



POLICY 5100 Reasonable Accommodations & Inclusion Policy

EFFECTIVE DATE 8/24/2023 **VERSION # 2**

DATE OF LAST REVISION 8/15/2023 **NEXT REVIEW DATE** 8/15/2025

APPLIES TO

Division Recreation
Sub-Division Inclusion

VERSION	REVISION DATE	DESCRIPTION OF CHANGE/SUPERSEDE	AUTHOR
1	1/24/2020	Initial	Ann Willman
2	8/15/2023	Updated time requirement for the Registration/Accommodation Request.	Anjie Goulding, Ben Kaiser

RATIONALE

This policy is designed to ensure compliance with the Americans with Disabilities Act of 1990 (ADA) and to facilitate opportunities for program participants with disabilities to engage in recreational pursuits in the most integrated setting possible. This policy establishes consistent procedures and guidelines for the participation of persons with disabilities in programs, activities, and services offered by the District.

The District makes every reasonable effort to ensure that its programs, activities, and services, when viewed in their entirety, are readily accessible and usable by individuals with disabilities. It affirms its commitment to assist individuals in developing and implementing a healthy and balanced leisure lifestyle by decreasing barriers to participation through program adaptations and accommodations, with the following goals in mind:

1. To provide quality recreational and support services to persons with disabilities in a non-threatening environment.
2. To increase community awareness and availability of Reasonable Accommodations & Inclusion support services.
3. To provide training and education to District staff on Reasonable Accommodations & Inclusion support services.

PROCEDURES

Registration/Accommodation Request

- 1) Participants needing reasonable accommodations should select and register for the program or activity they wish to participate in.
- 2) Within two (2) business days of registration for a program or activity, participants should complete and submit an Accommodation Request Form online, in person at the District

Office, or via mail. Once received, a staff member will contact the parent/guardian/individual to discuss the accommodations required for the participant to successfully participate in the program.

- 3) Participants must indicate at the time of registration that they require accommodations in order to participate in the activity or program. Upon registration, a **minimum of four (4) weeks** prior to the start of the activity will be required to allow staff adequate time to evaluate the need for, and to make, all reasonable accommodations and to minimize any logistical difficulties in providing certain services. A participant must provide this required minimum four-week advance notice to ensure the District provides accommodation.

Assessment and Accommodation Plan

- 1) Participants in need of reasonable accommodations or their guardians will be required to participate in an Intake/Assessment process, which includes a review and discussion about the information contained within the Accommodation Request Form previously submitted. This Intake/Assessment process is conducted by staff and is intended to enable staff to understand and identify specific accommodations or support services necessary for participation. Upon completing the intake process, staff will work with the participant or participant's guardian to develop a customized Accommodation Plan specific to each program or activity.
- 2) If, through the assessment process, staff determine that reasonable accommodations or support services cannot be provided for the participant as originally requested, alternative options will be discussed with the participant and/or their family members.
- 3) If an accommodation or support service is denied, the District will provide a letter to the participant or their legal guardian outlining the type of accommodation requested, what the District considered or attempted, why the request was denied, and any alternative accommodations that were offered.

Participant Monitoring and Evaluation

- 1) The appropriate staff member will coordinate with program/activity staff member to modify each individual's specific Accommodation Plan as needed based upon the participant's experience in the program/activity.
- 2) Modifications to the participant's Accommodation Plan may need to be discussed with their parent/guardian or other family members.

Personal Care Assistance & Toileting

Individuals with disabilities are welcomed and encouraged to participate in all CARD programs; however, CARD does not provide direct assistance with toileting, feeding and/or dressing.

Participants needing this higher level of assistance are permitted to bring their own personal assistant to the program or activity (at no additional charge) to provide any necessary personal care. Please be advised that the personal assistant may be subject to fingerprinting and a criminal background check depending on the registered program or activity. Other invasive

procedures or assistance, such as tube feeding, catheterization, injections, or oxygen tank monitoring also are not provided by the District.

