY ACCOMMODATE?

Job Corps must provide all applicants and students who have disabilities or records of disabilities with the opportunity to request and receive reasonable accommodations and reasonable modifications in accordance with Section 188 of the Workforce Investment Act of 1998, Section 504 of the Rehabilitation Act of 1973, and their implementing regulations, as amended by the American with Disabilities Amendment Amendments Act of 2008 (ADAAA).

Also, accommodations assist an applicant with a disability in removing barriers imposed by their disability so that he or she may participate in the admissions process or have access to the Job Corps program. Access may include such things as

- Accessible bathrooms (wider stalls, rails, etc.)

- Large print or audio format of application materials

- Interpreters if the person is deaf

- Computer with word processing software for typing information/answers

- Ramp access and/or elevators in the building

Providing access does not provide an unfair advantage, but does level the playing field for the applicant with a disability.

Notable changes in defining or identifying disability as per the reauthorized ADAAA

Area of Change	Description of Change	Considerations & Implications
Mitigating Measures	Other than ordinary eyeglasses/contact lenses, the beneficial effects of mitigating measures shall not be considered in determining whether a person is someone with a disability or not. Mitigating measures are things such as medications, medical equipment or supplies, hearing and mobility support devices, prosthetics, etc.	For example, experiencing periods of stability due to the use of a medication does not preclude a person from being determined to be a person with a disability.
Major Life Activities	Major life activities has been expanded to include major bodily functions such as the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.	Certain impairments will virtually always be found to result insubstantial limitation in performing certain life activities. Examples from the ADAAA regulations include deafness, blindness, intellectual disability, etc.
Episodic or Remission	Clarifies that a condition is still a disability if it substantially limits a major life activity when active even if there are periods of remission or the condition is episodic.	See example for "Mitigating Measures."

Legal and Policy Requirements

Area of Change	Description of Change	Considerations & Implications
Temporary Conditions	The effects of an impairment lasting less than six months can be substantially limiting if sufficiently severe. Typically, impairments that last only a short period of time are not covered	For example, the individual may have a severe injury such as a broken back, etc. This must be determined on an individualized basis.
Substantially Limits Determination	An impairment does not need to prevent or severely or significantly restrict a major life activity to be considered "substantially limiting." Nonetheless, not every impairment will constitute a disability and determination of whether an impairment substantially limits a major life activity still requires an individualized assessment. The ADAAA states that the definition of disability should be interpreted in favor of broad coverage of individuals.	More people will likely be covered under the definition though and individualized assessment it still required.

POLICY

PRH 6: 6.14, R3 (a-c)

Each center must:

1. Define a reasonable accommodation process to ensure that applicants and/or students who request accommodation, indicate they may need an accommodation, and/or provide documentation of a disability are engaged in an interactive process to determine accommodation needs.

2. Develop an SOP that describes and/or outlines the center's reasonable accommodation process (PRH 5: Exhibit 5-1).

3. Ensure that students are provided information about worker's rights and responsibilities as well as reasonable accommodation in the workplace (PRH 3: 3.21, R2(g)).

Policy References

- PRH 6: 6.14, R3(a-c)
- PRH 6: Appendix 605
- PRH 6: Appendices 606 & 607
- PRH 5: Exhibit 5-1
- PRH 3: 3.21, R2(g)
- PRH 1: Appendices 107 & 108

Reasonable Accommodation Process SOP

Each center's reasonable accommodation process must be outlined in a SOP, and will contain some variations. However, each SOP must contain the following components for both the admissions and center processes:

Legal and Policy Requirements

Requesting Accommodation

Reviewing a Request

Notifying Staff/Viewing the Accommodation Plan

Storing Accommodation and Disability Documentation

Determining the Need for Accommodation

Determining Reasonableness

Determining Accommodation Effectiveness

Ensuring Appropriate Documentation

Entering the Accommodation Plan

Documenting the Accommodation Process

Maintaining the Accommodation File

REASONABLE ACCOMMODATION PROCESS

REQUESTING ACCOMMODATION

The applicant or student may communicate their need to request accommodation via any medium (e.g., request form, verbally, letter, etc.). However, if he or she has not previously completed the *Job Corps Reasonable Accommodation Request Form–Program (Appendix 605)*, then one must be completed and signed by the applicant. The signature can be obtained if the applicant is present for an onsite interview or upon enrollment if the interview is conducted via telephone or some other long distance communication medium. The center DCs may assist the applicant or the student with the completion of the form, if needed. If the applicant does not wish to request or accept accommodations, the DC informs the individual that he or she may request reasonable accommodation at any point during the admissions process or while enrolled in the program.

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> It is particularly important that a *Job Corps Reasonable Accommodation Request Form-Program* is completed when an applicant or student initially refuses accommodations but then later accepts them; otherwise, the documentation may appear inconsistent and appear as if the individual were receiving accommodations improperly (i.e., without consent).
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DETERMINING THE NEED FOR ACCOMMODATION

There are two occasions when the center DCs must engage an applicant or a student in an interactive reasonable accommodation review.

1. The applicant or student has requested and accommodation, which can be communicated in any form, or has indicated he or she may need accommodations but are unsure of the specific accommodations needed.

   *The **interactive** process is a discussion that occurs between the RAC and the applicant or the student to review the individual's specific accommodation requests and/or needs.*

2. There is documentation of a disability in the applicant's file.

Refusals

If an applicant who is being enrolled or a student with a disability determines he or she does not want accommodations, a DC should ensure the decline is documented by completing either the *Job Corps Reasonable Accommodation Request Form–Program* or the *Reasonable Accommodation Review Due To Documentation of Disability Form*, as appropriate. If the applicant is being recommended for denial due to health care needs or direct threat, the refusal should be documented within either the health care needs or the direct threat assessment. See *Appendix 605* for the request or review forms and either *Appendices 609* for direct threat or *610* for health-care needs assessments.

ENSURING APPROPRIATE DOCUMENTATION

Individuals with disabilities do have to provide documentation to substantiate their disability unless the disability is obvious (i.e., the person is in a wheelchair, is blind, etc.). When the disability and/or the need for accommodation are not obvious, staff may ask the applicant for *reasonable documentation* about his/her disability and functional limitations. The staff is entitled to know that the person actually has a covered disability for which he or she needs a reasonable accommodation.

Reasonable Documentation

Reasonable documentation means that the 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.

Do's and Do Not's of Documentation

1. **Do Not** request additional disability documentation when the individual has already provided sufficient information to substantiate the presence of an actual, current disability.

2. **Do Not** request documentation that is unrelated to determining the existence of a disability and the need for an accommodation when responding to a request for reasonable accommodation.

3. **Do Not** spend a lot of time analyzing whether an applicant/student meets the definition of disability or requesting extensive documentation. Instead, focus on the accommodation and whether it is reasonable. If it is not reasonable, focus on identifying, if possible, alternative options that would be equally effective but not unreasonable.

4. **Do** ensure that the accommodation(s) requested are relevant to the functional limitations resulting from the impairment. For example, if an individual requests the use of a calculator but they only have documentation of a reading disability, then it is likely that they are not entitled to the use of a calculator as an accommodation.

Relevance of Accommodations

As stated in #4 of the *Do's and Do Not's of Documentation* section above, accommodations must fit the need of an individual with a disability. Individuals with the same type of disability may each need differing accommodations as the resulting manifestations of an impairment vary from person to person. Accommodations should also have relevance to the disability and be effective in assisting the applicant/student with a disability achieve access to the program. For example, a testing accommodation of extended time should not be provided to a person with a mobility impairment unless there is some fine motor need, processing difficulty, etc.

Reasonable accommodation is not provided to students without disabilities who are struggling just because it might be helpful to them. Keep in mind that reasonable accommodation has a legal foundation and is intended to enable the student to access the program and have the opportunity to participate equal to that of students without disabilities.

Centerwide and Employability Considerations

Accommodation needs must be considered for access throughout all areas of the center. Consider, for instance, that a student who has difficulty reading print materials will also have difficulty reading the student handbook, recreation schedules, dorm schedules, etc. This individual must be given access to information throughout the center. Also consider that the ultimate goal is to assist the student in performing their skills independently and with a focus on employability. If the solution to assisting the student who has a significant reading disability is for staff and peers to always read out loud to him or her, the accommodation responsibility has been met but the focus was not on independence and employability. It is highly unlikely that someone is going to read to that student in the workplace so how do they access information in that environment so that they are employable?

So, there is a legal requirement that has to be met but as an employment training program, there is also an inherent responsibility to educate and prepare the individual to be able to perform the essential functions of the job in his or her area of training. Accomplishing that goal for the student with a severe reading disability likely requires that a variety of communication and presentation mediums be used to access written content. Consider some of the possibilities below:

- Communication medium – Use students to create a variety of audio taped or MP3 or MP4 formatted materials such as the student handbook and other more static kinds of information.

