

EFFECTIVE COMMUNICATION PROCEDURE

The NWESD 189 is committed to ensuring that all NWESD 189-sponsored programs, activities, meetings, and services will be accessible to individuals with disabilities, including persons who have impaired hearing, vision or speech. The following procedure is intended to assist the NWESD 189 in taking appropriate steps to ensure that, related to such programs, activities, meetings, or services, any communication with students, families, applicants, participants, members of the public, and their companions with disabilities is as effective as communications with persons who have no disabilities. There is no fee or charge for the NWESD 189 to provide appropriate auxiliary aids or services.

Ensuring Accessibility of Online Resources

The information contained within the NWESD 189 website, digital content, and online services will be accessible to all individuals with disabilities in accordance with the standards of the World Wide Web Consortium's Web Content Accessibility Guidelines (WCAG) and the Website Accessibility Initiative Accessible Rich Internet Applications Suite (WAI-ARIA) for web-based content, except when doing so would impose a fundamental alteration or undue burden. In the event of such a burden, the NWESD will identify a method for providing equally effective alternate access.

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 sponsoring program or the NWESD 189 office as soon as possible and no later than forty-eight (48) hours before a scheduled program or activity so that the NWESD 189 can make necessary arrangements. The NWESD 189 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 Board of Directors, the request should be made directly to the office of the Superintendent.

The NWESD 189 website provides information on how to request auxiliary aids and services, ask related questions, or raise concerns. The following is the site for this information: <https://www.nwesd.org/website-accessibility-resources>. If a person with a disability cannot access this format, this information will also be provided in an accessible format when necessary and upon request.

Form 4217-F for requesting auxiliary aids and services is on the NWESD 189 website. While it is not required that this form be used to make such a request, this written form will minimize miscommunication and help the NWESD 189 understand the specific auxiliary aids or services being requested. NWESD 189 staff will also assist a requestor in filling out this form, when necessary.

Determining an Appropriate Auxiliary Aid or Service

When the NWESD 189 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. Determining an appropriate auxiliary aid or service must be individualized and made on a case-by-

case basis, considering the communication used by the person with a disability; the nature, length and complexity of the communication involved; the content and the context in which the communication is taking place; the number of people involved in the communication; and the expected or actual length of time of the interaction(s). During this process, the NWESD 189 or program will give primary consideration to the auxiliary aid or service specifically requested by the person with a disability. "Primary consideration" means that the NWESD 189 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 NWESD 189 or Program will honor the choice of the person with a disability unless:

- 1) the NWESD 189 or program 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 NWESD 189 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 NWESD 189.

If the NWESD 189 refuses to provide a particular auxiliary aid or service for the reasons stated in number two (2) 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 NWESD 189 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 NWESD 189 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 NWESD 189's program or activity.

If the NWESD 189 provides an auxiliary aid or service that is different than what is requested by the individual with a disability, the NWESD 189 will make a reasonable effort to provide notice to the requester in advance of the program, activity, meeting, or activity.

The NWESD 189 recognizes that communication and circumstances can change or evolve over time. If the communication with the person with a disability takes place over an extended period of time, the NWESD 189 or program should reassess the effectiveness of communications and seek regular feedback from the person with a disability.

Timely Manner

The NWESD 189 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 NWESD 189 or program 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. Qualified interpreters include sign language interpreters, oral translators, and cued-language translators. 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 expressly prohibits the program or NWESD 189 from requiring an individual with a disability to bring another person to interpret for him or her. The NWESD 189 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 program or the NWESD 189 may ask either a minor child or an adult to interpret or facilitate communication. In no other circumstances will the program or the NWESD 189 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 program’s reliance on the accompanying adult is appropriate under the circumstances.

Complaints and Compliance

The NWESD 189 has an ADA Coordinator who monitors the NWESD 189’s obligations and compliance with Title II, 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 3210-P (Nondiscrimination). Questions and concerns relating to communication with persons with hearing, vision, and/or speech disabilities may be directed to:

Assistant Superintendent for Operations
ADA Coordinator for Title II
1601 R Avenue
Anacortes, WA 98221
360-299-4000
Email at dforsythe@nwesd.org