

NOBEL LEARNING COMMUNITIES, INC.

Student Disability Non-Discrimination Policy

- 1) Nobel Learning Communities, Inc. (“NLC”) is committed to providing a fine education to all of its students. As part of that commitment, NLC makes its programs and services available on a non-discriminatory basis, including to students with disabilities as defined under Title III of the Americans with Disabilities Act (“ADA”).
- 2) NLC has designated an ADA Compliance Officer who reviews all decisions not to enroll a student with a disability, or to disenroll a student with a disability. The ADA Compliance Officer also prepares modification plans in consultation with the applicable NLC school and **notifies** the parent/guardian about decisions to deny a modification or to disenroll for ADA related reasons.
- 3) NLC may make necessary inquiries into the existence of a disability. NLC imposes or applies only those eligibility criteria that are necessary for the provision of NLC programs and services.
- 4) In accordance with the ADA, NLC makes reasonable modifications as necessary to afford NLC programs and services to students with disabilities. Modifications are not reasonable if they would result in a fundamental alteration, impose undue burdens on the School, its students or its staff or present a direct threat to health or safety. See paragraph 8 of this policy for term definitions.
- 5) NLC will make reasonable modifications to programs and services at the request of a disabled student’s parent/guardian. A request for modification made by a parent/guardian must be made to any NLC Principal, Assistant Principal and/or NLC’s ADA Compliance Officer. Such request may be made orally or in writing. If a parent/guardian discusses a proposed reasonable modification with a teacher or assistant teacher, the teacher or assistant teacher is obligated to report the request to the Assistant Principal, Principal, Executive Director or NLC’s ADA Compliance Officer, who will respond to the modification request. Parents are expected to cooperate in the modification process by promptly providing information reasonably requested by NLC about the child’s condition, the condition’s duration and severity, the modifications necessary to permit the child to participate in NLC’s programs and services, and a description of the circumstances in which NLC should notify the parent/guardian of changes in a student’s condition or seek emergency medical attention.
- 6) Nothing in the Policy is intended to cause NLC to violate any provision of any state, local or municipal law. NLC is entitled to refuse to enroll or disenroll a student in accordance with the provisions of the ADA, state, local or municipal law and the Policy as well as for reasons not related to the child’s abilities.

Definitions

- 7) For the purposes of the Policy:
- a) “Disability” means a physical or mental impairment that substantially limits one or more major life activities; a record of such impairment; or being regarded as having such an impairment.
 - b) “Reasonable modifications” are modifications to NLC’s policies, practices, or procedures when such modifications are necessary to provide access to NLC programs and services to students with disabilities, but do not include modifications which would fundamentally alter the nature of such programs and services, impose an undue burden or present a direct threat of harm.
 - c) “Undue burden” means significant difficulty or expense. In determining whether an action would result in an undue burden, factors to be considered include, but are not limited to: the nature and cost of the action needed; the effect on expenses and resources; legitimate safety requirements that are necessary for safe operation, including crime prevention measures; or the impact otherwise of the action upon the operation of the site. NLC schools are private schools with individual budgets which function based on tuition payments. Modifications are not considered reasonable if the modification would require a subsidy by other students or by the parent company or would adversely affect the educational opportunities of other students.
 - d) A “fundamental alteration” is a modification that fundamentally alters the nature of the programs or services afforded by NLC
 - e) “Direct threat” means a significant risk to health or safety that cannot be eliminated by a modification of policies, practices or procedures or by the provision of auxiliary aids or services. Parents who wish to enroll a child whose health or safety are significantly at risk while at school may be required to sign a waiver acknowledging that the school does not employ a nurse, that staff are not medically trained, and that the staff and school are not liable for injuries caused by the child’s health or safety related condition, except for intentional acts or acts which are deliberately indifferent to a known risk.

Policies and Practices

- 8) During the enrollment process, NLC asks: “Would your child need assistance and/or modifications to NLC’s programs and services in order to fully participate in NLC’s Programs and Services? (Yes or No – circle one). Any requests for assistance and/or modifications must be made to the school’s principal, assistant principal and/or NLC’s ADA Compliance Officer.”
- 9) When NLC receives a request for a reasonable modification, NLC will initiate, within a reasonable period of the receipt of the request not to exceed twenty-one (21) calendar days under routine circumstances, a discussion with the parent/guardian to determine whether the student has a disability for which reasonable modifications may be made and to explore what reasonable modifications may be feasible.
- 10) After receiving a new or revised request for a modification, NLC may consult, as necessary in

its discretion, with NLC educators or administrators, with the student's parent/guardian, with experts suggested by the parent/guardian, and any expert or experts retained or employed by NLC, as needed, in order to determine whether the student may be enrolled or may continue to be enrolled with reasonable modification.