  Education consideration – Teach the student with a disability how to use various audio-based devices and how they can also use the devices to capture information they may need at a later time such as audio-taping instructions or using memo features to create lists and reminders of things they need to remember.

- Communication medium – Use free or low-cost based optical character recognition software features and programs that enable the student to scan in information and have it read out loud to them electronically. A combination of options could be used such as:

  o The accessibility features in Windows operating system

  o Setting up an account for the student with the organization, BookShare, so that center educational materials can be scanned and digitized for the student's use at no cost to the center

  o Using free or low cost versions of optical character recognition software and checking with your local Department of Education if you have a partnering public high school program onsite, to see if there is available access to reading software since some states have provided this to their local school districts

  o Portable reading pens and pens that use digitized paper with audio support

  o Smartphone applications that are portable and enable the individual to access written content in a variety of ways

  Education consideration – Teach the student how to use the services provided by BookShare and how to use the various assistive technologies that the center may have access to so that he or she becomes comfortable with how he or she can access information independently in differing settings.

Documentation Types and Sources

If an applicant makes a reasonable accommodation request, the Admissions Counselor (AC) asks the applicant for reasonable documentation about his or her disability and functional limitations. The DC secures this information if the request is made after enrollment. The AC, however, does not evaluate the documentation to verify if it is sufficient or not. The DCs perform that function as the ACs role is to gather the information only. See also *Disability Status due to Age or Income*.

Once the center receives the applicant's file or receives the documentation provided by or secured on behalf of a student, he or she reviews the disability documentation to verify that the applicant/student is a person with a disability.

Examples of documentation include (but are not limited to):

- Medical reports (hospital discharge summaries, statements/reports from treating physician including chronic care management plans)

- Psycho-educational reports (cognitive/ intellectual, educational achievement and/or adaptive functioning testing)

- Psychological reports (mental status reports, cognitive and/or personality assessments)

- IEPs which are school-based plans which list the goals, supports, and special education services that a child or youth with a disability will receive, most often in the public educational system

- 504 plans which are school-based plans which list accommodations that a child or youth with a disability will receive but do not usually include any special education services such as the support of a special education teacher

- Division of Vocational Rehabilitation (DVR) evaluations (neuropsychological assessments, cognitive, adaptive functioning, and achievement tests)

See the *Reasonable Accommodation* section of the Job Corps Disability website for examples of possible types of documentation for specific disabilities.

Insufficient or Missing Documentation

If the initial documentation is incomplete or inadequate, the applicant/student is given an opportunity to provide the missing information in a timely manner or if he or she needs assistance to obtain the additional information, the DC obtains the consent of the applicant/student and assists the applicant/student in requesting the additional documentation needed. Remember, only the documentation needed to establish that the applicant/student is a person with a disability and that the disability necessitates a reasonable accommodation is obtained. If a(n) applicant's/student's disability or need for reasonable accommodation is not obvious, and he or she refuses to provide the reasonable documentation requested by staff, then he or she is not entitled to reasonable accommodation.

Consent

To obtain information regarding an applicant's disability, it is required that the applicant provide written consent, and if a minor, the consent of a guardian as well. Ensure that the

release form specifies the types of information that is being requested prior to the applicant or student signing the consent so that it is an informed consent.

Protected Information

All disability-related information collected during this process must be treated as protected information and its confidentiality maintained, as required. See *Appendix 607, Transmission, Storage, and Confidentiality of Medical, Health, and Disability-Related Information.*

Testing Accommodation Documentation

Testing accommodations account for some of the most commonly used accommodations and the most commonly used accommodation in the testing environment is "extended" time (e.g., time and a half, double-time, unlimited time). There are, however, many other types of accommodations that may apply to the testing environment. These accommodations generally fall into the following categories:

- Changes to the methods of presentation of the test (e.g., oral reading of test directions)

- Changes to the methods of response to the test (e.g., use of paper/pencil test and answer sheet)

- Test setting (e.g., taking the test in small rather than large groups); and test timing (e.g., extension of time to take a test).

> **CTB MCGRAW HILL'S *"GUIDELINES FOR INCLUSIVE TEST ADMINISTRATION"***
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> To locate this document, go to the Job Corps Disability website and select
>
> - Reasonable Accommodation
> - Testing Accommodations
>
> and scroll down to the TABE Testing section.
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> The use of CTB McGraw-Hill's *"Guidelines for Inclusive Test Administration: 2005"* is only applicable for students with disabilities in Job Corps. Suggested accommodations for English Language Learners do not apply and are not in accordance with existing Job Corps policy.

Accommodations provided in the testing environment should already be in use in the learning environment with the exception of the administration of the first Test of Adult Basic Education (TABE) test which takes place within 21 days of the student's arrival on center. The actual use of the accommodation in the learning environment allows the student to become accustomed to the use of the accommodation and also allows the staff and the student to determine the appropriateness and the effectiveness of the accommodations being used.

CTB McGraw-Hill's *"Guidelines for Inclusive Test Administration: 2005"* contains extensive information on the types of testing accommodations that can be provided for individuals with disabilities. A link to this information may be found on the Job Corps Disability website.

Student Testing System (STS)

All testing accommodations must be entered into the Wellness and Accommodation module within CIS and will interface automatically with the STS. The testing coordinator will see the entered accommodations in the qualified column of the STS Test Accommodation window. Checkboxes appear in the Offered column only when there is a "Y" in the qualified column since students may only be offered accommodations for which he or she is qualified. Record each of the accommodations that are offered and accepted by the student. For each of the accommodations, you have the option to enter notes or comments.

Exceptions to the use of STS

The use of paper/pencil tests is prohibited unless authorized by the Job Corps Data Center to provide reasonable accommodation to any student with documented cognitive or physical disability that prevents the student from taking the TABE online.

Examples of possible accommodation considerations in relation to a specific functional limitation:

Functional Limitation	Accommodation Consideration
Student has significant vision impairment and needs a large print version of the TABE test.	Paper copy of the Large Print version of the TABE test
Student has severe dyslexia and cannot read written print	Audiotape or possible proctor-read administration
Student is highly distractible	Private testing area

Please refer to the *STS Technical Guide (July 2010)* for additional guidelines and procedures to follow in these instances.

Testing-Related Considerations

- Testing accommodations must not be provided to any student without documentation of disability unless the disability is obvious (i.e., student is blind and either needs an oral administration or a Braille administration of the TABE, as appropriate).

- 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.

- An accommodation cannot be provided simply because the student either requested the accommodation or staff believe it would be helpful to a student.

- There are some general adaptations which are acceptable to provide to any student, regardless of disability status, because they do not impact the standardization of the test. Some general adaptations include:

  o Allowing Koosh balls or other fidget items to assist with general test anxiety

  o Ear plugs

  o Graph paper

Suspicion of Disability

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/DC should provide appropriate referral information unless the center has access to resources to complete assessments.

Possible Resources for Assessment

- Division of Vocational Rehabilitation (VR)

- Partnering Charter or Public High Schools

- Colleges and Universities with Master and Doctorate level programs in Psychology

- On-center interns (if Center Mental Health Consultant (CMHC) sponsors interns with appropriate qualifications)

- Center clinicians with the appropriate qualifications

Providing educational and psychological testing is NOT considered part of the routine tasks of the CMHC and is NOT accounted for in the PRH required hours/100 students/week. Students who need educational and psychological testing to document suspected Learning or Cognitive

Disorders or Attention Deficit Hyperactivity Disorder (ADHD) should be referred to VR or other appropriate agency. For centers that have public school or charter school partners, the center may be able to access appropriately trained and qualified staff to assist with the assessments (i.e., school psychologists).

For appropriately licensed and trained CMHCs (or practicum students/interns under their supervision) who elect to be involved in the assessment of educational and/or psychological difficulties on center, please contact your Regional Mental Health Specialist for a copy of the Job Corps Educational and Psychological Assessment Guidelines. Evaluations to document any mental health or learning disorder must meet community standards and be included in the Student Health Record (SHR).

Disability Status Due to Age or Income

An applicant who is an individual with a disability may apply to Job Corps even if he or she is over the upper age limit requirement of 24 years of age and may also be considered as a "family of one" for purposes of meeting allowable income requirements. The review of disability status process is depicted below.

