

Recommendations Regarding Policies Addressing the Needs of Deaf, Hard of Hearing, and Late-Deafened Persons



A Legislative Report
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The Governor's Working Group on the
Americans with Disabilities Act
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EXECUTIVE SUMMARY

In Florida, there are an estimated 1.8 million persons who have been diagnosed with hearing impairments according to data currently available through the Florida Estimating Conference and data on hearing impairment prevalence rates from the National Health Interview Survey, National Center for Health Statistics (1994). Because the data on the deaf, hard of hearing, late deafened adults and the deaf-blind population was so limited, there were no data sources that reflected Florida's significant proportion of older persons. As a result, prevalence data for the different age groups were applied to Florida's population projections in order to estimate Florida's population with hearing impairments at 1.8 million.

There are a myriad of services available for deaf, hard of hearing, and late-deafened persons in Florida. However, the level and scope of services varies widely across the state. Of the array of services, the most commonly available services statewide (and reported by a number of counties) were as follows: Information and Referral; Florida Telecommunications Relay, Inc.; Community Education; Advocacy; Sign Language Classes; Client Assistance/Case Management; Qualified Interpreting Services; and Deaf Services Agencies. The majority of services are funded through fund raising efforts of Deaf Service Centers or grassroots organizations that serve the deaf, hard of hearing and late-deafened adults.

The purpose of this report is to make policy recommendations that address the needs of deaf, hard of hearing, and late-deafened persons. The Governor's Working Group on the Americans with Disabilities Act (ADAWG) compiled this report in cooperation with the Florida Summit for Deaf, Hard of Hearing, and Late-Deafened Persons, a coalition of 12 statewide organizations involved in advocacy and services for this population.

The information obtained for this report came from several sources, including: five town hall meetings held by the Florida Association of the Deaf (FAD); responses to the Working Group's information request to ADA coordinators and others; interviews with the representatives of key stakeholder groups; a review of calls placed to the Clearinghouse on Disability Information, ADA Working Group public hearings held at quarterly board meetings across the state and a review of the recommendations from Florida's Grassroots Disability Forum 2000 Report.

The Office of Program Policy Analysis and Governmental Accountability (OPPAGA) has conducted studies of disabilities and various exceptionalities over the last 10 years. A recent study, in response to the increasing enrollment in Exceptional Student Education (ESE), reported that there are 3,771 students who were deaf or hard of hearing (OPPAGA, Report No. 03-04, July, 2003). Between the years 1997-98 to 2003-04, the percentage of deaf, hard of hearing, or late-deafened students increased by 41% (1,102 students).

In a report submitted in November 2003 to the Governor's Working Group on the Americans with Disabilities Act, the Florida Association of the Deaf reported findings from town hall meetings held in five cities across the state regarding accessibility and the quality of services provided to deaf, hard of hearing, and late-deafened persons. Ten priority issues emerged from the town hall meetings and were used to develop the recommendations in this report.

During the 2003 legislative session, Senator Mike Fasano and Senator Jim Sebesta filed a bill to create the Florida Council on Deafness (CS/CS/SB 2244 by the Appropriations Subcommittee on Transportation and Economic Development, Governmental Oversight and Productivity Committee). The bill would have established the role of the Council to represent the needs of deaf, hard of hearing, and late-deafened individuals and make recommendations for improving the coordination of services. For the 2004 legislative session, Senator Fasano has again filed a bill creating the Florida Council on Deafness (Senate Bill 206). The House companion (HB 227) has been filed by Representative Gus Michael Bilirakis.

The proposed Council on Deafness would serve as an advisory and coordinating body that would provide the following:

- Policies that address the needs of deaf, hard-of-hearing, and late-deafened persons,
- Methods that improve coordination of services and accommodations among the public and private entities,
- Technical assistance, advocacy and education

Within current structure of state government, there is no dedicated entity to focus on the broad range of needs for people who are deaf, hard-of-hearing, or late-deafened adults (D/HH/LDA). Numerous sections of the disability community are represented within state government advisory boards or commissions that are state funded such as the Family Care Councils for people with developmental disabilities, the Brain and Spinal Cord Injury Advisory Board for people who are traumatically brain injured or spinal cord injured, Florida Independent Living Council for those people with disabilities who access vocational rehabilitation services, Florida Council for the Blind, etc. Personal experiences and family input has proven to be a vital source of guidance in improving services for people with disabilities and shaping them to be more consumer directed with the ability for real choices.

EXECUTIVE SUMMARY

Overall Recommendation:

Establish an Oversight and Policy Body to Address Deaf, Hard of Hearing, and Late-Deafened (D/HH/LD) Issues.

Information on how to accommodate and serve people who are D/HH/LDA has greatly decreased in availability and accuracy since Florida's Council on the Deaf and Hard of Hearing was sunset in 1995. The lack of a dedicated and knowledgeable resource focused upon the varying needs of the D/HH/LDA has resulted in decreasing ability by state agencies to adequately serve the target population. It is equally important to assure the Commission or Council has enforcement capability where applicable and state agencies and others receive their recommendations as a respected entity in order for the needs of the target population to be served.

In a report submitted to a legislative inquiry in 2000, Diana Lincoln, the Hearing and Vision Impairment Coordinator for the Department of Children and Families listed additional issues that should be taken into consideration in determining whether Florida should have a commission or council and where the entity should be located administratively.

Below is the list of issues that remain applicable today:

- According to the 1990 census, Florida has the second highest population and the highest percentage of the population with people who are deaf or hard of hearing.
- Previous placement of the council under the Department of Education and then the Department of Labor and Security were seen by the deaf and hard of hearing community as being inappropriate.
- The issues that relate to deafness and hearing loss range from birth to death.
- There is currently no state program responsible for all deaf and hard of hearing issues and services.
- The communication accessibility needs of people who are deaf and hard of hearing affect every government agency, the Governor's Office and the Legislature.
- There is an overrepresentation of people who are deaf and low income. There is an overrepresentation of people who are deaf and mentally ill or abusing drugs or alcohol. Consequently, social service agencies, charged with the responsibility of providing specific direct services, require a more in-depth understanding of the socio-economic consequences of deafness and hearing loss.
- The general population including people with disabilities does not readily understand communication and cultural issues facing this population. It is important people who are Deaf, deaf (please see definitions on page 14), hard of hearing, and others with particular expertise in that field, address their issues.

Additional Recommendations: If a commission or council is not established, the following recommendations could be undertaken by other entities, although the results would probably not be as significant as with a dedicated and educated body specifically responsible for meaningful outcomes.

1. Communication Accessibility in Medical and Legal Setting

Current Situation:

The most frequent problem areas noted for people who are deaf, hard of hearing, or late deafened adults from the town hall meetings, public hearings and calls to the Clearinghouse on Disability Information is in the inability to be provided communication accessibility in medical and legal settings. The communication access solution is two-fold: the provision of the accommodation (which can be included, but is not limited to: American Sign Language (ASL) Interpreter, assistive listening devices, real-time captioning) and if the accommodation is acquired, the quality of the services provided. Complaints of not being provided a sign language interpreter range from private doctor appointments, Medicaid medical appointments, emergency rooms and even inpatient treatment where surgery is performed. Being refused to be seen by a physician or medical entity because the patient is requiring a sign language interpreter for communication is common in Florida as well. The inability to acquire effective communication in various medical settings has in some cases resulted in complications related to medical treatments and hardships on the patient's family members, increasing the difficulty in acquiring medical care. Many times, family members are utilized as the method to communicate, sometimes causing the patient to forego confidentiality in order to have effective communication.

A sampling of the challenges for D/HH and LDA to obtain effective communication range from complaints against law enforcement services, attorney representation with appropriate accommodations and accommodations in various court activities such as depositions. Some people who are deaf or hard of hearing use service animals (more commonly hearing dogs) for mobility, safety, environment awareness, etc. One individual from Jacksonville documented 68 instances of being denied access to a place of business because she utilizes a service animal/hearing dog. Individuals are denied access with their service animals on a daily basis in Florida. A sampling of settings includes: numerous fast food restaurants, a city zoo, airport, post office, taxi cabs, churches, both prominent food store chains in Florida, public beaches, libraries, university campus, court rooms, etc. Many times law enforcement is notified about a dog in a business establishment and due to the current provisions in state statute, the individual and service animals are denied access. Current state statute requires the service animal owner to provide proof of identification/training at a recognized school for seeing-eye dogs, hearing dogs, etc., (FS413.08(b)). Requiring said proof of training is a violation of the Americans with Disabilities Act. The ADA allows for persons with disabilities to train their own service animals if they prefer. Frequently, hearing dogs are denied access because they are not seeing-eye dogs. A recent complaint by a hearing dog owner reflected her inability to pursue her civil rights through the court. Her case of denied access to a public setting resulted in an acquittal because her dog was not certified by a recognized dog training school at the time of the incident. Individuals who are deaf and hard of hearing also report great difficulty in obtaining attorneys who will provide sign language interpreters for client meetings and depositions on top of the challenge in locating an attorney that will take on an ADA or civil rights case.

Recommendations:

1) Strengthen the existing procedure for registering and resolving complaints about acquiring appropriate communication accommodations by the Consumer Services Unit (CSU) of the Department of Health and educate the target population on how to file their complaints.

Due to the increasing trend of medical setting complaints, the ADA Working Group in collaboration with the CSU -- which was existing in Agency for Health Care Administration (AHCA) -- agreed to a simplified process for people who are deaf and hard of hearing to file complaints. A flyer with an e-mail contact and direct phone number (skipping the AHCA automated telephone menu which is not accessible by a person with a hearing loss) was established to receive complaints. ADAWG publicized the process to the deaf and hard of hearing community. The response has been extremely low and the contact information needs to be updated since the CSU was transferred to the Department of Health.

The goal is to be able to clearly document, resolve and address to the applicable medical review board (if necessary) complaints on the inability to acquire appropriate qualified accommodations.

2) Establish funding for doctors to access accommodations for Medicaid patients

The ADA requires all government entities and private businesses to purchase and provide qualified means of communication when a request for accommodation occurs and the request is reasonable. The cost of hiring a qualified sign language interpreter can range from \$35- \$60 an hour and up to \$250 an hour for an interpreter certified in medical terminology or legal settings. The industry also requires no less than a two-hour commitment to purchase services. The cost of purchasing a qualified sign language interpreter can exceed the physician's fee for services resulting in a loss for the physician/business. Physicians who are willing to service Medicaid patients should not have to endure personal loss because the patient may need to be accommodated in order to communicate.

3) Revise state statute 413.08 and 413.081 on Service Animals in order to fully comply with the ADA.

The adoption of the ADA provisions will provide clarification to law enforcement on access for ALL service animals, which should reduce the incidents of denial to access a public business or government service.

4) Educate the deaf and hard of hearing community on how to file complaints on attorneys with the Florida Bar.

5) Encourage the Florida Bar to establish a listing of attorneys statewide who will take ADA cases or civil rights cases filed under state law.

6) Strengthen contractual language and the approval process to serve Medicaid patients in order to increase awareness of the physicians' responsibility in providing accommodations for the target population.

2. Communication Accessibility to Information and Public Services

Current Situation:

The state's ability to provide effective services for the D/HH/LDA has not improved with the exception of a few specific programs. The most common barrier the D/HH/LDA experience with state government agencies is the inability to use a text telephone (TTY or TDD) in an equivalent manner

similar to the telephone use by the general population to access services. Even for the limited agencies that publicize a TTY number, many times the TTY lines are not working, are not answered at all or there is not a staff member available who knows how to use the TTY. Even though the agency can be reached through the relay service, people prefer to communicate directly, not through a translator, in order to save time and simplify the process of exchanging information.

As state agencies upgrade their telephone systems, several companies are offering new Internet protocol based systems. Unfortunately, technology has not developed to the point where the solution for the incompatibility of an Internet protocol system with a TTY is not readily available within the industry. As a result, TTY users will have decreasing ability to access state agencies directly when an Internet protocol based telephone a system is purchased.

The most common barrier to obtaining state services or accommodations for government activities such as meetings is being provided an appropriate communication accommodation in a timely manner and receiving an interpreter or real-time captionist that is qualified.

Major issues or challenges that were noted in March 2000 (Staff Analysis, Florida Department of Children and Families) remain current in 2003:

- How to make auxiliary aids and services, such as sign language interpreters, real-time captioning, assistive listening devices, that ensure communication accessibility of government agencies, more affordable.
- How to pay for personal augmentation communication devices, hearing aids and listening systems devices – or make them more affordable for the general population.
- How to make agencies as accessible to text telephone users as they are to regular telephone users (an occasional TTY and the relay services is not equivalent).
- How to make interpreter services affordable to private not-for-profit providers who must provide government solicited services to ALL clients who are referred to them.
- How to ensure state agencies, including the Governor's Office, Legislature and Cabinet are providing appropriate communication access to their programs, services, activities and employment.
- How to employ qualified professionals in appropriate fields (e.g. health, mental health and substance abuse) who can serve the population directly instead of through an interpreter.

Commonly reported by state agencies is the difficulty in locating sign language interpreter or real-time captioning services when needed, especially when the time to acquire services is limited. The d/hh/lda community is becoming more vocal in demanding appropriate accommodations and more active in the political/legislative arena. Sign language interpreters and real-time captioning were provided for the first time in the legislative committees during the 2003 session. The deaf and hard of hearing community had never tracked specific legislation on site. Even the number of qualified sign language interpreters is extremely limited in Tallahassee.

Recommendations:

- 1) Establish minimum standards for D/HH/LDA accommodations applicable in all state agencies.**
- 2) Develop additional D/HH/LDA and DB (Deaf-blind) accommodation standards for specific agencies serving the target population (DCF/ DOEA/ AHCA/ DOH/ DMS/ etc.).**

3) Regularly monitor each agency's compliance with the provision of appropriate accommodations.

4) Design and implement a monitoring system with state contracted or sub-contracted entities to assure that appropriate communication accommodations are being provided in compliance with the ADA.

5) Designate an entity to track and maintain, by geographic area, a list of qualified ASL interpreters and real-time captioning providers for state agencies and government-contracted entities to utilize.

6) Require the Public Service Commission to publicize and maintain a list of state agencies, county agencies, local agencies and private businesses that provide TTY numbers.

7) Create an incentive, through a tax break, for a business to establish and advertise a TTY number.

8) Confirm and maintain access to all electronic information by confirming compliance with Section 508 -- this would also cover telephone systems and access to office equipment, hardware, software and computer systems.

9) Set standards for closed captioning of emergency information statewide, which would include a state plan for the D/HH/LDA and DB.

Not all television stations currently provide adverse weather warnings or emergency information in closed captioning. Many deaf and hard of hearing people complain that the scrolling information on the bottom of the television during emergency warnings or evacuations do not match the information related to the emergency. Families spoke of their fear during evacuation processes and adverse weather when they are unable to get up to date accurate information. The state needs to establish a standard for Florida related to the closed captioning of all adverse weather warnings and all information related to emergencies or evacuations.

10) Advocate for increasing the availability of open captioned films in Florida.

There is limited information on the showing of films that are open captioned and a limited number of films that are available in that format. Captioning of movies is a frequent comment at ADA Working Group public hearings and in the Road Tour sponsored by the Florida Association of the Deaf.

11) Fund closed captioning costs for the Florida Sunshine Network broadcasts on the legislature and replace the televisions in the capitol with those that provide captioning.