Staff may provide indirect assistance with toileting through the use of verbal cues and reminders, and may provide assistance with dressing (i.e., snapping, buttoning of clothing). District staff, however, do not provide aid with diapering of participants. In some cases, staff may assist with lifting if a two-person lift is necessary.

Social Behavior & Safety

Under the ADA, an accommodation is not reasonable if it compromises the safety of the staff and/or participants, and/or significantly alters the purpose of the program or activity. Safety issues will be formally identified and recorded.

If a participant's behavior is detrimental to the group or to the participant themselves (i.e., kicking, biting, hitting, spitting, self-abusing, refusal to stay with the group), a parent/guardian will be called to pick up the participant immediately. If the behavior continues, a Behavior Plan will be added to the Accommodation Plan, and possible removal from the program or activity could result if the behavior cannot be reduced or eliminated.

If a parent/guardian has not requested accommodations/modifications and has registered the participant for a program, and it is thereafter determined and communicated that an accommodation/modification is needed, the following steps will be taken.

- If a participant is deemed to be disruptive or unsafe, the participant will be removed from the program until a parent/guardian meeting, inclusion profile and discussion of the accommodation/modification have been completed and a determination has been made by the District that the participant may return to the program.
- If accommodation/modification includes the need for additional staff, there may be a time delay for the participant to re-enter into the program until appropriate staffing is acquired.
- If it is determined that no accommodation/modification is needed, the participant may participate in the program but must continue to meet the basic qualifying skills of the program.

Types of Reasonable Accommodations

Reasonable accommodations specifically mentioned in the ADA include, but are not limited to, the following:

- Additional staff: Providing additional employees or trained volunteers to assist the participant.
- Additional staff training
- Auxiliary Aids or Services: This may include sign language interpreters, note takers, assistive listening services, cassette versions of documents, and Braille documents.
- Changes to Rules and Policies: When a rule can be changed without resulting in a fundamental alteration of the service, it must be changed for the person with a disability.

- Adaptive Equipment: Many vendors make adaptive sports equipment, adaptive game pieces, adaptive card holders, special eating utensils, and adaptive musical instruments. CARD shall make every effort to acquire adaptive equipment, if requested.
- Removal of Non-Structural Architectural Barriers: This will occur only when it is "readily achievable" to do so. When barrier removal is easily accomplishable and able to be carried out without much difficulty or expense. (ADA 36.304)
- Other Effective Modifications: Public entities do not necessarily have to make each of their existing facilities accessible. The District will make every effort to evaluate how to provide program access through any number of methods. This may include alteration of existing facilities, acquisition or construction of additional facilities, relocation of a service or program to an accessible facility, or provision of services at alternate accessible sites.

Undue Burden

Reasonable accommodations for qualified participants are determined by individual need, programmatic elements, and staff competencies. Although the District will give primary consideration to an individual's choice of accommodation, including auxiliary aids/services, the District may deny an accommodation if providing the accommodation would result in a fundamental alteration in the nature of the program, activity or service, or result in an undue financial or administrative burden. In such instances, the District will reasonably attempt to furnish another auxiliary aid that does not result in a fundamental alteration or undue burden.

The District shall abide by the three legally identified categories to evaluate the determination of undue burden:

- Undue Administrative Burden: When all existing and available resources are applied, and an accommodation cannot be found, CARD has complied with the ADA requirements.
- Undue Economic Burden: When the cost of an accommodation will result in a substantial financial burden to CARD, a finding of economic burden is justified. In this situation, the overall CARD budget is used to determine the economic burden and not that of the individual program or division budget.
- Fundamental Alteration: When the accommodation could be made but would fundamentally change the activity or the policy, the accommodation need not be made.

Authority: General Manager, Americans with Disabilities Act of 1990 Section 36.304

 ANNIE GOVDINS
Author (print and sign)

8/31/2023
Date



Annabel Grimm
General Manager

31 Aug 23
Date

Approved by the Board of Directors on: **8/24/2023**