

Center for Disability Rights, Inc.

CDR Policy Position: Ensuring Access to Communications

Communications access goes beyond access for individuals with hearing loss. A variety of disabilities may impact communication such as motor disabilities (e.g. inability to speak or use gestures due to paralysis), sensory disabilities (e.g. limited or no sight), neurological disability (e.g. autism), or cognitive disabilities (e.g. limited understanding of language, memory, or organization).

Providing “access to communications” means many things. For example, it includes ensuring adequate signage in public venues and that the signage includes Braille for individuals who have low or no vision. It also involves ensuring that people with speech impairments or cognitive disabilities are treated with dignity and respect and given the opportunity to communicate in whatever way works best for each individual.

According to the Americans with Disabilities Act (ADA), employment settings, government offices, public meetings, public accommodations (such as movie theaters), and community events must be accessible to all individuals with disabilities and therefore communications must be accessible to everyone. The ADA refers to this as “effective communication.”

There should not be separate services for people with different labels or diagnoses. CDR advocates for the provision of effective communication by government, businesses and non-profit agencies, among other entities. Access to communication is at the heart of integration for *all* individuals.

Access to communication is a human right.

Every person has the right to communicate with others through any means that best suits their needs and abilities. Denying access to communication is a violation of a civil right and only increases isolation and degradation.

There is no right or wrong way to communicate.

People with different disabilities require different forms of communication. For example, some individuals with advanced Amyotrophic Lateral Sclerosis (ALS) use a

special device that allows the person to communicate through blinking. There are many ways that public entities can communicate with an individual with a disability; however, the best method is to take direction directly from the individual. The individual with a disability will indicate the best method for communicating, which may include:

- interpreters
- note takers
- qualified readers
- digital screen readers
- tactile signage
- Communication Access Real-time Translation (CART)
- telephone handset amplifiers
- assistive listening systems
- hearing aid-compatible telephones
- speech synthesizers
- communication boards
- text telephones (TTYs) or speech to speech (STS) services
- open or closed captioning
- closed caption decoders
- videotext displays
- description of visually presented materials
- exchange of written notes
- video relay service
- e-mail
- text messaging or instant messaging
- Braille
- large print materials
- materials in electronic format (compact disc with materials in plain text or word processor format)
- video interpreting services
- communications facilitators

Please note that this list is not meant to be exhaustive but rather serves to highlight the various forms of communication available.

People should always communicate directly with the individual with a disability.

It is unacceptable to talk to an assistant, friend or family member about a person with a disability in their presence, particularly if the nondisabled individual is employed by the person with a disability. For example, if you are a medical professional and a person with Cerebral Palsy is visiting you for a medical appointment and brings a personal assistant to the appointment, *do not speak* to the personal assistant about the person with Cerebral Palsy's care. Speak directly to the person with a disability as you would to any person at a medical appointment. Similarly, when communicating with an individual who uses an interpreter to communicate, do not speak to the interpreter, but rather address the individual who is Deaf, Deaf-Blind, or Hard of Hearing directly.

Announcements for public meetings or events should include a way for an individual with disabilities to request a communication accommodation in advance.

By law, public meetings must be posted in advance. This may include newspaper announcements, online postings, outdoor signage, etc. Because public meetings must be

fully accessible, public entities are required to make accommodations for people who make a request in advance. All meeting announcements must include contact information for individuals with disabilities who want to attend the meeting and require an accommodation. The contact information must be prominently displayed on the announcement. Ideally, announcements would include the list of audio accommodations available such as interpreters, CART or Audio Induction Loop (links below for more information).

Captioning must be available, when requested, at all public meetings.

Not all people who are Deaf or Hard of Hearing use sign language. Many seniors, in particular, who have difficulty hearing are not fluent in American Sign Language. Therefore, alternatives to sign interpreters must be provided at public meetings, upon request, such as [Communication Access Real-time Translation](#) (CART) or [Audio Induction Loop](#).

The internet should be more accessible.

As the internet grows in content and significance, it also grows increasingly inaccessible. While YouTube does have the capability to provide captioning for videos on its site, there are currently no requirements that public source videos provide captioning. While websites with flash and other plug-ins are visually appealing, their content cannot be accessed by an individual who is blind or has difficulty seeing. There are a multitude of resources for website developers and programmers to take advantage of to ensure that their website can be used by everyone. Most publicly operated websites, such as www.ny.gov, are required to be accessible but websites operated by private businesses are not subject to the same requirements. There is no reason why an online store would want to exclude customers with disabilities or why an online news site would want to prevent people with disabilities from accessing information. More information can be found at the World Wide Web Consortium's "[Web Accessibility Initiative](#)."

Screen readers must be improved.

Accessibility technology does not keep pace with mainstream technologies. In other words, when there is an advance in computer technologies, accessibility technologies must then "catch up" to be compatible with the advancing technology. Perhaps the most significant lag, which has the greatest impact on people with disabilities' every day lives, is that screen readers cannot read most [Portable Document Files](#) (PDFs). PDFs are used by public and private entities and not all PDFs are compatible with screen readers. Although there have been improvements with PDFs, there must be a mechanism for *all* PDFs to be accessed by individuals with disabilities.

Sign Language should be offered as a language course in public schools.

The state should regulate and standardize an American Sign Language (ASL) course in public schools in the same manner as other language courses. Teachers should be certified in ASL. Offering ASL as an option to students to complete their language requirements would help students with and without disabilities. According to the Centers for Disease Control and Prevention's (CDC) [National Center for Health Statistics](#), more than 34 million adult Americans report some degree of difficulty hearing. If more people were educated on Deaf culture and ASL, more people who are Deaf, Deaf-Blind, or are Hard of Hearing would be integrated into mainstream society.

All newscasts should be live captioned in regions with large Deaf populations; not just the top 25 television markets.

Presently, only the top 25 television markets use live captioning for their newscasts. The remaining markets are left to rely on newscasts with captioning that is solely based on the script used for the teleprompter. That means that any emergency cut-ins, on-scene reports, weather forecasts, and off-script banter are not communicated to an individual who is Deaf or Hard of Hearing. Unfortunately, while the Rochester market has one of the highest per capita Deaf populations, it is not in the top 25 markets so it is exempt from the live captioning requirement. This is unacceptable. All newscasts should be live captioned in regions with large Deaf populations.

All movie theaters must provide captioning.

All movie theaters - at all times and in all rooms - must have captioning available for individuals who request it. Not since the silent movie era have people who are Deaf or Hard of Hearing enjoyed equal access at theaters. There are a myriad of [captioning technologies](#), though the preferred method is live captioning displayed on the screen, which can be "turned on" at the request of an individual. Many theaters have one screening room that is designated for people who are Deaf or Hard of Hearing with captioning accommodations. This creates a segregated system and it can be an issue when the room is unavailable. Having captioning technology available in movie theaters also benefits the movie theater because screening rooms are then available to rent for meetings, which can accommodate people who are Deaf or Hard of Hearing.

The Center for Disability Rights, Inc. (CDR) is a non-profit service and advocacy organization devoted to the full integration, independence and civil rights of people of all ages with all types of disabilities.