

Administrative Policy No. 7.20

Subject: Communication Access for Persons Who Are Deaf, Hard of Hearing, DeafBlind and Speech Disabled

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Authorizing Source: [Americans with Disabilities Act of 1990 \(ADA\)](#)
[Rehabilitation Act of 1973](#)
[RCW 43.19.190](#)
[RCW 43.20A.725](#)
[Executive Order 96-04](#)
[Administrative Policy 7.02](#)
[Administrative Policy 7.21](#)
[Administrative Policy 14.10](#)
[Administrative Policy 18.81](#)

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Chief Administrative Officer

Purpose

The Department of Social and Health Services (DSHS) is responsible for making its programs, services, and activities accessible in accordance with the Americans with Disabilities Act (ADA) to people who are deaf, hard of hearing, deafblind and speech disabled due to communication barriers. This policy directs DSHS and its contractors to provide accommodations when necessary in order to provide equal access and effective communication.

Scope

This policy applies to DSHS staff. This policy applies to the verbal, auditory, visual, and written features of programs, services, meetings, facilities, telecommunications, and publications provided or made available by DSHS and its contractors.

Definitions

Accommodations: The term “accommodation” means modification or adjustment to a policy, practice, or procedure that enables a qualified individual with hearing loss or who is speech disabled to enjoy equal access opportunity to effective communication.

Alternative Format: A term used to describe various alternative formats, including Braille Grade 1, Braille Grade 2, Large Print, or information on disks/CDs or audiotapes that allow a person with vision loss to obtain information written in standard text.

American Sign Language (ASL): American Sign Language is the visual language of the Deaf community in the United States, which includes its own syntax and grammar structure that is different from English and any other spoken language. ASL requires the use of facial expressions, hand shapes, body language, and gestures.

There is an important difference between ASL and other varieties of sign language. ASL is a recognized language. It has its own structure from the sign systems that are based on English, such as “Pidgin Signed English (PSE)” and “Signed Exact English (SEE)”.

Assistive Listening System (ALS) or Assistive Listening Device (ALD): A term to describe a system that delivers sound directly to the listener’s ear, eliminating noise, distance, and echoing problems. There are three types of systems: FM (radio), Infrared (light), and Induction Loop (electromagnetic). Each consists of a transmitter with a microphone used at the sound source and can be connected into an existing amplification system or used alone. An ALS is used with or without hearing aids and help people with hearing loss to better understand speech. Each type of system has different uses, but all can be used in meetings and public forums.

Assistive Technology: A term to describe any products, devices or equipment used to maintain, increase or improve effective communication including visual signaling *alerts* (telephones, doorbells, alarm clocks), visual signaling *alarms* (carbon dioxide or fire alarms), assistive listening systems (FM, Infrared, Induction Loop), and specialized telecommunication equipment.

Auxiliary Aids: Auxiliary aids include a wide range of services and devices that ensures effective communication. The type of auxiliary aid or service necessary to ensure effective communication will vary according to the length and complexity of the communication involved.

Examples of auxiliary aids and services for individuals who are deaf or hard of hearing include the following: qualified interpreters, note takers, Communication Access Realtime Translation (CART), written materials, hearing aid-compatible amplified telephones, assistive listening systems, closed caption decoders, open and closed captioning, telecommunications devices for the deaf (TTY/TDD), other specialized telecommunication equipment, videotext displays, and service animals.

Examples of auxiliary aids and services for individuals who have both vision loss and hearing loss include the following: qualified readers, taped texts, audio recordings, magnification devices, Braille or large print materials, assistance in locating items, service animals, and support service provider (SSP).

Examples of auxiliary aids and services for individuals who are speech disabled include the following: TTY/TDD, computer terminals, speech synthesizers, communication boards, other communication devices, and artificial larynxes.

Captioning: Captioning is the text display of the spoken word. Captioning includes open/closed captioning formats on broadcasting and recorded media and live captioning.

Communication Access Realtime Translation (CART): CART is “live captioning”, the projection in real-time the text display of the spoken word. CART is generally used at public meetings, events, forums and conferences.

Communication Preferences: A term used to describe various modes of communication preferred by individuals with hearing loss. The mode of communication must be considered with the provision of auxiliary aids to ensure effective communication.

