

Quick Guide for Kansas Public Employees On Accommodating Deaf and Hard of Hearing

Approved by KCDHH Commission – January 13, 2017

The Kansas Commission for the Deaf and Hard of Hearing (KCDHH) has long recognized a lack of consistency among many state agencies and political subdivisions regarding their communication strategies and related references to the people who are deaf or hard of hearing. KCDHH created this guide through a statewide collaboration to provide public officials with concise and useful references to effectively interact with any deaf or hard of hearing individual while doing official business in this State.

This guide is not designed to be comprehensive nor to provide any legal advice. For additional information or referral for further consultation, please contact KCDHH at (785) 368-8034, fax (785) 368-7467, or videophone (785) 246-5077.

Proper Reference to Individuals who are Deaf or Hard of Hearing

Public officials are in a unique position to convey positive images of people with disabilities, including the individuals who are deaf or hard of hearing. As a general rule, it is proper when referring to a person with a disability or disabilities by putting the person first and then using a positive reference such as “a person with a hearing loss.” Individual(s) may prefer you to refer them as deaf or hard of hearing. You may cite availability of access for “persons with a hearing impairment.” However, please do not refer to anyone as a “hearing-impaired person.” *SOURCE – Guidelines: How to Write and Report About People with Disabilities, Research and Training Center on Independent Living, University of Kansas, 8th Edition (2013)*

Strategies for communicating effectively with Deaf and Hard of Hearing Individuals

Communication with any individual who is deaf or hard of hearing may require the following considerations:

Look directly at the person and consider the environment, especially if there is extensive background noise (traffic passing by, air conditioner running), extreme or poor lighting conditions (dimmed room, window glare), or other unnecessary visual or auditory distractions (flashing light or person next to you in constant movement; and hearing aids picking up a sound you cannot hear). Speak clearly and at a reasonable pace. Do not speak louder or shout. Do not block your mouth or face. Maintain direct eye contact. These are essential cues in communication.

Don't assume that the person is understanding you well. Ask the person if they understand. Be prepared to rephrase your statement if asked. Sometimes repeated context will help to add more cues. Some words are actually easier to hear, depending on the person's hearing loss and audio frequencies of the words. Your patient, relaxed and positive demeanor will assist with effective communication. If necessary, facilitate communication by writing notes or making other accommodations if readily available.

Accommodations and Auxiliary Services

Other accommodations and auxiliary services may also be considered for individuals who lack speech, prefer another communication access, or use sign language. In most instances, a deaf person would call ahead to request a sign language interpreter before coming in to your office, usually within a reasonable time in advance. Your office should already have a procedure in place to provide these accommodations when requested and make them available.

A few examples of accommodations are:

Sign Language Interpreters – Interpreters who are either certified by or registered with KCDHH with credentials recognized as provided by K.S.A. 75-4355a through 75-4355d, often referred by many State agencies in their respective procedures as “HB 2257, effective 1993.” These interpreters are often referred to as ASL Interpreters (or now, more properly, Hearing Interpreters).

Certified Deaf Interpreters (CDI) – Deaf individuals providing specialized (linguistic and culturally appropriate) interpreting, translation, and transliteration services in American Sign Language. Certified Deaf Interpreters work most often in tandem with Hearing Interpreters who are signing and voicing for the deaf person(s). Certification is provided by the Registry of Interpreters for the Deaf (RID) while also registered with KCDHH.

Real-Time Captioning – a service similar to court reporting in which a transcriber types what is being said at a meeting or event into a computer which then projects the words onto a screen. This service, which can be provided on-site or remotely, is particularly useful for people who are deaf or have hearing loss but do not use sign language. It is also known as Computer-Assisted Real-time Transcription (CART) and remote conferencing captioning (RCC). *SOURCE: U.S. Department of Justice, Civil Rights Division – ADA Requirements for Effective Communication, January 2014*

Video Remote Interpreting Service (VRI) – a fee-based service that uses video conferencing technology to access an off-site interpreter to provide real-time sign language or oral interpreting services, and thereby allows two or more individuals in the same location to communicate. This service is not the same as Video Relay Service (VRS, see more on VRS below). ***Federal Communication Commission (FCC) prohibits misuse of VRS in place of VRI and severe penalties may be applied.***

Other Commonly Useful Definitions

American Sign Language (ASL) – a form of sign language with its own grammatical rules, sentence structure and cultural nuances, widely used by many deaf individuals in the United States. ASL is recognized by Kansas Legislature as a language (K.S.A. 72-1119) and also as a foreign language (K.S.A. 72-1120 and 72-1121) that meets elective foreign language credit requirements.

Telecommunications Relay Service (TRS) – a telephone access service that allows persons with hearing or speech disabilities to place and receive telephone calls. The traditional TRS, also known as TTY-Relay, involves the user connecting to a Communication Assistant (CA) who then types what the hearing caller is saying and speaks what the deaf/hard of hearing user is typing. There are several other different forms of TRS services available, including Speech-to-Speech Relay Service (STS Relay), Captioned Telephone Service (CTS), Internet Protocol Relay Service (IP-Relay), and Video Relay Service (VRS).

