



Kansas NG911 Position Paper on Text-To-911

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Executive Summary

The Kansas 911 Coordinating Council (Council) is issuing this position paper to provide Kansas PSAPs with the Council's position on participation in Simple Message Service (SMS) Text-To-911. SMS Text-To-911 is one of the basic i3 services related to Next Generation 911 (NG911). The Kansas NG911 System (System) will incorporate SMS Text-To-911 as the first implemented i3 service. This addition is expected to be operational in early 2017.

The Council believes that SMS Text-To-911 messages are and should be viewed as wireless 911 calls. Because Kansas statutes require local units of government to provide or contract for the 24-hour receipt of wireless emergency calls, it is the opinion of the Council that every Public Safety Answering Point (PSAP) in the State of Kansas must receive SMS Text-To-911 as soon as possible. PSAPs participating in the System will be provided the ability to receive SMS Text-To-911 at no additional cost. PSAPs not participating will need to identify the method of receiving SMS Text-To-911 that they wish to deploy and will be responsible for any and all costs of that deployment.

Introduction

SMS Text-To-911 is one of the basic i3 services related to NG911. It provides citizens the ability to send SMS text messages to 911 and the PSAP the ability to respond to these messages. It is especially useful to the deaf and hard-of-hearing community or to caller's who cannot complete a voice call due to wireless service degradation or danger. Because the majority of SMS text messages will initiate from wireless devices and because they are requests for emergency assistance, the Council believes that SMS texts are and should be viewed as wireless 911 calls.

Statutory Requirement

K.S.A. 12-5380 requires that:

"The governing body of each city and county shall provide or contract for the 24-hour receipt of wireless emergency calls for all wireless service areas within the jurisdiction of the city or county." (Emphasis added)

Given the nature of SMS Text-To-911 calls and the statutory mandate to provide answering of wireless emergency calls, it is apparent to the Council that participation in receiving SMS Text-To-911 is not optional, but is rather a statutory duty. It is therefore, the opinion of the Council that all Kansas PSAPs must either provide or contract for the 24-hour receipt of SMS Text-To-911 messages for all wireless service areas within their jurisdictional boundaries.

Americans with Disabilities Act (ADA) Applicability

Title II of the ADA covers telephone emergency service providers and other State and local government entities and instrumentalities. The Americans with Disabilities Act (ADA) requires all PSAPs to provide direct, equal access to their services for people with disabilities. There is a current pending lawsuit, in the U.S. District Court for the District of Arizona, which specifies that in Maricopa County, and the City of Surprise, a person who is deaf or hard of hearing cannot contact 911 via text and as a result is in many circumstances wholly unable to access 911 services that are "critically necessary and available to individuals without disabilities." **The failure to make 911 accessible to individuals with disabilities**



violates both Title II of the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 (emphasis added).

Methods for Receiving SMS Text-To-911

There are three basic methods for receiving SMS Text-To-911. These methods are

- SMS Text-To-911 over TTY interface
- SMS Text-To-911 over dedicated website
- SMS Text-To-911 via direct connection to a Text Control Center (TCC)

The Kansas NG911 System will utilize direct connection to a TCC and will be provided to System participants at no additional cost. PSAPs that elect not to come onto the System will be responsible for implementing the SMS Text-To-911 solution of their choosing and will be responsible for any and all costs associated.

Waiver of Participation

The Council does not have the authority to mandate that a PSAP implement SMS Text-To-911. Any PSAP that chooses not to do so, that is participating on the Statewide System, will be asked to sign a waiver of participation. The waiver is attached as Appendix A to this document.

Conclusion and Recommendation

It is every PSAPs choice whether to implement SMS Text-To-911 or not. It is the intent of the Coordinating Council to provide clear and effective guidance to the PSAPs in making that decision. It is the Council's recommendation that all Kansas PSAPs implement SMS Text-To-911 as soon as possible.



Appendix A

Waiver of SMS Text-To-911 Capability

March 28, 2017

_____, as the administrative authority for the Public Safety Answering
(Name)

Point operated by _____
(PSAP Governmental Entity Name)

acknowledge and understand the following:

1. That SMS Text-To-911 will be available to our PSAP within sixty (180) days from the above date at no additional cost to our PSAP.
2. That the Kansas 911 Coordinating Council has informed us of their opinion that every Kansas PSAP should implement SMS Text-To-911 as soon as possible.
3. That not implementing SMS Text-To-911 may be a violation of K.S.A. 12-5380.
4. That not implementing SMS Text-To-911 may be a violation of Title II of the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794.

Being fully aware and understanding of the above, _____
(PSAP Name)

hereby elects not to implement SMS Text-To-911.

(Signature)

(Printed Name)

(Title)

(Date Signed)