Age and Income Review Process for an

Applicant with a Disability

AC
- Collects disability-related documentation and forwards to the center along with the applicant's file

FRT
- Reviews the disability-related documentation to determine if it substantiates the disability
- If so, the applicant file review process continues on as it normally would
- If not, the file review team (FRT) prepares the "Center Recommendation of Denial Form for Health Care Needs, Direct Threat, or Disability Status" found in Appendix 107 of the PRH and submits the entire applicant file to the Regional Office (RO) for review

RO
- RO sends the file to the Regional Administrative File Review Coordinator (AFRC) for review.
- The AFRC makes a recommendation to the Regional Director or designee
- If the RO upholds the center's recommendation, the applicant is no longer eligible to apply and appropriate notifications to the AC, the center and the applicant are made
- If the RO overturns the center's recommendation, the file review process is resumed

REVIEWING A REQUEST

It is the responsibility of the RAC to review requests for accommodation or if there is no request, to consider potential accommodation needs when there is documentation of the disability or the disability is obvious. The RAC is led by the center's DCs and always includes the applicant or the student.

Functions and Responsibilities of the RAC

RAC Functions

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 the types of accommodations needed 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 seizure disorder and needs lower level bunk bed);

- 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.

Considerations in Reviewing Accommodation Requests

1. Does the applicant or student list the accommodation(s) that he or she wishes to be considered on the *Job Corps Reasonable Accommodation Request Form–Program*? If not, is the applicant able to verbalize his or her accommodation needs?

2. If the applicant or student is requesting accommodation but is unsure of their specific accommodation needs, then the RAC members assist the applicant in first identifying his or her functional limitations. In other words, how is the disability affecting the individual's daily functioning? Some examples of functional limitation categories include:

   a. Self Care (e.g., activities of daily living like bathing, dressing, etc.)

   b. Mobility (e.g., walking or getting around the center)

   c. Difficulty with medication side effects (e.g., drowsiness, dry mouth, slowed response times, etc.)

   d. Screening out environmental stimuli (e.g., unable to screen out sounds, sights, odors, etc. which interferes with managing daily tasks and sometimes results in emotional/physical responses as the individual becomes overwhelmed with the sensations)

   e. Interacting with others (e.g., reading social cues, managing personal space, interacting appropriately with others, etc.)

   f. Sustaining concentration (e.g., restlessness, distraction, shortened attention span, memory difficulties, etc.)

   g. Responding to change (e.g., difficulty managing responses to interruptions or sudden changes to anticipated schedule, etc.)

   h. Managing anxiety (e.g., avoidance of certain environment/tasks or emotional and/or physical responses to certain situations and environments that can cause the individual to feel overwhelmed sometimes resulting in paralyzing fear, interference with concentration, etc.)

3. Avoid suggesting extreme type accommodations that are highly likely to be unreasonable (i.e., 24 hour supervision) as they are only going to cause the RAC to then have to recommend a denial of an accommodation to the center director. If the center director concurs, then the denial has to be submitted to the Regional Office for review. Suggesting extreme accommodations not only creates a lot of unnecessary extra paperwork, it potentially creates other conflicts or concerns as an applicant might

wonder why staff would suggest an accommodation option to them only to turn around and then recommend denial of that same accommodation option.

4. During the completion of an applicant file assessment process (e.g., health care needs or direct threat), are the accommodations considered by the RAC related to the applicant's symptoms and behaviors that are posing the barriers to enrollment or are they for participating in the overall Job Corps program?

   Remember, during assessments, the RAC should only consider those accommodations related to the applicant's current symptoms and behaviors and not for participation in the overall program. For example, most testing and general learning accommodations often do not need to be considered during this part of the process and would only be considered should the applicant be approved for enrollment. See *Appendices 107, 609* and *610* for additional information on accommodation within the assessment process.

5. Are the accommodations agreed upon by the RAC (inclusive of the applicant or student), supported by the documentation? For example, is the use of proctor read tests being offered when the person has a math calculation-related disability or a written expression-related disability?

6. If the center is recommending denial due to health care needs or direct threat, , are the accommodations considered by the RAC related to the applicant's symptoms and behaviors that are posing the barriers to enrollment or are they for participating in the overall Job Corps program?

   During completion of the assessment process, the RAC is often comprised of the DC (required) and the specific clinician completing the assessment, i.e., DC (usually the Health and Wellness Manager (HWM)) and CMHC or DC and the Center Physician. The center clinician likely will contact the applicant for a clinical interview and can discuss the accommodation considerations during the same phone call. The DC must be present during the accommodation portion of the discussion.

   Remember, during assessments, the RAC should only consider those accommodations related to the applicant's current symptoms and behaviors and not for participation in the overall program. For example, if one of the concerns that was leading to the recommending of denial was that the applicant was easily overwhelmed when around even small groups of people after a few hours, the accommodations likely to be considered would include things like leaving class a few minutes early to avoid being in the hallways during busy times, given a pass to use to go to a quiet designated space for 15 minutes of decompression time, delaying dorm chores for an hour to allow the student to have some private quiet time before engaging with others, etc. The accommodations considered for this purpose should not be the general testing and

learning accommodations such as extended time, use of a calculator, and so forth. If these are other general type accommodations are needed, they would be considered and discussed with the applicant prior to enrollment only if he or she was going to be enrolled in the program. See *Appendices 107, 609* and *610* for additional information on accommodation within the assessment process.

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 (AM) and the HWM, if the center has a dedicated position for a DC; otherwise, it is presumed that the AM and the HWM are DCs, see *PRH 6: 6.14*.

- CMHC, Physician, Dentist, or TEAP Specialist

- Career Technical 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

How do we know what accommodations an applicant or student needs to access the Job Corps program?

1. First, review the *Job Corps Reasonable Accommodation Request Form–Program*. Did the applicant/student request specific accommodations? If yes, what are they? If no, skip to #3.

2. Does the documentation support the need for the types of accommodations requested?

a. Does the accommodation requested seem reasonable for the type of disability disclosed (i.e., need for extended time and the applicant/student has a learning disability and explains why he or she needs extended time) or if an applicant/student requests extra time for testing, does he or she have a history of being provided extra time or does the documentation state the need for extra time?

b. What are the functional limitations (i.e., cannot see if someone is blind, etc.) related to the disability? Are they identified within the documentation or can the applicant/student tell you about their areas of difficulty (i.e., cannot recall math facts due to a math disability or memory difficulties and needs the use of a calculator) or does the documentation of disability discuss areas of difficulty that support the applicant or student's request (i.e., processing, fine motor or other difficulty that indicates the need for extra time to complete assignments or in testing situations)?

Special Note: Occasionally an IEP states that an individual had 1:1 special education support in the school environment. It is important to carefully review all of the documentation provided, particularly the entire IEP. Ask the applicant/student about this support to understand it in the appropriate context it was provided. For instance, the individual may have had a 1:1 aide to assist him or her with functional activities throughout the school day or the individual may have had some 1:1 instruction provided in pull-out environment or resource room.

It is unlikely that the individual was provided full time direct 1:1 instruction by a teacher. Some students with significant disabilities may require a full time person to support them, but that is not the norm. More often than not, the individual needed explicit direct instruction in certain areas, thus having received 1:1 or small group instruction in perhaps a resource room or pullout setting. Careful review of the individual's accommodation needs inclusive of a review of technology options often can help the student to better access the program with fewer direct service supports.

Keep in mind that most everyone can benefit from 1:1 instruction, regardless of ability. How much is needed depends on the individual. The challenge is to structure the learning environment so that the student is able to function as independently as possible.

Also, remember that one of the cornerstones of the Job Corps program is and has been its small individualized classroom and training environments designed to manage flexible pacing. This model is designed so that teachers and instructors can be available for the student who needs more time and requires additional time and attention.

For instance, Job Corps teachers/instructors are required to meet the needs of learners of variable levels. Structuring the classroom environment to meet multi-level learning needs can be very useful in freeing up the time necessary to provide more direct instruction to students who need it. For example, multi-level learning needs might be met by having the student participate in a variety of learning opportunities that are available within the classroom.

- o   Whole group instruction where general concepts that all students need to know are taught;

- o   Students have work in their folders to do;

- o   Computer or other types of work stations with manipulatives and/or worksheets are in the rotation of activities;

- o   Peer tutors trained to mentor and tutor which aides both the tutor usually and the student;

- o   Small groups of learners working on specific projects or content review;

- o   Direct instruction provided 1:1 or to a few students at a time;

- o   Using differentiated instruction coupled with a variety of learning options in the classroom setup better enables a teacher or instructor to meet the varying needs of the students in the room. Students who need less support on a particular concept could complete their assignments/activities using workstation folders or computers. Other students who need a little more support could complete an assignment or two with the help of a peer tutor. Coordinating instructional opportunity for the needs of multi-level learners can free up the instructor to spend more time with the student requiring more direct instruction.

3. Ask the applicant/student what accommodations he or she thinks will be needed? If he or she does not know, ask the following questions in an effort to determine the individual's functional limitations.

- o   Ask the applicant/student to tell the team about his disability and how it affects him or her? Again, the individual may not be able to articulate this information as he or she may not have been given much information about his or her disability over the years. Be sensitive to this and ask questions to help the team identify the areas of need. If you plan to discuss information from the documentation, be sensitive and respectful about it.

