

**Working with the
The Deaf
&
What are your legal
Requirements?**

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The U.S. Equal Employment Opportunity Commission On Public Accommodations

The ADA: Questions and Answers Public Accommodations

Q. What are public accommodations?

A. A public accommodation is a private entity that owns, operates, leases, or leases to, a place of public accommodation. Places of public accommodation include a wide range of entities, such as restaurants, hotels, theaters, doctors' offices, pharmacies, retail stores, museums, libraries, parks, private schools, and day care centers. Private clubs and religious organizations are exempt from the ADA's title III requirements for public accommodations.

Q. Will the ADA have any effect on the eligibility criteria used by public accommodations to determine who may receive services?

A. Yes. If a criterion screens out or tends to screen out individuals with disabilities, it may only be used if necessary for the provision of the services. For instance, it would be a violation for a retail store to have a rule excluding all deaf persons from entering the premises, or for a movie theater to exclude all individuals with cerebral palsy. More subtle forms of discrimination are also prohibited. For example, requiring presentation of a driver's license as the sole acceptable means of identification for purposes of paying by check could constitute discrimination against individuals with vision impairments. This would be true if such individuals are ineligible to receive licenses and the use of an alternative means of identification is feasible.

Q. Does the ADA allow public accommodations to take safety factors into consideration in providing services to individuals with disabilities?

A. The ADA expressly provides that a public accommodation may exclude an individual, if that individual poses a direct threat to the health or safety of others that cannot be mitigated by appropriate modifications in the public accommodation's policies or procedures, or by the provision of auxiliary aids. A public accommodation will be permitted to establish objective safety criteria for the operation of its business; however, any safety standard must be based on objective requirements rather than stereotypes or generalizations about the ability of persons with disabilities to participate in an activity.

Q. Are there any limits on the kinds of modifications in policies, practices, and procedures required by the ADA?

A. Yes. The ADA does not require modifications that would fundamentally alter the nature of the services provided by the public accommodation. For example, it would not be discriminatory for a physician specialist who treats only burn patients to refer a deaf individual to another physician for treatment of a broken limb or respiratory ailment. To require a physician to accept patients outside of his or her specialty would fundamentally alter the nature of the medical practice.

***Q. What kinds of auxiliary aids and services are required by the ADA to ensure effective communication with individuals with hearing or vision impairments?**

A. Appropriate auxiliary aids and services **may** include services and devices **such as** qualified interpreters, assistive listening devices, note takers, and written materials for individuals with hearing impairments; and qualified readers, taped texts, and brailled or large print materials for individuals with vision impairments.

***Q. Are there any limitations on the ADA's auxiliary aids requirements?**

A. Yes. The ADA does not require the provision of any auxiliary aid that would result in an undue burden or in a fundamental alteration in the nature of the goods or services provided by a public accommodation. However, the public accommodation is not relieved from the duty to furnish an alternative auxiliary aid, if available, that would not result in a fundamental alteration or undue burden. Both of these limitations are derived from existing regulations and case law under section 504 of the Rehabilitation Act and are to be determined on a case-by-case basis.

Q. Will a bookstore be required to maintain a sign language interpreter on its staff in order to communicate with deaf customers?

A. No, not if employees communicate by pen and notepad when necessary.

Q. Does the ADA permit an individual with a disability to sue a business when that individual believes that discrimination is about to occur, or must the individual wait for the discrimination to occur?

A. The ADA public accommodations provisions permit an individual to allege discrimination based on a reasonable belief that discrimination is about to occur. This provision allows a person who uses a wheelchair to challenge the planned construction of a new place of public accommodation, such as a shopping mall, that would not be accessible to individuals who use wheelchairs. The resolution of such challenges prior to the construction of an inaccessible facility would enable any necessary remedial measures to be incorporated in the building at the planning stage, when such changes would be relatively inexpensive.

Q. When are the public accommodations provisions effective?

A. In general, they became effective on January 26, 1992.

Q. How will the public accommodations provisions be enforced?

A. Private individuals may bring lawsuits in which they can obtain court orders to stop discrimination. Individuals may also file complaints with the Attorney General, who is authorized to bring lawsuits in cases of general public importance or where a "pattern or practice" of discrimination is alleged. In these cases, the Attorney General may seek monetary damages and civil penalties. Civil penalties may not exceed \$50,000 for a first violation or \$100,000 for any subsequent violation

Teaching the Deaf To Drive

The success of providing effective communications to a person with hearing loss in the classroom and the vehicle is determined by focusing on three main areas: The environment, student and the parents.

The Classroom

The Environment: The deaf students you have in your classroom will be relying on their residual hearing, speech reading (lip reading), lesson preparations and your visual and writing cues to understand the lesson that day.

Residual Hearing: Any student that you have that is relying on residual hearing to follow the lesson will find it very difficult if the room has a lot of surface areas that can reflect sound. To make a room relatively free of as many surfaces that reflect sound can be done by putting fabrics on the wall and teaching in a carpeted room. The use of auxiliary audio enhancement device can also be used.

