

Hingham Public Schools

Procedure for Effective Communication under Title II of the Americans with Disabilities Act

The District is required to provide students with hearing, vision or speech disabilities an equal opportunity to participate in all school activities and ensure, through the provision of auxiliary aids and services, that communication with students with such disabilities is as effective as communication with students without disabilities.¹ The District is also required to provide effective communication to all individuals who seek to participate in or benefit from the District's services, programs or activities.

The schools make effective communication determinations, on a case-by-case basis considering the communication used by the student, the nature, length and complexity of the communication involved and the context in which the communication is taking place. Determination will be at an IEP meeting, 504 meeting, or other meeting where the communication needs of a student with a disability are being addressed. Determination is by decision of the teams at each school building, giving primary consideration to the auxiliary aid or service requested by the student with the disability or his/her parent/guardian when determining what is appropriate for that student. Teams will have the authority to allocate the District's resources.

When a school is providing auxiliary aids and services that are necessary to ensure effective communication, they must be provided in accessible formats, in a timely manner, and in such a way as to protect the privacy and independence of a student with a disability.

The District must provide a particular auxiliary aid or service that is otherwise required unless the District can prove that such an auxiliary aid or service would result in a fundamental alteration in the nature of the service, program, or activity or in undue financial and administrative burdens, after considering all of the resources available for funding and operation of the service. Such a determination must be accompanied by the decision-maker's written statement of the reasons for concluding that a required auxiliary aid or service would cause such alteration or burdens. In such cases, the District has the burden of proving that providing the required auxiliary aid or service would result in such alteration or burdens. The District must take other steps that would not result in such an alteration or burdens but would nevertheless 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.

Title II's effective communication obligations extend to all individuals who seek to participate in or benefit from a school district's services, programs or activities (such as student registration, parent/guardian-teacher conferences, meetings, ceremonies, performances, open houses and field trips). Title II expressly prohibits a school from requiring an individual with a disability to bring another person to interpret for him or her. A school is also prohibited from relying upon a person who accompanies a child or adult with a hearing, vision or speech disability to interpret or facilitate communication (unless an emergency involving imminent threat to safety or welfare of an individual or the public where there is no interpreter available; or unless the individual with the hearing, vision or speech disability specifically makes the request, the accompanying adult

agrees to provide the assistance and the school's reliance on the accompanying adult is appropriate under the circumstances).

There is no cost for the auxiliary aids or services provided to meet the effective communications provision of Title II.

An individual can request auxiliary aids or services for effective communication or challenge an effective communication determination, by making such request or challenge in writing to the school-based building administrator and/or Director of Student Services (as designee of Title II compliance liaison). For Civil Rights compliance issues, please refer to the District's Civil Rights compliance statement, distributed to parents/guardians, annually.

This procedure will be distributed to parents/guardians, annually.

ⁱ The District's obligation to provide effective communication under Title II is in addition to its obligation to provide a free appropriate public education (FAPE) to students with disabilities under the Individuals with Disabilities in Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973 (Section 504).