A complaint about the Florida Sunshine Network and the televisions on the 4th and 5th floor of the capitol was received by the ADA Working Group during the process of this study.

3. Availability of Qualified American Sign Language Interpreters, Real-time Captioning Services and other Accommodations

Current Situation:

The demand for interpreter services far exceeds the availability of qualified interpreters. As a result, services are commonly booked with widely varying rates with a two-hour minimum. The shortage of qualified interpreters contributes to the difficulty in purchasing services even when funding and an educated purchasing entity is involved. The numbers of types of interpreter certification/evaluation categories contributes to (see Table 5, Page 32) the difficulty in the purchaser understanding the differences in qualifications. Regardless, the interpreter services must be an effective means of communication or it does not meet the reasonable accommodation test under the ADA.

The number of qualified interpreters available across the state varies from area to area. Commonly, a purchasing entity can be required to pay transportation, lodging, per diem, and other travel cost in order to access a qualified interpreter in a specific area of the state.

Florida does not regulate the industry of sign language interpreter services or real-time captioning. Florida has a black market of interpreters who are not qualified. People who are deaf and require accommodations to communicate rely on the service to make educational decisions, purchase homes, seek medical care and other household decisions. Legislation to regulate the qualifications of sign language interpreters in Florida is necessary to protect the health, safety and welfare of people who are deaf or hard of hearing. Even though state statute allows foreign language credit for ASL and teacher licensing (1008.2615), not all university or community colleges offer the option.

Quality of real-time captioning services is also an issue in Florida. FAD received complaints during its Florida Road Tour regarding sign language and real-time services in some cities. Quality real-time captionists are limited. Florida recently obtained the first and only certified Communication Access Real-Time Translator (CART) certified by the National Court Reporters Association. Florida also has one of 7 certified broadcasts real-time specialists as well.

Recommendations:

- 1) Create and implement a license procedure for interpreters under the administration of a Council of Deafness as described in proposed legislation or an entity who requires qualified nationally certified interpreters as part of the membership.**
- 2) Implement an incentive program to recruit more people into the field of sign language interpreting and real-time captioning.**
- 3) Encourage the state university system and community colleges to offer more interpreting training programs.**

4. Availability of and Access to Support Services

Current Situation:

The numbers of services provided or funded by state government for d/hh/lda are extremely limited but include the following: telecommunications relay services, equipment distribution program (text telephone, amplifier phones and related auxiliary devices) and accommodations as required under the ADA. There is no designated program within state government to serve the target population such as the Brain and Spinal Cord Injury Program, Division of Blind Services, Mental Health Program, Developmental Disabilities, Children Medical Services, etc. There are no Medicaid waiver services available for this population.

The majority of the services offered in Table 4, Page 25 are provided through Deaf Service Centers and grass roots organizations with the exception of a few Centers for Independent Living that offer limited services for the hearing impaired community.

Fundraising for deaf/hard of hearing support services is becoming increasingly more difficult and is reflected in the number of Deaf Service Centers forced to close due to fiscal constraints. As a result, the availability of support services in the local area is drastically decreasing.

There are no set service definitions, and approaches to service delivery vary from area to area. Support services in the community for the deaf/hard of hearing can provide the same benefits documented by other disability groups such as independent living and the delaying of institutional services in order for the individual to remain active and independent in exercising personal choices.

Recommendations:

- 1) Develop a continuum of services for the target population and a service delivery network that is community based.**
- 2) Allocate funding for Florida's 13 remaining Deaf Service Centers to provide services to the target population and prevent the closure of 3 additional Service Centers scheduled for closing within a year.**
- 3) Establish service definitions, standards and a method for the service system to be competitively procured.**

5. Transition Services and Employment

Numerous national studies and the National Center in Secondary Education and Transition cited that many young adults with disabilities are "exiting high school unprepared for adult life." The tracking of special education students over the last two decades have consistently documented the limited outcomes achieved by young adults with disabilities as they leave school and attempt to access employment, postsecondary education, support programs, and adult community services.

Students with disabilities commonly face barriers of low academic achievement levels, high dropout rates, substantial levels of unemployment and underemployment, economic instability, dependency, social isolation and low levels of participation in postsecondary and training settings.

The most notable barriers to children who are D/HH/and DB (Deaf-blind) in Florida's public schools by parents are the number of unqualified interpreters in the educational settings (FAD Report 2003). The Department of Education has attempted to create standards for educational interpreters. The proposed standards have not been established in state law or rules to date. Conflicts or disagreements in the correct signs, use of language, etc. exist on the top of the fact that children who are deaf are learning signed English in school which is equivalent to a foreign language for a person who is deaf and immersed in deaf culture. The preferred method of communication for people who are deaf is American Sign Language of the Deaf, which is not equal to signed English.

The second largest barrier for students who are deaf is obtaining qualified accommodations in the classroom. Complaints are generated from all levels of the education system.

Assistive technology devices are another area that creates additional challenges. Assistive technology acquired for communication in the classroom is frequently prohibited from being used outside the classroom, even for homework assignments. Some students are not able to access their communication devices during school breaks, including the summer, off-site or out of county.

Florida needs to figure out a better way to serve people who are deaf-blind. Comments reflect the common feeling of falling through the crack of state government services, specifically in employment, education and the Division of Blind Services. No state entity is best prepared to serve this population adequately.

To address transition outcomes of all students with disabilities, the Florida Developmental Disabilities Council created a coalition of key transition stakeholders (Partners in Transition) from across the state. Partners in Transition recently completed a year-long strategic planning process to both identify the pressing transition issues in Florida, and develop a multifaceted, cross-agency plan to systematically address secondary and postsecondary transition issues over the next four years.

Currently, a proposal to create a Statewide Transition Work Group is pending with the Governor's Office. The proposal is to designate the Work Group as the entity that will oversee the implementation of the 4-Year Strategic Plan on Transition.

The unemployment rate for people with disabilities across the nation and in Florida remains over 70% compared to a single digit rate of the general population. Adults of working age report that the Vocational Rehabilitation (VR) services do not specialize in gainful employment training and job placements for people who are d/hh/lda or db. This target population has equally unique needs as people with vision impairments. While VR does provide interpreter services, the accommodations are not equally available across the state. Testimony from the FAD report reflects that their VR Counselors are not trained on how to serve a client who is d/hh/lda/ or db, are not aware of advances in assistive technology that can be used for accommodations, counselors tend to steer people into low wage paying jobs, and do not have sufficient resources to serve the target population with hearing disabilities.

Recommendations:

- 1) Evaluate the efficacy of the Vocational Rehabilitation's accommodations and services provided to D/HH/LD/DB consumers.**
- 2) Evaluate the employment outcomes and post-school activities for D/HH/LD/DB students and compare to other students with disabilities and the general school population.**
- 3) Develop a simplified process for accommodations requests in Individualized Education Plans, etc.**
- 4) Implement deaf community representation in Partners in Transition.**
- 5) Support and create the proposed Statewide Working Group on Transition.**
- 6) Assure the needs of students who are D/HH/DB are included and addressed in the 4 – Year Strategic Plan on Transition.**
- 7) Remove the restrictions on assistive technology devices and more specifically communication devices.**
- 8) Explore the creation of a Division of D/HH Services to specialize in employment, independent living strategies and support for the target population.**
- 9) Determine how to improve the support to infants who have a hearing loss in the development of language based on what is spoken in the home (sign language or signed English).**
- 10) Develop a more effective system to serve the Deaf–blind in education and vocational areas.**

BACKGROUND AND OVERVIEW

The 2002-2003 Florida Appropriations Act included proviso language directing the Department of Management Services to develop a report regarding the policies that address the needs of the deaf, hard of hearing, and late deafened persons. The task was assigned to the Governor's Working Group on the Americans with Disabilities Act within the department.¹ The following is the complete text of the proviso language:

DMS, in consultation with advocacy groups and appropriate state agencies, shall prepare a report which shall be filed with the Governor, the President of the Senate, the Speaker of the House, and the Chief Justice by January 1, 2004. The report shall make recommendations regarding the policies that address the needs of the deaf, hard of hearing and late deafened persons.

To respond to this mandate, the Working Group collaborated with the Florida Summit for Deaf, Hard of Hearing and Late Deafened Persons to gather information from both consumers and others. The Florida Summit is a coalition of 12 statewide organizations involved in advocacy and services for this population. Members of the Florida Summit include:

- Florida Association of the Deaf (FAD)
- Florida Self Help for the Hard of Hearing (FLASHHH)
- Florida Registry of Interpreters for the Deaf (FRID)
- Association of Late-Deafened Adults (ALDA)
- Deaf Service Center Association of Florida (DSCA)
- AG Bell Association - Florida (AGB FL)
- Cochlear Implant Association International - Florida Chapter
- Florida Telecommunications Relay, Inc. (FTRI)
- Florida Department of Education
- Florida Division of Vocational Rehabilitation
- Gallaudet University Regional Center - Flagler College
- Postsecondary Education Consortium (PEC)

On behalf of the Summit, the Florida Association of the Deaf (FAD) organized a schedule of town hall meetings throughout Florida to gather information from key stakeholders and the public. The "road tour" schedule includes fifteen locations, five of which were completed by November 15, 2003 and the remaining eight meetings will be concluded by the end of June 2004. The Working Group provided real time captioning services for the first five town hall meetings to ensure that the information collected would be available for this report. FAD's preliminary report presenting the findings from the first five meetings, *Silent Florida Speaks Out*, was presented to the Working Group in December 2003 and provided valuable information for this report.

¹ The Americans with Disabilities Act Working Group (the Working Group) was continued under Executive Order 03-137 to provide information, referrals, education, and recommendations for compliance and implementation of the ADA and other disability rights laws.

In addition to the town hall meetings, the Working Group directly solicited information from all state, city, and county ADA coordinators, agency directors, department secretaries, school districts, and judicial circuits regarding their policies and procedures related to the deaf and hard of hearing community, as well as to request information about any challenges/barriers encountered. A memorandum requesting the information was mailed to 642 individuals. In addition, interviews with representatives of key stakeholder groups, and a review of the recommendations from Florida's Grassroots Disability Forum 2000 Report were used to develop the recommendations discussed in this report.

Definitions Used in This Report

The following definitions will provide clarification in this report:

Deaf person – (Section 90.6063, F.S.) Any person whose hearing is so seriously impaired as to prohibit the person from understanding oral communications when spoken in a normal, conversational tone. Note: There is a distinction between Deaf and deaf, with “Deaf” referring to those individuals who use American Sign Language and “deaf” referring to individuals who are deaf, but who do not use American Sign Language. Although this distinction is not reflected in this report, it is frequently reflected in the materials of grassroots organizations.

Hard of hearing – a person with some degree of hearing loss, ranging from mild to profound, who may benefit from the use of hearing aids or other assistive listening devices. They typically do not use American Sign Language (ASL).

Late deafened – A person with severe to profound hearing loss, which occurred after the development of speech and language. They can benefit from the use of visual display technology, but usually very little from hearing aids or other listening technology.

Qualified interpreter – An interpreter who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. (Americans with Disabilities Act, Title III)

Applicable Laws, Executive Orders, and Policies/Procedures

Federal Laws: The following ten federal acts provide the foundation for ensuring access for persons with disabilities, including persons who are deaf, hard of hearing, and late deafened. The Appendix includes a table of these laws, including their citations and brief descriptions.

1. Air Carrier Access Act of 1986
2. Americans with Disabilities Act of 1990
3. Architectural Barriers Act of 1968
4. Civil Rights of Institutionalized Persons Act of 1980
5. Fair Housing Amendments Act of 1988
6. Individuals with Disabilities Education Act of 1975
7. National Voter Registration Act of 1993
8. The Rehabilitation Act of 1973, as Amended
9. Telecommunications Act of 1996
10. Voting Accessibility for the Elderly and Handicapped Act of 1984

Florida Statutes: The Florida Statutes were researched to identify those provisions that uniquely address issues of importance to this population. Table 2 lists the laws identified and their related subject areas. The most significant statutes identified are those pertaining to interpreters in courtroom settings and telecommunications access. There are no provisions for overall coordination of services or adherence to ADA compliance issues for this population.

Attorney General Charlie Crist initiated landmark legislation that was signed into law on June 18, 2003. The new law, entitled the Dr. Marvin Davies Florida Civil Rights Act, is a significant historical breakthrough in the Florida Civil Rights movement. The law amends the Florida Civil Rights Act of 1991 enabling the Attorney General to bring civil rights action against those who engage in a pattern or practice of discrimination, or for the issues of great public interest. The law provides the Attorney General with authority similar to that of the United States Attorney General in order to protect the rights of all Floridians.

The Office of Civil Rights accepts complaints concerning economic discrimination, public accommodations, housing, and mortgage lending. It also investigates some disability accessibility issues, and cases involving discrimination in certain private clubs.

The Office received special recognition for its award-winning program that protects the rights of the people with disabilities by enforcing fair housing accessibility requirements under the state and federal Fair Housing Acts. Additionally, the Office had intervened in private cases involving disability rights. Recently the Office settled a case involving a refusal of service to a visually impaired man accompanied by a guide dog. The settlement included money to fund training and education programs concerning the rights of persons with disabilities.

**TABLE 1
FLORIDA LAWS RELATED TO DEAF, HARD OF HEARING, & LATE-DEAFENED POPULATION**

SUBJECT	REFERENCE IN FLORIDA STATUTES
American Sign Language	Section 1007.2615 Provides for foreign-language credits for American Sign Language and teacher licensing.
Education, Public K-12	Sections 1003.01 – 1003.63 Addresses educational services and provisions for children with disabilities.
Education, Instructional Programs	Section 1003.55 Provides for instructional programs for blind or visually impaired students and deaf or hard-of-hearing students.
Fire Safety	Section 509.215 Mandates specialized smoke detectors for the deaf and hearing impaired to be available upon request by guests in public lodging establishments.
Hearing Aids	Sections 484.0401 – 484.059 Provides specifications for dispensing and fitting of hearing aids, licensure requirements, testing and equipment; provides for a 30-day return policy on hearing aids.
Hearing Screening & Hearing Aids (Fla. Kidcare)	Sections 409.016 – 409.953 Describes Medicaid coverage for hearing screening and, if medically indicated for the treatment of a medical condition, hearing aids (eligible enrollees/Fla. Kidcare).
Interpreter Services - Arrest/Custody Situations	Section 901.245 Provides that in the event that a person who is deaf is arrested and taken into custody, the services of a qualified interpreter must be sought prior to interrogation.
Interpreter Services - Courtroom Settings	Section 90.6063 Outlines requirements for the provision of qualified interpreters in court; defines “qualified interpreters.”
Jury Services of Persons Who are Deaf	Section 40.013 Provides that no one shall be excused from jury duty solely on the basis of being deaf or hearing impaired, if that person wishes to serve, unless the presiding judge makes a finding that consideration of the evidence to be presented requires auditory discrimination or that the timely progression of the trial will be considerably affected.
Newborn Infant and Hearing Screening	Sections 383.011 – 383.51 Provides a statewide comprehensive and coordinated interdisciplinary program of early hearing impairment screening, identification, and follow-up care for newborns, with a goal of screening all newborns for hearing impairment, in order to alleviate the adverse effects of hearing loss on speech and language development, academic performance, and cognitive development.
Service Dogs	Section 413.08 and 413.081 Provides for the rights of physically disabled persons; use of dog guides or service dogs; discrimination in public employment or housing accommodations; penalties. Provides protections for service animals and users of service animals when the animal is harassed or injured in training or during the use of the service animals; penalties.
Telecommunications Access System	Sections 427.701 – 427.708 Provides for telecommunications relay services and the distribution of specialized telecommunication devices to persons who are hearing impaired or speech impaired, at no cost. The public service commission is responsible for overseeing the distribution program.
Vocational Rehabilitation Services	Sections 413.011 – 413.74 This chapter pertains to the services provided by vocational rehabilitation, which includes services to deaf/hard of hearing persons. VR services are any services that help an individual, or group of individuals, to achieve an employment outcome, including interpreter services.

