

Americans with Disability Amendment Act Fact Sheet Accommodations and Auxiliary Services for Deaf and Hard of Hearing

General Information

Passed by Congress in 1990, the Americans with Disabilities Act (ADA) is the nation's first comprehensive civil rights law addressing the needs of people with disabilities, prohibiting discrimination in employment, public services, public accommodations, and telecommunications.

The Justice Department's ADA Rulemaking History

The Department originally published its ADA title II and title III regulations on July 26, 1991, including the 1991 ADA Accessibility Guidelines (1991 Standards).

On September 15, 2010 the Department published final regulations revising the Department's ADA regulations, including the adoption of updated ADA Standards for Accessible Design (2010 Standards). The revised final rules went into effect on March 15, 2011. Compliance with the 2010 Standards was required on March 15, 2012, except that compliance with the requirements in the 2010 Standards with respect to existing swimming pools was subsequently extended to January 31, 2013. (77 FR 30174 (May 21, 2012)).

On July 15, 2016, Attorney General Loretta Lynch signed a final rule revising the ADA title II and III regulations to implement the requirements of the ADA Amendments Act of 2008. The final rule was published in the Federal Register on August 11, 2016, and took effect 60 days after publication, on October 11, 2016. Congress enacted the ADA Amendments Act to clarify the meaning and interpretation of the ADA definition of "disability" to ensure that the definition of disability would be broadly construed and applied without extensive analysis.

The title III regulation was again revised on November 21, 2016, when Attorney General Loretta Lynch signed a final rule that further clarified a public accommodation's obligation to provide appropriate auxiliary aids and services for people with disabilities. The final rule provides that public accommodations that own, operate, or lease movie theaters are required to provide closed movie captioning and audio description whenever showing a digital movie that is produced, distributed, or otherwise made available with these features. The final rule was published in the Federal Register on December 2, 2016, and took effect 45 days after publication, on January 17, 2017.

Technical Assistance Information Line

The Department of Justice operates a toll-free ADA Information Line to provide information and materials to the public about the requirements of the ADA. ADA Specialists, who assist callers in understanding how the ADA applies to their situation, are available on Monday, Tuesday,

KanCare General Information Fact Sheet



Wednesday, and Friday from 9:30 a.m. until 5:30 p.m. (Eastern Time) and on Thursday from 12:30 p.m. until 5:30 p.m. (Eastern Time). Calls are confidential. To get answers to technical questions, obtain general ADA information, order free ADA materials, or ask about filing a complaint, please call: 800-514-0301 (voice); 800-514-0383 (TTY)

Better Understanding of Accessibility

- While accessibility is often used to describe facilities or amenities to assist people with disabilities, as in "wheelchair accessible", the term can extend to Braille signage, website design, sign language interpreters, and so on.
- Access to electronic documents is a right that is protected by both Federal and State law. Creating accessible electronic documents is important to ensure access to persons with disabilities and the company or agency is protected against legal action.
- *ADA requires public entities (state and local governments) and private entities (businesses and nonprofit organizations that serve the public) to provide auxiliary aids and services to make sure that individuals with speech, hearing and vision disabilities can understand what is said or written and can communicate effectively.*
- The goal is to ensure that communication with people with disabilities is as effective as communication with people without disabilities

• Accommodations & Auxiliary Services

- An accommodation is the removal of a barrier to full participation.
- Auxiliary aids and services are the tools used to make such accommodations. They are used to make sure that all individuals can understand what is said or written and can communicate effectively.

• Communication vs. Information

- Communication Accessibility is providing "on-site" and "remote" communication access through various types of interpreter services.
- Information Accessibility is providing access to written materials and presentations, such as important forms and educational materials.
- **On-site" and "remote" communication access can be provided through various types of interpreter services.**
- **Types of Communication Services:**
 - Hearing Interpreters & Certified Deaf Interpreters
 - Video Remote Interpreting Services (VRI)
 - Real Time Captioning
 - Telecommunications Relay Services (TRS)
 - (this is not an exhaustive list)

• Interpreters

- **Interpreters** are certified by or registered with Kansas Commission for the Deaf and Hard of Hearing (KCDHH) with credentials recognized as provided by state policy.

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- **These interpreters are often referred to as:**
 - Sign Language Interpreters
 - American Sign Language (ASL) Interpreters
 - Hearing Interpreters
 - Certified Deaf Interpreters (CDI)
- The basic purpose of the interpreter is to facilitate understanding in communication between two people who are speaking two different spoken languages, or between hearing individuals and individuals who lack speech, prefer another communication access, or use sign language.
- **Appropriate interpreters are those who:**
 - Have proficiency in both languages
 - Are trained and competent in skill of interpreting
 - Follow a code of ethics
- **Inappropriate Interpreters**
 - Anyone who has not demonstrated proficiency in both languages
 - Anyone who has not received training in interpretation
 - Anyone who does not have an understanding of ethics and interpreting practices
 - **Examples:**
 - Family members or friends
 - Children
- Since people communicate differently, it is the responsibility of the individual who is Deaf/HH to let businesses/agencies know the specific accommodation they are requesting. Requests for accommodation should give a business/agency a reasonable amount of time to provide the accommodation. Requests for accommodations made in writing are easier to track.
- **For more information:**
 - Kansas Commission for Deaf and Hard of Hearing (KCDHH) - For additional information and/or to make a request for appropriate forms, documents or interpreter assistance, please contact KCDHH at 785-368-8034 or VP 785-246-5077 or website at: <http://www.dcf.ks.gov/services/RS/Pages/KCDHH.aspx>
 - Effective Communication; ADA requirements from the U.S. Department of Justice/Civil Rights Division: <https://www.ada.gov/effective-comm.htm> (Very informative)
 - Fact Sheet from the Office for Civil Rights: Your Rights under the ADA <https://www.hhs.gov/sites/default/files/ocr/civilrights/resources/factsheets/ada.pdf>
 - Deaf Rights: What you need to know: https://www.huffingtonpost.com/lydia-l-callis/deaf-rights-what-you-need-to-know_b_5688351.html

Note: This guide is informational only and is not intended to be legal advice. Also, the laws addressed in this guide change frequently based on different courts' interpretations of them.