

Services for People with Sensory Impairments

Catharine Kriepps, Litigation Specialist
Wisconsin Coalition for Advocacy

Auxiliary Aids and Services for Effective Communication

ADA requirements

Title II
28 CFR § 35.160;
ADA Handbook II-67

ADA Title II T.A. Manual,
p. 35, II-7.1000

Under the Americans With Disabilities Act (ADA), all state and local governments, departments, agencies, and programs must ensure effective communication with individuals with disabilities. This means they must communicate as effectively with individuals with disabilities as they do with other groups of people, by providing appropriate “auxiliary aids and services” where they are needed. Auxiliary aids and services must be provided without an extra charge to the individual with disabilities. The type of aid or service needed will depend on the communication’s length and complexity. For example, exchanging written notes might be effective communication for simple transactions like paying bills and filing applications, but in a court hearing, an individual with a hearing or speech impairment might need to have an interpreter to ensure effective communication with his or her attorney and the court. In this case, the cost for the interpreter would be paid for by the court.

Public accommodations

28 CFR § 36.104;
ADA Title III T.A. Manual, p. 2, III-1.2000

The effective communication requirement also applies to places of public accommodation, such as hotels and motels, restaurants and bars, theaters, stadiums, auditoriums, sales or rental establishments, hospitals, offices of professionals, public transportation terminals or stations, museums, libraries, parks, schools, gyms, and many others.

Examples of aids and services

ADA Title III T.A. Manual, p. 26, III-4.3300

28 CFR § 35.135;
ADA Handbook II-53

Examples of auxiliary aids and services for individuals with hearing impairments include qualified interpreters, notetakers, computer-aided transcription services, written materials, telephone handset amplifiers, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunications devices for deaf persons (TDDs, also known as TTYs), videotext displays, and exchange of written notes. Examples for individuals with visual impairments include qualified readers, taped texts, audio recordings, brailled materials, large print materials, and assistance in locating items. Examples for individuals with speech impairments include TDDs and computer terminals. The requirement to provide auxiliary aids and services does not include personal devices and services, such as wheelchairs; prescription eyeglasses or hearing aids; readers for personal use or study; or assistance in eating, toileting, or dressing.

28 CFR § 35.160
ADA Title II T.A. Manual,
pp. 34-36, II-7.1000;
ADA Title III T.A. Manual,
p. 25, III-4.3200

Sec. 885.37, Wis. Stats.

Interpreters

Under the ADA, individuals with a hearing or speaking impairment may have the right to have a qualified interpreter present when that is necessary to ensure they can communicate effectively in long or complex transactions. Situations where an interpreter might be needed include a court hearing, a car purchase, or a discussion with one's doctor about a possible surgery. **The interpreter's services must be provided at no cost to the person with the disability.** Wisconsin law provides a similar right to an interpreter, although in somewhat more limited circumstances than under the ADA.



In either case, the individual needing the interpreter should contact the government agency, court, business, or other public accommodation in advance, so that arrangements for the interpreter can be made.

Telecommunications

Common carriers, or companies offering telephone service to the general public, must provide functionally equivalent access to the telecommunications network for people with hearing and speech disabilities. This is done through telecommunication relay services (TRS), as required by Title IV of the ADA. This is a 24-hour system providing operators who facilitate telephone calls between speech or hearing impaired persons and other telephone users. Callers may use a TTY, voice, voice synthesizer or other device to communicate with the operator, who relays messages between the callers as needed. For more information, contact the Wisconsin Telecommunications Relay System at 800-395-9877 (voice) or 800-283-9877 (TTY).

Relay services

47 USC § 225

Title IV of the ADA also requires the following:

1. Telecommunications relay services must operate every day for 24 hours per day.
2. Users pay rates no greater than those paid for functionally equivalent voice communication services.
3. Relay operators may not refuse calls or limit the length of TRS calls.
4. Relay operators may not disclose the content of any relayed conversation nor keep records of the content beyond the duration of the call.
5. Relay operators may not intentionally alter a relayed conversation.

FCC Report & Order, 7/26/91;
Sec. 6.604(a)(3), Wis. Stats.

FCC regulations require that TRS users must have the same access to pay telephones, collect calls, credit card calling, etc., as other

consumers. Common carriers must handle any type of call unless they can prove that it is not feasible to do so. Communication Assistants must handle emergency calls in the same manner as all other TRS calls.