4. Ask other supporting questions (via face-to-face or phone) that will help the team (inclusive of the applicant/student) identify his or her accommodation needs such as:

   o Did you receive special education services or have an IEP or 504 plan in school?

   o Did you have any accommodations in school (some applicants will know the answer to this question and some will not)?

   o Tell me some of the ways that you learn best. For example, does it help you more to hear information, to read it, to do projects with your hands, to see it, etc.?

   o What subject(s) did you like most in school? What did you like about that subject? Which ones did you like the least or which ones did you not like? Tell me more about why you didn't like that subject.

   o Have you ever had extra support in school like tutoring or going to a resource class? Was that helpful to you? If so, why was it helpful? If it wasn't, what was not helpful about it?

   o Were you given extra time to complete assignments or tests in school?

   o What are your strengths or what kinds of things are you good at doing?

   o What areas or things do you need help doing?

   o Do you have any hobbies or favorite things to do? Can you tell me more about them?

     Attempt to engage the applicant in conversation about a topic of high interest to him/her and determine differences in responses between talking about an area in which they are comfortable and/or more knowledgeable with one in which they are not as interested. Keep this part of the interview as low pressure as possible. Sometimes this can be useful in helping the team identify ways to accommodate or instructionally support the individual. For instance, if the student is strongly interested in computers and technology, that interest might be a useful starting place in thinking about the types of accommodations and strategies that might assist this student in overcoming the barriers presented by his/her disability.

5. Once the functional limitations and area(s) of weakness and strengths have been identified, suggest accommodations that would support the functional limitations (i.e., individual has short term memory deficits and likely will need to use written checklists, written instructions, organizer or planner, audio and video tapes or files, wrist watch with memo option that vibrates at scheduled times as a reminder of task or obligation).
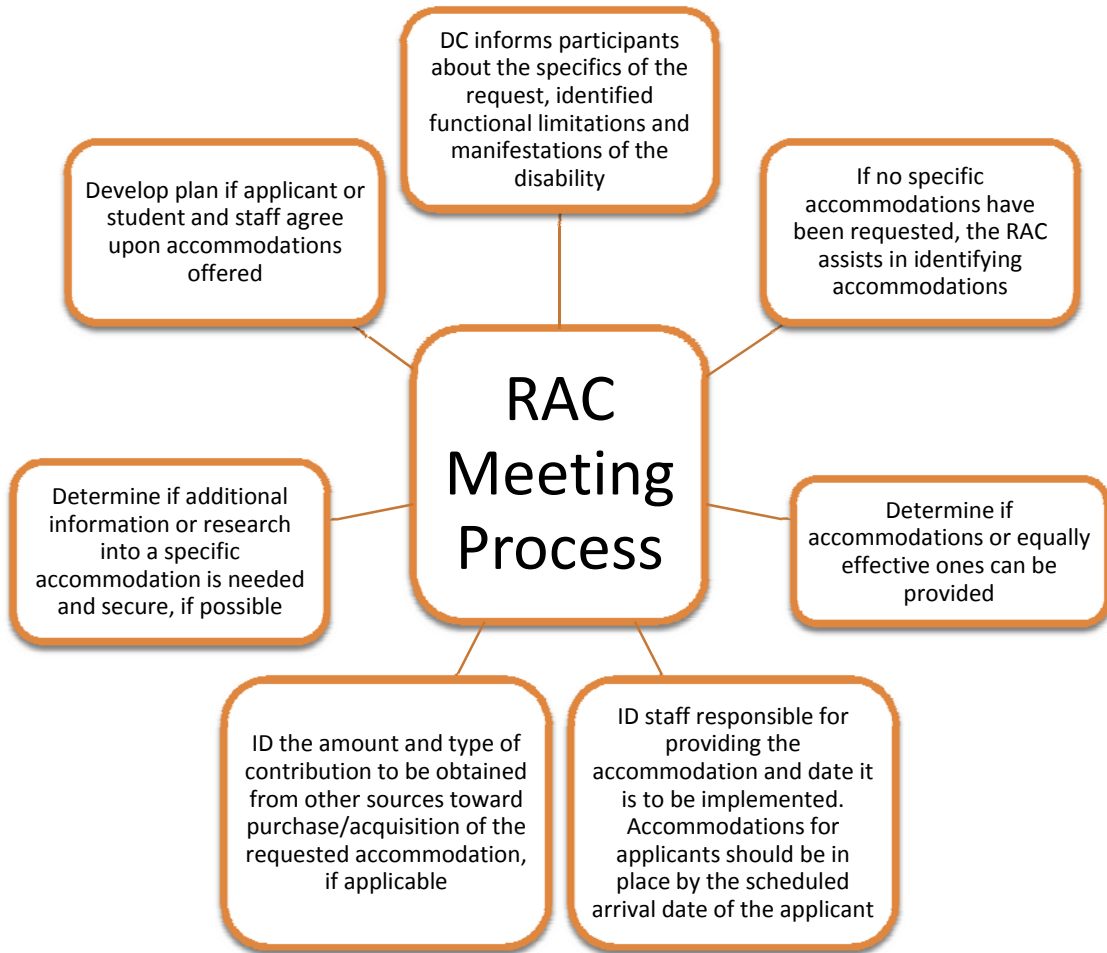
Note: Technology often is underutilized in school systems and an applicant's/student's previous IEP teams may not have considered the use of technology as a means of increasing independence in task performance.

Conducting RAC Meeting via Phone

When an applicant with a disability is unable to come to the center for a face-to-face RAC meeting, the DC must ensure that the applicant is appropriately accommodated to participate by phone. Applicants who have auditory processing difficulties, hearing impairments, or other cognitive disabilities may find participating in a phone interview very difficult and accommodations may be necessary for them to participate in the interview. Keep in mind that the applicant may be nervous and certain manifestations of a disability can be exacerbated when the individual feels under pressure (motor planning, language responses, processing time, etc.).

Considerations for Conducting a Phone Interview

- Use a pleasant, courteous tone.

- Use verbal skills like encouragers, restating, and open questions.

- Allow extra time for responses so that the student may have adequate time to process the question being asked. Let them know that it is acceptable to take some time to think about and respond to the question.

- Simplify the language being used so that the applicant can clearly understand what is being asked of him or her.

- Restate what you have heard when appropriate to do so to ensure that the staff and the applicant are in agreement with what was understood to be said.

- In the case of a hearing impairment, allow the individual to sign or write his responses to the AC or other person who can then convey the response orally. Provide relay services if needed and appropriate.

- Ensure that the questions being asked are relevant to determining the individual's accommodation needs.

DC informs participants about the specifics of the request, identified functional limitations and manifestations of the disability

Develop plan if applicant or student and staff agree upon accommodations offered

If no specific accommodations have been requested, the RAC assists in identifying accommodations

RAC Meeting Process

Determine if additional information or research into a specific accommodation is needed and secure, if possible

Determine if accommodations or equally effective ones can be provided

ID the amount and type of contribution to be obtained from other sources toward purchase/acquisition of the requested accommodation, if applicable

ID staff responsible for providing the accommodation and date it is to be implemented. Accommodations for applicants should be in place by the scheduled arrival date of the applicant

Documenting the RAC Meeting

Document each RAC meeting, formal or informal, as follows:

- Enter a summary of the meeting, if a student, as a note in the CIS Notes tab

- Document meeting summary, if an applicant, using the *RAC Meeting Documentation Form* and then enter summary of the meeting in CIS Notes tab if the applicant is enrolled

- Maintain RAC meeting documentation (i.e., copy of agenda/list of attendees) for all RAC meetings.

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.

Sample Scenario

Applicant Jose

- File documentation revealed the following:

  o Applicant diagnoses included depression, anxiety, intellectual disability, and pervasive developmental disorder

  o Documented history of behavioral difficulties

  o Exposure to too many people over a prolonged period of time becomes overwhelming

  o When stressed, tics surface, and applicant paces the floor

  o Has difficulty reading social cues

A health-care needs assessment was completed and the following accommodations were considered, agreed upon with the applicant and listed in the assessment:

- Extended time for testing

- Frequent breaks

- Proctor read tests

Is this file likely to be returned to the center for completion of some missing component of the file review process or to revisit a completed process?