Generally, deaf and deafblind people communicate in signs. Communication modes using signs include American Sign Language (ASL), Pidgin Sign English (PSE), Signed Exact English (SEE), and Minimal Language Skills (MLS). Generally, deafblind people depending on vision loss and preferences may communicate by using *tactile* signing or *close-up* signing. They may or may not know Braille.

Generally, hard of hearing and speech disabled people communicate through spoken language. Hard of hearing and some deaf people use oral communication with lip-reading skills.

Contractor: Contractor means that agency, firm, provider organization, individual, or other entity under contract with DSHS. It includes any subcontractor retained by the prime contractor.

deaf (with a lowercase “d”): A term that describes people who have permanent hearing loss with little or no residual hearing, which affects verbal and auditory communication. Generally, people who are deaf are unable to receive spoken language without use of auxiliary aids. They may communicate through a preferred communication method to express themselves and use auxiliary aids to receive spoken language.

Deaf (with uppercase “D”): A cultural term that describes people who identify themselves as members of a Deaf community and culture and prefer using American Sign Language. These individuals share common experiences, traditions, norms and values.

DeafBlind or Deaf-Blind (DB): A term that describes a person who is either deaf or hard of hearing and has some degree of vision loss or is blind. Generally, people who are **Deaf and Blind** use uppercase “DB” as a cultural term recognizing ASL as their primary language and identifying themselves as members of the Deaf community. Some deafblind people who are hard of hearing, are not members of the Deaf community, and use other auxiliary aids to communicate.

Department of Social and Health Services (DSHS): A term to describe administrations, divisions, offices, and other organizational units within DSHS.

Direct Access: Direct access means that telephone services directly receive calls from TTYs and other means without relying on relay services or third party services. Telephone access through a third party or through a relay service does not satisfy the requirement for direct access.

Dual Language Employees with Assignment Pay: DSHS employees who are bilingual and use their sign language proficiency for face-to-face communications may be eligible for assignment pay at 5% premium of the base salary.

Effective Communication: A term to describe communication with people who are deaf, hard of hearing, deafblind or speech disabled which is as effective as communication with people without disabilities. Expressive and receptive communication is conveyed effectively, accurately, and impartially.

Hard of Hearing (HH): A term that describes people who have some degree of hearing loss with some residual hearing, either permanent or fluctuating, which affects communication. Generally, people who are hard of hearing are able to express or speak for themselves and may or may not use auxiliary aids to receive or understand spoken language. They may communicate through auditory means, with or without amplification, and may or may not have the ability to lip-read. Few know sign language; and if they do, it is not usually their primary mode of communication.

Office of the Deaf and Hard of Hearing (ODHH): A DSHS agency administering various programs and services. ODHH is a resource to assist DSHS with the identification, arrangement, and provision of appropriate auxiliary aids including telecommunication relay services, specialized telecommunication equipment, and sign language interpreter services. ODHH provides information and referral regarding assistive listening system and captioning.

People with Hearing Loss: A term to describe all people who are deaf, hard of hearing and deafblind. Use of the term "hearing impaired" is discouraged. People with hearing loss may be a client(s) or member(s) of the general public. A client is any person who is applying for, has been determined eligible for, and/or is receiving services from DSHS. A member of the general public is any person who may or may not be a client (for example: a citizen at a public meeting)

Interpret / interpreting: The process of making communication easier between individuals using spoken English and individuals using ASL. This process requires an ability to receptively receive information in ASL and expressively voice the information into spoken English (sign-to-voice) and vice versa (voice-to-sign). Where the words "interpret", "interpreting" and/or "interpreter" are used in this Administrative Policy, it includes the transliterating process.

Magnification Devices: A type of assistive technology designed to assist people with limited vision to read documents. Such assistive technology may include closed circuit TV (CCTV), hand-held magnification, and electronic magnification.

Minimal Language Skills (MLS): A term to describe an individual's minimal concept of language and/or use of gestures or home signs. In other instances, the individual may be

proficient in a foreign sign language (i.e. Russian Sign Language (RSL) or Mexican Sign Language (MSL)). Generally, people with MLS do not know ASL and/or spoken/written English.

Qualified interpreter: A sign language interpreter who is able to interpret or transliterate effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. A qualified interpreter may be either a certified or a non-certified interpreter and has been determined to be competent. Qualified interpreters must submit a registration form and all required documentation and be approved to interpret for DSHS by ODHH prior to providing interpreting services.

