

**NOTICE**

Portions of this addendum may not fully reflect the current ADA regulations. The [regulation implementing title II](#) of the ADA was revised as recently as 2016.

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## Chapter 3 Addendum: Title II Checklist (General Effective Communication)

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**PURPOSE OF THIS CHECKLIST:** This checklist is designed for use as an assessment of a **state or local government's provision of effective communication.**

**MATERIALS AND INFORMATION NEEDED:** To assess compliance with the general effective communication requirements, you will need:

- ✓ a copy of any policies or procedures related to providing sign language interpreters, oral interpreters, cued speech interpreters, notetakers, computer-aided transcription services, etc., when requested by members of the general public. If different departments have different policies, you should review each of the policies.
- ✓ a list of printed materials provided to the public by the locality and an indication of whether these materials are provided, upon request, in an accessible format, such as in large print, Braille, or audio recording.
- ✓ a list of any videos or television programs produced by the locality and an indication of whether these videos or programs have captioning and audio descriptions.
- ✓ a list of where teletypewriters (TTYs) are provided by the locality.
- ✓ a copy of any training materials used in training government employees about providing effective communication to members of the general public whose disabilities affect communication.

## Interpreters (Sign Language, Oral, and Cued Speech)

1. Does each department of your state or local government have a policy and procedures in place to deal with requests from the general public for sign language, oral, and cued speech interpreters?

- Yes
- No

2. If policies and procedures are in place, do they:

a. Specify that sign language, oral, and cued speech interpreters can be obtained within a short period of time when necessary? (For example, when needed for hospital emergency rooms, interpreters should be available either in person or by using video relay systems within a reasonable period of time, 24 hours a day, 7 days a week – in this setting, reasonable usually means within an hour of a request. In non-emergency situations, a public entity can require reasonable advance notice for interpreter requests.)

- Yes
- No

b. Make clear that it is generally inappropriate to request family members and companions of deaf persons to serve as sign language interpreters?

- Yes
- No

c. Specify that deaf persons requesting interpreters should not be charged for the cost of the interpreter?

- Yes
- No

d. Specify that the public entity's decision to deny an interpreter based on undue financial and administrative burden must be made after considering all resources available for use in funding the operation of the program and must be accompanied by a written statement of the reasons for reaching the conclusion?

- Yes
- No

e. Specify that, in any instance where the provision of an interpreter would result in an undue financial and administrative burden, the entity will take any other action that would not result in an undue financial and administrative burden but would nevertheless ensure that the individual with a disability receives the benefits or services provided?

- Yes
- No

3. Does your state or local government have employees on staff who are qualified interpreters or have arrangements with one or more vendors to provide interpreting services when needed?

- Yes
- No

4. Have the employees who interact with the public been trained on the correct procedures to follow when a person requests an interpreter?

- Yes
- No

5. Review documentation and speak with agency personnel responsible for responding to requests for interpreter services. When requests for interpreters have been made in the past, were they granted:

a. For events such as meetings, interviews, hearings, medical appointments, court proceedings, and training and counseling sessions?

- Yes
- No

b. Without the state or local government asking the individual who requested the interpreter to pay for the services?

- Yes
- No

#### **ACTIONS:**

If you checked “no” to any of the questions above, these are red flags indicating that your state or local government may not be complying with the effective communication requirements of Title II of the ADA.

- ✓ If your entity does not have policies and procedures on the provision of interpreters, they need to be established.
- ✓ If your entity has policies and procedures, make sure they include the following provisions:
  - ▶ Sign language, oral, and cued speech interpreters can be obtained within a short period of time when necessary. In emergency situations, sign language interpreters will be available either in person or by using video relay systems within a reasonable period, 24 hours a day, 7 days a week – usually, within an hour of receiving the request. In non-emergency situations, sign language interpreters will be available when reasonable advance notice is provided.
  - ▶ Family members and companions of deaf persons will not be asked to serve as sign language interpreters.

