

**Attachment J**  
**Reasonable Modification Policy**

**City of Derby**  
**ACCESS TO PROGRAMS, SERVICES, AND**  
**ACTIVITIES**

**NONDISCRIMINATION**

No person shall, on the grounds of race, color, or national origin, be excluded from participation, be denied the benefits of, or be subjected to discrimination under any City program or activity.

**INDIVIDUALS WITH DISABILITIES**

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 the City, or be subjected to discrimination by the City. Nor shall the City exclude or otherwise deny equal services, programs, or activities to an individual because of the known disability of an individual with whom the individual is known to have a relationship or association.

**DEFINITION**

A "qualified individual with a disability" is an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the City.

**REASONABLE MODIFICATION**

The City shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the City can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.

**COMMUNICATIONS**

The City shall take appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others. To this end, the City shall furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity conducted by the City. In determining what type of auxiliary aid or service is necessary, the City shall give primary consideration to the requests of the individual with disabilities.

## **AUXILIARY AIDS AND SERVICES**

"Auxiliary aids and services" includes (1) qualified interpreters, note takers, transcription services, written materials, assistive listening systems, and other effective methods for making aurally delivered materials available to individuals with hearing impairments, (2) qualified readers, taped texts, audio recordings, Brailled materials, large print materials, or other effective methods for making visually delivered materials available to individuals with visual impairments, (3) acquisition or modification of equipment or devices, and (4) other similar services and actions.

## **LIMITS OF REQUIRED MODIFICATION**

The City is not required to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or an undue financial and administrative burden. Prior to making a determination that a service, program, or activity can not be altered for the afore mentioned reasons, the ADA Advisory Board will consider all resources available for use in funding and operating the program, service, or activity. A written statement of the reasons for reaching that conclusion shall accompany this decision.

## **NOTICE**

The City shall make available to applicants, participants, beneficiaries, and other interested persons information regarding the provisions of Title II of the Americans with Disabilities Act (ADA) and its applicability to the services, programs, or activities of the City. The information shall be made available in such manner as the City ADA Coordinator finds necessary to apprise such persons of the protections against discrimination assured them by the ADA.

## **City ADA Coordinator**

The City ADA Coordinator shall coordinate the City's efforts to comply with and carry out its responsibilities under Title II of the ADA, including any investigation of any complaint communicated to the City alleging its noncompliance or alleging any actions that would be prohibited under the ADA. The City shall make available to all interested individuals the name, office address, and telephone number of the employee(s) so designated and shall adopt and publish procedures for the prompt and equitable resolution of complaints alleging any action that would be prohibited under the ADA.

For additional information or to receive this information in alternate format, please contact the City ADA Coordinator, Kiel Mangus at:

**City of Derby –611 Mulberry Rd. – Derby, KS 67037-3533.**

**Phone: (316) 788-1519 Ext.1273 or TDD (Kansas Relay at 800-735-2966)**

**Email: [kielmangus@derbyweb.com](mailto:kielmangus@derbyweb.com)**