

LEXINGTON CHINESE SCHOOL REASONABLE MODIFICATION PROCEDURE

INTRODUCTION

This policy lays out the procedure for implementation of reasonable modifications for students who have disabilities in accordance with Title III of the Americans with Disabilities Act (ADA). If informal processes result in denials of requests for reasonable modifications, more formal procedures and processes will take place.

This procedure assumes an implied covenant of good faith and fair dealing among all parties concerned.

1. Timing of encouraging/requesting notifications

Based on the non-discrimination policy, after a student is accepted to LCS, LCS will send out an inquiry to ask parents and/or guardians whether they have a child who, based on a disability, needs a reasonable modification. LCS will send out this inquiry when the registration volunteers send out the acceptance email confirming the registration in July. LCS may facilitate the inquiry by creating an electronic form.

2. Procedures after parents notify school with reasonable modification request

- a. **Informal Discussion of Reasonable Modification Requested:** Once LCS receives notice that a reasonable modification is requested, LCS designees and parent(s) and/or guardian(s) shall discuss in person, by phone or email, the nature and form(s) of reasonable modification to allow for orderly planning and implementation.
- b. **Documentation:** LCS and the parent(s) and/or guardian(s) will document in writing the reasonable modifications requested of the school.
- c. **Consultations:** LCS may consult with or consider information provided by the following sources to determine whether the school can make the reasonable modifications: the student's parent(s) and/or guardian(s); current LCS teacher(s); anticipated LCS teacher(s); and any persons providing support, therapy.
- d. **Notice of Decision:** Within two weeks of the Informal Discussion described in paragraph 2a, LCS will notify the student's parent(s) and/or guardian(s) by email or other writing, if it can provide the requested reasonable modification.
- e. **Documentation of Denial:** If LCS denies the reasonable modification request, LCS shall state in writing its reasons for the denial, including the names of the persons consulted; any modifications proposed and considered; and the reasons, if any, why LCS decided reasonable modifications were not reasonable or constituted a fundamental alteration to the requested LCS class, program or service.

- f. **Prejudice prohibited:** Pursuant to 28 C.F.R. parts 35 and 36, LCS will not make decisions about the needs for reasonable modifications, based on assumptions, myths, or stereotypes about people with disabilities.
- g. **Periodic Review:** In the case that a reasonable modification is implemented, a follow-up review meeting will be held annually. Annual review does not prevent ad hoc review or meetings involving LCS, students and parents and/or guardians if events and circumstances warrant.

3. Procedures if school denies a reasonable modification request

In the case that LCS and parents and/or guardians cannot reach agreement on a reasonable modification using the procedure outlined in paragraph 2, the student's parent(s) and/or guardian(s) can go through a formal "appeal process" with the Individualized Assessment Committee (IAC). The IAC will conduct an individualized assessment of whether the requested modification is reasonable and necessary under Title III of the ADA; or whether the reasonable modification would constitute a fundamental alteration to the LCS class, program, or service; or if a direct threat exists.

- a. **Who will be involved:** The IAC membership will be comprised of members of LCS leadership and designees. These may include but are not limited to: the LCS Principal; Vice Principal; a respected Director (academic director, or bilingual director or kindergarten director); and experts and/or service provider(s) advising the parents and/or guardians of a child seeking a reasonable modification.
- b. **Parents / Guardians:** Parent(s) and/or guardian(s) must be afforded meaningful participation in the IAC process including the right to (i) explain and describe the nature of the disability in person and/or in writing, (ii) describe the details of, and rationale for, the reasonable modifications requested; and (iii) advise on outside expertise and other external resources.
- c. **How the reasonable modification request will be evaluated:** As part of the IAC process, in order to assess whether the reasonable modifications are reasonable and necessary, and in compliance with Title III of the ADA, LCS shall consult with the student's parent(s) and/or guardian(s), current LCS teacher(s), anticipated LCS teacher(s), other volunteers, and outside resources regarding best practices.

Parents and/or guardians may provide, and LCS may request, written information regarding the nature of a student's disability and any existing modifications that the student receives in other analogous environments. Information that parents may, but are not required to, provide include: individualized education plans, and medical records or external evaluations of the child by third party caregivers, counselors, or treating physicians.

The Vice Principal or LCS designee will document all discussions from each meeting.

If the IAC denies the reasonable modification request, the IAC shall state in writing its reasons for the denial, including the names of the persons consulted; any modifications proposed

and considered; and the reasons, if any, why the IAC decided reasonable modifications were not reasonable or necessary. See section 2e herein.

- d. **Who will handle the information given the privacy concerns:** To address privacy concerns, LCS will only collect and share information on an as needed basis. All information will be handled using reasonable administrative, physical and technical safeguards. Notwithstanding the implementation of such safeguards, given the nature of information systems, LCS cannot guarantee information security. All the email exchanges, information, communication should be handled by the Vice Principal, or LCS designee thus the primary email contact should be vice principal or designee's email. All the conversation/email exchange should be documented and stored securely.
- e. **How will the meetings/communications be conducted:** LCS will hold an in-person meeting between the IAC and parents to discuss the details of the reasonable modification request unless the parties agree that they would prefer to communicate via a telephone conference call, WebEx, or e-mail.

The LCS Vice Principal or the LCS designee shall be the point person to coordinate all aspects of IAC administration and conduct including but not limited to communications among all parties, scheduling of meetings, use of outside experts, agenda formation, voting, governance and notifications.

- f. **Timing:** LCS must notify the parent(s) and/or guardian(s) within 3 Sundays of the IAC meeting.
- g. LCS may draft bylaws to ensure compliance of this procedure with the Americans with Disabilities Act.