- ▶ Deaf persons requesting interpreters will not be charged or asked to pay for the cost of an interpreter.
  - ▶ In situations where agency personnel believe that an undue financial and administrative burden may be involved, the decision to deny an interpreter will be made considering all funding available for the operation of the program.
  - ▶ Where undue financial and administrative burden is the basis for the denial of an interpreter, the agency will take any other action that would not result in an undue financial and administrative burden but would ensure that the individual with a disability receives the benefits or services provided.
- ✓ Make the policy and procedures on the provision of interpreters available to your employees and the public by posting it on your entity's website.
  - ✓ Train employees so they know the policies and the appropriate procedures to follow when they receive a request for an interpreter.
  - ✓ Make arrangements with vendors or hire employees so interpreters are available when needed.

**Other Auxiliary Aids and Services**

6. Does your state or local government have policies and procedures in place to deal with requests from the general public for documents in Braille, large print, audio recording, and accessible electronic format (that is, an email or compact disc containing the document in plain text, word processing format, HTML or some other format that can be accessed with screen reader software)?

- Yes
- No

7. Does your state or local government have policies and procedures in place to deal with requests from the general public for notetakers, computer-assisted real-time transcription services, and other auxiliary aids and services for providing effective communication?

- Yes
- No

8. Does your state or local government have the equipment or arrangements with vendors so it can provide written materials in alternative formats (e.g., Braille, large print, audio format, electronic format)?

- Yes
- No

9. Does your state or local government provide written materials in alternative formats when asked to do so? (For example, does your entity communicate with blind people by using Braille, large print, or email when asked to do so?)

- Yes
- No

10. Does your state or local government give primary consideration to the requests of the person with a disability when determining what type of auxiliary aid or service to provide?

- Yes
- No

11. Does your entity ensure that all videos and television programs it produces and all videos it makes available to the public on its internet website are available with captioning and audio description?

- Yes
- No

## **ACTIONS:**

If you checked “no” for any of the questions above, your state or local government may not be providing effective communication. Consider taking the following steps:

- ✓ Ensure that policies and procedures are in place to provide auxiliary aids and services needed to ensure effective communications. Policies and procedures should address common requests, such as (1) making documents available upon request in Braille, large print, audio recording, and an accessible electronic format, and (2) providing notetakers, computer-aided real-time transcription, assistance in reading and completing forms, and other common auxiliary aids and services. See the list of common auxiliary aids and services on page 3 of Chapter 3.
- ✓ Ensure that your entity’s policies and procedures require decision makers to give primary consideration to the auxiliary aid or service requested by the person with a disability when deciding which auxiliary aid or service to provide.
- ✓ Purchase equipment or make arrangements with vendors so that documents can be provided in alternative formats when requested.
- ✓ Make all videos and television programs that your entity produces, distributes, or makes available to the public accessible to people with hearing and vision disabilities by providing captioning and audio description of important visual images, unless doing so would be a fundamental alteration of your program or impose an undue financial and administrative burden.
- ✓ Train your entity’s employees who interact with the public so they know what to do when they receive a request for an auxiliary aid or service.
- ✓ Publish your effective communication policy on the entity’s website in an accessible format so people with disabilities know about any reasonable advance notice requirements that your entity adopts.
- ✓ Meet with people in your community who have different disabilities to find out how well your entity’s effective communication policies and procedures are working and to solicit suggestions for improvement.

## TTYs

12. Where telephones are available to the public for making outgoing calls, are TTYs available for people with hearing and speech disabilities?

- Yes
- No

13. Does your state or local government handle calls placed using a Telecommunications Relay Service or a Video Relay Service in the same way as other telephone calls?

- Yes
- No

### **ACTIONS:**

If you checked “no” for either of the questions above, your entity may be violating the requirement for providing equally effective telecommunication systems for people with hearing and speech disabilities.

- ✓ Provide access to a TTY wherever telephones are available for making outgoing calls.
- ✓ Provide written policies and training to employees who answer the telephone to ensure that incoming calls made through a relay service are handled as quickly and effectively as other calls.
- ✓ Meet with deaf people in your community to find out their experiences when using a relay service to call your entity.

The Americans with Disabilities Act authorizes the Department of Justice (the Department) to provide technical assistance to individuals and entities that have rights or responsibilities under the Act. This document provides informal guidance to assist you in understanding the ADA and the Department's regulations.

This guidance document is not intended to be a final agency action, has no legally binding effect, and may be rescinded or modified in the Department's complete discretion, in accordance with applicable laws. The Department's guidance documents, including this guidance, do not establish legally enforceable responsibilities beyond what is required by the terms of the applicable statutes, regulations, or binding judicial precedent.