



# CHIEF NATIONAL GUARD BUREAU INSTRUCTION

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NGB-ZA  
DISTRIBUTION: A

CNGBI 1800.01  
19 April 2012

## GUIDANCE ON THE PARTICIPATION OF CHILDREN WITH SPECIAL NEEDS IN THE NATIONAL GUARD CHILD AND YOUTH PROGRAM (CYP)

Reference(s): See Enclosure.

1. Purpose. This instruction outlines the requirement to assess, on an individual basis, whether a particular child or youth with a special need may participate in the National Guard Child and Youth Program (CYP) with or without reasonable accommodation. Nothing in this instruction should be construed to limit any applicable provision of the Americans with Disabilities Act of 1990 as amended (42 U.S.C. §§ 12111–12117).
2. Cancellation. This is the initial publication of CNGBI 1800.01.
3. Applicability. This instruction is applicable to all States, Territories, Puerto Rico and the District of Columbia, and to all elements of the National Guard Bureau (NGB) that receive Federal financial assistance for CYP activities.
4. Policy. Reference b. defines policies and guidelines to prohibit discrimination on the basis of disability in programs and activities receiving Federal financial assistance disbursed by Department of Defense (DoD) and in programs and activities conducted by DoD. No qualified child/youth with an identified special need may be excluded, solely based on a disability, from participating in the CYP. Children or youth with special needs are provided services when the program can reasonably accommodate them. Efforts shall be made to assess the ability to provide reasonable accommodation unless that accommodation would impose undue hardship on the operation of the program.
5. Definitions. None.

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6. Responsibilities.

a. Upon request for services, States shall determine the ability of the program to reasonably accommodate children or youth with special needs. The State Judge Advocate should also be consulted as needed.

b. A special need individual includes a child or youth who has a physical or mental impairment that substantially limits one or more major life functions, has a record of such impairment or who meets the definition of a disabled person in Reference b.

c. States must assess the program's ability to accommodate children or youth with special needs. The assessment shall consider the following:

(1) Special accommodations that the CYP and CYP staff must make to accept the child.

(2) Specific training required before acceptance to ensure the child's safety and well-being.

(3) Whether the accommodations are reasonable or would impose undue hardship on, or fundamentally alter the operation of the CYP.

d. In determining whether an accommodation will impose undue hardship on the operation of the CYP, States shall consider the size of the CYP, number of staff, number and type of facilities, budget, and the nature and cost of the required accommodation.

e. Examples of undue hardship are:

(1) Additional staff requirement or staff training in highly specialized areas (e.g., physical therapy).

(2) Significant facility improvements or changes.

(3) Additional equipment or other requirements that involve significant expenditures or impose undue administrative or operational burden on the CYP, or jeopardize the safety of other children.

f. Reasonable accommodation includes providing ramps, accessible restrooms, and drinking fountains.

g. States shall issue a decision to accept the child/youth if they determine that the accommodations can be provided without imposing undue hardship on the operation of the program. A child will not be denied service without approval from the commander.

h. States shall designate a responsible official to mediate complaints and to ensure compliance with this instruction and the listed references.

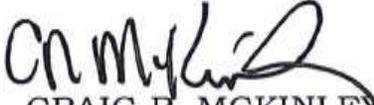
7. Limitations.

a. The CYP is not responsible for providing children or youth with services that would be considered skilled nursing or behavioral, occupational, or physical therapy.

b. The CYP is not required to provide children or youth with personal or individually prescribed devices (wheelchairs, hearing aids, or communication devices) or to provide services of a personal nature (such as assistance in eating, toileting, or dressing).

8. Releasability. This instruction is approved for public release; distribution is unlimited. National Guard components, NGB directorates, Adjutants General and the Commanding General of the District of Columbia and Joint Force Headquarters-State may obtain copies of this instruction through [www.ngbpdc.ngb.army.mil](http://www.ngbpdc.ngb.army.mil).

9. Effective Date. This instruction is effective upon publication.

  
CRAIG R. MCKINLEY  
General, USAF  
Chief, National Guard Bureau

Enclosure(s):  
References

ENCLOSURE

REFERENCES

- a. 42 U.S.C. §§ 12111-12117 “Americans with Disabilities Act of 1990” as Amended
- b. DoD Directive 1020.1, 31 Mar 82, “Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of Defense”
- c. Public Law (P.L.) 93-112, Section 504 “The Rehabilitation Act of 1973”
- d. P.L. 93-516, Section 111(a) “Rehabilitation Act Amendment of 1974”
- e. P.L. 95-602, Section 119 “Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendment” 29 USC 794
- f. NGR 600-12/ANGI 36-3009, 4 Aug 2011, “National Guard Family Program”
- g. DoD Instruction 6060.4, 23 August 2004, “Department of Defense (DoD) Youth Programs (YP)”