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4-H Reasonable Accommodation Policy/Procedure

**REASONABLE ACCOMMODATION
FOR 4-H PARTICIPANTS WITH DISABILITIES**

August 2006

This policy shall not be construed as providing rights or obligations not required under applicable laws.

The 4-H Youth Program of Washington State University, through its curriculum, programs, and events, provides a supportive environment for diverse population groups with overarching respect for individual's personal values and ideas. 4-H takes seriously its responsibility to offer educational programming opportunities equitably to all qualified persons who can be reasonably accommodated.

For the 4-H Youth Program to accomplish its goals 4-H staff and leaders and event officials should make all reasonable accommodations to allow youth with disabilities to participate in 4-H activities and events.

Persons with disabilities have the right to request and receive reasonable accommodation. Each youth and event must be evaluated individually, assessing whether the youth is qualified for the event and whether he or she would be able to participate in the event with or without accommodation. So long as the youth meets essential requirements of the activity, participation should be welcomed.

DEFINITIONS

Essential Functions: Essential functions/requirement means the skill, experience, education, and other requirements of the activity desired. The term "essential functions" does not include the marginal functions of the activity.

Health Care Professional or Health Care Provider: Health care professional means a person who has completed a course of study and is licensed to practice in a field of health care which includes the diagnoses and assessment of the particular disability or disabilities in question.

Person With a Disability: Person with a disability means:

- Under 42 U.S.C. 12102, a person with a physical or mental impairment that substantially limits one or more major life activities; or
- Under RCW 49.60, a person who has an abnormal condition that is medically cognizable or diagnosable, and who is denied reasonable accommodation or is discriminated against on the basis of that condition.

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Qualified Individual With a Disability: Qualified individual with a disability means an individual with a disability who meets the skill, experience, education, and other requirements of the activity desired, and who, with or without reasonable accommodation, can perform the essential functions of the activity.

Reasonable Accommodation: Reasonable accommodation means modification or adjustment to a job, work environment, policies, practices, or procedures that enables a qualified individual with a disability to enjoy equal opportunity to participate in the benefits of the program and that does not impose an undue hardship on the program sponsor.

Undue Hardship: Undue hardship means an excessively costly, extensive, substantial, or disruptive modification, or one that would fundamentally alter the nature of the activity or event or operation of the institution or program.

GENERAL OBLIGATIONS

- 4-H will provide reasonable accommodation to the known physical, mental, or sensory limitations of an otherwise qualified individual with a disability.
- The obligation to provide a reasonable accommodation applies to all aspects of participation in 4-H. This duty is ongoing and may arise any time that a person's disability or the activity changes.
- The need for reasonable accommodation shall not adversely affect the consideration of a youth with a disability for opportunity to enjoy equal terms, benefits, privileges, or conditions of participation in the 4-H program.
- Generally, it is the obligation of an individual with a disability to request a reasonable accommodation.
- A qualified individual with a disability has the right to refuse an accommodation. However, if the individual cannot perform the essential functions of the activity or event without the accommodation, he or she will not be considered to be an otherwise qualified individual with a disability after refusing the accommodation.
- When a parent, guardian or youth requests an accommodation for the youth and the disability is not readily apparent, the disability has not been previously documented, and/or the reasonableness of the request is not obvious, 4-H may request that the participant provide verification from a health care professional that he or she has the disability as claimed and that it necessitates reasonable accommodation. The request for verification may ask the opinion of the health care professional whether the youth can perform the essential functions of the activity and whether the requested accommodation is appropriate to the disability. 4-H may obtain a second opinion at its own expense from a health care professional of its own choice. Such inquiries are limited to verification of the need for accommodation, except that the program may also request that the health care professional comment on the appropriateness of the requested accommodation or suggest possible effective alternative accommodations.
- 4-H may require a medical examination and/or health care professional's certificate where a question arises concerning the fitness of a participant to perform the essential functions of the activity. 4-H will bear the cost of the medical examination and/or certificate.