28 CFR § 35.162
ADA Handbook II-71

In addition, Title II of the ADA requires that all telephone emergency services, including 911, provide direct access to individuals using text telephones (TDDs) and computer modems.

Equipment purchase assistance
PSC 160.071, Wis. Admin. Code

Through the Telecommunications Equipment Purchase Program (**TEPP**), the Wisconsin Universal Service Fund (**USF**) provides financial assistance for people with disabilities to buy telecommunications equipment they need to use the telephone in their homes or when traveling. Applicants must be Wisconsin residents who are deaf, hard of hearing, speech impaired, or mobility or motion impaired. There is no age or income limit, but the same household can only get TEPP money once every three years for the same type of disability. TEPP provides money in the form of a voucher, which is used to pay the vendor of the specialized equipment. Maximum voucher amounts depend on the type of disability, from \$200 for a person who is hard of hearing to \$7,200 for a person who is both deaf and blind. A \$100 co-payment is required, unless a person is deaf, deaf-blind, or hard of hearing, and qualifies for the Telecommunication Assistance Program (**TAP**), which will pay the co-payment. To qualify, individuals must meet certain household income requirements, and obtain a hearing loss certificate from a doctor, certified audiologist, Department of Vocational Rehabilitation counselor, Independent Living Center counselor, or a Bureau for the Deaf and Hard of Hearing specialist.

For further information, or to get an application for the TEPP and TAP programs, contact:

Public Service Commission

P.O. Box 7854

Madison, WI 53707-7854

608-267-1479 (TTY) 608-231-3305 (voice) 608-266-3957 (fax)

pscsecs@psc.state.wi.us (e-mail)

www.psc.state.wi.us

Information and Training

www.dhfs.state.wi.us/sensory/index.htm

Wisconsin's Bureau for the Deaf and Hard of Hearing provides information, referral, support and training for all deaf, deaf-blind and hard of hearing people, service providers, and other interested parties. For more information, call 608-266-3118 (voice/TTY), or write to the Bureau for the Deaf and Hard of Hearing, 1 West Wilson St., Room B-275, Madison, WI 53703.

Wisconsin's Bureau for the Blind offers independent living skills training and provides equipment to promote people's health and

safety in their own homes. For more information, call 608-266-3109, or write to the Bureau for the Blind, 1 West Wilson Street, Room B-275, Madison, WI 53703.

Residential Schools

www.dpi.state.wi.us/dpi/dlsea/wsd/index.html

The Wisconsin School for the Deaf (**WSD**) is a residential school for deaf and hard of hearing students, providing services for approximately 180 students from ages 3-21 in Delavan. For more information, call 1-877-973-3323 (voice/TTY), or write the Wisconsin School for the Deaf, 309 West Walworth Ave., Delavan, WI 53115.

The Wisconsin Center for the Blind and Visually Impaired operates a residential school for students from ages 3-21 in Janesville, although the school's mission has recently been changed to a state resource center. For more information, call 608-758-6100, or write to the Wisconsin Center for the Blind and Visually Impaired, 1700 West State Street, Janesville, WI 53546.

Employment: Reasonable Accommodation

29 CFR § 1630.4
29 CFR § 1630.2(o)

Title I of the ADA makes it unlawful for an employer to discriminate against a qualified individual with a disability in hiring, or in any terms, conditions, or privileges of employment. The employer must make a reasonable accommodation if necessary for the individual with a disability to perform his or her job duties, and to enjoy privileges and benefits of employment equal to those of employees without disabilities, so long as this does not pose an undue hardship for the employer. Reasonable accommodation may include making facilities accessible, restructuring jobs or modifying work schedules, acquiring or modifying equipment or devices, modifying exams, training materials or policies, providing qualified readers or interpreters, accepting job coaches, and other similar accommodations.

Other Related Chapters

For further information on the services available for people with sensory impairments, refer to the following chapters in this guide.

[Vocational Rehabilitation, page 223](#)

[Access to Transportation, page 268](#)

[Service Animals, page 293](#)

[ADA: Title I - Employment Discrimination, page 305](#)

[ADA: Title II - Government Services, page 319](#)

[ADA: Title III - Public Accommodations, page 326](#)