- 11) When NLC receives a request for reasonable modification, the parent/guardian may submit any information deemed relevant to NLC's decision (including, but not limited to, statements from the student's medical or treating professional), and NLC may ask the student's parent/guardian for the following information:
 - a) A description from a health care or learning professional of how the student's impairment may limit his or her participation in NLC's programs and services. This description may include:
 - i) The specific limitation of the student;
 - ii) A description of the duration and severity of the condition;
 - iii) Any modifications to NLC programs and services which the health care or learning professional suggests are necessary to permit the student to participate in NLC programs and services;
 - iv) A description of the circumstances in which NLC should notify the parent/guardian of changes in a student's condition or seek emergency medical attention.
 - b) If one exists, an educational or behavioral evaluation, such as an Individualized Family Service Plan ("IFSP"), Individualized Educational Plan ("IEP") or other professional evaluation or assessment of the student.
- 12) The information provided pursuant to the immediately previous paragraph shall be shared, on an as-needed basis, only with NLC staff involved in the reasonable modification determination and who are involved in the implementation of any reasonable modification.
- 13) If NLC believes that it lacks enough information to decide whether it can make reasonable modifications for the student, NLC will ask the parent/guardian for such additional information. NLC will notify parent/guardian that, under routine circumstances, if they provide no further information within twenty-one (21) calendar days, NLC may proceed with its reasonable modification decision without that information. *See paragraph 17.* In determining whether a requested modification is reasonable, NLC personnel shall take into account the following:
 - a) Whether the requested modification if provided would require a fundamental alteration to NLC programs and services.
 - b) Whether the requested modification would result in an undue burden.
 - c) Whether the student poses a direct threat to health or safety. NLC is not required to enroll, or keep enrolled, a student who poses a direct threat to health or safety.
 - d) If a modification request includes the presence of one or more individual aides, assistants, para-educators or support providers to assist the student:
 - i) NLC shall not deny admission to or disenroll a student with a disability solely because the student needs the assistance of an aide, assistant, para-educator or support

provider, unless such modification would fundamentally alter NLC programs and services, result in an undue burden or present a direct threat of harm. NLC shall not be required to provide or pay for non-NLC employed individual aides, assistants, para-educators or support providers.

- ii) NLC is not required to enroll, or keep enrolled, a student who poses a direct threat to health or safety with or without the presence of an individual aide, assistant, para-educator or support provider.
 - iii) NLC may require when a student has been professionally evaluated through an IEP, an IFSP, or similar evaluation as requiring one-on-one assistance at all times in a classroom that the parent/guardian shall ensure that the aide, assistant, para-educator or support provider be present at all times.
 - iv) NLC shall be entitled to ensure that any aide, assistant, para-educator or support provider provided by other persons or entities meets certain requirements for non-NLC employees providing services directly to students within NLC schools. In particular, NLC will require the parents to provide for each aide a current criminal background check, proof of insurance acceptable to NLC, and the execution of a confidentiality agreement regarding all student information and NLC's proprietary information, including student and staff directory information, student records, curriculum, computer programs and access codes, financial and other trade secrets.
 - v) Where NLC has some concern about the presence of multiple aides in a single classroom, NLC will evaluate on a case-by-case basis in accordance with the ADA and this Policy whether in a particular instance the presence of multiple aides in a single classroom will constitute a fundamental alteration to NLC programs or services, result in an undue burden or present a direct threat of harm.
 - vi) NLC may impose legitimate safety requirements that are necessary for safe operation. Safety requirements are based on actual risks and not on mere speculation, stereotypes, or generalizations about individuals with disabilities.
- 14) NLC will not admit a prospective student or may disenroll a student whose parent/guardian unreasonably withholds his/her cooperation (such as by refusing to provide information necessary to making a reasonable modification determination) during the reasonable modification process. In most circumstances, the parent/guardian is expected to provide supporting information and documents within a maximum of twenty-one (21) calendar days.
- 15) Decisions about whether to provide reasonable modifications to NLC's programs and services for a given student will be reduced to writing, signed by the Principal and the student's parent/guardian and provided to the parent/guardian in the form of a modification plan within a reasonable period following NLC's receipt of the information needed to make its decision (which period is not to exceed twenty-one (21) calendar days, under routine circumstances, from the date of NLC's receipt of the information needed to make its decision).
- 16) NLC may refuse to enroll or may disenroll a student if that student's parent/guardian fails to sign the modification plan within a reasonable time of the receipt by the parent/guardian of the modification plan, such time not to exceed twenty-one (21) calendar days under routine

circumstances from the date of the communication of the modification plan to the parent.

- 17) The modification plan will describe the student's disability and any identified limitations caused by the disability, any modifications requested, any modifications agreed to, and next review date (if one is scheduled). Modification plans may be reviewed earlier than the review date at the discretion of NLC or at the request of a student's parent/guardian. If NLC determines that a requested modification is not reasonable, NLC will communicate the decision and a summary of the reasons therefor to the parent/guardian in writing (signed by the ADA Compliance Officer) within a reasonable time after the decision, not to exceed twenty-one (21) calendar days under routine circumstances, and will decline to enroll or disenroll the student as necessary.