Special Policies and Procedures:

Complaints about Accommodations In Medical Settings

Though not mandated by Florida Statute, a complaint tracking policy and procedure was recently established to address a growing concern about the lack of interpreter services provided in medical settings, voiced at public hearings held by the ADA Governing Board. In July 2002, the Working Group initiated a tracking procedure. The procedure provides for complaints to be filed with the Consumer Services Unit within the Department of Health, with follow-up completed in 180 days. Prior to the establishment of this policy, 19 complaints have been received since January 1, 1990. Staff involved in this effort believes that with increased awareness among the target population about the availability of the complaint procedure, the number of complaints will increase.

Proposed Educational Interpreter Standards Issued by the Florida Department of Education

The Florida Department of Education (DOE) encourages school districts to use the Proposed Educational Interpreter Standards developed by the Department in 2001. The Standards outline in detail the minimum education and communication skills required for educational interpreters/transliterators working in Florida's public schools. The Standards state that currently employed interpreters will have two years to achieve the credentials required for the apprentice level, and that complete implementation of the Standards is expected by August 2003. As of October 2003, the DOE is continuing to pursue amendments to Section 1012.53, Florida Statutes ("Duties of Instructional Personnel"). Until the statute is amended, DOE will continue to encourage school districts to utilize the draft standards.

CURRENT SITUATION

Population Statistics

According to recent national statistics, between the years of 2000 and 2050, the prevalence rate of hearing and speech impairment is projected to increase at a faster rate than the total population of the United States. The major contributing factor to this alarming statistic is the aging population. “Every seven seconds, a baby boomer turns 50. Hearing impairment is the most prevalent chronic condition for people over the age of 64. Seventy-one percent of Americans using hearing aids are over the age of 64.” (Hearing Health, 1999)

A 1994 Health Interview Survey reported the prevalence rate of hearing impairment:

- for all ages: 8.6%
- under 45 years of age: 3.7%
- 45-64 years of age: 13.8%
- 65 years and older: 28.6%

Deafness or hard of hearing is more prevalent among males (10.5%) than females (6.8%), among the white population (9.4%), with income under \$10,000 (12.4%), and those residing in rural areas (11.1%). An estimated eight million deaf or hard of hearing individuals are employed in professional/managerial and sales, services, and administrative support positions. Reportedly, the age of onset of hearing impairment was age 19 and over (76%). The highest prevalence rate was reported in the Midwest (9.3%), followed by the West (8.5%), South (8.7%), and Northeast (7.9%).

According to data available through the Florida Department of Vocational Rehabilitation, there are an estimated 1.4 million persons in Florida who have hearing impairments (DOE, October, 2003). The estimate was extrapolated from national prevalence rates of Hearing Impaired (8.6%) and Deaf (.49%) only for persons aged 3 or older (Center for Assessment and Demographic Studies, 1994) and the Census 2000 Data for the State of Florida. However, this is a clear underestimate of the true figure, since Florida has a greater proportion of older persons, and their prevalence of hearing impairment is greater than persons under 65.

To correct this bias, prevalence data for the different age groups, as established by the National Center for Health Statistics (National Center for Health Statistics, Data from the National Interview Survey, Series 10, Number 188, Table 1, 1994), was applied to Florida’s population projections established by the Florida Demographic Estimating Conference for January 2004. This procedure yielded an estimate of nearly 1.8 million persons with hearing impairments, nearly 30 percent higher than the estimates using only one prevalence rate across all age groups as reflected in Table 2, Page 19.

A recent report completed by the Office of Program Policy Analysis and Governmental Accountability (OPPAGA) found that “Florida has a greater prevalence of children with disabilities in its student population than the national average. Overall, 9.6% of Florida’s students had diagnosed disabilities in the 1999-00 school year, compared to the national average of 8.3%” (OPPAGA, July, 2003).” There are 3,771 primary and secondary deaf and hard of hearing students in the Exceptional Student Education (ESE) Program in Florida.

TABLE 2
ESTIMATED POPULATION WITH HEARING IMPAIRMENT BY AGE GROUP
FLORIDA COUNTIES, JANUARY 1, 2004

Note: This table was created in order to take into account the greater proportion of Florida's older persons.

Age	0-17	18-34	35-44	45-54	55-64	65 +	All Ages
Prevalence Rate	1.80%	3.40%	6.30%	10.30%	15.40%	29.10%	
Alachua	823	3,040	1,830	2,868	2,881	6,607	18,050
Baker	109	199	245	336	338	678	1,905
Bay	651	1,147	1,533	2,367	2,662	6,283	14,644
Bradford	103	223	275	409	438	1,090	2,538
Brevard	1,919	3,116	4,710	7,877	9,378	29,833	56,833
Broward	6,995	11,611	17,640	25,977	26,603	80,719	169,545
Calhoun	53	114	128	186	214	589	1,285
Charlotte	412	666	1,019	2,002	3,766	14,964	22,828
Citrus	361	515	845	1,705	3,126	12,174	18,726
Clay	755	1,096	1,599	2,528	2,618	4,979	13,576
Collier	1,048	1,646	2,399	3,929	6,186	22,061	37,269
Columbia	259	454	551	885	1,021	2,435	5,604
Dade	10,307	18,298	23,280	33,701	35,976	94,870	216,433
De Soto	135	271	281	399	545	2,024	3,655
Dixie	55	103	128	211	303	818	1,618
Duval	3,856	7,038	8,156	12,150	11,682	25,826	68,707
Escambia	1,236	2,642	2,784	4,360	4,717	12,112	27,850
Flagler	188	274	433	870	1,600	5,511	8,876
Franklin	34	58	89	174	265	605	1,225
Gadsden	208	371	431	704	732	1,679	4,126
Gilchrist	68	128	131	223	277	656	1,483
Glades	39	74	94	140	221	642	1,211
Gulf	55	119	156	243	286	708	1,568
Hamilton	55	129	144	202	213	461	1,204
Hardee	133	237	228	322	381	1,173	2,474
Hendry	199	339	317	421	489	1,163	2,929
Hernando	458	644	974	1,862	3,265	12,617	19,820
Highlands	290	440	554	1,033	1,902	9,088	13,308
Hillsborough	4,776	8,594	10,770	16,130	16,641	39,854	96,765
Holmes	74	147	174	269	339	891	1,894
Indian River	406	643	898	1,651	2,407	10,272	16,277
Jackson	183	407	479	771	809	2,037	4,687
Jefferson	53	97	124	223	266	590	1,354
Lafayette	27	75	75	89	110	282	659
Lake	843	1,221	1,925	3,248	5,005	19,567	31,808
Lee	1,719	2,705	4,056	7,028	10,547	37,368	63,423
Leon	985	3,123	2,176	3,544	3,318	6,227	19,373

TABLE 2 (cont.)
ESTIMATED POPULATION WITH HEARING IMPAIRMENT BY AGE GROUP
FLORIDA COUNTIES, JANUARY 1, 2004

Age	0-17	18-34	35-44	45-54	55-64	65 +	All Ages
Prevalence Rate	1.80%	3.40%	6.30%	10.30%	15.40%	29.10%	
Levy	147	225	294	547	768	2,159	4,141
Liberty	27	70	86	100	106	213	601
Madison	83	163	168	253	294	815	1,776
Manatee	1,018	1,626	2,308	4,067	5,498	21,172	35,689
Marion	1,037	1,552	2,186	3,896	5,695	21,144	35,510
Martin	431	669	1,099	1,966	2,781	11,087	18,032
Monroe	240	532	846	1,535	1,786	3,422	8,361
Nassau	278	415	610	1,070	1,203	2,465	6,042
Okaloosa	793	1,468	1,830	2,626	2,774	6,724	16,215
Okeechobee	161	261	317	498	651	1,982	3,871
Orange	4,391	8,994	10,044	14,301	13,609	30,022	81,362
Osceola	978	1,618	2,112	3,193	3,404	7,611	18,916
Palm Beach	4,512	7,321	10,954	17,543	21,229	81,537	143,095
Pasco	1,279	1,967	2,967	5,132	7,582	30,466	49,393
Pinellas	3,139	5,543	8,590	14,622	17,917	61,702	111,513
Polk	2,150	3,470	4,294	7,061	9,017	29,179	55,171
Putnam	301	438	578	1,044	1,437	4,059	7,858
St. Johns	538	874	1,335	2,479	2,759	6,974	14,959
St. Lucie	818	1,250	1,769	3,089	4,004	14,138	25,067
Santa Rosa	580	918	1,347	2,069	2,226	4,649	11,789
Sarasota	962	1,585	2,589	4,955	7,888	32,509	50,487
Seminole	1,722	2,998	4,239	6,582	6,448	12,639	34,628
Sumter	180	363	475	785	1,407	5,668	8,878
Suwannee	151	238	298	543	724	1,967	3,920
Taylor	84	155	186	298	368	870	1,961
Union	48	127	192	225	187	337	1,115
Volusia	1,637	3,031	3,982	6,951	9,150	30,669	55,420
Wakulla	108	179	278	419	429	843	2,256
Walton	176	303	420	771	987	2,551	5,207
Washington	89	156	201	319	416	1,059	2,240
Florida	67,932	120,514	158,224	249,977	294,272	900,083	1,791,001

Sources: Demographic Estimating Conference Database, updated September, 2003.
National Center for Health Statistics, Data from National Health Interview Survey
Series 10, Number 188, Table 1, 1994

<http://www.odc.state.or.us/tadoc/dmisc1.htm>

Matrix of Services

There are a myriad of services for the deaf and hard of hearing in Florida according to a survey completed in 2003 by the Florida Association for the Deaf. However, the level and scope of services is different in each county (see table below).

**TABLE 3
SERVICE MATRIX TABLE**

COUNTY	Total Services	Information & Referral	Client Assistance / Case Mgmt	Advocacy	Community Education	Sign Language Classes	Lip Reading Classes	Communication Skills Class	Coping/Deafness Training	Qualified Interpreting Services	FTRI Distribution	Hearing Testing / Screening	Mental Health Services	Deaf Service Agency
Alachua	1	X												
Baker	0													
Bay	0													
Bradford	0													
Brevard	5	X		X	X	X					X			
Broward	10	X	X	X	X	X		X		X	X		X	X
Calhoun	0													
Charlotte	7	X	X	X	X	X					X			X
Citrus	7	X	X	X	X	X					X			X
Clay	0													
Collier	2	X								X				
Columbia	0													
Dade	8	X	X	X	X	X				X	X			X
DeSoto	0													
Dixie	0													
Duval	1	X												
Escambia	8	X	X	X	X	X				X	X			X
Flagler	2	X								X				
Franklin	0													
Gadsden	0													
Gilchrist	0													
Glades	0													
Gulf	0													
Hamilton	0													
Hardee	0													
Hendry	0													
Hernando	2	X									X			
Highlands	1	X												
Hillsborough	7	X	X	X	X					X	X			X

**TABLE 3 (cont.)
SERVICE MATRIX TABLE**

COUNTY	Total Services	Information & Referral	Client Assistance / Case Mgmt	Advocacy	Community Education	Sign Language Classes	Lip Reading Classes	Communication Skills Class	Coping/Deafness Training	Qualified Interpreting Services	FTRI Distribution	Hearing Testing / Screening	Mental Health Services	Deaf Service Agency
Holmes	0													
Indian River	2	X									X			
Jackson	0													
Jefferson	0													
Lafayette	0													
Lake	6	X	X	X	X	X								X
Lee	7	X	X	X	X	X				X	X			
Leon	2	X									X			
Levy	0													
Liberty	0													
Madison	0													
Manatee	8	X	X	X	X	X				X	X			X
Marion	6	X	X	X	X	X				X				
Martin	2	X									X			
Monroe	2	X									X			
Nassau	0													
Okaloosa	0													
Okeechobee	2	X									X			
Orange	7	X	X	X	X	X				X	X			
Osceola	0													
Palm Beach	8	X	X	X	X	X				X	X			X
Pasco	3	X									X			X
Pinellas	10	X	X	X	X	X	X		X	X	X			X
Polk	10	X	X	X	X	X			X	X	X	X		X
Putnam	0													
Santa Rosa	2	X									X			
Sarasota	8	X	X	X	X	X				X	X			X
Seminole	0													
St. John	5	X			X	X				X	X			
St. Lucie	7	X	X	X	X	X					X			X
Sumter	1	X												
Suwannee	0													

**TABLE 3 (cont.)
SERVICE MATRIX TABLE**

COUNTY	Total Services	Information & Referral	Client Assistance / Case Mgmt	Advocacy	Community Education	Sign Language Classes	Lip Reading Classes	Communication Skills Class	Coping/Deafness Training	Qualified Interpreting Services	FTRI Distribution	Hearing Testing / Screening	Mental Health Services	Deaf Service Agency
Taylor	0													
Union	0													
Volusia	8	X	X	X	X	X				X	X			X
Wakulla	0													
Walton	0													
Washington	0													
Total Services	167	33	17	18	19	18	1	1	2	16	25	1	1	15

Table Compiled on August 1, 2003

A recent survey compiled by the Florida Association for the Deaf on the scope of services provided in the 67 counties in Florida reported that Broward, Pinellas, and Polk counties each offered 10 of the 13 services listed in Table 4 (FL Association for the Deaf, 2003). Of the array of services, the most utilized services statewide, and number of counties reporting, were as follows:

- Information and Referral (33 counties)
- Florida Telecommunications Relay Inc. Distribution (25 counties)
- Community Education (19 counties)
- Advocacy (18 counties)
- Sign Language Classes (18 counties)
- Client Assistance/Case Management (17 counties)
- Qualified Interpreting Services (16 counties)
- Deaf Service Center (15 counties).

There are only 13 Deaf Service Centers remaining in Florida (there were as many as 21 in the 1990's). These Centers are private, not-for-profit organizations, managed by a Board of Directors. Additionally, three Centers for Independent Living provide limited services for the deaf and hard-of-hearing.

Services not reflected as available in Florida's survey that are needed by the target population include the following: Lip Reading Classes, Coping with Deafness Training, After School Programs, Parenting or Parent Groups, Employment Training Programs specifically designed to meet the unique needs of people who are d/hh/lda, Hearing Testing/Screening, Computer Training, Literacy Training and Substance Abuse Counseling.

INTERPRETER CERTIFICATION IN FLORIDA

There is currently no interpreter certification requirement in Florida. The ADA, Title III, defines a qualified interpreter as one who is “able to interpret effectively, accurately and impartially both receptively and expressively, using any necessary specialized vocabulary.” This language leaves the development of specific definitions to each individual state. Many states have passed legislation that defines qualified as possessing national certification from the Registry of Interpreters for the Deaf (RID) or certification from the National Association of the Deaf (NAD).