Speech Reading: In order for a deaf student to effectively follow the lesson you must be aware of the student's position in the classroom. The deaf student should be placed in a location in the classroom where they can see you clearly. You must remember to stay away from window, never speak while turned or while writing on the board, and keep your hands away from your face.

Lesson Preparations: It is important to provide to the deaf student an outline prior of each class they are attending. This will make it easier for the student to follow the lesson and the student will become familiar with any new terms that may come up. A brief outline should be posted on the board at the beginning of class for the deaf student to follow as you move from one topic to the other. It is also important for you to write the major concepts of the lesson on the board as they are discussed. These types of visual cues will assist the deaf student and will aid in comprehension the lesson. Be aware that discussion groups are difficult for most deaf students to follow and therefore should be avoided if possible.

The Student: To provide effective communication to a deaf student in the classroom and in the vehicle the student's abilities must be assessed and understood. This can be done with the aid of the parents, testing and observing the deaf student in both environments.

The Assessment: An assessment of the student should be done before they enter your classroom. Things that should be asked are: Do they speak, read, sign, are they profoundly deaf or do they have some residual hearing? If they do have some residual hearing, ask if they have any devices they can bring in to assist in hearing during the lesson. It will be important to have a pre-enrollment interview with the parents to find out in detail the abilities and limitations of the students that is going to enroll in your program.

Classroom Involvement: A deaf student will have "classroom fatigue" faster than hearing students since the deaf student has to work to follow the lesson, so breaks or the use of workbooks should be used in a long class session to ease this problem. It is important to also remember that some deaf students might be self-conscious, so it is important not to draw attention to their disability, such as making the deaf student read out loud or using the deaf student's hearing impairments as a way to keep the class quiet. Be aware that some deaf students are masters at the art of looking like they understand what you're telling them but in reality they don't. It will be up to you to test their knowledge to make sure you have effectively communicated your lessons.

The Parents: It will be imperative in a skill course such as driving that the parents get involved. You should use the parents as a resource for accessing what the deaf student will need prior to class and during instruction. Regular contact should be made throughout the time of instruction so as to have feedback from the parents as to how the student is progressing with his/her driving skills and if there is a need for additional help. Develop an easy program the parents can follow at home with their vehicle. Provide the parents with resources such as articles, handouts, and videos that will assist the student in the classroom as well as the vehicle.

The Vehicle

The uniqueness of the vehicle environment presents us with a few added issues we will have to address to make sure we are providing effective communication to the student. Preparation prior to going on the road is essential. Instruction in the vehicle will incorporate all the concepts we have discussed in providing classroom instruction plus the use of a note pad and the set of hand control signals included with this handout.

The Environment: like in the classroom the vehicle should be free of as much noise as possible. Rolling up the windows and turning off the radio are a few simple things you can do to cut down on the unnecessary noise. This will be important if the deaf student is relying on residual hearing to follow your directions.

Preparation: A note pad and a pen along with a selected route should be organized before each lesson in the vehicle. Each student should be shown the hand signals that

will be used by the instructor before the lesson starts and should be reviewed before each road lesson. In addition to the hand signs the deaf student should understand that unless they are instructed differently they should proceed straight at intersections and cross streets.

The Hand Signals: (See attached sheets)

Driver education offers us a unique environment to teach skills that will stay with the student the rest of their lives. Using these tips will not only help foster effective communication in the classroom and on-the-road, but will be a blue print for the parent and the student to safely continue there driving skill development.

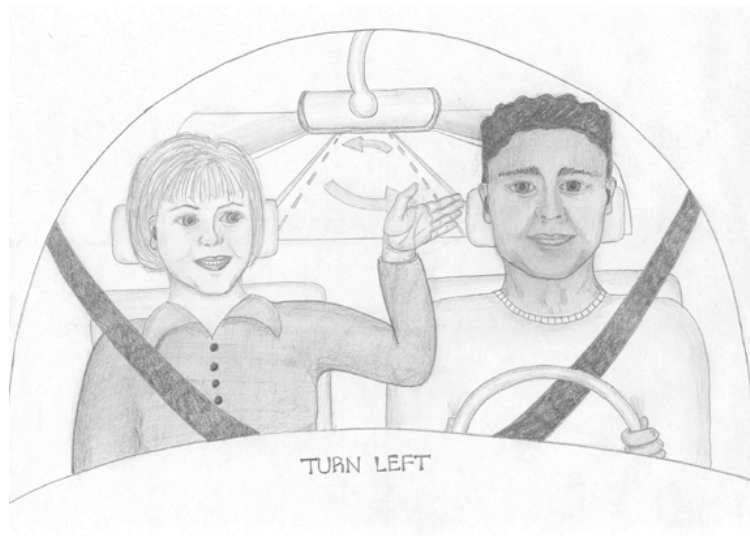
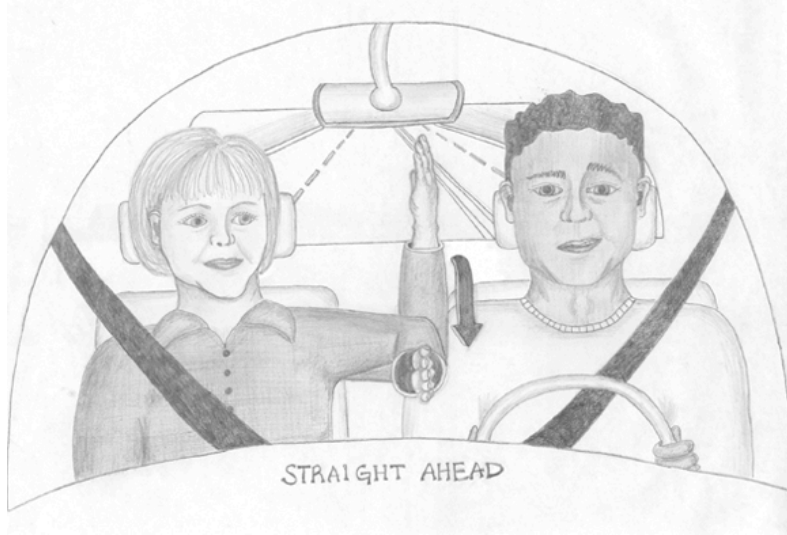
Instructing a deaf student on the road is just as easy as instructing a hearing student, as long as you follow these simple suggestions, and use the hand signals that I have created while you are on the road.