There are two kinds of qualified interpreters:

Certified Interpreter: An interpreter who has demonstrated his/her ability to interpret effectively, accurately and impartially. He/she obtained national interpreter certification by taking national performance and knowledge tests. A certified interpreter has been awarded interpreter certification by the Registry of Interpreters for the Deaf (RID) and/or the National Association of the Deaf (NAD).

Non-Certified Interpreter: An interpreter who has not demonstrated his/her ability to interpret through any formal evaluation or test. He/she has not obtained interpreter certification, but is deemed qualified by three references when registering with ODHH to provide sign language interpreter services.

Relay: Relay services and features involve a relay operator who uses both a standard telephone and specialized telecommunication equipment to relay a telephone conversation between the deaf, hard of hearing, deafblind or speech disabled user and a standard telephone user, generally someone without disabilities. Free relay services include Telecommunication Relay Service (TRS), Video Relay Service (VRS) and Internet Protocol Relay Services (IP-Relay). Relay services are conducted through landline or wireless telephone services and/or the Internet. ODHH administers the TRS.

Specialized Telecommunication Equipment: A term inclusive of various specialized equipment, including text telephones (TTY/TDD), amplified telephones, and visual signaling alerts. These are used to achieve effective communication through telephone services generally enjoyed by people without disabilities. DSHS clients may be eligible to receive specialized telecommunication equipment for their homes through ODHH.

Speech Disabled: A term that describes people who are unable to speak or may have various types of speech-related disabilities that functionally limit their communication. Use of the term "speech impaired" is discouraged. Some people with speech disabilities may have problems with language expression and/or comprehension and may need assistance. Individuals who are speech disabled may or may not have a hearing loss or other physical disabilities.

Transliterate / transliterating: The process of making communication easier between individuals using spoken English and individuals using English-based sign language (i.e. Pidgin

Sign English (PSE) or Sign Exact English (SEE)). This process requires an ability to receptively receive information from an English-based sign language and expressively voice the information into spoken English (sign-to-voice) and vice versa (voice-to-sign).

Policy Requirements

A. General:

1. See [Administrative Policy 7.02 Equal Access to Services for Individuals with Disabilities](#) in the consideration of accommodations and provision of auxiliary aids.
2. DSHS must provide equal access opportunities to people with hearing loss or people with speech disabilities so they may participate in or benefit from programs, services, or activities in accordance with the ADA. DSHS must make available appropriate auxiliary aids and services where reasonably necessary to provide effective communication.
3. DSHS must inform people with hearing loss or who are speech disabled of their right to request specific accommodations and their auxiliary aid(s) and of the process to submit this request.
4. In reviewing the request, DSHS must consider: (1) the person's hearing loss or speech disability, (2) the person's preferred communication method, (3) the program, service, or activity the person is participating in, (4) the barrier created, and (4) the auxiliary aid requested.
5. DSHS must honor the person's choice of auxiliary aid, unless it can demonstrate that another equally effective means of communication is available, or the requested accommodation would result in a fundamental alteration in the service, program, or activity or result in an undue financial and administrative burden to DSHS.
6. See [Administrative Policy 18.69 Delegation of Authority for Civil Rights Complaint Investigations](#) in the consideration of filing *civil rights* complaints and the process for submitting complaints.
7. DSHS must file complaints about the *performance* of sign language interpreters, CART reporters, or relay service provider(s) to ODHH. DSHS must notify people of their right to file complaints about the *performance* of sign language interpreters, captioners or relay service provider(s) and inform them of the process to submit complaints to ODHH.

B. Programs, Services, or Activities:

1. See [Administrative Policy 18.81 Nondiscrimination in Direct Client Services](#) in

the consideration of providing direct services to clients without discrimination.

2. DSHS must require contractors to comply with their obligations to provide accommodations and auxiliary aids per the [ADA](#) and this Administrative Policy 7.20.
3. DSHS must provide accommodations or auxiliary aids to establish and maintain eligibility for and benefit from programs, services, or activities.
4. DSHS should administer and deliver programs, services or activities that demonstrate cultural competency and cultural sensitivity to the Deaf and DeafBlind culture.