The answer is **yes**. The accommodations considered weren't addressing the behavior and symptoms that are presenting the barriers to enrollment and were primarily testing-related accommodations. Considerations in this situation should have included discussion about the symptoms and behaviors listed below:

- Documented history of behavioral difficulties

Accommodation considerations depend on the specific behavioral difficulties that were noted and if they were current or not

- Exposure to too many people over a prolonged period of time becomes overwhelming

  Some examples of accommodations that might have been helpful to the applicant would be ones such as leaving each class a few minutes early to arrive at the next location before the bell rings, a special pass that allows him to leave class to go to a previously designated location to decompress, or to using a tri-fold privacy board in work areas during individual work times

- When stressed, tics surface, and applicant paces the floor

  Accommodation considerations might include designating a space within each environment where it is acceptable for the individual to pace limiting the timeframe with instructions not to exceed a certain amount of time and a timer or allow to leave scheduled area to meet with previously identified staff person to talk through concerns or just to listen to concerns, or allow student to access exercise equipment, such as a treadmill, for a limited specific amount of time.

- Has difficulty reading social cues

  The applicant might benefit from having rules, directions, classroom expectations, and so forth provided in a simplified language in written format or supported with visual cues, train a buddy mentor to assist with understanding various situations through role playing, providing or reading social stories with visual cues.

DETERMINING REASONABLENESS

Each request for accommodation should be evaluated individually and a determination made regarding whether it is reasonable.

There are two areas that the RAC and the Center Director (CD) must consider in deciding whether or not an accommodation is reasonable or not.

1. Would providing the requested accommodation pose an undue hardship because it is unduly costly or is extensive in nature?

> *There are many grey 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.*

2. Would providing the requested accommodation result in a fundamental alteration to the program by altering the nature or operation of the program or fundamental alteration to the program?

Often, an individual with a disability can be accommodated with little or no financial expenditure. Sometimes the accommodation merely requires a change in a policy, program, or procedure (e.g., allow the use of headphones during independent work in the classroom or career technical area, if safe, or in the cafeteria to abate noise sensitivities). The majority of accommodation requests are reasonable so the need to recommend denial of an accommodation should occur on an infrequent basis.

Determining Unduly Costly or Fundamental Alteration

When reviewing an accommodation to determine whether it is unreasonable or not, consider the following:

- What is the net cost of the accommodation; taking into consideration the availability of tax credits, deductions, or outside funding?

  The RAC actually has to cost out how much the accommodation is going to cost. It is insufficient to just make a statement that an accommodation costs more than the center can provide and therefore, is unduly costly.

- 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?

  The RAC has to consider the overall resources of the Job Corps program and not just the center's funding; however, the process starts with the CD evaluating his or her center's budget in conjunction with those local resources mentioned in the first bullet above. If the determination is that the center cannot provide the accommodation due to costs, such as for a sign language interpreter's services, then does the RAC need to complete a request for funds from the Regional and or National Office? See *Appendix 605* for the *Job Corps Reasonable Accommodation Funding Request Form.*

- Can other agencies/organizations provide or contribute to the cost of providing the accommodation?

  Does the center have a working relationship with the local DVR? If so, would DVR open a case for the individual (if they are 18 years of age or over) and provide an assistive technology needs assessment and/or assist in some other way (i.e., provide a Job Coach for a pre-determined amount of hours, if that is needed). Are there other organizations

that could lend the use of an assistive technology device, if that is in question, such as a state assistive technology lending library or universities or schools that might be able to donate used equipment in good working order?

- 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?

  Is their value and benefit to purchasing a device or using a service, etc., that benefits other students with disabilities enrolled in the program so that the cost is not just associated with the one student but actually spread out over a number of students who might need the same accommodation or positively benefit from it in some way?

- 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?

  If a student requested that music be played in all of the classrooms to assist them in being able to concentrate, manage their anxiety, etc., such an action might reduce the benefit of other students to receive benefit from the program if it disrupts, distracts, or prevents any of them from being able to complete their work or perform their duties. However, if allowing the student to wear headphones and use an MP3 player, even though policy does not allow this generally, would be effective in enabling the student an opportunity to participate in the program and achieve benefit like the other students, then it is likely a reasonable accommodation. The Americans with Disabilities Act Amendments Act (ADAAA) generally considers an accommodation reasonable if it is "effective" and allows the individual with a disability to attain an "equal level of opportunity, participation, and achievement as a non-disabled person." The accommodation does not have to ensure equal results or provide exactly the same benefit.[1]

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[1] http://www.ada.gov/qandaeng.htm. Retrieved 8/25/13.

Unreasonableness Considerations

If the CD determines that providing an accommodation would be unduly costly or would result in a fundamental alteration of the program, the center is required to

- take any other action that would not result in such a hardship or alteration, but would allow the applicant to participate in the program

- make every effort to accommodate an applicant with a disability at the appropriate center in accordance with the assignment procedures in PRH Chapter 1

In other words, the center must consider alternative accommodations that are equally effective but are not unreasonable or give the applicant the option to enroll in or the student to continue participation in the program without the benefit of accommodation. When an assignment to a specific center 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

There are some instances in which a high cost accommodation is reasonable. If the center is unable to fund the accommodation, such as for a sign language interpreter, and has been unable to secure a funding source in the local 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*. Technical assistance with completing these forms is available from your Regional Disability Coordinator (RDIC). See *Appendix 605* to obtain forms.

Possible Funding and Accommodation Information Resources

Source	Possible Resource	Contact Info
Registry of Interpreters for the Deaf	The registry offers information on locating and using interpreters and transliteration services.	(301) 608-0050 (Voice/TT)
ADAAA Disability and Business Technical Assistance Centers (DBTACs)	10 federally funded regional centers that provide information, training, and technical assistance on the ADAAA and works with local business, disability, governmental, rehabilitation, and other professional networks to provide current ADAAA information and assistance, placing special emphasis on meeting the needs of small businesses. DBTACs can make referrals to local sources of expertise in reasonable accommodations	(800) 949-4232 (Voice/TT)
Rehabilitation Engineering and Assistive Technology Society of North America (RESNA) Technical Assistance Project	RESNA can refer individuals to projects in all 50 states and the six territories offering technical assistance on technology-related services for individuals with disabilities. Services may include: • Information and referral centers to help determine what devices may assist a person with a disability (including access to large data bases containing information on thousands of commercially available assistive technology products), • Centers where individuals can try out devices and equipment, • Assistance in obtaining funding for and repairing devices, and • Equipment exchange and recycling programs	(703) 524-6686 (Voice) (703) 524-6639 (TT) http://www.resna. org/hometa1.htm
Internal Revenue Service	Provides information on tax credits and deductions for providing certain reasonable accommodations.	(202) 622-6060 (Voice)

Source	Possible Resource	Contact Info
Job Accommodation Network (JAN)	Provides information, free-of-charge, about many types of reasonable accommodations and has an online searchable accommodation database (e.g., SOAR).	(800) 232-9675 (Voice/TT) http://askjan.org

Recommending Denial of an Accommodation Process

The center is expected to make every effort to respond to an accommodation request in a timely manner. 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. The applicant should be notified if there are delays in processing the request.

If the CD has determined that a specific accommodation or accommodations are unreasonable and no alternate but equally effective accommodation can be identified and/or agreed upon, an *Accommodation Recommendation for Denial Form* is submitted to the Regional Office for review as accommodations may not be denied at the center level. The Regional Director or his or her designee makes the final decision regarding the center's request. Fortunately, most accommodations requested are reasonable or there is an equally effective alternative that is reasonable so the need to recommend denial for one should be a rare occurrence.

Preparing an Accommodation Recommendation of Denial

Prior to sending a recommendation of denial to the Regional Office for review, the DC is encouraged to contact their RDIC for guidance and should review the following actions and/or requirements statements to determine if the reasonable accommodation process was completed. See radial graphic below.

If all steps were taken, the center should complete the *Accommodation Recommendation for Denial Form* and submit along with all other documentation/notes/forms related to the request to the Regional Office for a final decision. The DC informs the applicant/student that the request is being sent to the region for review.

Regional Office Review of Accommodation Recommendation of Denial

The Regional Director consults with RDIC, other appropriate staff, and the National Office (i.e., National Health Staff) as to whether there is an obligation to grant the accommodation request and makes a decision regarding the recommendation.

If the Regional Director determines that the accommodation should be granted, the accommodation must 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.

If needed, the center contacted JAN, documented the date, name of the JAN staff person who assisted, and accommodation recommendations

Denial of the accommodation is recommended because providing it would be an unreasonable

The center offered alternate option that would allow the applicant/ student to participate in the program to the greatest extent possible

The RAC considered specific accommodations

The applicant's/student's decision to refuse accommodations is documented

The interactive process is well documented

Complete the Accommodation Recommendation of Denial Form and submit to the Regional Office

The center held an interactive RAC meeting that included the applicant/student

If the recommendation for denial is due to cost, funding from the National Office was requested

ENTERING THE ACCOMMODATION PLAN

Applicants

For applicants who have been accepted into the Job Corps program, draft accommodation plans are developed via an interactive process prior to the applicant's arrival at a center. The applicant must be in agreement with the draft plan; otherwise, accommodations offered and refused are documented. See *Refusals*.

