

Sign Language Interpreting, ADA and Section 504 Compliance Explained



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Introduction

Imagine going through life without the ability to fully hear what's going on around you. This would certainly impact your communication with others around you in both personal and professional life.

For a person who can speak and hear, it's just a matter of talking and listening. Both are fairly mundane and repetitive tasks that we don't think twice about.

For a Deaf or hard of hearing person, it's a hurdle that must be overcome on a daily basis especially when communicating with someone who can hear.

Thankfully, unlike in many other parts of the world, the U.S. laws offer protections to persons with disabilities. It is up to the educational institutions to comply with those laws.

Laws Applicable to Educational Institutions

Whether it's a private or state-funded educational institution, the following laws may apply and have to be complied with.

1. Americans with Disabilities Act (ADA)

According to the Title III of the ADA, businesses and services providers (including private trade schools, colleges & universities), must provide an equal opportunity to persons with disabilities, so they can participate in and benefit from their services.

Similar to the above, Title II of the ADA applies to state and local government agencies (including public trade schools, colleges & universities).

2. Rehabilitation Act of 1973

Section 504 of the Rehabilitation Act requires public and private entities that are recipients of federal financial assistance to ensure effective communication with people who are Deaf and hard of hearing.

Federal financial assistance includes grants, tax payer funded programs and student tuition assistance (FAFSA).

Complying with the Laws

While compliance may seem fairly straight forward, it is not always easy to implement.

One of the easiest ways to comply with both the ADA and Section 504 is by providing appropriate auxiliary aids and services to the Deaf and hard of hearing students, such as qualified sign language interpreters.

Sign language interpreters will help to ensure effective communication between all parties involved.

Working with Sign Language Interpreters

There are four ways you can work sign language interpreters.

1. Hire Individual Interpreters as Employees

Recommended for single campus schools that have an ongoing need to communicate with Deaf and hard of hearing students. One of the benefits of going this route is that the interpreters are your employees and are available for continuous work.

Of course, if you don't have any Deaf students at any given time, you are still paying the interpreters for idle time. Something to think about when you prepare your annual budget.

2. Contract with Individual Interpreters on a Freelance Basis

Recommended for single or multi-campus schools. Having the ability to contract with individual interpreters to supplement a pool of employed interpreters is highly recommended.

This approach will fill the gap in the event your employed interpreters are unavailable for whatever reason.

Contracted interpreters generally bill out at a higher rate, but you are not committed to them as you would be to employed interpreters. So, the overall impact on your budget is less in the long run.

3. Contract with Language Service Companies

Recommended for multi-campus schools located around the United States. Contracting with language service companies will simplify your scheduling processes and other logistics.

It is important that you find a company that can handle nationwide service delivery with quality and consistency. This will save you time and money, while meeting all of the necessary compliance requirements.

4. All of the above

Why not have options?

Having interpreters on staff and contract basis, as well as a pool of language service companies, will surely help you cover all the bases.

However, from a management and budgetary perspective it could be a bit cumbersome.

Going this route is recommended for large educational institutions.

What Happens if You Don't Comply

If you are not currently in compliance with the ADA and Section 504, I recommend you adjust your organizational processes immediately. Some of the concerns you should think about include federal audits, suspensions from federally funded programs, fines, penalties and discrimination law suits.

Thinking proactively and focusing on compliance now will save you money in the long run.

Recently, a Deaf man sued a Washington state-based university for discrimination. His claim was that the school refused to allow him to study medicine because he is Deaf.

Even though the university involved in this case claims that it does not discriminate against Deaf people, the fact that the law suit was filed alleging discrimination is already detrimental to its operations.

I believe the law suit could've been avoided entirely if the university fully complied with the ADA and Section 504 requirements.

Steps toward Compliance and Improved Organizational Processes

I recommend assessing your existing ADA and Section 504 compliance processes. You are most likely already compliant, but there's always room for improvement.

One of the areas you should focus on is your current sign language interpreting process. If you employ in-house interpreters, that's terrific.

But what if one of those interpreters gets sick, can't make it to work or goes on maternity leave?

These are the kinds of things you should be thinking about. Having a contract with a language service company would help you mitigate that.

Overall, your focus should be on your students and making sure they have access to effective communication, regardless of whether they can hear or not.