

# **Reasonable Modification Policy**

## **1. Purpose**

The purpose of the reasonable modification policy is to ensure that Gillespie Community Day Services offers equal and effective opportunities and access to transportation services for persons with disabilities and full compliance with the provisions of the Title II of the Americans with Disabilities Act of 1990 and Section 1990 and Section 504 of the Rehabilitation Act of 1973.

## **2. Policy**

Gillespie Community Day Services is committed to providing equal access and opportunity to qualified individuals with disabilities in all programs, services, and activities. Gillespie Community Day Services recognizes that in order to have equally effective opportunities and benefits, individuals with disabilities may need reasonable modifications to policies and procedures. Gillespie Community Day Services will adhere to all applicable federal and state laws, regulations, and guidelines with respect to providing reasonable modifications, as necessary, to afford equal access to programs for persons with disabilities. Gillespie Community Day Services does not discriminate based on disability in admission to, participation in, or receipt of services and benefits under any transit program or activity. Gillespie Community Day Services will take appropriate steps to ensure that persons with disabilities have an equal opportunity to participate.

No qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of Gillespie Community Day Services, or be subject to discrimination by Gillespie Community Day Services.

## **3. Reasonable Modifications**

A reasonable modification is a change or exception to a policy, practice or procedure that allows disabled individuals to have equal access to program, services and activities. Gillespie Community Day Services will make reasonable modifications to policies, practices, and procedures when necessary to ensure access to transit services for qualified individuals with disabilities unless:

- Making the accommodation would fundamentally alter the nature of the public transportation service.
- Making the accommodation would create a direct threat to the health and safety of other passengers.

- The individual with a disability is able to fully use Gillespie Community Day Services service without the accommodation being made.

For the purpose of this section, the term reasonable accommodation shall be interpreted in a manner consistent with the term “reasonable modifications” as set forth in the Americans with Disabilities Act Title II regulations at 28 CFR 35.130(b)(7), and not as it is defined or interpreted for the purposes of employment discrimination under Title I of the ADA (42 U.S.C. 12112) and its implementing regulation at 29 CFR part 1630.

#### **4. Eligibility Criteria**

An individual is eligible to be considered to receive a reasonable modification if that individual has a physical or mental impairment that substantially limits one or more of the major life activities of such individual: a record of such impairment; or been regarded as having such impairment.

#### **5. Requests for Reasonable Modifications**

Gillespie Community Day Services shall make information about how to contact Gillespie Community Day Services to make reasonable modifications readily available to the public through contacting the office and rider guidelines. Gillespie Community Day Services shall follow these procedures in taking requests:

- a. Individuals requesting modifications shall describe what they need in order to use the service.
- b. Individuals requesting modifications are not required to use the term “reasonable modification” when making a request. Personnel at Gillespie Community Day Services will determine if the request represents a reasonable modification and proceed in accommodating the request accordingly.
- c. Whenever feasible, Gillespie Community Day Services requests that individuals make such requests for modifications before Gillespie Community Day Services is expected to provide the modified service.
- d. Where a request for modification cannot practically be made and determined in advance (e.g. because of a condition or barrier at the destination of a paratransit, demand response, or fixed route trip of which the individual with a disability was unaware until arriving, operating personnel shall make a determination of whether the modification should be provided at the time of the request. Operating personnel may consult with Gillespie Community Day Services management before deciding to grant or deny the request.

Requests for accommodation may be made either orally or in writing. The reasonable accommodation process begins as soon as the request for accommodation is made.

The request can be submitted in any written format. Alternative means of filing a request such as personal interviews, phone calls or taped requests will be made available for persons with disabilities if unable to communicate their request in writing or upon request.

## **6. Interactive Process**

When a request for accommodation is made, Gillespie Community Day Services and the individual requesting an accommodation must engage in good faith interactive process to determine what, if any accommodations shall be provided. The individual and the Gillespie Community Day Services must communicate with each other about the request, the process for determining whether an accommodation will be provided, and the potential accommodations. Communication is a priority throughout the entire process.

## **7. Time Frame for Processing Requests and Providing reasonable Modification**

Gillespie Community Day Services will process requests for reasonable accommodations, where appropriate, in as short of a time frame as reasonable possible. Gillespie Community Day Services recognizes, however, that the time necessary to process a request will depend on the nature of the accommodation(s) requested and whether it is necessary to obtain supporting information.

## **8. Granting a Reasonable Modification Request**

As soon as Gillespie Community Day Services determines that reasonable accommodation will be provided, that decision shall be immediately communicated to the individual. This notice must be in writing in order to maintain the required information for reporting purposes. Upon request, alternative means of response will be provided.

In choosing among alternatives for meeting nondiscrimination and accessibility requirements with respect to new, altered, or existing facilities, or designated or specified transportation services, programs, and activities to qualified individuals with disabilities in the most integrated setting appropriate to the needs of individuals with disabilities.

## **9. Denying a Reasonable modification Request**

As soon as Gillespie Community Day Services determines that a request for reasonable accommodation will be denied, Gillespie Community Day Services will communicate the basis for the decision in writing to the individual requesting the modification. The explanation for the denial will clearly state:

- a. The specific reasons for the denial;
- b. Any alternative accommodation that may create the same access to transit services as requested by the individual; and
- c. The opportunity to file a complaint relative to the Gillespie Community Day Services decision on the request.

## **10. Complaint Process**

Gillespie Community Day Services has a process for investigation and tracking complaints from qualified individuals. These procedures shall be posted on the Gillespie Community Day Services bulletin board in the office. This process and any forms necessary to file a complaint are readily available. Alternative means of filing complaints, such as personal interviews, phone calls or taped requests will be made available for persons with disabilities if unable to communicate their request in writing or upon request.

Any person who believes he or she has been discriminated against in obtaining a reasonable modification complaint form. Gillespie Community Day Services complaint form. Gillespie Community Day Services investigates complaints received no more than 30 days after receipt. Gillespie Community Day Services will process complaints that are complete. Once the complaint is received, the complainant will receive an acknowledgement of receipt. If more information is needed to resolve the complaint, Gillespie Community Day Services may contact the complainant. The complainant has 30 business days from the date of the letter to send the requested information to Gillespie Community Day Services.

If Gillespie Community Day Services is not contacted by the complainant or does not receive the additional information within 30 business days, the Gillespie Community Day Services may administratively close the complaint. In addition, a complaint may be administratively closed if the complainant no longer wishes to pursue their case.

After Gillespie Community Day Services investigates the complaint, a decision will be rendered in writing to the complainant. Gillespie Community Day Services will issue either a Letter of Closure or Letter of Finding.

- a. *Letter of Finding* – This letter will summarize the complaint, any interviews conducted regarding the complaint, and explains what actions will be taken by Gillespie Community Day Services to address the complaint.
- b. *Letter of Closure* – This letter will explain why Gillespie Community Day Services has determined that the complaint does not merit accommodation under the Americans with Disabilities Act and that the complaint will be closed.

If the complainant disagrees with the decision of Gillespie Community Day Services, an opportunity to appeal the decision may be pursued provided the complainant files notice of appeal hearing, and to be represented by counsel.

## **11. Designated Employee**

Gillespie Community Day Services shall designate one official within the organization responsible for processing reasonable modification requests and handling complaints. This individual is:

Program/Site Manager

Gillespie Community Day Services

217 E. Walnut St.

Gillespie, IL 62033

217-839-2195

## **12. Record Retention**

Gillespie Community Day Services will maintain all records related to reasonable modification requests and denials for at least three (3) years.