

APPENDIX (1) TO NSCC MEDICAL POLICIES AND PROCEDURES MANUAL

Requirements and Procedures for Requesting Disability and/or Medical Accommodation.

Requirements: DOD Directive 1020.1, Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of Defense, is the basic implementing directive for DOD compliance with the Rehabilitation Act, Section 504. It states that no qualified handicapped person in the United States shall on the basis of handicap be excluded from participation in, denied the benefit of, or otherwise subjected to discrimination under any program or activity conducted by the Federal Government or receiving Federal financial assistance. The definitions set forth in the DOD Directive are incorporated herein.

NSCC Responsibilities: The NSCC receives federal funds in support of Sea Cadet training and must ensure adherence to the provisions of these Acts. To this end the NSCC is committed to accommodate the needs of youth with disabilities. Through sincere effort and positive attitude towards inclusion of youth with disabilities the NSCC achieves compliance with the ADA. Specifically, to ensure compliance:

- For any youth wishing to enroll in the NSCC, but having a medical condition or disability that prevents full, unlimited participation, the NSCC will participate in an interactive process with the parents/guardians of the cadet to formulate a reasonable accommodation plan which will allow cadet to participate in the program to the maximum extent possible. The parent/guardians are responsible for initiating the accommodation request, unless the determination that the cadet cannot participate in an activity is made by the Unit CO or other NSCC officer in the chain of command. When NSCC makes a determination that the cadet is unable to participate in an activity, or participation should be limited, the Unit CO will initiate the reasonable accommodation process. Unit CO's will assist in working with parents/guardians in developing both the request and a plan for accommodation agreeable to all parties. The NSCC form for requesting an accommodation is at encl (1) to this manual.
- For any youth for which an accommodation request is submitted, the NSCC will conduct an individual assessment to define if and how the medical condition and/or disability can be accommodated so that the youth can participate in the subject activity. The parent or guardian must clearly define, and be specific as to exactly what accommodation is being requested, ie exactly what is needed to allow participation. The NSCC Unit CO is charged to work with the parent or guardian in developing the accommodation request and the plan for accommodation and doing the individual assessment to determine what can be done for this youth to allow safe and meaningful participation.

Reasonable Accommodation; Undue hardships: NSCC limitations and direct threats to cadet/others

- The ADA requires the NSCC to make reasonable accommodation unless it imposes an “undue hardship” on the operation/execution of the program. Reasonable accommodations are adjustments or modifications to the program or operations that allow people and youth with disabilities to enjoy equal opportunity in the program. However, the ADA recognizes that accommodations may not be available if a cadet would pose a direct threat to the safety of self or others. The cadet must also be able participate in the essential requirements of the activity in question in order to be allowed to participate. Requests that include providing services of daily living, such as feeding, dressing, and toileting are not considered reasonable, nor is the administration of routine/regular injections by staff. If the activity is a shipboard training and the cadet’s disability prevents him/her from living in close quarters, or navigating the ship’s tight quarters, then reasonable accommodation may not be available. However, every effort must be made to accommodate the cadet, including finding alternative activities/trainings which meet the cadet’s needs. Accommodations will vary and will be unique to the individual and the request. Unfortunately, the NSCC may be unable to make all accommodations that might be requested due many significant limitations that are inherent in the NSCC program. Some of the most significant are:
 - The NSCC doesn’t own its host drill sites. Because NSCC doesn’t own the building where it regularly drills, space modification or any physical structural changes such as the addition of ramps or hand bars may not be possible. However, the CO must make every effort to find drill sites that accommodate cadets with disabilities, and if such a site is identified in a request for reasonable accommodation, it must be investigated as a substitute site.
 - The NSCC doesn’t own its advanced training drill sites. Like not owning its’ own host unit drill sites, advanced training drill sites are not owned or controlled by the NSCC. NSCC is simply a guest at these sites and accommodation requests that involve training site adjustment may not be possible. Once again, however, the CO must make every effort to find training drill sites that accommodate cadets with disabilities, and if such a site is identified in a request for reasonable accommodation, it must be investigated as a substitute site.
 - The NSCC has very limited funding support. As a non profit, volunteer organization funding at all levels and for all venues of activity is very limited, in fact units themselves have no inherent source of funding other than donations. If the accommodation requested involves funding, there is no guarantee of any funds being available so as to grant the accommodation. There are outside sources of funding for providing accommodations and headquarters should be contacted if funding for a reasonable accommodation is an issue.
 - All NSCC adult escorts are volunteers. While the NSCC is anxious to support all youth, if an accommodation request involves additional adult support beyond that currently available within a Unit, there is no guarantee that that support could be provided. If adult support is an issue, the

parent/guardian can accompany the cadet to the activity as an adult volunteer as the reasonable accommodation.

