



800-949-4222 (TDD)
www.ada.gov/adaas



Ask an ADA Professional

Communication Requirements Under The ADA

Ask an ADA Professional Series
July 13, 2022




1


1

800-949-4222 (TDD)
www.ada.gov/adaas


Presenters




Stacy Hart
ADA Trainer, Information and Outreach Specialist
New England ADA Center



Maggie Sims
Project Manager
Rocky Mountain ADA Center



Rebecca Williams
Lead Information Specialist
Southeast ADA Center






2


2

800-949-4222 (TDD)
www.ada.gov/adaas

Effective Communication

- State and local governments and businesses and nonprofit organizations that serve the public must communicate effectively with people who have communication disabilities.
- That is a person with a **vision, hearing, or speech disability** can communicate with, receive information from, and convey information to, the covered entity.
- Applies to communicating with not only the person who is receiving the covered entity's goods or services but as well as with that **person's parent, spouse, or companion** in appropriate circumstances.



3

3

Auxiliary Aids and Services

Must provide aids and services when needed to communicate effectively with people who have communication disabilities **at no extra cost**, such as:

- Large-print materials
- Braille
- Accessible digital format
- Qualified sign language interpreter
- Readers
- Note takers
- Assistive listening devices
- Captioning
- CART
- Video Relay Service (VRS)
- Video Remote Interpreting (VRI)

800-949-4222 (TDD)
www.dagmccombs.org

4

Where to Start?

Consider the:

- Nature,
- Length,
- Complexity,
- Context of the communication, and the
- Person's preferred method(s) of communication.

800-949-4222 (TDD)
www.dagmccombs.org

5

Primary Consideration


- Title II Entities (State and Local Governments) must give primary consideration to the request of the individual.
- Title III Entities (Private Businesses) are *encouraged* to honor the accommodations choice of the individual with a disability, but effective communication must be the end result.
- The individual with a disability is in the best position to determine what type of aid or service will be effective.

800-949-4222 (TDD)
www.dagmccombs.org

6

Central Library of the City of San Francisco
 800-949-4222 (TDD)
 www.sfgov.org

Surcharges



The ADA prohibits entities from requiring a customer or client to assume any part of the cost of providing auxiliary aids and services used as accommodations toward achieving effective communication.

7

7

Central Library of the City of San Francisco
 800-949-4222 (TDD)
 www.sfgov.org

Exceptions/Limitations

<p>Fundamental Alteration</p> <p>A change that is so significant that it alters the essential nature of the goods, services, facilities, privileges, advantages, or accommodations offered.</p>	<p>Undue burden</p> <p>"Action requiring <u>significant difficulty or expense</u>" when considered in light of a number of factors.</p> <ul style="list-style-type: none"> • Nature and cost of the accommodation • Size, resources, nature, and structure of the entity's operations • Case by case determination
--	--


However, if a particular auxiliary aid or service would result in a fundamental alteration or undue burden, must still provide an alternative that would ensure effective communication to the maximum extent possible, if one is available.

8

8

Central Library of the City of San Francisco
 800-949-4222 (TDD)
 www.sfgov.org

QUESTIONS




You may type and submit questions in the Q&A Area of the Zoom Platform

9


9

800-949-4232 (TDD)
www.ada.gov/ada-act


Contact Information




Stacy Hart
shart@ihcdesign.org



Maggie Sims
msims@cpyi.com



Rebecca Williams
rswill04@syr.edu




10

10

800-949-4232 (TDD)
www.ada.gov/ada-act

Resources


- Department of Justice Effective Communication Handout:
www.ada.gov/effective-comm.htm
- Technical Assistance call: 800-949-4232



11

11


800-949-4232 (TDD)
www.ada.gov/ada-act



Ask an ADA Professional

Session Evaluation
Your feedback is important to us


You will receive an email following the session with a link to the on-line evaluation.



12

12


Central Library & Archives
A Division of the State Historical Society of Wisconsin
800-545-4232 (TTS)
www.dsgmuseums.org



Ask an ADA Professional

Next Session:
Wednesday, October 12, 2022
Post-Secondary Education the ADA

Registration available at:
www.accessibilityonline.org/adapro



13

13