711 – dialing 711 provides access to certain forms of Telecommunication Relay Services (TRS), usually TTY-Relay and Speech-to-Speech Relay Service (STS Relay). Just as you can call 411 for information, you can dial 711 from anywhere to connect with someone who uses a TTY or STS Relay. Because of technological limitations, 711 is not accessible for the Internet-based forms of TRS; for instance, with IP-Relay and VRS, the call is placed directly. These latter services are becoming more commonly used services. ***Thus, you should not dial 711 when first attempting to call any deaf or hard of hearing individual unless you have been directed to do so.***

Video Relay Service (VRS) – a form of Telecommunication Relay Service (TRS) that enables persons using American Sign Language (ASL) as their primary language to communicate with a voice telephone user through video. Video equipment may be a videophone, smartphone, or a computer with video communication capabilities which links the VRS user with a Communication Assistant (CA). As a result, the VRS user and the CA (also known as Video Interpreter or VI) can see and communicate with each other in signed conversation while connected to a voice telephone user. VRS allows conversations to flow in near real time and in a faster and more natural manner than text-based TRS allows. ***Dialing 711 does not work with VRS. You should call directly to the recipient's number, and you will be connected automatically to VRS.***

Captioned Telephone Service (CTS) – used by persons with a hearing disability who may have some residual hearing or prefer to communicate directly. These calls would utilize a special telephone that has a screen that display captions or text of what the other party is saying. This avenue allows the user to speak directly to the called party and to listen (if possible) to the other party as well as read the captions of what is being said. ***Dialing 711 does not work with CTS. You should call directly to the recipient's number, and CTS will be connected automatically.***

Speech-to-Speech Relay Service (STS Relay) – allows persons who have a speech disability to use a conventional telephone to call a CA (who is specially trained to understand a variety of speech disorders), who then repeats what the caller says in a manner that makes the caller's words clear and understandable to the called party. No special telephone is needed. ***The STS user would usually connect with STS whenever needed, so you don't need to dial 711.***

Internet Protocol Relay Service (IP-Relay) – a text-based form of TRS that uses the Internet, rather than traditional telephone lines. These calls are generally handled just like a TTY-based TRS call. ***Dialing 711 does not work with IP Relay. Instead, you are to call directly to the recipient's number, and IP-Relay service will be connected automatically.***

Text Telephone (TTY) – also known as Telecommunication Device for the Deaf (TDD), a TTY allows a person who is deaf or hard of hearing to type their message and read the other person's responses. The equipment consists of a single unit or a combination of a keyboard, display screen, and a modem. Fewer individuals are utilizing TTY equipment and services. A TTY call is placed through TRS. ***Dialing 711 is a necessary means to connect your call with a TTY user.***

Frequently Asked Questions (FAQ)

What are the chances that you would come across someone who is deaf or hard of hearing?

About 20 percent of Americans report some degree of hearing loss. At least 36 percent of people over the age of 60 have some degree of hearing loss. Of those percentages, approximately half might refer to themselves as hard of hearing, while another 10 percent would consider themselves deaf and may prefer using sign language to communicate.

What method of communication should you use? Ask the person how they would prefer to communicate. Under Title II of the Americans with Disabilities Act (ADA) of 1990 and Section 504 of The Rehabilitation Act of 1973, the law requires one to give primary consideration to the individual's preference.

How do you guarantee that effective communication is achieved? You should not assume that your communication is effective. Instead, ask the person if they understood. It is common that a person who speaks clearly, may not understand you very well. Sometimes the person may bluff their way through by agreeing with everything you say. Certainly, the deaf or hard of hearing person has a responsibility to let you know if they need clarification, but some encouragement from you could go a long way. Assure them they are free to ask you to repeat yourself or to rephrase part of your sentence.

Would it be appropriate to use Video Remote Interpreting service (VRI) instead of an on-site interpreter? Yes, it is appropriate as long as you don't rely on VRI as your only means of providing accommodations. VRI would be appropriate for service centers in remote locations where an available on-site interpreter would be difficult to locate or it is too far for an interpreter to travel within a reasonable time. It may still be acceptable for you to use VRI if you are located in or near a major city where on-site interpreters are available. However, if the person requested an on-site interpreter with advance notice, you should make every effort to honor the request. The same consideration should be given only if there is sufficient time for you to secure an interpreter and time for the interpreter to arrive before your meeting ends

with the person involved – for example, at a hospital or processing police station where a significant amount of time would lapse before you would finish communicating with the person.

What should you do if you need to reach the person by phone? You should call the person’s phone number directly just as you would with anyone else’s phone number unless there are specific instructions given by the person to dial 711 or to call another number to reach the person’s telephone number. The person’s preferred Relay Service provider would pick up your call and connect the call automatically. You would proceed with the call normally, but be mindful of possible lag time for conversations being relayed between you and the person involved.

If you are directed to dial 711 or call another number, it may indicate that the person is using a traditional method of Telecommunications Relay. In this case, you would need to provide the Communication Assistant (CA) with the person’s telephone number to proceed further with the call. In this traditional Relay method, you would experience significant lag time during the conversation, whereby you may be required to say “GA” (short for “Go Ahead”). This allows the person to know you are ready for a response and the other person will do the same, as applicable.

Additional Information or Referral

For additional information or referral for further consultation, please contact KCDHH at (785) 368-8034, fax (785) 368-7467, or videophone (785) 246-5077.

About KCDHH – *The Kansas Commission for the Deaf and Hard of Hearing (KCDHH) is a state agency housed within the Kansas Department for Children and Families (DCF) in its Rehabilitation Services Division. Based in Topeka, KCDHH works with agencies and organizations throughout Kansas to assure availability and coordination of services for people who are deaf and hard of hearing, including communication access. KCDHH also maintains a registry of qualified sign language interpreters in order to track interpreters’ credentials, areas of expertise and geographic areas of practice of interpreters working in the State of Kansas. As required by K.S.A. 74-4355b (a), “All interpreters for the deaf, hard of hearing and speech impaired shall be certified or registered with the KCDHH or an agency designated by the Commission.” This is applicable to all interpreters hired or contracted by state agencies or any political subdivisions of Kansas, including the Courts.*

KCDHH, DCF Administration Building, 555 S. Kansas Avenue, 3rd Floor, Topeka, Kansas 66603