C. Meetings:

1. See [Administrative Policy 14.10 Accessible Meetings](#) and [Administrative Policy 7.21 Access to Services for Clients Who Are Limited English Proficient \(LEP\)](#) when providing auxiliary aids.
2. When scheduling appointments, DSHS staff should allow one-two weeks between the date of scheduling the appointment and the date of the appointment to arrange and provide any necessary auxiliary aid(s).
3. DSHS notice(s) of public meeting(s) or public hearing(s) must include a statement that accommodations are available and specify a deadline for receiving requests for auxiliary aid(s). DSHS should allow one-two weeks between the deadline and the date of the public meeting/hearing to arrange and provide the auxiliary aid(s).
4. Handouts and/or presentations should be available to interpreters and/or CART reporters one full business day prior to the public meeting for preparation.

D. Facilities:

1. DSHS facilities must post signage using international symbols for accessibility identifying text telephones, assistive listening systems and interpreters where available.
2. DSHS facilities should provide visual signaling *alarms* (carbon dioxide or fire alarms) in meeting rooms and common areas, and where necessary, in the workplace.

E. Telecommunications:

1. DSHS offices with employees that communicate by telephone must provide equally effective communication to people with hearing loss and speech disabilities. The relay services may be used to meet this requirement. DSHS

should provide TTY/TDD in offices that have extensive telephone contact with the public to ensure more immediate direct access.

2. DSHS must provide employees with adequate training on how to accept and handle relay and TTY/TDD calls and not hang up until the call has been completed.
3. DSHS must provide direct access to certain telephone numbers. DSHS must equip the following DSHS telephone numbers with TTY/TDD:
 - a. Where providing services over the telephone is a major activity;
 - b. All toll-free telephone numbers;
 - c. Emergency telephone services available for individuals to obtain immediate assistance including but not limited to:
 - i. Hotlines;
 - ii. Crisis intervention services;
 - iii. Reporting abuse of children and vulnerable adults (e.g., EndHarm).
4. If an individual places a relay call to the emergency telephone service through a relay service, the emergency telephone service must accept the relay call. Under no circumstances is the caller to be advised to hang up and call back on the TTY/TDD.

F. Publications:

1. Written documents and other materials developed by DSHS must follow the requirement for effective communication.
2. DSHS must provide publications, handouts, applications, forms, or other written materials in alternative format(s) upon request. Publications include those identified in [Administrative Policy 2.07 Publications Policy](#).
3. DSHS must include the following as alternative format(s): large print, Braille Grade 1 or Grade 2, depending on the deafblind individual vision loss and communication need. DSHS must provide large print in Bold, Black, and 18 points Arial Font on buff (beige or goldenrod) paper.

G. Auxiliary Aids:

1. DSHS must comply with requirements regarding the following auxiliary aids:
2. **Captioning** - Audio portions of television and videotaped programming produced or purchased by DSHS are subject to the captioning requirement to provide equally effective communication. All video production produced or purchased by DSHS must be captioned including:
 - a. Videotapes or DVDs;
 - b. Public Service Announcements;

- c. Television programming broadcasting DSHS-related programs.
3. ***Dual Language Employees: Determine Eligibility for Assignment Pay*** – See [Collective Bargain Agreement Assignment Pay Provisions](#) and [Administrative Policy 7.21 Access to Services for Clients who are Limited English Proficient \(LEP\)](#). DSHS may recognize and compensate certain employees for their ASL and English proficiency.
 - a. DSHS must determine employees' eligibility for assignment pay based on the following criteria:
 - i. Classification as a Washington General Service (WGS) employee;
 - ii. English proficiency in written or spoken English;
 - iii. ASL proficiency as a document requirement in the position description form;
 - iv. The caseload of clients using ASL or level of interaction with employees using ASL;
 - v. ASL proficiency assessment by ODHH; and
 - vi. Supervisor approval.
 - b. Supervisors must refer employees to ODHH for assessment of ASL proficiency skills.
 - c. Supervisors must not approve assignment pay for dual language until the employee satisfactorily passes the ODHH assessment of the employee's ASL proficiency.
 4. ***Dual Language Employees: Determining Usage of Employees***
 - a. DSHS may assign eligible dual language employees with ASL proficiency in meetings to communicate directly with clients or general public where appropriate.
 - b. For appointments, DSHS may assign clients to employees' caseload.
 - c. DSHS must not allow an employee to interpret on behalf of DSHS, unless registered and approved with ODHH as a sign language interpreter.
 5. ***Sign Language Interpreters*** – DSHS must prohibit family member(s) or friend(s) from interpreting for a family member or friend who is a client or employee due to emotional or personal involvement or considerations of confidentiality that may adversely affect the ability to interpret "effectively, accurately, and impartially".