While the State of Florida has not defined “qualified interpreter”, Florida statutes do require the provision of qualified interpreters in certain legal settings. Section 90.6063, F.S., defines “qualified” as being certified by RID or the Florida Registry of Interpreters for the Deaf (FRID) or an interpreter whose qualifications are otherwise determined by an appointing authority.

In Florida, an interpreter could have any, all, or none of the credentials shown in Table 4. According to a representative of FRID, many interpreters often strive for the national RID certification, but not all who are practicing interpreters hold that credential. Further, it is generally known that there are interpreters at work in Florida who hold no credentials at all. There are only 176 RID-certified interpreters in Florida, according to RID statistics. This apparent interpreter shortage was a common theme at FAD town hall meetings, where public comments were made attesting to the lack of qualified interpreters in Florida.

FRID estimates that approximately 450 interpreters are working in educational settings in Florida, and not all of them have been through Florida’s Quality Assurance Screening, much less Florida’s Educational Interpreter Evaluation process. The Florida Department of Education encourages its school districts to use the Department’s Proposed Standards for Educational Interpreters to select and hire interpreters (DOE Memo #03-55, 10/23/03). FRID strongly supports the establishment of a license system in Florida for interpreters, developed and implemented by a proposed commission on deafness.

National Trends: The National Association of the Deaf and RID are collaborating on a joint certification process. The new NAD-RID Interpreter Certification test is being field-tested and should be available soon. Also developing at the national level is a well-organized effort to encourage states to pass legislation requiring licensing of Sign Language Interpreters. In an additional move to strengthen the academic standing of RID-certified interpreters, the organization adopted new requirements that will require post-secondary degrees for RID certification over the next several years (AA degree by 2008; BA degree by 2012).

In 2000, Florida Self Help for the Hard of Hearing surveyed other states with commissions for the deaf, and Massachusetts emerged as the clear leader in licensure of interpreters, as well as many other aspects of policy and program development for this population. Massachusetts is a model for any work to be done in this area. Among the replicable aspects of the Massachusetts program is access to qualified interpreters after hours for emergencies related to health, law enforcement, or mental health issues.

TABLE 4: Types of Interpreter Certification/Screening/Evaluation Recognized in Florida

Compiled from information and data provided by the Florida Registry of Interpreters for the Deaf (FRID), December 2003

Type of Classification	Admin. Entity	DESCRIPTION	Est. # in FL
RID Certification <i>(national level certification)</i>	Registry of Interpreters for the Deaf Nat'l Testing System	<ul style="list-style-type: none"> ▪ RID certification is the only evaluation that is considered legally defensible. ▪ Requires the interpreter to pass a written test plus performance tests: Certificate of Interpretation (CI) and Certificate of Transliteration (CT), both considered to be the minimum standard. ▪ Specialties: Legal Interpreting (SCL), Oral Interpreting (OIC) & Cert. Deaf Interpreter (CDI) ▪ RID certification requires continuing education and being a RID member in good standing. ▪ Paid evaluators conduct testing across the nation, with two locations in Florida. 	176
NAD Certification <i>(national level certification)</i>	Nat'l Assoc. of the Deaf	<ul style="list-style-type: none"> ▪ Requires the interpreter to pass a performance test; NAD certification is offered in three levels: Level III (Generalist), Level IV (Advanced), and Level V (Master). ▪ NAD and RID are cooperatively developing a test that will replace both the RID tests and the NAD test. 	13
FL Quality Assurance Screening (QA) <i>(state level screening)</i>	FL Registry of Interpreters for the Deaf (FRID)	<ul style="list-style-type: none"> ▪ RID certification denotes an interpreter; QA screening denotes an interpreter apprentice. ▪ Three QA screening levels, good for four years ▪ Stimulus materials focus on deaf adults in various community settings. ▪ Interpreters taking this test typically work as freelance interpreters. ▪ Screening conducted by trained interpreter volunteers paid a minimal stipend. ▪ There is a waiting list to be screened. 	257
FL Educational Interpreter Evaluation (EIE) <i>(state level evaluation)</i>	FL Registry of Interpreters for the Deaf (FRID)	<ul style="list-style-type: none"> ▪ RID certification denotes an interpreter has met the minimum standards for interpreters/transliterators; the EIE screens skill levels ▪ Three levels of evaluation, good for four years ▪ Stimulus materials focus on students in K-12 settings. ▪ Typically taken by interpreters working in or desiring to work in the FL education system. ▪ Implemented in 1986 and endorsed by the FL DOE. ▪ Screening conducted by trained interpreter volunteers paid a minimal stipend. ▪ There is a waiting list to be screened. 	237
Educational Interpreter Performance Assessment (EIPA) <i>(local level; recognized by some school districts)</i>	EIPA Brenda Schick, Ph.D. & Kevin Williams, M.A.	<ul style="list-style-type: none"> ▪ A nationally normed test to determine interpreting/transliterating skills for individuals working in educational settings. ▪ Five Proficiency skills levels are used. ▪ Test is recognized nationally and used by many school districts. 	Data not avail.

FLORIDA STUDIES RELATED TO THE DEAF, HARD OF HEARING, AND LATE-DEAFENED POPULATION

The Office of Program Policy and Governmental Accountability (OPPAGA) has conducted studies of disabilities and various exceptionalities over the last 10 years.

A recent study in response to the increasing enrollment in Exceptional Student Education (ESE) reported that there are a total of 387,617 students in kindergarten through 12th grade grouped in 18 primary exceptionalities served in 2002-03. As reported earlier, 3,771 of those students were deaf or hard of hearing (OPPAGA, Report No. 03-04, July, 2003). Between the years 1997-98 to 2003-04, the percentage of increase in the number of deaf or hard of hearing increased by 41% (1,102 students). **[Note:** The study found that 25% of the files reviewed had at least one instance of data error; therefore, the service matrix level, primary exceptionality, or educational setting listed in the student file did not match the data reported in the DOE student database. According to OPPAGA’s findings, the impact of the data errors contributes to the inaccuracy of figures reported by DOE to the Florida Legislature.]

Another critical issue facing young persons with disabilities, including those with hearing impairments, relates to policies and practices supporting post-school transition outcomes. In October 2003, Partners in Transition (PIT), a coalition of key transition stakeholders from across the state, along with the Florida Developmental Disabilities Council (FDCC), completed a year-long strategic planning process “to both identify the pressing transition issues in the state, and develop a multifaceted, cross-agency organizational strategic plan to systematically address secondary and postsecondary transition issues over the next four years.” (Transcen, 2003). The transition issues identified and addressed by the strategic plan for the State of Florida included: state testing/diploma and implications; assistive technology; youth, family, and community awareness education; employment (training, jobs, and careers); person-centered transition planning at an early age; funding; and system communication and coordination.

In a report submitted November 2003 to the Governor’s Working Group on the Americans with Disabilities Act, the Florida Association of the Deaf reported the findings from town hall meetings held in five cities across the state regarding accessibility and the quality of services provided to persons with hearing impairments (FAD, 2003). Participants included deaf and hard of hearing children, adults, senior citizens, and service providers. The responses were compiled from 2,000 individuals across the state through various events hosted by the Association Executive Board, from their website, and via e-mails from interested parties. There were 10 priority issues that emerged from the town hall meetings. FAD highlighted findings and recommendations to address each of the 10 priority issues identified. These findings are discussed in more detail in the section on Major Policy Issues and Policy Recommendations.

PROPOSED LEGISLATION TO CREATE A FLORIDA COUNCIL ON DEAFNESS

In 1983, pursuant to Chapter 286, Florida Statutes, the Florida Legislature created the Council for the Hearing Impaired. The Council was housed administratively under the Florida Department of Education's Bureau of Education for Exceptional Students. In 1991, pursuant to Chapter 413, Florida Statutes, the Council was transferred to the Department of Labor and Employment Security's Division of Vocational Rehabilitation. The name of the Council was later changed to the Florida Council for Persons who are Deaf or Hard of Hearing. Members included representatives of agencies, industry, and consumers.

The Council was instrumental in establishing the Florida Relay Service several years before such service was required by federal law. This service, currently under the oversight of the Public Service Commission, enabled people who are deaf, hard of hearing, or speech-impaired to use text telephones (commonly known as TDDs or TTYs) to communicate with people who use regular telephones through a communications assistant acting as interpreters. The Council's other achievements included:

- Florida's Telecommunications Distribution Program, which provides free text telephones, amplified phones, and related auxiliary devices at a nominal cost
- State Clearinghouse for information on hearing impairment issues
- Technical assistance to all state agencies related to access and provision of services to persons with hearing impairment

The Florida Legislature eliminated the Council in 1995 pursuant to Chapter 95-327 after a sunset review. Unfortunately, the deaf and hard of hearing community was not organized enough to oppose the elimination of the Council.

Since 1995, there have been continuing concerns from consumers and advocates regarding access to services for persons who are deaf, hard of hearing, and late deafened. These include a shortage in the provision of qualified sign language interpreters, assistive listening system, real-time captioning services, etc. Since the 1990's, there have been five significant lawsuits filed in Florida and settled successfully under Title II (local and state government) and three lawsuits filed in Florida under Title III (public accommodations) of the Americans with Disabilities Act in Florida. The lawsuits were in response to a lack of appropriate accommodations for people who are deaf, hard of hearing, and late-deafened, including TTY service, qualified interpreters, non-compliance with the ADA Transition Plan, closed captioning, and health insurance coverage.

It is also important to note the deaf and hard of hearing disability community has been able to settle differences among the many groups represented in the Summit. Historically, the different sections of the community have not been able to agree upon an agenda or approach to improve services in Florida. The community realized that they would be unable to influence legislators and policy makers if they do not present a coordinated and collaborative effort among the numerous parts of the deaf and hard of hearing community. It has taken more than two years for the various groups that make up the Summit to come to an agreement to pursue proposed legislation to create a formal body within state government that will systematically address the numerous unmet needs of the population and pursue regulation of the accommodations services such as interpreter services and real-time captioning in Florida.

The Florida Association of Self-Help for the Hard of Hearing (FLASHHH) completed a national survey January 2000 to determine what other states have put in place to serve the deaf and hard-of hearing population. Thirty-nine states have created an entity to focus on the needs of the target population and 28 responded to the survey. Some highlights of the survey reflect the following trends in other states:

- The majority of the bodies or entities that are created in state government to serve the Deaf and HOH are Commissions.
- Nine states created the oversight entity through legislation and additional states created them based on recommendations from Governor's Task Forces or various Governors' Committees.
- The commission or entity is usually placed within the state's Health and Human Services Department or Program or is an extension of the Governor's Executive Office.
- The scope of services is very broad which include but are not limited to: telecommunication equipment distribution, Vocational Rehabilitation Services, information and referral to local community resources, special adaptive equipment demonstrations, senior program geared to decreasing isolation, summer camps, early intervention programs, interpreter/mentor program to upgrade skills, certification of deafness for tuition waiver for interpreter applicants to state-supported postsecondary schools, regional projects, deaf awareness programs, evaluation of services and programs, adult basic education, independent living, deaf-blind programs, peer counseling, refugee program, advisory body to Governor, legislators and agencies, influencing changes in rules and regulation of agencies to better serve the target population, obtaining the provision of interpreter and real-time captioning funding for medical venues, police training and development of a police training guide, relay services, certification or sign language interpreting, teaching of sign language to families, advocacy, ADA Workshops and training, etc.
- The most common type of administration includes Executive Directors for the day-to-day administration of the program and the Commission or Council would set policy and priorities.
- Selection committees consisting of consumers who are deaf and hard of hearing either appoint themselves or conduct a recruitment process to make a recommendation to the Governor.
- The ability to effect and provide influence on other government entities appears to depend on the level of government that the Commission performs at, and how active the Commission may be in dealing with and presenting the needs of the hearing impaired community.
- Most services are directed through regional centers or branch offices that have trained staff to meet the needs of the respective areas or regions.
- The funding formula has an approximate 80 – 20 ratio. Twenty percent is used for administration and 80% is used for services. Funding comes from various sources such as state government tax dollars, state matching dollars for limited federal funds and grants.
- Almost all states reported Advisory Groups or Commissions consisting of Deaf/HOH/LDA and representatives of various government agencies (VR, Health and Human Services, etc.), parents of deaf children, educators of deaf/hoh and other professionals (audiologist, otolaryngologists).

During the 2003 legislative session, Senators Fasano and Sebesta filed a bill to create the Florida Council on Deafness (CS/CS/SB 2244 by the Appropriations Subcommittee on Transportation and Economic Development, Governmental Oversight and Productivity Committee). The bill would have established the role of the Council to represent the needs of deaf, hard of hearing, and late-deafened individuals and make recommendations for improving the coordination of services. The Council would also make recommendations regarding licensure and accreditation of interpreters. Membership on the Council would be appointed by the Governor and confirmed by the Senate. The bill failed to pass during the regular 2003 legislative session.

For the 2004 legislative session, Senator Fasano has again filed a bill creating the Florida Council on Deafness (Senate Bill 206). The House companion (HB 227) to the Senate bill has been filed by Representative Bilirakis. The House and Senate bills are identical to the final version of CS/CS/SB 2244 which died on the calendar.

Senate Bill (SB) 16 by Senator Stephen Wise passed and became effective in July 1, 2003. SB 16 declared American Sign Language (ASL) as a fully developed visual-gestural language with distinct grammar, syntax, and symbols, that is the recognized language of the deaf community and the 4th most commonly used language in the United States. The bill authorizes public and independent schools to offer ASL as a course of study and to accept secondary-school ASL credits as foreign language credits. The Secretary of Education is required to appoint a seven-member task force that includes representation from at least two universities and one private college or university located within this state which currently offers a 4-year deaf education or sign language interpretation program as part of their respective curricula and at least two representatives from community colleges that established Interpreter Training Programs. The Task Force is required to develop and submit to the Secretary of Education a report that contains guidelines for developing and maintaining ASL courses as a part of the curriculum. Rules are required to be adopted by January 1, 2004 establishing licensing/certification standards to be applied to teachers who teach ASL as part of the school curriculum. ASL teachers must be certified by the Department of Education by January 1, 2008 and they must also obtain current certification through the Florida ASL Teachers Association by January 1, 2004.

Although Florida American Sign Language Teachers' Association (FASLTA) is required to begin certifying ASL teachers in 2006, it currently does not offer certification, and, as a result, has no administrative structure to facilitate such certification. Additionally, it has not yet developed or adopted any standards for ASL teachers to meet in order to be certified. A Senate Interim Project report advised that the relative roles, as described in the legislation, of the Department of Education and FASLTA with regard to ASL teacher's certification also require further examination.

MAJOR POLICY ISSUES AND POLICY RECOMMENDATIONS

Summary of Findings

Priority Needs of Deaf, Hard of Hearing, and Late Deafened Individuals: The Florida Association of the Deaf (FAD), on behalf of the members of the Florida Summit for Deaf, Hard of Hearing and Late Deafened Persons, has completed five of fifteen town hall meetings to learn more about the issues of concern to Floridians who are deaf, hard of hearing, or late-deafened. Their preliminary report, *Silent Florida Speaks Out*, was presented to the Working Group in early December 2003. This report highlights the ten top issues that emerged from public comments at five Florida cities (West Palm Beach, Ft. Lauderdale, Pensacola, Port Charlotte, and Ft. Myers/Naples) on the road tour across Florida, from June – November 2003:

1. Accessibility to Medical and Legal Services
2. Accessibility to Public Services
3. Quality of Interpreters
4. Services for the Deaf and Hard of Hearing
5. Employment
6. K-12 Education
7. Telephone Relay Service
8. Captioning
9. Postsecondary Education
10. Funding for Assistive Devices

The FAD findings were also found to be among the top issues highlighted by the Florida Independent Living Council in their report on the proceedings of the 2000 Grassroots Disability Forum. According to their report, the issue of disability rights and ADA compliance was consistently identified as a significant problem area. The report concludes that there is a major need for persons with disabilities, advocacy groups, and service providers to focus their attention on heightening public and professional awareness of disability laws and their implementation. The report also cites a shortage of adequately prepared educational service providers, such as interpreters.

