

PROGRAM GUIDE
DRS 2016-07
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TO: All DRS/SBVI Offices

SUBJECT: Interpreting for Non ADA Situations

Effective communication is vital for full inclusion in all aspects of life. For those that are deaf, effectively communicating with others may require the accommodation of an interpreter trained in translating between a spoken and a signed language. A sign language interpreter is a trained professional who facilitates communication and conveys all auditory and signed information so that both hearing and deaf individuals may fully interact. Often times, obtaining an interpreter can cause an undue burden on the entity responsible for the costs associated with compensating for the interpreter's services.

The Division of Rehabilitation Services will contribute in supporting costs relating to non ADA interpreting situations. This Program Guide provides direction and policy for the Division of Rehabilitation Services (DRS) when receiving interpreting requests for non ADA interpreting situations. It provides guidance on requesting services, approving services, and processing payment for services.

Title III of the Americans with Disabilities Act (ADA) requires public accommodations to provide auxiliary aids and services such as an interpreter. However, there are some organizations such as the Boy Scouts of America which requires paying dues to be a member and is considered a "Private Club" and therefore is exempt from the ADA. However, if the scouts are holding an event for the public, the event would be covered by Title III of the ADA and interpreters would be required if needed to effectively communicate. Another example of meetings that would not be covered under the ADA would be AA meetings. Generally AA groups do not pay for space they utilize for meetings and there is generally no treasury or funds available to cover the cost of interpreting. The AA group meeting does fall under one of the 12 categories for public accommodations (places of public gathering) and would essentially be considered a public accommodation. This would trigger the effective communication requirements and the requirement to provide the appropriate auxiliary aids to ensure effective communications. Title III does not require providing an interpreter if another equally effective means of communication is available or if it would result in an undue burden but this does not necessarily relieve a public accommodation from its obligation to ensure effective communication to the maximum extent possible. The key to communicating effectively is to consider the nature, length, complexity, and context of the communication and the person's normal method(s) of communication.

DRS will accept, on a case-by-case basis, requests for financial assistance relating to interpreting costs for interpreting needs that fall outside the ADA effective communication guidelines. These requests will be for non-profit agencies, membership based organizations, private youth organizations that fall outside the

oversight of schools, religious functions or any other form of non ADA interpreting situations. This policy will not cover any employment situations.

Requests

When an agency/individual applies for financial assistance, requests can be received via email, phone, or any communication means available and should be received from the non-profit organization responsible for providing the accommodations. Justification must be provided (in writing) outlining the need for the assistance and how the accommodation need will impact both the individual needing the accommodation and non-profit organization providing the service. The request must be filled out completely while including location, date, time and length of the interpreting need.

DRS will review each request received and provide a written approval to the agency/individual requesting the assistance. If financial assistance is approved:

- DRS will not be responsible for hiring the interpreter as that is the responsibility of the requesting agency/individual.
- DRS may help by providing contact information for interpreters licensed in the state of South Dakota.
- If approved, DRS will provide written approval to the requesting agency/individual to proceed with hiring the interpreter for the approved event.
- If available, provisionally certified interpreters should be utilized.
- Interpreters being considered should be within close proximity of the assignment to avoid travel costs if at all possible.
- Requesting agency/individual will contact DRS with the interpreter information once one has been confirmed.
- Any schedule changes must be made between the requesting agency/individual and interpreter.
- DRS will make payment directly to the interpreter hired for the assignment for the amount and service fee preauthorized upon receipt of an invoice from the interpreter.