Provision of Sign Language Interpreters by Public and Private Entities in Non-Employment Settings

You might have an obligation to provide a sign language interpreter if your organization:

■ Is a private entity that affects commerce and falls under any one of twelve broad “private entity” categories identified in the ADA (III-1.2000 Public accommodations *). Is a unit of state or local government (II-1.1000 General **).
■ Is part of the executive or legislative branches of the federal government (III-1.1000 General *).
■ Is a recipient of federal financial assistance (Section 504 of the Rehabilitation Act of 1973, as amended).
■ Is a private entity that provides examinations and courses related to applications, licensing, certification, or credentialing for secondary or postsecondary education, professional, or trade purposes (III - 1.4000 Examinations and courses*).
■ Is a non-religious, private entity that rents a religious entity’s facilities to operate a place of public accommodation (III-1.5200 Scope of exemption *).
■ Is a private entity that is using or renting the facilities of a private club to operate a place of public accommodation (III-1.6000 Private clubs *).
■ Needs an interpreter in order to ensure effective communication (III-4.3200 Effective communication *).
■ Is engaging in communication that is expected to be lengthy and complex (III-4.3200 Effective communication *).

You might not have an obligation to provide a sign language interpreter if your organization:

■ Does not affect commerce or does not fall under one of the twelve broad “public entity” categories identified in the ADA (III-1.2000 Public accommodations *).
■ Is a religious entity or activity of a religious entity (III-1.5000 Religious entities *).
■ Is a nonreligious, private entity running a place of public accommodation in space donated by a religious entity (III-1.5200 Scope of exemption *).
■ Is a private club (III-1.6000 Private clubs *).
■ Does not need an interpreter in order to ensure effective communication.
■ Is not engaging in communication that is expected to be lengthy and complex (III-4.3200 Effective communication *).
■ Provides other aids and services that result in effective communication (III-4.3300 Examples of auxiliary aids and services *).
■ Would have to fundamentally alter the nature of the goods or services provided as a result of providing an interpreter (III-4.3600 Limitations and alternatives *). Would suffer an undue burden as a result of providing an interpreter (III-4.3600 Limitations and alternatives *).
Other Things to Know:

Examples of auxiliary aids and services that might facilitate effective communication with individuals who are Deaf or hard of hearing include qualified interpreters, note-takers, computer-aided transcription services, written materials, telephone handset amplifiers, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunications devices for deaf persons (TDD's), videotext displays, and exchange of written notes. (III-4.3300 Examples of auxiliary aids and services *).

Signing and interpreting is not the same thing. A qualified interpreter is one who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary (III-4.3200 Effective communication *). Using a staff member who signs “pretty well,” or a child, family member or friend of a Deaf individual might not meet this standard and could result in ineffective communication. Public and private entities cannot charge only people with disabilities for interpreters, auxiliary aids or other services they need in order to achieve effective communication (II - 3.5400 & III-4.1400 Surcharges *).

"Undue burden" is defined as involving "significant difficulty or expense." Factors considered in determining whether an action would result in an undue burden include, but are not limited to cost, overall financial resources of the site(s) involved, number of employees, and overall financial resources of any parent corporation or entity (III-4.3600 Limitations and alternatives *). This is typically not an easy standard to meet.

Public and private entities should consult with the Deaf person wherever possible to determine what they need to ensure effective communication. However, the ultimate decision as to what measures to take to ensure effective communication rests in the hands of the public or private entity, provided that the method chosen results in effective communication.(III-4.3200 Effective communication *).

If a Deaf customer, patient or client believes that they are not being provided with what is needed to achieve effective communication, they may challenge the actions of the entity by initiating litigation or filing a complaint with the Department of Justice (III-4.3200 Effective communication *).

For more information or assistance, contact:

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* ADA Title III Technical Assistance Manual
** ADA Title II Technical Assistance Manual

This document is not intended to be a source of legal assistance or guidance. Entities that have questions regarding their obligations under federal laws should consult with an attorney.