The responses to the Working Group's October 2003 request for information from ADA Coordinators and others also support the FAD report. Over 600 individuals representing city and county governments, state agencies, and school districts were asked to provide copies of any policies, brochures, flyers, accommodation procedures, manuals developed to educate staff and/or the general public about the issues of the deaf and hard of hearing community, and to send descriptions of any major challenges and barriers encountered when interacting or providing services to people having these disabilities. Table 5 summarizes the forty-one responses received. The most frequent barriers/challenges noted would appear to confirm the findings of the FAD report:

- A shortage of qualified/skilled interpreters (FAD priority #1 and 3)
- Problems obtaining accommodations (i.e., interpreters) in medical settings
- Knowledge and application of ADA (compliance)

The majority of state agencies responding to the ADA Working Group's request for information advised there were no barriers existing that prevent the d/hh/lda/db from accessing their facilities, services and programs while public comment consistently reflected barriers are numerous and across all agencies.

TABLE 5
Summary of Florida Association of the Deaf's Top Ten Issues from Five Town Hall Meetings

Method: A total of 975 comment cards were collected from the first five town hall meetings (June – November 2003). Comments were assigned to categories, and percentages calculated and rankings assigned.

Rank	Issue	Description
26% (254 cards)	Accessibility to Medical & Legal Services <ul style="list-style-type: none"> ▪ Physician Offices ▪ Attorney Offices ▪ Hospitals 	<ul style="list-style-type: none"> ▪ Refusal of medical and legal professionals and medical facilities to provide communication accommodations (e.g., interpreters) ▪ Complaints of seniors that consent forms were signed without their full understanding of the medical procedures <p><i>FAD Recommendation:</i> <i>It is recommended that an entity, such as a Commission on Deafness, work closely with the Florida Medical Association, Florida Hospital Association, and the Florida Bar Association to enforce communication accessibility and create a system where D/HH/LD can file grievances directly to the enforcement entities.</i></p>
16% (156 cards)	Accessibility to Public Services <ul style="list-style-type: none"> ▪ State Agencies ▪ Local Agencies ▪ Law Enforcement 	<ul style="list-style-type: none"> ▪ Failure of state agencies to comply with Title II (failed to provide accommodations) ▪ Failure of local agencies to comply with Title II (failed to provide accommodations) ▪ Lack of understanding among elected officials and top administrators regarding accommodations for D/HH/LD individuals. <p><i>FAD Recommendation:</i> <i>Conduct a review of the accessibility policies of both state and local government entities, and establish a one-stop point of contact to file grievances for non-compliances; an entity such as a Commission, should work closely with the Florida Department of Law Enforcement, Florida Sheriffs Association, and the Florida Police Chiefs Association on law enforcement compliance.</i></p>
13% (127 cards)	Quality of Interpreters <ul style="list-style-type: none"> ▪ Quality of Services ▪ Need for Enforcement of Interpreters 	<ul style="list-style-type: none"> ▪ Unqualified interpreters actively working in Florida. <p><i>FAD Recommendation:</i> <i>Require licensure for interpreters working in Florida, exempting K-12 educational interpreters and religious interpreters; encourage collaboration between an entity such as a Commission, with the support of the Florida Registry of Interpreters for the Deaf, to oversee the licensure process through a licensing board whose members would include qualified nationally certified interpreters.</i></p>
10% (98 cards)	Services for the Deaf and Hard of Hearing <ul style="list-style-type: none"> ▪ Funding for Services ▪ Quality of Services 	<ul style="list-style-type: none"> ▪ Deaf Service Centers (DSCs), which provide critical direct services to D/HH/LD individuals, receive no state funding; their services are diminishing and those they serve are "falling through the cracks". ▪ Providers other than DSCs are not qualified to provide the needed services, nor will they provide accommodations. <p><i>FAD Recommendation:</i> <i>Provide state funding for Deaf Service Centers (DSCs), with the support of an entity such as a Commission to advocate for funds to support direct services at the local level; establish an accreditation review board to set criteria for each center to achieve and distribute funds through a request for proposal or competitive process.</i></p>
9% (88 cards)	Employment <ul style="list-style-type: none"> ▪ Vocational Rehabilitation ▪ Ticket to Work Program 	<ul style="list-style-type: none"> ▪ Many individuals expressed dismay regarding their local vocational rehabilitation offices, stating there is a delay in getting results from their VR counselors, lack of communication or communication accessibility with their VR counselor, limited resources, and being limited to types of occupations they can be trained for. <p><i>FAD Recommendation:</i> <i>According to the Office of Special Education & Rehabilitation Services, there is a 75% unemployment rate among the D/HH community. A Commission on Deafness should be charged with working with VR to assure full accessibility for all D/HH/LD individuals seeking employment.</i></p>
7% (68 cards)	K – 12 Education <ul style="list-style-type: none"> ▪ Quality of Deaf Education Teachers ▪ Quality of Educational Interpreters ▪ Awareness of Students & Parents' Rights / IEP ▪ Accessibility to Testing 	<ul style="list-style-type: none"> ▪ Concerns were brought to our attention by D/HH children themselves, or their parents, on the number of unqualified teachers for the D/HH and/or unqualified sign language interpreters in educational settings. ▪ Parents expressed their frustration in exercising their rights in determining the best tools for their child, including the type of language used in the classroom. ▪ Former K-12 students expressed their anger regarding not being notified of their status with special diplomas. <p><i>FAD Recommendation:</i> <i>Currently, teachers and interpreters are required to take up to two sign language classes in order to teach D/HH students. This requirement clearly sets the students up for failure, without appropriate communication tools to provide quality education to the students. The curriculum for deaf education should be reviewed and updated to meet the needs of D/HH children.</i></p>

Rank	Issue	Description
7% (68 cards)	Relay Service <ul style="list-style-type: none"> ▪ Quality ▪ Accessibility to Spanish Relay ▪ Awareness to Decrease Hang Ups 	<ul style="list-style-type: none"> ▪ Quality of Relay services continues to be a problem for many D/HH/LD and hearing individuals, probably due to poor typing skills, unintelligible accents, and inaccurate information. ▪ Increased complaints were noted regarding frequent hang-ups by businesses that receive Relay calls. <p><i>FAD Recommendation:</i> Florida Telecommunications Relay, Inc. (FTRI) should be charged with the task of providing outreach to businesses through its Business Partnership Program.</p>
6% (58 cards)	Captioning <ul style="list-style-type: none"> ▪ Local News and Weather Broadcasts ▪ Local & State Government Meetings 	<ul style="list-style-type: none"> ▪ We, as residents of a state vulnerable to hurricanes, tropical storms and terrorism, rely on media for information and guidance. Our only accessibility to media would be through captioning of local news and weather broadcasting. ▪ Many stations do not provide real time (live) captioning, especially during breaking news or weather reports. ▪ The lack of pertinent information during an emergency can place more than a million residents in jeopardy. ▪ It is also duly noted that the Florida channel that broadcasts Legislative committee meetings and voting of bills is not closed-captioned; many county or city commission meetings that broadcast in their community are not closed-captioned. ▪ Many individuals felt violated as voters and taxpayers, being denied equal access to the government process. <p><i>FAD Recommendation:</i> The proposed Commission should work closely with the Public Service Commission to ensure all stations are accessible, as well as the Executive and Legislative branches, to assure that all state and local government meetings broadcasted for the public's viewing are closed-captioned.</p>
3% (29 cards)	Funding for Assistive Devices <ul style="list-style-type: none"> ▪ Insurance Coverage of Hearing Aids 	<ul style="list-style-type: none"> ▪ Many senior citizens with fixed incomes pointed out frustration in receiving financial assistance for new hearing aids. ▪ Most health care insurance benefits do not provide coverage for hearing aids, but do cover the costs of a cochlear implant. <p><i>FAD Recommendation:</i> Medicaid has restrictions regarding purchases and limits on hearing aids, which has put the individual in a difficult position. The Commission should work with the Department of Children and Families, Department of Elder Affairs, and Department of Health to explore options to assist deaf and hard of hearing individuals who cannot afford hearing aids to remain independent in their daily activities.</p>
3% (29 cards)	Postsecondary Education <ul style="list-style-type: none"> ▪ Accessibility to Services ▪ Curriculum of Interpreter Training Programs 	<ul style="list-style-type: none"> ▪ Issues arose regarding non-compliance in providing accommodations for D/HH students in postsecondary education settings, especially in vocational schools under the jurisdiction of the local school district and public state universities. ▪ Concerns were raised about interpreter training program curricula; they are outdated and need revision. <p><i>FAD Recommendation:</i> As the leading consumer driven statewide organization, FAD strongly recommends that the Department of Education, with the support of the Florida Registry of Interpreters for the Deaf (FRID), redesign the curriculum to meet today's demands.</p>

**TABLE 6
SUMMARY OF BARRIERS AND CHALLENGES CITED**

The following was compiled from the responses to the Working Group's November 2003 Request for Information to state agencies, city/county governments, and school districts (642 letters disseminated). Detailed information about the responses summarized below can be found in the Appendix.

Number of Request Letters Disseminated 642
Number of Responses Received..... 41
Number of Respondents Citing Barriers/Challenges 19

Barrier or Challenge Cited by 18 Respondents	# of times mentioned
Interpreters: Shortage of qualified/skilled interpreters	4
Medical settings: Problems obtaining accommodations (i.e., interpreters)	4
Knowledge & Application of ADA (education & awareness)	4
Education: Low ed. skills & poor knowledge of supportive services (e.g., interpreters)	2
Interpreters: Shortage of interpreters qualified for court/legal	1
Interpreters: Affordability of interpreter services	1
Hearing aids: modest coverage of hearing aids in all ins. policies	1
Access to assistance in post-secondary school (difficulty accessing appropriate assistance)	1
Polling place accommodations	1
Drivers License Restriction K Discriminatory	1
Coverage of interpreter costs to accommodate D/HH when accessing or participating in political campaigns or for access to advertisements	1

Respondents, by Category:

City Government 2
 City of Mary Esther
 City of Lakeland, Facilities & Construction Mgt. Department

County Government..... 3
 Martin County Board of County Commissioners
 Brevard County Board of County Commissioners
 Orange County Board of County Commissioners

Secondary Education..... 3
 Palm Beach County School District, Dept. of Exceptional Student Education
 School Board of Sarasota County, Pupil Support Services
 Miami-Dade County Public Schools

Post-Secondary Education..... 2
 Miami-Dade Community College
 FSU Student Disability Resource Center

Florida Agencies/Divisions/Departments 15
 FL Agency for Health Care Administration
 FL Agency for Workforce Innovation/Office for Civil Rights
 FL Dept. of Business & Professional Regulation
 FL Dept. of Children & Families, Human Resources
 FL Dept. of Citrus
 FL Dept. of Corrections (2 responses)
 FL Dept. of Health, Equal Oppor. & Minority Health
 FL Dept. of Juvenile Justice
 FL Dept. of Management Services
 FL Dept. of Revenue, Office of Inspector General
 FL Dept. of State
 FL Dept. of Transportation
 FL Div. of Vocational Rehabilitation
 FL Fish & Wildlife Conservation Commission

Judiciary 3
 Supreme Court, Office of the State Courts Administrator
 Eighteenth Judicial Circuit, Court Administrator
 Twelfth Judicial Circuit, Sarasota

Other 5
 Deaf Service Center of Palm Beach Co.
 Advocacy Center for Persons with Disabilities
 Hardy & Associates, Inc.
 Florida Registry of Interpreters for the Deaf

Individuals 7

Adequacy of Policies and Procedures: To determine the adequacy and appropriateness of existing policies and procedures in force in Florida, the Working Group reviewed the information submitted in response to their October 2003 request for information. Twenty-five of the twenty-eight policy-level respondents (city, county, school, judiciary, or state agency representatives) provided some kind of information demonstrating ADA-related policies and procedures. Of these, fifteen provided information that appears to be a typical/standard ADA compliance policy, with no indication that there are special procedures or protocols for how to meet the accommodation needs of deaf, hard of hearing, and late-deafened individuals.

The provision of accommodations falls into two broad categories – accommodations that relate to the removal of a physical access barrier and those that relate to the removal of a communication access barrier. Physical access barriers are the most common and there is general knowledge among the public and professionals about how to make such accommodations (e.g., wheelchair ramps; grab bars, etc.). Communication access barriers are somewhat more difficult to address, primarily because of insufficient information about the kinds of accommodations that are available and how to obtain them. For example, in the case of an appropriate accommodation for a person who is deaf, there may be an understanding that an interpreter is needed, but the responsible party has no practical information to guide them in finding and hiring a qualified interpreter. A 2002 news article about the shortage of competent sign language interpreters makes the same case, quoting a New Brunswick, New Jersey attorney who said, “Institutions still don’t know what to do; they don’t know whom to use or who is qualified” (August 2002, The Milwaukee Journal Sentinel, article by Chani Katzen).

Working Group staff report that, in spite of their active training schedule and provision of technical assistance, there seems to be a significant lack of understanding among state agencies about their legal responsibility to provide and pay for appropriate accommodations, such as qualified interpreters. This problem extends to subcontractors who are engaged by state agencies to provide any number of direct services (e.g., parenting classes, driver education classes, anger management classes, etc.). Because Florida has no administrative rules on this matter, ADA compliance is “enforced” through consumer complaints to the Federal Department of Justice and complaints are resolved when the ADA Working Group is notified and initiates technical assistance to the state agency.

A sampling of unsolicited comments received by the ADA Working Group and ADAWG case information includes a variety of complaints:

- “I had a deposition last week for the car accident we had 2 years ago...2 weeks before the deposition, I requested through my lawyer that I need a real time captioning and told them that if they don’t know of one, I know someone...during the deposition, there are times that she [the court reporter] types off the record and my lawyer and the other lawyer talks and I feel so stupid not knowing what they are talking about. I just want to know if my right was violated because of this. Specially, I requested ahead of time about having real time caption.”
- “A deaf couple went to [name withheld] Hospital to apply for several jobs that were open. When they went for the interviews for maintenance jobs they were told they couldn’t be hired because they were deaf and the maintenance crew is alerted to clean up requests via phone.”

- Two small animals were in the Department of Health building. The Department of Health sent out an advisory throughout the Department stating they can only allow ‘seeing eye dogs in the building.’ ADAWG advised they need to send another advisory correcting the information to reflect that accommodations for the disabled also include other animals and all are captured under service animal provisions of the ADA.
- Submitted by an attorney whose clients’ complaint was abruptly rejected by the Department of Justice after being accepted for mediation services, “[My deaf client] was the victim of a concerted effort to exclude him from health care because of his disability. He was lied to by the doctor and then by your [DOJ] office. Maybe I am mistaken, but I don’t believe that is how the system is supposed to work...Those of us on the front lines deal with this issue of denial of service by medical professionals almost daily. And it will continue to be a problem until DOJ addresses it.”
- “I was court ordered to attend an anger management class related to a child protective services investigation. I went to the class and requested a sign language interpreter prior to the class starting. I sat there for a week just getting angrier and angrier because they would not provide me a sign language interpreter so I could understand what was being said.”