- Available Medical facilities/resources vary greatly among training sites. If the accommodation requested is dependant upon medical resources being readily available, that accommodation may limit training participation at sites other than the home unit drill site. However, all efforts must be made to locate training sites that have the necessary medical resources.

Organizations are not expected to make accommodations if they impose an “undue hardship”. Undue hardship is defined as an action requiring significant difficulty or expense when considered in light of the organizations size, resources, structure and nature. Accommodations that change the essential functions of the program are not required by the ADA, only adjustments within the program unique to the individual and the request to allow participation by the youth desiring participation.

Parent and Cadet Considerations. The NSCC is anxious to aggressively support the ADA so as to maximize for all youth the opportunity to enjoy what the NSCC has to offer. The NSCC is a citizenship first program, but modeled after the NAVY with its’ specific goals defined in law. Goals include training in seamanship and seagoing skills, teaching patriotism, courage, self-reliance and kindred values, developing moral principles and alcohol/drug/gang free lifestyles, and to increase awareness of the prestige of military career and to increase the advancement potential for those who join.

The NSCC is structured so that cadets may advance through a cadet rank structure (modeled after Navy) doing Navy and other military things like the military onboard military bases, stations, and ships. Like the Navy and in view of the nature and goals of the program, full participation in most activities requires full fitness, both physically and mentally with no disability or impairments. In some instances, accommodations may involve affording advancement through the ranks via alternate paths of participation. While just as meaningful as those for cadets with no accommodation, the alternate paths may not appear as challenging, enjoyable, and glamorous as the structured program path.

Accommodation Guidelines: If, after the youth, parent/guardian, and Unit CO have reviewed the NSCC program requirements and participation is still desired, the individual assessment should continue with focus placed on developing a participation plan that will work for all parties involved and still provide a meaningful NSCC experience for the cadet needing the accommodation. Unit CO’s are granted extreme latitude in varying from existing rules and regulations in developing a training plan to accommodate youth who need accommodation to participate. However, the plan is subject to review and approval by the Chain of Command with final approval resting with the NSCC NHQ Representative having cognizance over the particular unit.

The NSCC will remain as currently structured with cadet advancement dependent upon participation in off site training events involving new people, new places and new events. Because this has been, and will continue to be, the core of the NSCC program, involving very strenuous physical activity, it will most likely be the main reason a cadet will need

accommodation. In order to allow a cadet with disabilities to progress through the program, consideration should be given to the following accommodations: (1) allowing a waiver from having to drill away from the home site, (2) finding a substitute off-site or activity that can accommodate needs of the cadet, (3) waiving other program requirements or developing/finding substitute activities; and/or (4) allowing participation subject to the parent or guardian being present during drills. These accommodations are highlighted because we expect they may be the most common. In lieu of Recruit Training (the core training underlying all other participation, and usually away from home) completion of the E-2 PQS at the home drill site may be the accommodation agreed to. In lieu of advanced training away from home, local assignments and /or community service may be considered. When presented with a request for reasonable accommodation, or in instances where the issue is raised by the CO or COTC, these accommodations must be given consideration.

In all cases, final determination and a final accommodation plan of action is dependent upon a thoughtfully conducted individual assessment. There is no one answer for all and no one answer for any particular type of medical condition or disability. Each plan for accommodation has to be uniquely constructed and agreed upon for each youth in need.

Reminder: Many cadets taking medication will not need to request formal accommodation (ie complete encl (1)) in that their medical condition maybe temporary in nature, not very serious, or very easily managed and their participation is not limited. They're just taking medication and/or are required to have it with them for use as needed. For these cadets, completion of the NSCTNG 025 and concurrence of the COTC to attend an away from home training may be all that is required. For prospective cadets having a disability that is limiting or taking medication for more serious medical conditions, an agreed to accommodation may be necessary. Unit CO's make this determination after consulting with parents/cadets regarding the medical condition/disability. If uncertainty exists as to what should be done, then an accommodation request should be completed.

Process. When it is determined that an accommodation will be required to permit participation in any aspect of the program:

- Complete form at encl (1) to this manual.
 - Clearly define the accommodation requested and why it is being requested. Parents or Unit CO initiates; and Unit CO's assist.
 - Get Doctor's statement if necessary. When an accommodation is requested, supporting medical documentation is required to support the accommodation request. In working with the parent or guardian on behalf of the youth, disclosure and discussion will need to occur so that the best and safest plan possible may be developed. The Doctor's statement may assist in plan development.
- Unit CO schedule and conduct individual assessment with parent/guardian and youth.
- Unit CO provide recommendation

- Obtain host site recommendation/concurrence as necessary. This is included in that NSCC Units do not own or have control over host sites.
- Unity CO forward to RD for RD concurrence or other recommendation.
- RD forward to NHQ Representative for final decision and return to Unit CO, copy to parent/guardian.
- Appeals of a NSCC final decision will be made to the Department of the Navy Assistant Secretary (MR&A).