

## **Effective Communications**

The following procedure is intended to contain appropriate steps to ensure that the district's communications with students, families, applicants, participants, members of the public, and their companions with disabilities are as effective as the district's communications with persons who have no disabilities. There is no fee or charge for individuals with disabilities to request or access appropriate auxiliary aids or services.

### **Requesting Communication Aids or Services for a Program, Activity, or Event**

Individuals who may need an auxiliary aid or service to participate in and enjoy the benefits of a program, activity, meeting, or event should contact the school or district office as soon as possible and no later than forty-eight (48) hours before a scheduled program or activity so that the district can make necessary arrangements. The district will make reasonable efforts to accommodate any requests made less than forty-eight (48) hours in advance of a program, activity, meeting, or event. For auxiliary aids or services specifically during a meeting of the school board, the request should be made directly to the office of the superintendent.

Form 4217F on the district's website can be used to request auxiliary aids and services. If a person with a disability cannot access the district's website, this information will also be provided in an accessible format when necessary and upon request. While it is not required that this form be used to make such a request, this written form will minimize miscommunication and help the district understand the specific auxiliary aids or services being requested. District staff will also assist a requestor in filling out this form, when necessary.

### **Determining an Appropriate Auxiliary Aid or Service**

When the district provides an auxiliary aid or service necessary to ensure effective communication, the aid or service must be provided in an accessible format, in a timely manner, and in such a way as to protect the privacy and independence of any person with a disability. The determination of an appropriate auxiliary aid or service must be individualized and made on a case-by-case basis, considering the method of communication used by the person with a disability; the nature, length, and complexity of the communication involved; and the context in which the communication is taking place. During this process, the district or school will give primary consideration to the auxiliary aid or service specifically requested by the person with a disability. "Primary consideration" means that the district will provide an opportunity for the person with the disability (or an appropriate family member) to request the aid or service that he or she thinks is needed to provide effective communication.

The district or school will honor the choice of the person with a disability unless:

1. The district or school can prove that an alternative auxiliary aid or service provides communication that is equally as effective as communication provided to a student without a disability; or

2. The district determines that such aid or service would result in a fundamental alteration in the nature of the service, program, or activity, or would result in an undue financial and administrative burden to the district.

If the district refuses to provide a particular auxiliary aid or service for the reasons stated in the second section immediately above, such determination must be made by the superintendent or the superintendent's designee who has the authority to make budgetary and spending decisions, after considering all resources available for use by the district in the funding and operation of the service, program, or activity. This determination must be issued in writing with the reasons for concluding that a requested auxiliary aid or service would cause such alteration or burden. Nevertheless, the district must take other steps that would not result in such an alteration or burden, but would still ensure that, to the maximum extent possible, the individual with a hearing, vision, or speech disability can participate in and receive the benefits or services provided by the district's program or activity.

If the district provides an auxiliary aid or service that is different than what is requested by the individual with a disability, the district will make a reasonable effort to provide notice to the requester in advance of the program, activity, meeting, or activity.

### **Timely Manner**

The district will determine an appropriate auxiliary aid or service as soon as possible following a request by a person with a disability, and will likewise provide the auxiliary aid or service as soon as practicable. The district or school personnel working with the person with a disability (or an appropriate family member) will keep that person informed of when the auxiliary aid or service will be provided.

### **Interpreters**

For purposes of this policy, a "qualified interpreter" means an interpreter who, via a video remote interpreting (VRI) service or an on-site appearance, is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Interpreters certified to provide interpretation in court proceedings or during the delivery of health services are presumptively qualified to provide such services.

Title II of the Americans with Disabilities Act (ADA) expressly prohibits the school or district from requiring an individual with a disability to bring another person to interpret for him or her. The district is prohibited from relying upon a person who accompanies a child or adult with a hearing, vision, or speech disability to interpret or facilitate communication except under two circumstances:

1. In an emergency involving an imminent threat to the safety or welfare of an individual or the public where there is no interpreter available, the school or the district may ask either a minor child or an adult to interpret or facilitate communication. In no other circumstances will the school or the district rely on a minor child to interpret or facilitate communication with a person with a disability.

2. Where the individual with the hearing, vision, or speech disability specifically makes the request, an accompanying adult may interpret or facilitate communication if the accompanying adult agrees to provide the assistance and the reliance on the accompanying adult is appropriate under the circumstances.

### **Complaints and Compliance**

The district has designated a Civil Rights Compliance Officer who monitors the district's obligations and compliance with Title II of the ADA, and who is charged with investigating complaints of disability discrimination. Informal or formal complaints of disability discrimination should be made pursuant to the processes contained in Procedure 3210P ("Nondiscrimination"). Questions and concerns relating to communication with persons with hearing, vision, and/or speech disabilities may be directed to:

Vicky Barnes  
Human Resource Manager  
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360-841-2702  
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