RECOMMENDATIONS

Overall Recommendation

Establish an Oversight and Policy Body to Address Deaf, Hard of Hearing, and Late-Deafened (D/HH/LD) Issues.

To address the top five priority policy issues, as well as other issues related to the communication access needs of this population, it is the recommendation of the Working Group that Florida establish a Commission or Council on Deafness. Establishment of such a Council or Commission has been embraced in at least 36 other states.

Additional Recommendations: If a commission or council is not established, the following recommendations could be undertaken by other entities, although the results would probably not be as significant as with a dedicated body specifically responsible for meaningful outcomes.

**TABLE 7
PRIORITY POLICY ISSUES AND RECOMMENDATIONS**

PRIORITY POLICY ISSUE	RECOMMENDATIONS
<p>#1: Communication Accessibility in Medical and Legal Services</p>	<ul style="list-style-type: none"> ▪ Strengthen the existing procedure for registering and resolving complaints about accessibility to the Consumer Services Unit of the Department of Health and educate the target population on how to file complaints. ▪ Establish funding for doctors to access for accommodations for Medicaid patients. ▪ Revise state statute 413.08 and 413.081 on Service Animals in order to fully comply with the ADA. ▪ Educate the deaf and hard of hearing community on how to file complaints on attorneys with the Florida Bar. ▪ Encourage the Florida Bar to establish a listing of attorneys statewide who will take ADA cases or civil rights cases filed under state law. ▪ Strengthen contractual language and the approval process to serve Medicaid patients in order to increase awareness of the physicians' responsibility in providing compliance with accommodations for the target population.

PRIORITY POLICY ISSUE	RECOMMENDATIONS
<p>#2: Communication Accessibility to Public Services</p>	<ul style="list-style-type: none"> ▪ Establish minimum standards for D/HH/LD accommodations applicable in all state agencies. ▪ Develop additional D/HH/LD accommodations standards for specific agencies serving the target population. ▪ Regularly monitor each state agency’s compliance with the provision of appropriate accommodations. ▪ Design and implement a monitoring system with state contracted or sub-contracted entities to assure appropriate communication accommodations are being provided in compliance with the ADA. ▪ Designate an entity to track and maintain, by geographic area, a list of qualified ASL interpreters and real-time captioning providers for state agencies and government contracted entities to utilize. ▪ Require the Public Service Commission to publicize and maintain a list of state agencies, county agencies, local agencies and private business that provide TTY numbers. ▪ Create an incentive, possibly through a tax break, for businesses to establish and advertise a TTY number. ▪ Confirm and maintain access to all electronic information by confirming compliance with Section 508 for all state agencies; this would also include telephones systems, office equipment, computer hardware, software and computer systems. ▪ Establish standards and practices for closed captioning of emergency information statewide which would include a plan for the D/HH/LDA/ and DB. ▪ Advocate for increasing the availability of open captioned films in Florida. ▪ Funds closed captioning costs for the Florida Sunshine Network broadcasts on the legislature and replace the televisions in the capitol with those that provide captioning.
<p>#3: Availability of Qualified Interpreters</p>	<ul style="list-style-type: none"> ▪ Create and implement a license procedure for interpreters under the administration of a Council of Deafness as described in proposed legislation or an entity who requires qualified nationally certified interpreters as part of their membership. ▪ Implement an incentive program to recruit more people into the field of sign language interpreting and real-time captioning. ▪ Encourage the state university system and community colleges to offer more interpreting training programs.
<p>#4: Availability of, and Access to, Support Services for the Deaf, Hard of Hearing, and Late-Deafened</p>	<ul style="list-style-type: none"> ▪ Develop a continuum of services for the target population and a service delivery network that is community based. ▪ Allocate state funding for Florida’s 13 remaining Deaf Service Centers to provide services to the target population and prevent the closure of 3 additional Service Centers scheduled for closing within a year. ▪ Establish service definitions, standards and a method for the service system to be competitively procured.

PRIORITY POLICY ISSUE	RECOMMENDATIONS
<p>#5: Transition Services and Employment</p>	<ul style="list-style-type: none"> ▪ Evaluate the efficacy of the Vocational Rehabilitation’s Accommodations and services provided to the D/HH/LDA and DB consumers. ▪ Evaluate the employment outcomes and post-school activities for the D.HH.DB students and compare to other students with disabilities and the general school population. ▪ Develop a simplified process for accommodations requests in Individualized Education Plans, etc. ▪ Implement deaf community representation in Partners in Transition. ▪ Support and create the proposed Statewide Office of transition Coordination. ▪ Assure the needs of students who are D/HH/DB are included and addressed in the 4-Year Strategic Plan on Transition. ▪ Remove the restrictions on assistive technology device and more specifically communication devices. ▪ Explore the creation of a Division of D/HH Services to specialize on employment and independent living strategies and supports for the target population. ▪ Determine how to improve the support to infants who have a hearing loss in the development of language based on what is spoken in the home (sign language or signed English). ▪ Develop a more effective system to serve the Deaf-blind in education and vocational areas.

CONCLUSION

Five issues have emerged as the most pressing concerns for the target population. These issues are presented in the table below, along with the types of strategies that are needed to address each issue. With the exception of the new proposed Statewide Working Group on Transition, there is no existing entity responsible for advocating for these issues, or addressing them within the current state structure. **The primary recommendation is for the state to create a Commission or Council with the authority that will systematically address all of the issues outlined in this report.**

If a Commission or Council is not created, some suggested strategies or responsible entities are listed below for each area.

**TABLE 8
PRIORITY POLICY ISSUES AND TYPES OF STRATEGIES NEEDED**

Priority Policy Issue For D/HH/LD Population	Type of Strategies Needed	State Agency/Office Responsible for Strategy Development and Implementation
#1: Communication Accessibility in Medical and Legal Services	(1) ADA Enforcement (2) Education and awareness	(1) No entity responsible (2) ADAWG (3) DOH (4) State Courts
#2: Communication Accessibility to Public Services	(1) ADA Enforcement (2) Education and awareness	(1) No entity responsible (2) ADAWG
#3: Availability of Qualified Interpreters	Standards & Incentives	(1) No entity responsible (2) DOE (3) DBPR
#4: Availability of, and Access to, Support Services for the Deaf, Hard of Hearing, and Late-Deafened	(1) Funding (2) Provision of Services	(1) Legislature (2) No entity responsible
#5: Transition Services and Employment	(1) Funding (2) Provision of Services	(1) Legislature (2) DOE (3) Statewide Working Group on Transition

Special Note Regarding “Closed Captioning”: Though not selected as one of the top five policy issues for the purposes of this report, Florida may soon have to address the matter of closed captioning. This issue was ranked 8th in the FAD report, based on the number of comments about it received at town hall meetings. Closed captioning was not mentioned at all in response to the Working Group’s request for barriers or challenges. However, the volume of inquiries about this issue that the Working Group has received over the last two years indicates that this is an emerging issue. Three specific needs have been informally identified:

- closed captioning for communicating during a state of emergency
- closed captioning for movies shown at theaters
- closed captioning for Florida Sunshine Network’s broadcasts during the Legislative Session.

It is recommended that closed captioning for communication during a state of emergency or dangerous weather and Florida's Sunshine Network broadcasts of the legislative sessions be addressed under Priority Policy Area #2 and in the recommendations outlined in this report.

Communication Accessibility in movie theaters will need to be examined by the proposed Commission or Council on Deafness. Currently, Floridians can access a listing of movies in certain locations and at specified times that are being offered in opened captioning across that state. Insight Cinema, an Internet service that provides the ability to subscribe to the service, provides a source for this information.

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APPENDIX

Federal Laws Pertaining to Disability Rights

A Guide to Disability Rights Laws, May 2002; U.S. Department of Justice, Civil Rights Division, *Disability Rights Section*

CITATIONS

1. **Air Carrier Access Act of 1986:** 49 U.S.C. § 41705; Implementing Regulation: 14 CFR Part 382
2. **Americans with Disabilities Act of 1990:** 42 U.S.C. §§ 12101 et seq.; Implementing Regulations: 29 CFR Parts 1630, 1602 (Title I, EEOC); 28 CFR Part 35 (Title II, Department of Justice); 49 CFR Parts 27, 37, 38 (Title II, III, Department of Transportation); 28 CFR Part 36 (Title III, Department of Justice); 47 CFR §§ 64.601 et seq. (Title IV, FCC)
3. **Architectural Barriers Act of 1968:** 42 U.S.C. §§ 4151 et seq.; Implementing Regulations: 41 CFR Subpart 101-19.6
4. **Civil Rights of Institutionalized Persons Act of 1980:** 42 U.S.C. §§ 1997 et seq.
5. **Fair Housing Amendments Act of 1988:** 42 U.S.C. §§ 3601 et seq.; Implementing Regulation: 24 CFR Parts 100 et seq.
6. **Individuals with Disabilities Education Act:** 20 U.S.C. §§ 1400 et seq.; Implementing Regulation: 34 CFR Part 300
7. **National Voter Registration Act of 1993:** 42 U.S.C. §§ 1973gg et seq.
8. **The Rehabilitation Act of 1973, as Amended**
 - **Section 501 of the Rehabilitation Act of 1973**, as amended: 29 U.S.C. § 791; Implementing Regulation: 29 CFR § 1614.203
 - **Section 503 of the Rehabilitation Act of 1973**, as amended: 29 U.S.C. § 793; Implementing Regulation: 41 CFR Part 60-741
 - **Section 504 of the Rehabilitation Act of 1973**, as amended: 29 U.S.C. § 794; Over 20 Implementing Regulations for federally assisted programs, including: 34 CFR Part 104 (Department of Education); 45 CFR Part 84 (Department of Health and Human Services); 28 CFR §§ 42.501 et seq.; Over 95 Implementing Regulations for federally conducted programs, including: 28 CFR Part 39 (Department of Justice)
 - **Section 508 of the Rehabilitation Act of 1973**, as amended: 29 U.S.C. § 794d
9. **Telecommunications Act of 1996:** 47 U.S.C. §§ 255, 251(a)(2)
10. **Voting Accessibility for the Elderly and Handicapped Act of 1984:** 42 U.S.C. §§ 1973ee et seq.

Law	Highlights and Major Provisions
1. Air Carrier Access Act of 1986	Prohibits discrimination in air transportation by domestic and foreign air carriers against qualified individuals with physical or mental impairments. It applies only to air carriers that provide regularly scheduled services for hire to the public. Requirements address a wide range of issues, including boarding assistance and certain accessibility features in newly built aircraft and new or altered airport facilities.
2. Americans with Disabilities Act of 1990 (ADA)	Prohibits discrimination on the basis of disability in employment, State and local government, public accommodations, commercial facilities, transportation, and telecommunications. It also applies to the United States Congress. To be protected by the ADA, one must have a disability, or have a relationship or association with an individual with a disability. An individual with a disability is defined by the ADA as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment. The ADA does not specifically name all of the impairments that are covered.

Law	Highlights and Major Provisions
<ul style="list-style-type: none"> ▪ ADA Title I: Employment 	<p>Requires employers with 15+ employees to provide qualified individuals with disabilities an equal opportunity to benefit from the full range of employment-related opportunities available to others, e.g., it prohibits discrimination in recruitment, hiring, promotions, training, pay, social activities, and other privileges of employment. It restricts questions that can be asked about an applicant's disability before a job offer is made, and it requires that employers make reasonable accommodation to the known physical or mental limitations of otherwise qualified individuals with disabilities, unless it results in undue hardship. Religious entities with 15+ employees are covered under Title I.</p>
<ul style="list-style-type: none"> ▪ ADA Title II: Public Transportation 	<p>The transportation provisions of Title II cover public transportation services, such as city buses and public rail transit (e.g. subways, commuter rails, Amtrak). Public transportation authorities may not discriminate against people with disabilities in the provision of their services. They must comply with requirements for accessibility in newly purchased vehicles, make good faith efforts to purchase or lease accessible used buses, remanufacture buses in an accessible manner, and, unless it would result in an undue burden, provide paratransit where they operate fixed-route bus or rail systems.</p>
<ul style="list-style-type: none"> ▪ ADA Title II: State & Local Government Activities 	<p>Title II covers all activities of state and local governments, regardless of the government entity's size or receipt of federal funding. Title II requires that state and local governments give people with disabilities an equal opportunity to benefit from all of their programs, services, and activities (e.g. public education, employment, transportation, recreation, health care, social services, courts, voting, and town hall meetings). State and local governments are required to follow specific architectural standards in the new construction and alteration of their buildings. They also must relocate programs or otherwise provide access in inaccessible older buildings, and communicate effectively with people who have hearing, vision, or speech disabilities. Public entities are not required to take actions that would result in undue financial and administrative burdens. They are required to make reasonable modifications to policies, practices, and procedures where necessary to avoid discrimination, unless they can demonstrate that doing so would fundamentally alter the nature of the service, program, or activity being provided.</p>
<ul style="list-style-type: none"> ▪ ADA Title III: Public Accommodations 	<p>Title III covers businesses and nonprofit service providers that are public accommodations, privately operated entities offering certain types of courses and examinations, privately operated transportation, and commercial facilities. Public accommodations are private entities who own, lease, lease to, or operate facilities such as restaurants, retail stores, hotels, movie theaters, private schools, convention centers, doctors' offices, homeless shelters, transportation depots, zoos, funeral homes, day care centers, and recreation facilities, including sports stadiums and fitness clubs. Transportation services provided by private entities are also covered by Title III. Public accommodations must comply with basic nondiscrimination requirements that prohibit exclusion, segregation, and unequal treatment. They also must comply with specific requirements related to architectural standards for new and altered buildings; reasonable modifications to policies, practices, and procedures; effective communication with people with hearing, vision, or speech disabilities; and other access requirements. Additionally, public accommodations must remove barriers in existing buildings where it is easy to do so without much difficulty or expense, given the public accommodation's resources. Courses and examinations related to professional, educational, or trade-related applications, licensing, certifications, or credentialing must be provided in a place and manner accessible to people with disabilities, or alternative accessible arrangements must be offered. Commercial facilities, such as factories and warehouses, must comply with the ADA's architectural standards for new construction and alterations.</p>
<ul style="list-style-type: none"> ▪ ADA Title IV: Telecommunications Relay Services 	<p>Title IV addresses telephone and television access for people with hearing and speech disabilities. It requires common carriers (telephone companies) to establish interstate and intrastate telecommunications relay services (TRS) 24 hours a day, 7 days a week. TRS enables callers with hearing and speech disabilities who use telecommunications devices for the deaf (TDDs), also known as teletypewriters (TTYs), and callers who use voice telephones to communicate with each other through a third party communications assistant. The Federal Communications Commission (FCC) has set minimum standards for TRS services. Title IV also requires closed captioning of federally funded public service announcements.</p>