The accommodation plan is entered into CIS via the CIS plan icon as soon as possible after the student enters the program. For individuals who require TABE testing accommodations, the accommodations are entered prior to the administration of the first TABE exam.

Students

Since students may request reasonable accommodation anytime during their stay in Job Corps, the accommodation plan is entered into Center Information System (CIS) within days of the student's acceptance of the accommodation plan. Testing accommodations should be entered before the individual's next TABE exam, if the student has not yet tested out of the TABE examination requirements.

Entering Protected Information

The center DC(s) and/or appropriate designee are the only center staff members who should have access to the accommodation plan data entry screen to enter a student's accommodations.

Accommodation plans should not include information about an individual

- Student's diagnosis,

- Medication needs, or

- Other health-related history or information.

General information gleaned from the individual's documentation that may be helpful for staff to know such as learning style preferences or other learning and/or behavioral strategies, for example, can be included in the comments section of the accommodation plan within CIS. Again, this information must be limited and not contain any protected data. See *Appendix 607, Transmission, Storage, and Confidentiality of Medical, Health, and Disability-Related Information*.

Documenting Acceptance of Accommodation Plans

The DC and student sign the plan if the applicant is onsite to participate in their RAC meeting or after enrollment and arrival if they are unable to participate in an onsite RAC meeting. A copy of the plan must be provided to the student, and the original is 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 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.

 Do not attach copies of accommodation plans or accommodation plans reports to the email. Staff has access to the plan in CIS so there is no need to attach plans and risk additional breaches of confidentiality of protected information.

Accommodation Plan Report

	Name:	Student ID:	Age:
	Gender:	Counselor:	Status:

Search Criteria

Enrollment Status: ⦿ Active ○ Separated

Start Date: 8/28/2013   End Date: 9/4/2013

Accommodation Status: ⦿ Active ○ InActive ○ Both

Counselor: [All ▾]

Dorm: [All ▾]

Group: [All ▾]

Accomodation Category: [All ▾]

Responsible Staff: [All ▾]

[Reset] [Run PDF Report] [Run Excel Report] [Cancel]

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 plan is evaluated as part of student performance panels on a regular basis throughout his or her enrollment in Job Corps (at least every 60 days).

> 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.

Student and staff feedback is required as part of this process. Each staff person responsible for implementing an accommodation should be providing feedback on whether the accommodation(s) is supporting the student adequately or not. So, if the "Responsible" column on the accommodation plan lists, "All," then that means that the accommodation is supposed to be implemented in all the areas of the center the student is engaged (i.e., academics, career technical, residential, recreation, counseling, etc.). Each assigned person should submit feedback regarding the effectiveness and use of the accommodation(s) in their specific areas. Staff either may use the comment section within CIS when completing the student panel performance feedback or the *Accommodation Effectiveness Review* forms on the Disability Web site.

In reviewing accommodation effectiveness, staff must determine if the accommodation is appropriate and serving the purpose it was intended to serve. Does the accommodation alleviate the functional limitation imposed by the disability and if it doesn't, why not? For instance, if the individual needs enlarged print, does using large print enable the student to see the material he or she must see? If not, perhaps audio-tapes and other verbal administration of material need to be used in place of large print materials. If technology or other auxiliary devices are being used as accommodations, then other considerations must be factored in determining effectiveness.

- Was the staff and/or the student properly trained in the usage of the device or aid?

- Is the student comfortable in using the device or aid?

- Is the device or aid working properly and/or is there adequate maintenance of the device or aid?

- Is technical assistance available if needed?

- Is the device or aid addressing the functional limitation adequately? Is the device selection a good match for the student?

During the Panel Meeting

Career counselors should ask students with accommodation plans specifically about the effectiveness of their accommodation plans during student performance panels. The counselor may first want to ask the student if he or she is aware of the accommodations listed in his or her plan. The student should have signed the plan copy that is in the accommodation file when the plan was finalized and agreed upon by the student and the RAC. The following types of student responses should be noted in the summary statement that is going to contain the results of the effectiveness review and be forwarded to the designated DC for review and inclusion in the accommodation file:

1. Student says they don't need or use a particular accommodation

2. Student says that they have never been provided a particular accommodation or accommodations

3. Student responds that they are still struggling in a particular area despite the use of an accommodation

4. Student requests additional or differing accommodations

5. Student indicates that their accommodations are in place and helping them

Communication between Career Counselors and DCs

The counselor forwards the results of the effectiveness review to the designated DC for review. The DC reads the summary statement in order to determine next steps. If everything is working fine, then the DC makes a note in the Notes tab in CIS and files the feedback form or information in the student's accommodation file. If the student responded with responses similar to numbers one to four above, the DC must convene the RAC, inclusive of the student, and discuss any areas of concern. If accommodations need to be modified, added, or deleted, those changes are made during the RAC meeting. The accommodation plan is updated in CIS and the student's name is included on the next "Notification to Staff" email that is sent out alerting staff that there has been a modification to the student's plan.

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.

The notes should tell the story of what happens with a student, accommodation-wise, from the time a plan is entered until the student completes and/or exits the program or a plan is made

inactive. Examples of the types of information that might be contained in the Notes section include:

- Summary of pre-arrival call to discuss either an accommodation request or the need for accommodation based upon documentation of disability provided with an applicant's file. Was a draft plan developed and agreed upon?

- Results of effectiveness reviews

- Summary of any meetings with the student discussing accommodation needs

- Notations of updates to plans being made and why

Access to Notes

Staff access to the information in the Notes section should be limited to DCs and/or appropriate designees as this area may contain more detailed protected data that must be strictly limited to those with a legitimate need to know.

MAINTAINING THE ACCOMMODATION FILE

A separate accommodation file (similar to the SHR) should be maintained for each student receiving accommodation. Appropriate staff with a specific need to know should have access to the information and medical records should be stored separately (in SHR).

Accommodation file contents support the provision of accommodation and should reflect ongoing monitoring and effectiveness documentation. Suggested content and layout is provided below. Keep in mind that 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.

Sample Accommodation File Contents

Accommodation File Checklist	
Left side	Right side
Notes/Updates **Summary notes taken prior to a student's arrival or at a RAC meeting, etc. can be stored here; however, update/summary statements MUST be entered into the Notes tab in CIS. Remember, the Notes section is intended to capture the full history of the accommodation process for a particular student during his or her enrollment on the center.**	**Signed Accommodation Plan** (Print out from CIS)
Documentation **Note: Any medical documentation that supports the need for an accommodation should be maintained in the SHR, just indicate using a note in the accommodation folder where the documentation to support the request can be found (e.g., "Documentation to support the accommodation can be found in the SHR")**	**Documentation of Effectiveness Review** **Accommodation Effectiveness Review** (Form should be used by each staff providing accommodations to the student and attached to their center's student performance evaluation form (for the 60 day student performance panel meetings). **Accommodation Effectiveness Summary** (The counselor receives effectiveness review input from all staff members who provide accommodations to each particular student prior to the center's student performance panels which are held every 60 days. This information must be summarized on this form and a copy of it provided to the DC.)
Copy of IEP/504 plan **(If the applicant/student received special education services in school, the IEP or 504 plan will have information about the services provided-Provided by applicant/student or requested from school)**	*Job Corps Reasonable Accommodation Request Form–Program* or *Reasonable Accommodation Review/Documentation of Disability Form* (Required form used to document accommodation request or accommodation review of disability documentation)
School Evaluative Reports **(Non-medical evaluative reports-provided by applicant/student or requested from school)**	**Referral Form**s (Suspicion/Disclosure of Disability)

Accommodation File Checklist	
Left side	Right side
Vocational Rehabilitation Reports **(If applicant/student was previously a client of VR, the report will have information about the services provided by VR-provided by applicant/student or requested from vocational rehabilitation agency)**	**Transition Considerations and Planning** (Plan that considers the specific needs of students with disabilities in the Work-Based Learning (WBL) and/or Career Transition Services (CTS) phase)
Other Non-Medical Reports	**Positive Behavior Support Plan or Behavior Strategies and Support Documentation** (Plan developed to assist students who may have challenging behaviors in developing appropriate replacement behaviors.

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 607* 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, one of two forms is completed to document the refusal.

1. *Reasonable Accommodation Review/Documentation of Disability Form* if the applicant/student has provided documentation of a disability but declined accommodations during the interactive accommodation review process.

   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.

   ☐ and 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.

2. *Job Corps Reasonable Accommodation Request Form–Program* if the applicant/student requested accommodations or stated that he or she might need accommodation but are unsure of what they may need.

Storage of Refusal Documentation

A "disability, no accommodations" file is created for each student that has a disability, but no accommodation plan. This file contains 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 607 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 607* for more information on confidentiality of disability-related information.

