



SAFETY DIRECTOR BULLETIN



PERSONS WITH COMMUNICATION DISABILITIES IN PUBLIC SETTINGS BEST PRACTICES

The Americans with Disabilities Act (ADA) requires local governments and nonprofit organizations that serve the public to communicate effectively with people with communication disabilities. The goal is to ensure that communication with people with these disabilities is equally effective as communication with people without disabilities. The U.S. Department of Justice provides a guide, [ADA Requirements: Effective Communication](#), to assist agencies with providing reasonable accommodations for people with hearing, vision, or speech disabilities. This bulletin summarizes the guide, but we encourage leaders to read the full guide to better serve their constituents.

The ADA communication rules aim to ensure that the person with a vision, hearing, or speech disability can communicate with, receive information from, and convey information to, the entity. The rules apply to communicating with the person receiving the agencies's goods or services and with that person's parent, spouse, or companion in appropriate circumstances.

Public agencies must provide [Augmentative and Alternative Communication \(AAC\)](#) when needed to communicate effectively with people with communication disabilities. For people who are blind, have vision loss, or are deaf-blind, this can include providing a qualified reader; information in large print, Braille, or electronically for use with a computer screen-reading program; or an audio recording of printed information.

For people who are deaf, have hearing loss, or are deaf-blind, this may include providing a qualified notetaker, a qualified sign language interpreter, an oral interpreter, a cued-speech interpreter, or a tactile interpreter, real-time captioning, and written materials. The [Registry of Interpreters for the Deaf, Inc.](#) provides a registry of interpreters.

For people who have speech disabilities, this may include providing a qualified speech-to-speech transliterator or just taking more time to communicate with someone who uses a communication board. In some situations, keeping paper and pencil on hand so the person can write out words that staff cannot understand or simply allowing more time to communicate with someone who uses a communication board or device will suffice.

In addition, aids and services include a wide variety of technologies, including:

- Assistive listening systems and devices;
- Open captioning, closed captioning, real-time captioning, and closed caption decoders and devices;
- Telephone handset amplifiers, hearing-aid compatible telephones, text telephones (TTYs), videophones, captioned telephones, and other voice, text, and video-based telecommunications products;
- Videotext displays;
- Screen reader software, magnification software, and optical readers;
- Video description and secondary auditory programming (SAP) devices that pick up video-described audio feeds for television programs;
- Accessibility features in electronic documents and other electronic and information technology.

The key to effectively communicating is to consider the nature, length, complexity, and context of the communication and the person's usual method(s) of communication.

Historically, many covered agencies have expected a person who uses sign language to bring a family member or friend to interpret for them. The ADA places responsibility for providing effective communication, including using interpreters, directly on covered entities. They cannot require a person to bring someone to interpret for them. A covered entity can rely on a companion to interpret in only two situations:

1. In an emergency involving an imminent threat to the safety or welfare of an individual or the public, or
2. In situations not involving an imminent threat, an adult accompanying someone who uses sign language may be relied upon to facilitate communication when:
 - a. The individual requests this;
 - b. The accompanying adult agrees
 - c. Reliance on the accompanying adult is appropriate. This exception does not apply to minor children.

Covered agencies are required to provide aids and services unless doing so would result in an undue burden, defined as significant difficulty or expense. When choosing an aid or service, public agencies must give primary consideration to the choice of assistance requested by the person with a communication disability. If the choice expressed by the person with a disability would result in an undue burden or a fundamental alteration, the public entity still must provide an alternative aid or service that provides effective communication if one is available.

Comprehensive and ongoing staff training is a critical and often overlooked component of ensuring success. Covered agencies may have established good policies, but if front-line staff are unaware of them or do not know how to implement them, problems can arise. Covered agencies should teach staff about the ADA's requirements for communicating effectively with people with communication disabilities. Many local disability organizations, including the [Centers for Independent Living](#), conduct ADA training in their communities.