Law	Highlights and Major Provisions
3. Architectural Barriers Act of 1968	<p>The Architectural Barriers Act (ABA) requires that buildings and facilities that are designed, constructed, or altered with federal funds, or leased by a federal agency, comply with federal standards for physical accessibility. ABA requirements are limited to architectural standards in new and altered buildings and in newly leased facilities. They do not address the activities conducted in those buildings and facilities. Facilities of the U.S. Postal Service are covered by the ABA.</p>
4. Civil Rights of Institutionalized Persons Act of 1980	<p>The Civil Rights of Institutionalized Persons Act (CRIPA) authorizes the U.S. Attorney General to investigate conditions of confinement at state and local government institutions, such as prisons, jails, pretrial detention centers, juvenile correctional facilities, publicly operated nursing homes, and institutions for people with psychiatric or developmental disabilities. Its purpose is to allow the Attorney General to uncover and correct widespread deficiencies that seriously jeopardize the health and safety of residents of institutions. The Attorney General does not have authority under CRIPA to investigate isolated incidents or to represent individual institutionalized persons. The Attorney General may initiate civil law suits where there is reasonable cause to believe that conditions are “egregious or flagrant,” that they are subjecting residents to “grievous harm,” and that they are part of a “pattern or practice” of resistance to residents’ full enjoyment of constitutional or federal rights, including title II of the ADA and section 504 of the Rehabilitation Act.</p>
5. Fair Housing Amendments Act of 1988	<p>The Fair Housing Act, as amended in 1988, prohibits housing discrimination on the basis of race, color, religion, sex, disability, familial status, and national origin. Its coverage includes private housing, housing that receives federal financial assistance, and state and local government housing. It is unlawful to discriminate in any aspect of selling or renting housing or to deny a dwelling to a buyer or renter because of the disability of that individual, an individual associated with the buyer or renter, or an individual who intends to live in the residence. Other covered activities include, for example, financing, zoning practices, new construction design, and advertising. The Fair Housing Act requires owners of housing facilities to make reasonable exceptions in their policies and operations to afford people with disabilities equal housing opportunities. For example, a landlord with a “no pets” policy may be required to grant an exception to this rule and allow an individual who is blind to keep a guide dog in the residence. The Fair Housing Act also requires landlords to allow tenants with disabilities to make reasonable access-related modifications to their private living space, as well as to common use spaces. (The landlord is not required to pay for the changes.) The Act further requires that new multifamily housing with four or more units be designed and built to allow access for persons with disabilities. This includes accessible common use areas, doors that are wide enough for wheelchairs, kitchens and bathrooms that allow a person using a wheelchair to maneuver, and other adaptable features within the units.</p>
6. Individuals with Disabilities Education Act	<p>The Individuals with Disabilities Education Act (IDEA) (formerly called P.L. 94-142 or the Education for all Handicapped Children Act of 1975) requires public schools to make available to all eligible children with disabilities a free appropriate public education in the least restrictive environment appropriate to their individual needs. IDEA requires public school systems to develop appropriate Individualized Education Programs (IEP’s) for each child. The specific special education and related services outlined in each IEP reflect the individualized needs of each student. IDEA also mandates that particular procedures be followed in the development of the IEP. Each student’s IEP must be developed by a team of knowledgeable persons and must be at least reviewed annually. The team includes the child’s teacher; the parents, subject to certain limited exceptions; the child, if determined appropriate; an agency representative who is qualified to provide or supervise the provision of special education; and other individuals at the parents’ or agency’s discretion.</p>
7. National Voter Registration Act of 1993	<p>The National Voter Registration Act of 1993, also known as the “Motor Voter Act,” makes it easier for all Americans to exercise their fundamental right to vote. One of the basic purposes of the Act is to increase the historically low registration rates of minorities and persons with disabilities that have resulted from discrimination. The Motor Voter Act requires all offices of State-funded programs that are primarily engaged in providing services to persons with disabilities to provide all program applicants with voter registration forms, to assist them in completing the forms, and to transmit completed forms to the appropriate state official.</p>

Law	Highlights and Major Provisions
<p>8. The Rehabilitation Act of 1973</p>	<p>The Rehabilitation Act prohibits discrimination on the basis of disability in programs conducted by federal agencies, in programs receiving federal financial assistance, in federal employment, and in the employment practices of federal contractors. The standards for determining employment discrimination under the Rehabilitation Act are the same as those used in Title I of the Americans with Disabilities Act.</p> <p>Section 501 requires affirmative action and nondiscrimination in employment by federal agencies of the executive branch.</p> <p>Section 503 requires affirmative action and prohibits employment discrimination by federal government contractors and subcontractors with contracts of more than \$10,000.</p> <p>Section 504 states that “no qualified individual with a disability in the United States shall be excluded from, denied the benefits of, or be subjected to discrimination under” any program or activity that either receives federal financial assistance or is conducted by any Executive agency or the United States Postal Service. Each federal agency has its own set of section 504 regulations that apply to its own programs. Agencies that provide federal financial assistance also have section 504 regulations covering entities that receive federal aid. Requirements common to these regulations include reasonable accommodation for employees with disabilities; program accessibility; effective communication with people who have hearing or vision disabilities; and accessible new construction and alterations. Each agency is responsible for enforcing its own regulations.</p> <p>Section 508 establishes requirements for electronic and information technology developed, maintained, procured, or used by the federal government; requires federal electronic and information technology to be accessible to people with disabilities, including employees and members of the public. An accessible information technology system is one that can be operated in a variety of ways and does not rely on a single sense or ability of the user. For example, a system that provides output only in visual format may not be accessible to people with visual impairments, and a system that provides output only in audio format may not be accessible to people who are deaf or hard of hearing. Some individuals with disabilities may need accessibility-related software or peripheral devices in order to use systems that comply with Section 508.</p>
<p>9. Telecommunications Act of 1996</p>	<p>Section 255 and Section 251(a)(2) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996, require manufacturers of telecommunications equipment and providers of telecommunications services to ensure that such equipment and services are accessible to and usable by persons with disabilities, if readily achievable. These amendments ensure that people with disabilities will have access to a broad range of products and services, such as telephones, cell phones, pagers, call-waiting, and operator services, that were often inaccessible to many users with disabilities.</p>
<p>10. Voting Accessibility for the Elderly & Handicapped Act of 1984</p>	<p>The Voting Accessibility for the Elderly and Handicapped Act of 1984 generally requires polling places across the United States to be physically accessible to people with disabilities for federal elections. Where no accessible location is available to serve as a polling place, a political subdivision must provide an alternate means of casting a ballot on the day of the election. This law also requires states to make available registration and voting aids for disabled and elderly voters, including information by telecommunications devices for the deaf (TDDs), also known as teletypewriters (TTYs).</p>

ADDITIONAL CITATION:

<p>Assistive Technology Act of 1998</p>	<p><i>Although not included in the Department of Justice’s list of laws presented above, the Assistive Technology Act of 1998 is an important law in that it places the responsibility of “assuring” Section 508 compliance with any state that accepts federal monies (see #8 in the above list). Any outsourced information technology project must incorporate Section 508 standards built into its requirement</i></p>
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Summary of Barriers/Challenges Cited

The following was compiled from the responses to the Working Group's November 2003 Request for Information to state agencies, city/county governments, and school districts (642 letters disseminated).

Number of Request Letters Disseminated 642

Number of Responses Received..... 41

Number of Respondents Citing Barriers/Challenges 19

Barrier or Challenge Cited by 18 Respondents	# of times mentioned
Interpreters: Shortage of qualified/skilled interpreters	4
Medical settings: Problems obtaining accommodations (i.e., interpreters)	4
Knowledge & Application of ADA (education & awareness)	4
Education: Low ed. skills & poor knowledge of supportive services (e.g., interpreters)	2
Interpreters: Shortage of interpreters qualified for court/legal	1
Interpreters: Affordability of interpreter services	1
Hearing aids: modest coverage of hearing aids in all ins. policies	1
Access to assistance in post-secondary school (difficulty accessing appropriate assistance)	1
Polling place accommodations	1
Drivers License Restriction K Discriminatory	1
Coverage of interpreter costs for D/HH accommodations to access or participate in political campaigns and access advertisements	1

Respondents, by Category:

City Government 2

- City of Mary Esther
- City of Lakeland, Facilities & Construction Mgt. Department

County Government..... 3

- Martin County Board of County Commissioners
- Brevard County Board of County Commissioners
- Orange County Board of County Commissioners

Secondary Education 3

- Palm Beach County School District, Dept. of Exceptional Student Education
- School Board of Sarasota County, Pupil Support Services
- Miami-Dade County Public Schools

Post-Secondary Education 2

- Miami-Dade Community College
- FSU Student Disability Resource Center

Florida Agencies/Divisions/Departments 15

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| FL Agency for Health Care Administration | FL Dept. of Juvenile Justice |
| FL Agency for Workforce Innovation/Office for Civil Rights | FL Dept. of Management Services |
| FL Dept. of Business & Professional Regulation | FL Dept. of Revenue, Office of Inspector General |
| FL Dept. of Children & Families, Human Resources | FL Dept. of State |
| FL Dept. of Citrus | FL Dept. of Transportation |
| FL Dept. of Corrections (2 responses) | FL Div. of Vocational Rehabilitation |
| FL Dept. of Health, Equal Oppor. & Minority Health | FL Fish & Wildlife Conservation Commission |

Judiciary..... 3

- Supreme Court, Office of the State Courts Administrator
- Eighteenth Judicial Circuit, Court Administrator
- Twelfth Judicial Circuit, Sarasota

Other 5

- Deaf Service Center of Palm Beach Co.
- Advocacy Center for Persons with Disabilities
- Hardy & Associates, Inc.
- Florida Registry of Interpreters for the Deaf

Individuals 7

Responses to October 2003 Request for Information (Listed alphabetically, by Respondent Name)

Respondent	Category	Barriers Noted?	Primary Subject Area	Summary/Notes
Advocacy Center for Persons with Disabilities	Other	<u>YES</u>	Education/ awareness	The 3-page letter describes a systemic and problematic practice by the FL Dept. of Revenue Child Support Enforcement Programs and their contractees in relation to equal access under Title II. In the example provided, the Child Support Enforcement Program failed to provide sign language interpreter services during a child support hearing. The letter stated that the Child Support Enforcement Programs and their contractees must be familiar with their own ADA policies and procedures as well as those of other organizations, such as courts, when accommodation requests go beyond Child Enforcement.
BCC Orange County	County Govt.		Policies - practices in place	Memo outlines Orange Co's compliance related to D/HOH
Brevard Co. Board of County Commissioners	County Govt.		Policies - practices in place	No barriers/challenges noted. Enclosures: Admin. Order re notification and site selection of public meetings/hearings for compliance with the ADA, which includes several items specific to D/HOH. Two of note: Requests for a qualified SL interpreter or an assistive listening system are needed no later than 5 working days prior to the scheduled meeting. Requests received after that may still be granted, if a SL interpreter is available. Also, departments are required to have a minimum of one employee trained on how to set-up assistive listening systems. There is also a separate ADA accommodation request policy/procedure, which outlines specific policies/procedures for hearing impaired and a separate section for visually impaired. The hearing-impaired section sets fees for interpreters (local interpreters - \$25 per hour with 2-hour min. and \$.29 per mile; non-local interpreters are \$35 per hour, 3-hour min. and \$.29 per mile.). Training: A training manual entitled Disability Awareness -- Attitudes and Terminology was included, however, no information on how it is used was provided. It includes disability etiquette info, ADA law and Title II info, and info pertaining to Fla. Relay 711. The packet included a sample Public Meeting Notice poster.
Center for Independent Living of North FL	Other	<u>YES</u>	Services - medical care	Fax requested ADAWG input on information provided by a PAIR advocate concerning a medical provider's obligation to provide an interpreter, as per ADA Title III. While this fax was not received in response to the ADAWG request for information, it may be indicative of an area of concern regarding use of appropriate accommodations in medical settings
City of Lakeland, Facilities & Construction Mgt. Dept.	City Govt.		Policies - practices in place	No barriers/challenges cited. Letter outlines what Lakeland offers for D/HOH assistance, including a theater with 50 assistive listening devices, the Lakeland Center also equipped with listening devices, lake Mirror Auditorium available for the Deaf Club free of charge; Lakeland Library employs a library page who is hearing impaired and assisted listening device in the conference room; City of Lakeland advertises a TDD phone line on business cards and SL professionals have been hired to interpret public performances on occasion.

Respondent	Category	Barriers Noted?	Primary Subject Area	Summary/Notes
City of Mary Esther	City Govt.		Policies - practices in place	No barriers/challenges cited. Fax transmitted a Standard Operating Procedure for ensuring compliance with Federal (ADA), state and local laws regarding applicants and employees with disabilities. The only mention of D/HOH is the statement that the City will provide auxiliary aids and services (interpreters, readers, assisted listening devices, text telephones, large print materials, audio tape, help in filling out forms, and other similar services and actions) if necessary and if such reasonable accommodation can be provided without undue hardship to the City. It also states that communication of accessibility will be included in city publicity announcements.
Deaf Service Center of Palm Beach Co. (Bob Hawkins, Dir. of Development)	Other	<u>YES</u>	Policy for coverage of hearing aids	This individual cites a need for Fla. a policy that requires all health insurance policies sold in Florida to include modest coverage of hearing aids. The writer stated that 11% of the population directly experiences hearing loss, and, since their hearing loss creates a communication barrier, it effects everyone who wants/needs to communicate with them; hearing loss has the potential to impact almost everyone.
Eighteenth Judicial Circuit, Court Administrator	Judicial	<u>YES</u>	Policies - practices in place	Barriers/Challenges cited: Difficult to find certified court interpreters. Local sources are used if at all possible to offset the expense of services. Sign language interpreter requests are typically fulfilled within 24-hours. The letter stated that the Office of the State Courts Administrator, Court Services in Tallahassee, recently conducted several surveys with regard to statewide sign and foreign language interpreters (tele. 850-922-5094). The letter specifies use of a TDD phone in the main courthouse, infra-red assistive listening devices, portable listening devices in smaller courthouses or conference rooms not equipped with infra-red. Some staff are trained in sign language, specifically in the clerk's offices that provide customer service functions. Only certified interpreters are used in the courtroom setting. ENCLOSURES: Policy memo providing wording to be used on all court proceedings notices & an ADA manual specifically for Circuit Judiciary.
FL Agency for Health Care Administration	Fla. State Agency		Policies - practices in place	No barriers/challenges noted. Provided copy of their Bureau of Human Resources policy that references general accommodation for D and HOH. Otherwise, they mentioned the TDD relay services, which the deaf or hearing-impaired public would use to contact the AHACA Call Center. Those consumers are walked through the system with the assistance of the operator.
FL Agency for Workforce Innovation/ Office for Civil Rights	Fla. State Agency		Policies - practices in place	No barriers/challenges cited. Enclosures: Policy on Program Accessibility and Services to Individuals with Disabilities (general); Equal Opportunity is the Law poster; Section 188 Disability Checklist; Community-Based Organization Questionnaire, given to organizations working with one-stop centers (note: no questions addressing accommodations made by the organization); copy of the Interpreter Services poster placed in one-stop centers that states that services are available at no charge and to ask for assistance; copy of web page for the Office for Civil Rights (nothing specific to D/HOH).
FL Dept. of Business & Professional Regulation	Fla. State Agency		Policies - practices in place	No barriers/challenges cited. Enclosures: Administrative Policy #1002-0001 that provides guidelines to ensure that the Department is in compliance with the ADA; Instruction Booklet Request for Test Accommodations for Examinees with Disabilities; training pamphlet on special testing office for examinees with documented disabilities; excerpt from the Gen. Administration Manual for Examinations, chap. VIII on Testing Candidates with Special Needs & Disabilities; acknowledgement form for reader/sign language interpreter responsibilities; ADA site verification form; copy of website page referencing disability accommodation/access