Quality Control

The number of accommodation files should match the number of students with accommodation plans in CIS.

REASONABLE ACCOMMODATION CONSIDERATION IN DIRECT THREAT OR HEALTH CARE NEEDS ASSESSMENTS

If a center clinician on the center's FRT has completed a direct threat or a health care needs assessment for an applicant who is a person with a disability, then the RAC must convene and consider accommodations that might reduce the barriers to enrollment. The accommodations considered are only related to the functional limitations or symptoms and behaviors that are posing the barriers to enrollment. The individual may need additional accommodations to participate in the program if they were to be enrolled; however, there is no need to address those needs until the review process has been completed and a determination regarding enrollment has been made.

RAC REVIEW OF ACCOMMODATION NEEDS

The RAC is always inclusive of the student and this part of the process may be completed in a number of ways.

1. The applicant comes on site to participate in the RAC meeting.

2. The applicant is contacted via phone to participate in the RAC meeting.

3. The center clinician contacts the applicant to complete the clinical interview and with the HWM/DC present, completes the accommodation review during the same call.

Examples of Accommodation Consideration for Direct Threat

- Schedule adjustments to allow the student to attend necessary off-center appointments.

- Shortened training day or later start to the training day to adjust for medication side-effects.

- Reduce mandatory participation in large group activities.

- Placement in residential dorm or room with fewer students and/or more experienced Residential Advisors or given a private room, if available.

Re-review of Factors

Once the accommodations have been identified, the center clinician who conducted the original assessment must re-evaluate the factors posing the barriers to enrollment and decide whether or not the identified accommodations would sufficiently reduce the barriers to enrollment. In other words, would the accommodations enable the center to now meet the applicant's health care needs or would the applicant's level of threat be reduced to a level below that of direct threat? Only accommodations agreed upon by the RAC and the applicant are the ones considered in the re-review of factors. Any accommodation that the applicant did not agree to is identified on the assessment form by checking no to the respective checkbox but it is not included in the clinician's consideration.

No Accommodations Identified

In rare situations, the RAC may not be able to identify any accommodations appropriate for the existing behaviors and symptoms. This situation usually occurs when an applicant is in need of immediate in-patient stabilization because they are suicidal or homicidal or the applicant has a significant history of assaultive behaviors that have been increasing in frequency and severity over time. The DCs are encouraged to contact their Regional Disability Coordinator or Regional Health Specialist if they need assistance in making this decision.

If no accommodations could be identified, the box on the assessment indicating this would be checked and the clinician would then complete the assessment.

RESPONSIBILITIES IN THE TABE WAIVER PROCESS

If a student with a cognitive disability fails to demonstrate progress on the TABE test over the course of several testing sessions, the center may wish to request a waiver of TABE testing. There is a policy requirement (Chapter 3: Appendix 301(5)) that the RAC must first hold a meeting to discuss the student's failure to progress on the standardized assessment. The RAC must consider

- whether or not effectiveness review have taken place and does the summary documentation show that the student's accommodations have been and continue to be effective

- whether or not there are any additional and/or alternate appropriate accommodations that should be added to the student's accommodation plan and implemented on a trial basis

- whether or not the student has continued to participate and perform in academics as required in Appendix 301 of the PRH

Appendix 301 of the PRH states that "The students will also continue to receive instruction in reading and math unless they have earned a high school diploma or General Educational Development (GED) certificate prior to or during enrollment in Job Corps. This instruction can occur in specific reading and math classes, in high school or GED programs, or through applied academic skills training in career technical programs. Instruction in reading and math will involve a minimum of 25% of the time in a student's training week. Instruction must be documented by academic and career technical instructors and monitored by the center's RAC, and copies of documented instruction must be kept in the student's file. Students will continue in reading and math instruction until they complete the competency requirements for reading or math (as determined by the center and documented in the center's CDSS Plan, in accordance with PRH Chapter 3, Section 3.1, Section 3.9, and Section 3.10). *Completion of competency requirements must be documented by the instructors and approved by the RAC."*

Making a Recommendation

After the RAC has completed its review, the committee verifies in writing that the student has been receiving ongoing instruction in reading and math, that the current accommodation plan is an appropriate one, and there are no further reasonable accommodation considerations likely to make a substantial change to the student's performance. If the TABE waiver is going to be requested, then the required documentation must be submitted to the Regional Office for review. If changes or alterations to the student's accommodation plan were needed, the RAC would update the student's plan and monitor the effectiveness of the updates for at least one more testing cycle and then re-evaluate the student's performance.

TRANSITION

POLICY REQUIREMENT

All students must receive information about workers' rights and responsibilities including reasonable accommodation in the workplace during the Career Transition Readiness (CTR) phase of the program. [PRH 6: 6.14, R3(c)]

Just as students with disabilities need accommodations to access and participate in the Job Corps program, they also may need accommodations to access the workplace. It is important that they understand their rights in the workplace, their responsibilities in requesting accommodation, and that they are aware of resources that can aid them in making decisions and choices about accommodation and work.

The Job Corps Disability website contains numerous resources to assist CTR and CTS staff in meeting the policy requirement and in gaining understanding of the connection that may exist between accommodation and employability. Information available on the Disability website includes:

- Self-Determination/Self-Advocacy

- Workplace Rights and Tips

- Disclosure

- Social Security Benefits/Work Incentives

- Transition Services

Transition Planning

For many students/graduates with disabilities, participating in career transition activities is their first experience in the workplace; likewise, for some employers, it is their first experience working with or hiring an individual with a disability. As such, the career development staff should be prepared to educate the student/graduate and the employer about disability issues in the workplace. The National Center on Workforce and Disability has information on all aspects of educating the student/graduate and employer.

Prior to graduating, it may be necessary to actually assist a student in reviewing his or her possible transition needs and how they plan to accomplish each one. A *Transition Planning* form is available on the Disability website and can be used to assist the student in formulating an actual transition plan.

Participating on the RAC

CTR and CTS staff should participate on the RAC for any student who is preparing to enter work based learning or getting ready to graduate. Of course, attending occasional RAC meetings earlier in the student's enrollment is encouraged so that transition staff can become more familiar with the individual's current accommodations and needs. Transition staff can offer input to the RAC to include:

- the need to focus on employability as much as possible when considering accommodation options, and

- sharing information regarding the types of tasks the student is going to have to perform on the job.

Accommodation Costs

Who Pays?

Work-based learning

Employers may need to fund the cost of an accommodation if they actually hire a student who is involved in WBL activities but, whenever possible, the center should make every effort to assist the employer in this matter (i.e., seek assistance from disability provider organization(s), if applicable).

Job Shadowing

If the student is not actually hired by the employer but is engaging in job shadowing activities, etc., the center is ultimately responsible for covering the cost of the accommodation in the workplace.

Employment

After a student graduates, the burden to provide accommodation shifts fully to the employer; however, career development staff can still assist in the process whenever possible and as appropriate (i.e., seek assistance from disability service providers, provide literature and resource information, etc.).

RESOURCES AND TOOLS

RAC MEETING CHECKLIST

The *RAC Meeting Checklist* offers a quick quality control measure to ensure that the center is maintaining an appropriate reasonable accommodation process. The use of the form is voluntary.

✓	N/A	RAC Meeting Checklist
☐ ☐	☐ ☐	RAC meeting conducted for applicant/student with a request for accommodation or accommodation of disability. o In the case of an applicant, meeting was conducted prior to applicant's arrival on center.
☐	☐	Applicant/student participated in the RAC meeting.
☐	☐	RAC meeting minutes were taken.
☐	☐	Staff participants signed meeting minutes form.
☐	☐	DC has reviewed documentation of the disability or the disability is obvious (i.e. applicant/student is blind, hearing or mobility impaired, etc.).
☐ ☐	☐ ☐	Accommodation plan was developed. o Accommodations considered center-wide access needs (i.e. program, architectural, and communication) and included necessary accommodations, as appropriate. For example, a student who cannot read will need access to information throughout the center (i.e. audio tapes, text reading software, etc. in the classroom, career technical, residential, recreation, and so forth).
☐	☐	Applicant/student's signature obtained o if applicant/student agrees to accommodation plan. o if applicant/student refuses offered accommodations.
☐ ☐	☐ ☐	The center's transition staff representative participated in the RAC meeting if the student is preparing for work-based learning. The center's transition staff representative participated in the RAC meeting if the student is preparing to move into the career transition phase of the program.
☐	☐	If applicant/student initially refused accommodations but now wishes to accept accommodations, a new *Job Corps Reasonable Accommodation Request Form–Program* was completed.
✓	N/A	**After the RAC Meeting**
☐	☐	Accommodations were entered into CIS.
☐	☐	Notification of accommodations was sent to all with a need to know.