CONFIDENTIALITY OF MEDICAL INFORMATION

All information regarding the presence or nature of a participant's disability is treated as a **confidential medical record** and is **maintained in a secure manner**, with **access restricted** to designated personnel on a need to know basis.

While participants are not required to disclose medical facts to 4-H leaders, they may be expected to provide such information to other WSU representatives who have responsibility for assisting with the accommodation process.

REASONABLE ACCOMMODATION REQUEST PROCESS

- Once 4-H receives a reasonable accommodation request, the staff or leader will talk with the parents or guardians and, when appropriate, the participant to determine the youth's specific physical or mental abilities and limitations as they relate to the essential activity functions, identify the disability-related barriers, and assess how accommodation can overcome these barriers.
- 4-H may consult with other knowledgeable sources to identify potential accommodations and assess how effective each would be in enabling the youth to perform the essential functions.
- If there are two or more effective accommodations that would allow the youth to perform the essential functions, after considering the preference of the parents, guardians and the youth, 4-H may select the accommodation to be provided.
- Information contained in communications regarding activities or opportunities covered under this policy, including how to make a request for accommodation, must be provided to parents, guardians and the youth with a disability in a manner or format which is readily accessible to them. All 4-H members and applicants must be notified about 4-H's obligation to provide reasonable accommodations.

Steps:

- A. Unless the disability or need for accommodation is obvious, it is the responsibility of the parent, guardian or youth to inform 4-H that a reasonable accommodation is needed. When the disability or the need for reasonable accommodation is obvious, the 4-H staff or leader should inquire whether the parent or guardian perceives a need for accommodation. This must be done carefully to avoid an improper inquiry about the youth's possible disability and to protect the youth's right to privacy. *It is strongly recommended that the 4-H Director be contacted to assist with this process.*

- 1) 4-H reviews the activity and the essential functions of the activity or event.

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- 2) 4-H then and the parent or guardian discuss the youth's specific physical or mental abilities and limitations as they relate to the essential functions of the activity. This includes a discussion of the parent or guardian preferences with regard to reasonable accommodations.
 - 3) 4-H may request that the written documentation from a licensed health care provider, including a statement of the youth's functional imitations. Generally, the essential functions of the activity should be provided to the health care provider. 4-H may request recommendations about the youth's ability to perform those functions, potential reasonable accommodations and the safety considerations for the youth's participation in the activity.
- B. If the disability precludes the youth's from performing the essential functions of the activity or event, 4-H will undertake the following actions as appropriate:
- 1) Evaluate the youth's functional abilities and limitations and the essential functions of the activity
 - 2) Explore options available for reasonable accommodation, including but not limited to:
 - Making existing facilities readily accessible to the disabled youth;
 - Restructuring the activity in a manner consistent with reasonable accommodation;
 - Modify activity schedules;
 - Changes in rules and policies that do not fundamentally alter the activity or event or create a competitive disadvantage for other participants.
 - Acquire or modify equipment or devices; and/or
 - Provide qualified readers and interpreters and documents which are accessible to the person with disabilities
 - Allowing assistance from another individual for an event or activity unless such assistance creates a competitive disadvantage for other participants;
 - 3) Determine the most effective reasonable accommodations;
 - 4) Evaluate whether the youth can perform the activity in a manner safe to others and the youth.
 - 5) Discuss alternative accommodations with the parents or guardians.
 - 6) Evaluate undue hardship.

An accommodation is unreasonable if it results in an unfair competitive advantage in a competitive event.

4-H shall not charge a higher fee, or a surcharge, for the cost of accommodations.

If no reasonable accommodation can be devised or the parent or guardian declines a reasonable accommodation offer for the youth, the youth may not be able to participate in the activity or event. Before a final decision is made the staff or leadership must notify the 4-H Director, fully inform the Director and receive a written confirmation from the director that a reasonable and acceptable accommodation is not possible.

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Signature of Parent or Guardian:

_____ **Date:** _____