勒星頓中文學校合理安排程序

前言

此為勒星頓中文學校，以下簡稱本校、校方，對於根據ADA Title III定義下的身心障礙學生之『合理安排』的實施流程。如果經由此非正式管道的溝通，導致家長拒絕本校提供的合理安排，本校將啟用更加正式的流程與程序。

此流程，將本於對相關人士的好意暨無偏袒任何一方而設立。

1. 寄送提醒或提出申請的時間

根據本校的反歧視政策，學生被學校錄取後，校方將會詢問學生的家長或監護人，以了解此生是否因為某些身心障礙，而需要學校做些合理安排。此問券將連同錄取通知於每年七月時，一併送達。此通知暨問券可能經由網路的管道，以加速處理時間。

2. 家長暨監護人提出合理安排的訴求後之程序

- a. **關於合理安排訴求的非正式研議。**一旦校方收到要求合理安排的訴求，校方代表將與家長進行面對面、電話、電子郵件的討論，以了解此正當安排的本質暨方式，來計劃實施程序並施行。
- b. **文件建檔。**校方與家長暨監護人，會將此申請合理安排的訴求，用文字紀錄並建檔。
- c. **諮詢。**校方將諮詢或將下列所述的多方資訊列入考量，以判斷學校是否有能力提供此合理安排。多方資訊來源為：家長暨監護人、本校老師、即將教導此生的老師，以及任何提供協助或治療的人士。
- d. **通知書。**校方將於上述『2a』所述的非正式研議後的兩週內，將寄送書面或電子郵件通知給家長，說明校方是否能提供所要求的合理安排。
- e. **拒絕文件。**如果校方拒絕提供家長所要求的合理安排，校方書面聲明拒絕的理由。此書面聲明中應包含，諮詢過的人士的姓名、任何所要求的，考慮過的安排、以及拒絕的具體原因。原因將包含，認為要求不合理的理由，或是為何此要求將具體改變本校的基本功能，如教學、提供的課程及服務。
- f. **預防偏見。**根據28 C.F.R. parts 35 and 36的規定，本校不會基於對於身心障礙者的假設、迷信、或刻板印象，來斷定其是否需要合理的安排。
- g. **週期性審查。**當合理安排開始實行時，校方將會進行後續的年度審查會議。此年度審查，將不會影響可能發生的、類似的、法定要求的，任何牽涉到本校、此學生及家長暨監護人的審查會議之進行。

3. 合理安排訴求被拒時的申訴程序

當校方與家長暨監護人無法依本文段落2所訴，達成合理安排的協議時，家長暨監護人，可以向 Individualized Assessment Committee (IAC) 提出正式的申訴。ICA將進行個人化的評估 (individualized assessment)，以決定，是否所訴求的合理安排，符合ADA Title III規範下的合理性暨必須性；或是，此合理安排是否造成本校基礎功能如教學、提供的課程內容及服務的改變；或是，如果有立即的威脅 (direct threat) 存在。「**立即的威脅**」指的是，**無法以修改政策、程序、實施方法，或以提供協助或服務的方式，來排除其對於他人的健康或安全之顯著的風險。**

- a. **參與人員**：ICA的成員，將包含本校的領導職人員以及代表人。成員組成將包含但不侷限於：校長、副校長、受敬重的主任『教務主任、雙語班主任、或幼稚園主任』、還有尋求合理安排的學生家長暨監護人所聘請的專家學者。
- b. **家長暨監護人**：家長暨監護人，應該被賦予具顯著意義的參與於ICA的程序，其中包含 (i) 親自或書面說明，解釋並仔細描述此身心障礙的本質，(ii) 對於所訴求的合理安排之詳細說明，或解釋理由，(iii) 尋求校外的專家協助或其他的援助。
- c. **如何評估合理安排之訴求**：IAC過程的一部分中，為了評估合理安排是否適合的且必須的並符合ADA title III的規範，本校應該諮詢學生家長暨監護人，現任老師，即將擔任老師、其餘志工、以及運用外部資源，以求得最佳的實施方案。

家長暨監護人可能遞交，或校方可能要求，有關於該生的身心障礙的本質，以及其在其他類似環境接受的安排之書面資料。家長暨監護人可能，但不必須，提供下列資料：客製化的教育計劃，以及病歷或是經由護理人員、諮商師、或醫師提供的評估報告。

副校長或校方代表，將會把所有的討論過程紀錄歸檔。

如果IAC否決合理安排的訴求，IAC應以書面說明否決的理由，其中應該包含諮商過的人士的姓名、所有提出過並考慮過的方案、以及為何IAC認定此合理安排並不合理或必須的原因。詳見，本文段落2e.

- d. **隱私資料的閱覽權限**：為了確保個人隱私，本校只會基於實際需求，要求提供資訊，且僅會知必要之人士。所有資料將以合適的行政、檔案及技術上多方控管。然而，本校只能盡力保護隱私資料，但無法保證資料的絕對安全。所有電子郵件的來往、資訊、溝通將由副校長或學校代表負責。副校長或學校代表是主要聯絡窗口，並將負責建檔及保密。
- e. **會議進行的方式**：本校將舉辦面對面的IAC與家長的會談，討論關於合理安排訴求的細節。電話、視訊或電子郵件的會談溝通，在大家都同意時，可以取代面對面的會議。

副校長或校方指派的代表，是負責的聯絡人，責任包含但不侷限於協調組織IAC，安排所有家長跟學校的溝通，安排會議、外部諮詢、討論議題、監管執行及發布通知。

- f. **時程**：在IAC會議後的第三個週日前，校方將寄送通知書予家長。
- g. 本校可能提出修改組織章程，確保其符合Americans with Disabilities Act.