POLICY REFERENCES AND RESOURCES

Policy/Resource	Description	Forms*
PRH 1:1.4	Policy requirements for processing applicant files at the center level	
PRH 1:1.5	Policy requirements for processing applicant files at the regional level	
Appendix 106	Process for an applicant with a disability to request reasonable accommodation to participate in the Job Corps **admissions** process	*Job Corps Reasonable Accommodation Request Form - Admissions*
Appendix 107	Detailed guidance for processing applicant files at the center level	*Applicant File Review – Center Recommendation of Denial Form For New Information* *Applicant File Review – Center Recommendation of Denial Form for Health Care Needs, Direct Threat or Disability Status*
Appendix 108	Detailed guidance for the regional review process for applicants who have been recommended for denial at the center level	*Regional Applicant File Review Process Form* (for Regional Office use only)
PRH 3: 3.21(R2)(g)	Policy requirements for ensuring students receive information about workers rights and responsibilities including reasonable accommodation during CTR	
Appendix 605	Policy requirements for the center reasonable accommodation process	*Job Corps Reasonable Accommodation Request Form– Program* Reasonable Accommodation Review/Documentation of Disability *Job Corps Reasonable Accommodation Funding Request Form* *Job Corps Reasonable Accommodation Supplemental*

Policy/Resource	Description	Forms*
		Funding Request Form
PRH 6: 6.14	Disability Program policy requirements	
Appendix 606	Information about communicating with persons with disabilities	
Appendix 607	Information on transmission storage, and confidentiality of medical, health, and disability-related information	
Appendix 609	Information and guidance on the direct threat assessment process	*Form for Individualized Assessment of Possible Direct Threat*
Appendix 610	Information and guidance on the health care needs assessment process	*Form for Health Care Needs Assessment*

Resources and Tools

REGIONAL DISABILITY COORDINATORS

Each region has a RDIC who provides disability-related technical assistance to outreach and admissions staff, center staff, and Regional Office staff. If you need assistance, please contact the RDIC for your region. A list of the RDICs may be found on the *Disability* website

WEB RESOURCES

Resource	Location	Description
Job Corps Disability website	Job Corps Community website	This site provides the Job Corps community with information and resources that will allow them to better support and meet the needs of applicants and students with disabilities.
Health & Wellness website	Job Corps Community website	This site contains resources and guidance related to Appendix 609 and 610 of the PRH (i.e., direct threat and health care needs assessments, respectively.
Job Accommodation Network (JAN)	http://askjan.org	Disability consultants are available to answer calls and provide accommodation suggestions at no cost. An Online Searchable Accommodation Resource (SOAR) database to search various disabilities and obtain possible accommodation suggestions.

FAQS

1. **Can we add accommodations to the accommodation plan that are not listed on a student's documentation?**

 If you can document the need for the accommodation as it relates to the functional limitations presented by the disability, then additional accommodations may be added. For example, instructional staff has been recording how much time it takes a student to complete tests in class. The teacher may provide feedback to the team that this student needs extra time to complete assignments and tests but needs the structure of 1.5 time allowance. The teacher's observation alone is insufficient but if the student's documentation indicates that the applicant has any manifestations that might warrant the use of extended time (i.e., processing speed difficulties, anxiety manifestations, fine motor coordination difficulties that impact handwriting, concentration or memory issues, etc.) along with the documented observations, this accommodation could possibly be added to the student's plan.

 Adding accommodations for the standardized testing environment demands a higher threshold of accountability because any adaptations in the testing environment impact the norms of the test and therefore impact the outcome of the test. Additionally, since the TABE is not only a student performance measure but a center performance measure, additional caution is warranted in adding any accommodation not already historically verified in the student's current documentation.

Document the RAC meeting findings in the Notes tab of CIS and maintain any documentation related to the discussion including the teacher's data collection regarding testing support needs. Remember, there must be a clear reason related to the disability for the need of a particular accommodation.

It is recommended that close attention be given to this accommodation in the next effectiveness review and the RAC might wish to re-convene after that to assess performance and confirm need of the accommodation. Do not make these types of additions a routine practice. Demonstrate good faith intent via the documentation and through general center accommodation practices.

2. **May the center provide accommodations for TABE testing without specific documentation about the disability?**

A student is not entitled to reasonable accommodation unless he or she is a person with a disability. This information must be substantiated through documentation unless the disability is obvious (i.e. someone who is blind and needs access to print). Because of the significance of the TABE test results (i.e. placement, center outcomes, performance, etc.) and because the TABE is a standardized assessment, initial test accommodations should be derived from previous test accommodations documented on the student's previous IEP(s), 504 plan(s) or documented as recommendations within neuropsychological, psychological, medical or other similar type assessments.

Over the course of time, the RAC (inclusive of the student) may decide to modify the testing accommodations needed based upon the student's performance, teacher's classroom observation and assessment, or other acquired assessment data (e.g. via VR, etc.). Testing accommodations should be applied in the learning environments, (both academic and career technical), as well as during TABE test administrations. This affords the student an opportunity to practice the use of the accommodation and is a verification of the need for the accommodation.

Ultimately, the key points to remember in making accommodation considerations are that the accommodations

- should have a foundation in the documentation of the disability

- should be based upon needs of an individual's functional limitations imposed by his/her disability

- should be those supports that are needed/necessary to help the individual overcome/remove barriers of access (i.e. programmatic, architectural, and communication) to the Job Corps program

3. **If the center is able to secure assessment testing for a student who is suspected of having a disability or who is in need of updated information, what types of tests are required to be conducted and what types of credentials must the assessor possess?**

Clinical psychologists, neuropsychologists, school psychologists, educational consultants, and some special educators may conduct certain assessments used to assist in determining if an individual is considered a person with a disability or not.

Special educators or educational consultants must have completed training in the specific assessments that they will be conducting and they may not diagnose the individual.

One good resource for determining the types of documentation needed to substantiate the need for accommodations is the General Education Development Testing Service's requirements for documentation in order to receive reasonable accommodation(s). If the student is found to have a disability, then the center will have already secured the necessary documentation for GED and other high school equivalency program requirements. For instance, the Woodcock Johnson and the Wechsler Intellectual Achievement Test are most often used to assess achievement levels (i.e. performance) and the Wechsler Intelligence Scale for Children and the Wechsler Adult Intelligence Test are most often used to assess cognitive ability.

There are times when the difficulties come from an area that an occupational therapist (OT) (or perhaps another type of specialist) would assess, such as sensory issues, fine motor, visual perceptual and visual motor, etc. Sometimes a good developmental pediatrician can catch these things during a physical but they usually will suggest additional testing by an OT.

4. **What is the role of the IEP in Job Corps?**

For the Job Corps program, the IEP typically serves as documentation of a disability and may be used as a tool in developing an accommodation plan. For high school programs within Job Corps that are under the obligations of the Individuals with Disabilities Education Act (IDEA), the IEP must be maintained and updated as required by federal and state IDEA regulations. As such, there are variations in the types and levels of experience needed to understand/interpret various sections for the purposes intended.

Note: In general, individuals who are interpreting information on the IEP should have relevant background, training, understanding and/or knowledge about the types of information contained within an IEP (i.e. assessment data, accommodations, special education services terminology, etc.). Typically individuals who may have the background and knowledge to review this information would be the CMHC, the AM/Principal, the DC, and academic instructional staff if they have the relevant training and background knowledge in this area.

If no one on center has any background or training in understanding the information included on IEPs or other related assessments, the center's DC should contact the RDIC for support.

5. **Can IEPs older than 5 years still be used to substantiate a disability?**

Generally, the most recent IEP available may be used as documentation of the disability. IEPs should be used only as a starting point for determining a student's current functional limitations. Current functional limitations may be determined by conducting a complete and thorough review of the applicant or student's record, asking the applicant/student, and/or by other assessments completed by the health and wellness staff, partnering professionals, or other outside professionals. Although an individual can develop compensatory strategies, most disabilities such as learning disabilities are not outgrown. The impact on the individual may change over time due to a variety of factors.   If the last IEP is more than 5 years old and you are uncertain about using it, please call your RDIC to discuss.

6. **Can we provide accommodations to a student if there is documentation that shows they were released from special education services and that is the most recent documentation available?**

No, we cannot provide accommodations if the student was released from special education services unless there is some updated medical or psychological documentation available. Having the IEP means that the person was determined to be a person with a disability in need of special education. If the individual was released from services, then the documentation no longer substantiates the disability status. If the disability is obvious (i.e., the student is blind, has a mobility impairment, etc.), then no additional documentation would be required to provide accommodation. Sometimes public school IEP teams do release students from services who may still be in need of accommodation but updated assessments and documentation would need to be secured first. If the center has a public high school partner or charter, perhaps they would have the personnel and willingness to assist the center in obtaining updated documentation, if appropriate.