Roles & Responsibilities

A. Office of the Deaf and Hard of Hearing must:

1. Provide resources to DSHS through information and referral activities, including fact sheets, pamphlets, and website(s) on compliance with the ADA and this policy.
2. Provide technical assistance regarding requests for accommodations and arranging the provision of auxiliary aids. Technical assistance may include

review and guidance on programs, services, activities, and related procedures, and providing resources or helping resolve complaints. Technical assistance may include speakers for workshops, seminars, and in-service training opportunities.

3. Administer purchased services contracts on behalf of DSHS to obtain sign language interpreter services and designate an ODHH representative as a member of the DSHS Limited English Proficiency Cluster Coordinators Committee.
4. Administer activities on behalf of DSHS to streamline the provision of CART, ALS, or other auxiliary aids in an effective and efficient manner as a service delivery system or through contracted services.
5. Provide skills assessment to determine employees' ASL proficiency as a process toward eligibility for dual language assignment pay.
6. Publish a directory of all accessible DSHS telephone numbers equipped with TTY/TDD available to the general public and provide TTY/TDD usage and etiquette training to staff handling telephone calls to these telephone numbers.
7. Maintain procedures regarding filing complaints about the **performance** of sign language interpreters, captioners, or relay service provider(s).

B. Department of Social and Health Services must:

1. Follow all procedures listed in the "Procedures" section of this Administrative Policy 7.20.
2. Identify the telephone numbers equipped with TTY/TDD and forward the name of a contact person, the organizational unit, address, or location to ODHH. All staff handling telephone calls to these telephone numbers must receive training on TTY/TDD usage and etiquette.

Procedures

A. Sign Language Interpreter Services:

1. DSHS must use ODHH purchased service contracts and DSHS form [17-123A Request for Sign Language Interpreter](#) and ODHH-approved interpreters to arrange the purchase and provision of interpreter services. DSHS must refer to ODHH website at [Office of Deaf and Hard of Hearing, DSHS](#) for more information.
2. Upon receipt of a request, DSHS may ask anyone requesting an interpreter the names of preferred interpreters and primary communication method.
3. The following factors are to be considered in selecting a qualified interpreter:

- a. The individual's expressed communication needs and preferences;
 - b. The context, type or setting, in which the meeting is taking place;
 - c. The number of people involved;
 - d. The importance of the meeting;
 - e. The length of the meeting;
 - f. If the meeting is about the health and safety of the client;
 - g. The certification level of interpreters; and
 - h. Any other complexities of the meeting.
4. DSHS should make every reasonable effort to match the qualified interpreter with the individual's preferred communication needs.
 5. DSHS must use qualified interpreters to communicate with DSHS clients who have minimal language skills (MLS) and generally do not have any language skills including ASL. To make communication easier and more understandable, DSHS should strongly consider the use of an interpreter who is deaf.
 6. DSHS should schedule two interpreters per deafblind individual using tactile signing.
 7. Should an ODHH-approved interpreter(s) be unavailable, DSHS must contact a minimum of three contracted providers before going off-contract. Documentation of the contacts with the three contracted providers and the name of the off-contract provider must be submitted to ODHH.

B. Assistive Technology:

1. DSHS may contact the following individuals/agencies for loaner availability of an Assistive Listening System:
 - a. Hotel or facility manager;
 - b. Department of General Administration;
 - c. ODHH; and
 - d. Regional Service Centers of the Deaf and Hard of Hearing.
2. Regarding specialized telecommunication equipment, DSHS should refer clients to the [DSHS form 14-264 Application for Telecommunications Equipment](#) to determine the client's eligibility to receive specialized equipment.

C. Unavailability of Auxiliary Aids

1. Should an auxiliary aid be unavailable, DSHS must consider the following options:
 - a. Where the auxiliary aid loaner is not available, purchase the auxiliary aid (e.g. assistive listening system);
 - b. Provide an alternative auxiliary aid; or
 - c. Reschedule the meeting or appointment.