Respondent	Category	Barriers Noted?	Primary Subject Area	Summary/Notes
FL Dept. of Children & Families, HR Dept.	Fla. State Agency		Policies - practices in place	No barriers/challenges cited. Provided copy of the Aux. Aids & Limited English Proficiency Plan and draft Interpreter Serv. for Hearing-Impaired Persons Procedure (draft form; being circulated in Nov. to Dept. for comment). Contact person named: Carolyn Dudley
FL Dept. of Citrus	Fla. State Agency		Policies - practices in place	Dept. of Citrus has not developed any special policies, brochures, flyers, etc. to educate staff or the general public with regards to the issues of the deaf and HOH.
FL Dept. of Corrections	Fla. State Agency		Policies - practices in place	No barriers/challenges cited. Enclosures included various policies and Technical Instructions that refer to hearing impairment issues. The attachments contain descriptions of the medical classification procedure used to identify conditions with medial implications. STATISTICS CITED: The letter states that as of Sept. 30, 2003, the Department had 106 inmates classified as H-3 (total loss in one ear and moderate loss in the other; moderate bilateral loss w/limited functional adjustment of limited correction); 40 classified as H-4 (Bilateral loss, severe (71DB+); deafness uncorrectable and lack of functional adjustment); and 85 inmates classified as impaired. SEE ALSO ID #10, ALSO FROM DOC.
FL Dept. of Corrections, ADA Coord.	Fla. State Agency		Policies - practices in place	No challenges/barriers noted. Provided copies of their ADA policy for inmates and their ADA policy for staff, applicants and general public. For inmates, it states that because of the critical importance of communication involving due process for health care, the standard for equally effective communication is higher when these interests are involved.
FL Dept. of Health, Equal Opportunity and Minority Health Director	Fla. State Agency		Policies - practices in place	No barriers/challenges cited. Letter states that it is the policy of DOH to afford individuals with disabilities the same access to programs, services and employment provided to all citizens, and that a uniform method for requesting reasonable accommodation and equal access under ADA is used. ENCLOSURE: Copy of the department's ADA Accommodation Procedures, and copies of the departments' Hearing Impaired posters. Of note: the policy states that co-workers of deaf employees may learn sign language on their own or through training courses sponsored by the department.
FL Dept. of Juvenile Justice	Fla. State Agency		Policies - practices in place	No barriers/challenges cited. The letter states that the department subscribes to and implements the requirements of the ADA, in addressing ALL types of disabilities. The Department has not isolated any materials for or about hearing-related disabilities, not has it compiled any statistics or produced flyers, brochures or manuals to educate its staff or the general public about issues facing those who are deaf or HOH.

Respondent	Category	Barriers Noted?	Primary Subject Area	Summary/Notes
FL Dept. of Management Services	Fla. State Agency		Policies - practices in place	DIV. OF RETIREMENT: No special challenges were identified related to deaf or hearing impaired. They report that such individuals often come to the office with someone to assist them (to check on retirement account). DIV. OF FACILITIES MGT. & BUILDING CONSTRUCTION: No barriers/challenges noted related to D/HOH. Persons with hearing or speech impairments are directed to contact the Dept. of Comm. Affairs using the Fla. Dual Party Relay System. ADA issues have related to physical barriers and not any that relate to hearing impaired. DIV. OF STATE PURCHASING: No barriers/challenges for D/HOH; they have had challenges related to visually impaired users. Two policy issues noted related to MyFloridaMarketPlace: the system does not include any functionality that relies upon sound to communicate with the user; the application allows for telephone and email interaction with the customer service desk, allowing for multiple channels and media sources. DIV. OF STATE GROUP INSURANCE: No barriers/ challenges noted. The Div. has provided an interpreter for a limited amount of time at benefit fairs, if informed by an agency that employees needing this would be in attendance; they have also made phone lines for hearing impaired available.
FL Dept. of Revenue, Office of Inspector General	Fla. State Agency		Policies - practices in place	No barriers/challenges cited. The letter and supporting materials document the Department's EEO/AA and ADA policies, and examples of computer screens from the Supervisor Assistance Modules that assist supervisors in determining when to provide an accommodation. The letter states that clients and customers of DOR are provided with contact access for the hearing or speech impaired (TDD lines) on the DOR website, and that the Department provides accommodations for clients and customers when notified of such needs.
FL Dept. of State	Fla. State Agency		Policies - practices in place	No barriers/challenges cited. Enclosures: a National Endowment for the Arts manual, Design for Accessibility. It is assumed that this is used by Florida arts/cultural programs, although this was not stated. The FL Div. of Cultural Affairs provides specific instructions to grantees for ADA Compliance, including specific instructions on communications access. In addition, a copy of a memo resulting from a training on Accessibility and Arts Programming and Venues was included. Also, the Division's website includes info on how to be ADA compliance. Also included was a manual entitled: Polling Place Procedures Manual, with a few brief paragraphs dedicated to hearing impairment and one page on voters needing assistance.
FL Dept. of Transportation	Fla. State Agency		Policies - practices in place	No barriers/challenges cited. The memo cites compliance with ADA on all public announcements that meeting materials are available in alternate formats and who to call to request an accommodation. All large conference rooms and auditoriums that have PA systems are equipped with assistive listening devices for persons with hearing impairments, and portable devices are available that can be used in other venues. ENCLOSURES/ATTACHMENTS: Department policy for ADA Compliance for Facilities Access; Chapter 8 of the FDOT Plans Preparation Manual, referencing public advertisement and notification; sample letter to property owners stating that accommodations to participate in meetings will be made upon request.
FL Dept. of Vocational Rehabilitation	Fla. State Agency	YES	Interpreter services	Shortage of available interpreters and affordability of the services and need more skilled & qualified interpreters (same could be true for using Computer Assisted Real-Time Captioning [CART]).

Respondent	Category	Barriers Noted?	Primary Subject Area	Summary/Notes
FL Fish & Wildlife Conservation Commission	Fla. State Agency		Policies - practices in place	Fla. Fish & Wildlife Conservation Comm has purchased Assisted Listening Devices for each regional office and it will be used for all public meetings. Also has a TDD line for the public to call.
Florida Registry of Interpreters for the Deaf	Other	<u>YES</u>	Services - medical care	Barrier/Challenge noted: The Fla. Registry of Interpreters for the Deaf reports that one of the areas of greatest concern from the perspective of interpreters is the lack of compliance with accessibility found in medical settings/situations.
FSU Student Disability Resource Center	Education - Post-Secondary	<u>YES</u>	Interpreter services	Lack of available qualified interpreters; difficult to find qualified interpreters; increase in hearing impaired students who do not use sign (students are using closed captioning)
Individual, Anne Katherine Brown, Consumer	Individual	<u>YES</u>	Education/ awareness (service animals)	This individual is hearing impaired and uses a service dog. She has experienced a lack of knowledge about what a service dog can be used for -- most only know about guide dogs for visually impaired. She has researched Florida's laws and websites for information about the use of service dogs, for both users as well as the general public, and could find none (other than Federal ADA). Phone calls to further research this matter were unfruitful. Ms. Brown believes that the public needs to be educated about the use of service dogs for accommodations for disabilities such as hearing loss.
Individual, Bodil Tvede, Personal Representative	Individual	<u>YES</u>	Services - medical care	Mr. Tvede wrote to the EEO Commission and the Fla. Comm. on Human Relations to report a situation in which an interpreter was not provided in a medical setting; ADAWG was copied. The letter outlines a situation in which a woman who was deaf was a patient in a hospital and a healthcare center and, though an interpreter was requested every day, none was provided. The writer described the absence of communication accessibility to be understood and followed, and that misinformation and confusion were exchanged via spoken words.
Individual, Carlos Monserrate, Advocate	Individual	<u>YES</u>	Discrim. practices	Barrier/Challenge noted: This individual believes that it is discriminatory to have a drivers license restriction associated with a requirement to wear a hearing aid ("Restriction K"), since the ability to hear is not a requirement for driving.
Individual, Harvey Ward, consumer	Individual	<u>YES</u>	Policies - practices in place (polling places)	This writer describes problems encountered in Tamarac, FL (Broward Co.) during the last statewide election process. The individual is deaf, and his wife is deaf-blind. They were told in advance to go to a specific voting site that was setup to accommodate the deaf-blind. There experience is recounted in the email. In short, it took the writer 4 hours, interpreting every word on the voting machine for his wife, and assisting her as to where to touch the voting machine screen to register votes (it took an hour past the voting site's closure time for them to vote). It was noted that the wording on the ballot (i.e. referendums) was excessively long, contributing to the difficulties experienced.
Individual, Manny Golden, Consumer	Individual	<u>YES</u>	Interpreter services	This individual inquired about any provision for interpreting expenses for a deaf candidate for political office in any governmental body. He cited a deaf parliamentarian in Canada who was elected to the National Parliament for a term of four years with the full interpreting service provided by the government (late 1990s).
Individual, Nicole LaBranche, Cert. Interpreter	Individual	<u>YES</u>	Education/ awareness	This email is from a certified interpreter who moved to Sarasota from Boston, MA in November 2002. She cites her shock about Florida's failure to implement the ADA, as compared to her experiences in Boston. She notes having to be an advocate for her clients on many matters, and mentions one client for whom she intends to file an official complaint to the Dept. of Justice regarding discrimination. This individual attributes Florida's lack of compliance with the ADA to a lack of knowledge/education among service providers (e.g. Deaf Service Centers) on what the ADA is for and how to use it for clients with disabilities.

Respondent	Category	Barriers Noted?	Primary Subject Area	Summary/Notes
Individual, Tessie Cruz 6/21/03 email re: difficulty obtaining accommodations for college class	Individual	<u>YES</u>	Students - education	Email to ADAWG outlining problems encountered by an individual who, after losing her hearing and her job, wanted to go back to school to get back into the workforce. She outlined numerous problems with trying to get to the right person who could help her get back into school doing something with computers. The community college (?) in Seminole Co. finally did respond and she is now taking computer classes, with a C Print as her accommodation. Ms. Cruz became concerned that she was missing class information via the C Print method and inquired about real time captioning. The school officials told her that the ADA requires reasonable accommodations, and that C Print was reasonable.
Individual, Tina Riner	Individual	<u>YES</u>	Discrim. practices in post-sec. ed. setting	Barriers/challenges cited: An example was given regarding a deaf student enrolled in a university nursing class who was advised to enroll in an easier track as it would be impossible for a deaf person to graduate from nursing school (student was already successfully completing coursework with interpreters).
Martin County Board of Co. Commissioners	County Government		Policies - practices in place	No barriers/challenges cited. No enclosures. Letter cited a great working relationship with the Deaf Service Center of the Treasure Coast. Also identify one key staff person trained on the Relay System and TDD phones; also, Martin Co.'s public meetings that are broadcasted on govt. TV are all close captioned (live and tape replay). Author of letter is the Accessibility Coord.
Miami-Dade Community College	Education - Post- Secondary	<u>YES</u>	Students - education; interpreter services	Barriers/Challenges: 1. Severe under preparedness of students: students' inability to read, write, use interpreter services, sign in Am. SL at an academic level, and lack of general academic knowledge make college inaccessible to many. 2. HOH students, or orally trained deaf students, who have never had any experience with support services in their mainstreamed programs, having been told by professionals and parents that they can hear (however, they cannot, and thus withdraw from college classes or fail). It would help for itinerant teachers or speech and language pathologists to allow this pop. to admit their disability and provide them with assistance to accessing academic material through RT captioning. 3. There is a dearth of qualified SL interpreters and RT captionists and the monies necessary to hire enough staff to properly fund these two essential support services for students. BROCHURES: included 5 brochures specific to D/HOH topics.
Miami-Dade County Public Schools	Education - Secondary		Policies - practices in place	No challenges/barriers cited. The letter stated that programs using an auditory/oral or total communication approach are offered at the elementary, middle and high school level, and that the school system has professional staff skilled in providing itinerant hearing and/or interpreter services to students needing to access instruction in general education classes when appropriate. Misc. brochures & pamphlets were enclosed.
Palm Beach Co. School District, Dept. of Exceptional Student Education	Education - Secondary	<u>YES</u>	Interpreters	No challenges/barriers cited, however, in the enclosed info, there was a notation regarding a min. of 3 vacancies per day for interpreters for students (no explanation regarding cause). The notebook, Deaf and Hard of Hearing, enclosed with the letter, included the District's ADA policy, procedures manual, statistics & reports and in-service/training opportunities and activities. STATISTICS: 270 students are receiving services under the eligibility of D/HOH in Palm Beach Co. Teachers -- 22 are Teachers of the D/HOH, and 3 are native language users of ASL Palm Beach Co employs 43 interpreters and a contact agency is used to fill another 13 positions. Also, five high schools and one elementary school are sites where ASL is offered as a foreign language/fine arts class. Areas of need: a min. of 3 vacancies per day for interpreters for students.

Respondent	Category	Barriers Noted?	Primary Subject Area	Summary/Notes
School Board of Sarasota County, Pupil Support Services	Education - Secondary		Policies - practices in place	Did not receive the request in time to compile info on challenges/barriers. They have 82 of 6400 students who are hearing impaired, and they have 4 dedicated teachers, 5 sign language interpreters and 1 FT audiologist on staff. Enclosed were copies of the deaf or HOH section of the Special Programs and Procedures Document for the Sarasota Co. School District, and the hearing impaired/audiology section of the ESE Resource Manual, and a copy of the in-service presentation for teachers working with HI students.
Sun Coast Media Group, Human Resources	Other	<u>YES</u>	Services - medical care	Writer documents a situation in Charlotte Co. FL in which a couple, neither of whom can hear or speak, could not obtain a medical services at a physician's office. At the appointment, there was not an interpreter, and the physician became frustrated and referred the patients to the local health department. However, the local health department could not provide services either because the patients had health insurance coverage. Had an interpreter been present at the first appointment, services would most likely have been rendered and medical needs met.
Supreme Court, Office of the State Courts Administrator	Judicial	<u>YES</u>	Interpreter services	Barriers/Challenges: The single largest challenge faced by the court system is the insufficient number of trained and qualified SL and RT providers, particularly those who can function in the courtroom setting. This shortage makes obtaining SL and RT services in a timely fashion difficult. The shortage contributes to the continuing high cost of these services. POLICIES/PRACTICES: Each circuit has a network of local court ADA coord. Trial and appellate courts can request tech. assistance on ADA compliance issues. This system works well. The judicial branch also trains judges and court staff on disability issues. Fla. Judiciary Ed. provides programs that include disability issues, ADA compliance, and provides new judges with Title I and II guidelines (info also in the Fla. Judge's Manual). Brochures: 7 documents were provided, including an Admin. Order implementing policy on the use of RT transcription for D/HOH; Action Plan (which includes a section on providing interpreter serv); Long Range Strategic Plan for the Fla. Judicial Branch, which includes two areas related to ADA-type issues, and Goal 4 specifically addresses equal access to courtrooms and identifying and addressing communication and language barriers to court access.
Twelfth Judicial Circuit, Sarasota	Judicial		Policies - practices in place	No barriers/challenges cited. The Twelfth Circuit provides infra-red hearing devices in all courtrooms, as well as hearing-impaired interpreters as needed. All notices regarding hearings and court activities are required to include the ADA notice regarding notification if special accommodations are needed.