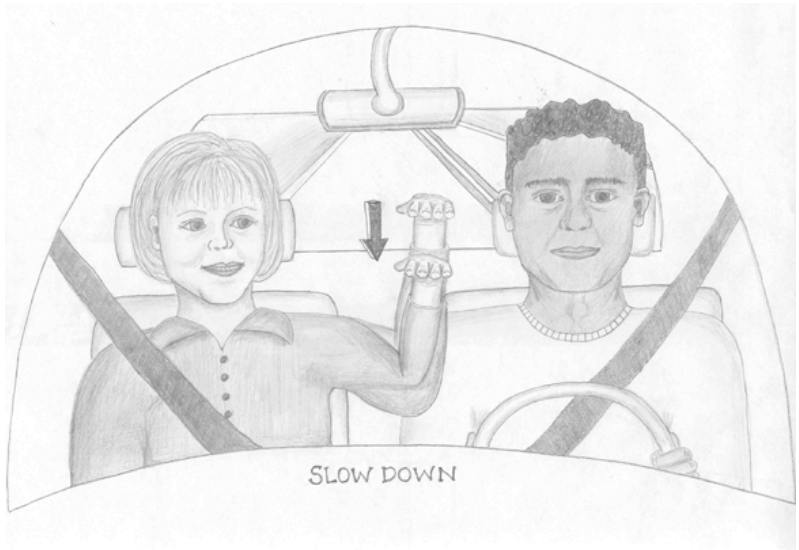
When working with the deaf on the road, a note pad, pen and a selected route should be organized before each lesson in the vehicle. Each student should be shown the hand signals that will be used by the instructor before the lesson starts. Students should be told that unless they are told (or shown) otherwise, they should proceed straight at intersections and cross streets.

Maneuverability:

Preparation - Draw out the maneuverability test and explain what is required of them to pass the test.

Instructing- first demonstrate the maneuverability test to the deaf student by stopping the car at each critical turning point. This will make it easier for the deaf student to understand the required movement of the vehicle and make it easier for you to instruct them.







STOP



CHANGE LANES
(to the right)



CHANGE LANES
(to the right)

Resources

Registry of Interpreters for the deaf worldwide:

Address: 333 Commerce Street, Alexandria, VA 22314

Web: www.rid.org

Phone: 703-838-0030 Voices, 703-838-0459 TTY

National Association of the Deaf: Information on Deaf programs, A.S.L, deaf culture and Community.

Address: 814 Thayer Ave. Silver Springs, MD 20910

Web: www.nad.org

Phone: 301-587-1788 Voices, 301-587-1789 TTY

Assistive Driving Equipment

Audio Enhancement: AT-37 Wireless Assistive listening Systems

Address: Audio Enhancement 12613 South Redwood Rd. Riverton, UT 84065

Phone: 1-800-383-9362

Blinker Buddy: Turn Signal reminder with visual and audible notification.

Address: ADCO Hearing Products, Inc. 5661 South Curtice Street Littleton, CO 80120

Web: www.adcohearing.com

Phone: 1-800-726-0851

Emergency Response System: Early detection of emergency vehicles

Address: ADCO Hearing Products, Inc. 5661 South Curtice Street Littleton, CO 80120

Web: www.adcohearing.com

Phone: 1-800-726-0851

Services

Video Captioning

Ccmaker-G&G Video

Address: 1030 Congress St. Portland, Me 04102

Web: www.ccmaker.com

Phone: 1-800-527-0551 Voice, 207-733-0316 TTY

Government

Americans with Disabilities Act Information line

Phone: 1-800-514-0301, 1-800-514-0383 (TDD)

U.S. Equal Employment Opportunity Commission (ADA)

Web: <http://www.usdoj.gov/crt/drs/faqada.htm>

U.S. Department of Education FREE Captioned films program.

Web: www.cfv.org