



**PROPOSAL FOR LEADERSHIP AND PUBLIC POLICY
TO ENSURE EQUAL ACCESS AND EQUAL OPPORTUNITY FOR
DEAF, HARD OF HEARING, LATE-DEAFENED AND DEAF-BLIND AMERICANS
December 11, 2008**

This proposal for leadership and public policy to ensure equal access and equal opportunity for deaf, hard of hearing, late-deafened and deaf-blind Americans is presented to the Obama-Biden Transition Team by the following organizations:¹

Alexander Graham Bell Association for the Deaf and Hard of Hearing, Inc.
American Association of the Deaf-Blind
Association of Late-Deafened Adults
California Agencies Serving the Deaf and Hard of Hearing
Communication Service for the Deaf, Inc.
Conference of Educational Administrators of Schools and Programs for the Deaf
Deaf and Hard of Hearing Consumer Advocacy Network
Deaf Seniors of America
Hearing Loss Association of America
National Association of the Deaf
Telecommunications for the Deaf and Hard of Hearing, Inc.

We appreciate the Obama-Biden Transition Team's invitation to participate in a dialogue and exchange of information in mutual support of the goal to improve the quality of life for all Americans. Our focus addresses the human and civil rights of approximately 36 million individuals who are deaf, hard of hearing, late-deafened and deaf-blind across a broad spectrum of areas detailed further in the attached proposal and outlined below:

- Promoting civil rights through legislative, administrative, and enforcement actions.
- Improving the quality of education and related services, and ensuring appropriate transition, post-secondary education and vocational rehabilitation services.
- Increasing employment opportunities through new initiatives and the provision of reasonable accommodations in the workplace.
- Ensuring effective early intervention systems, access to health care, including substance abuse and mental health care, and insurance coverage for hearing health care, including hearing aids, other assistive technology, and comprehensive rehabilitative services.
- Increasing the availability of safe and accessible housing.
- Providing equal access to telecommunications, information services and video programming, realizing the potential of broadband services, and enabling public safety improvements through accessible emergency communications.
- Ensuring accessible transportation information, services, and facilities.

As President-Elect Obama said during his election victory speech in Chicago, "*... disabled or not disabled, we are the United States of America!*" We continue to stand ready to serve as a partner and resource to further the goals of the incoming administration in accordance with the principle of "*Nothing About Us Without Us.*" Please do not hesitate to contact and include us as we, together as a nation, move forward to address the needs of all Americans from cradle to grave through the delivery of consumer-directed policy and services, incorporation of universal design, and by embracing the diversity of our experiences, abilities and cultures.

¹ See attached brief descriptions of and contact information for these organizations.



Recommendations: *Civil Rights Protection and Enforcement*

- Provide oversight of federal agency public policy, regulatory, and enforcement actions, and collaborate with consumer and community-based organizations as partners to serve the needs of the expanding population of 36 million Americans who are deaf, hard of hearing, late-deafened and deaf-blind.
- Ratify and implement the United Nations Convention on the Rights of People with Disabilities.
- Direct the U.S. Department of Justice to revise and reissue proposed regulations for Title II and Title III of the Americans with Disabilities Act (ADA) based on comments submitted in 2008 and reopen the comment period with an extended deadline.
- Work with Congress to amend the ADA to ensure protection against discrimination based on disability:
 - Mandate that public entities operating over the Internet are covered by Title III as “places of public accommodation,” and must provide audible information visually.
 - Ensure that publicly announced or displayed information is visually accessible.
 - Legislatively overrule *Buckhannon v. West Virginia* (catalyst theory for attorney fees).
 - Raise the \$300,000 limit for damages under ADA Title I.
 - Permit damages under Title III and legislatively modify the standing requirement for injunctive relief.
- Require all federal agencies to outline any and all legislation and regulations that address disability access to their programs, services, and resources. Require, further, all agencies to describe the manner in which they stay abreast of the latest issues and policies that would make service provision to people with disabilities more inclusive and current with today's technologies.
- Require all federal agencies to ensure that information and educational material produced by federal fund recipients is accessible through open or closed captioning or other effective means.
- Improve the accessibility of federal government programs and services provided to the public, including but not limited to the Social Security Administration and Citizenship and Immigration Services, through the establishment of well-advertised centralized points for requesting auxiliary aids and services, and reasonable accommodations either for all agencies or within each agency.
- Expand funding within the U.S. Department of Justice Office on Violence Against Women to meet the needs of deaf, hard of hearing, late-deafened and deaf-blind victims and their families.
- Recognize, accept and respect the linguistic diversity and communication choices that each deaf, hard of hearing, late-deafened or deaf-blind individual finds effective, including but not limited to American Sign Language (the linguistic identity of the Deaf community), English-based sign systems, cued speech, speaking, writing, and speech reading, with or without the use of hearing aids, cochlear implants, and other hearing assistive technologies.
- Require the use of smoke, carbon monoxide, and other alerting devices that provide effective, accurate, and immediate alerts to deaf, hard of hearing, late deafened and deaf-blind individuals, such as multiple/low frequency, tactile or visual interconnected alerting systems, in commercial and lodging environments such as hotels, motels and passenger vessels.



Recommendations:

Education

- **Individuals with Disabilities Education Act (IDEA)**
 - Monitor Part C programs to ensure that they appropriately address the language and communication needs of deaf, hard of hearing and deaf-blind infants and toddlers, including the availability and provision of American Sign Language services and resources and auditory and speech habilitation services.
 - Ensure that states support and maintain the “continuum of alternative placements,” including placements such as state and center-based schools and specialized programs serving deaf, hard of hearing, late-deafened and deaf-blind children.
 - Monitor states to ensure that deaf, hard of hearing, late-deafened and deaf-blind students are placed in settings that appropriately meet their language, communication and educational needs.
 - Require that all IDEA monitoring ensure that Individualized Education Program (IEP) teams comply with the requirement to consider IDEA “special factors” identified in 20 U.S.C. § 1414(d)(3)(B)(iv) for deaf and hard of hearing students.
 - Increase funding and expand programs for the training of personnel (such as teachers, counselors, administrators, American Sign Language interpreters, and CART writers) serving low-incidence populations.
 - Monitor and enforce the IDEA requirement for states to "make positive efforts to employ, and advance in employment, qualified individuals with disabilities."
 - Work with the 111th Congress to clarify that monetary damages, in addition to compensatory education, are available under IDEA, restore IDEA’s due process rights, allow reimbursement to prevailing families for expert fees, and place the burden of proof in IDEA challenges on school districts.
 - Fully fund the IDEA to raise the current federal funding level of 13% of average per pupil expenditure to the authorized amount of 40%.
- **No Child Left Behind (NCLB)**
 - Enforce NCLB requirements that assessments must be valid for all students.
 - Monitor and hold public school districts accountable for ensuring that students who are deaf, hard of hearing, late-deafened and deaf-blind are meeting the NCLB benchmarks.
- Ensure the availability of sufficient resources to meet the needs of deaf, hard of hearing, late-deafened and deaf-blind individuals and comply with disability discrimination laws by increasing the size and number of training programs for professionals serving this population. This includes but is not limited to the training of qualified American Sign Language interpreters; oral and cued speech transliterators; communication access realtime translation (CART) writers; vocational rehabilitation counselors; mental health professionals; support service providers; aural and speech rehabilitation providers; and others.
- Continue full support and funding for the Education of the Deaf Act, especially the programs and services at Gallaudet University and the National Technical Institute for the Deaf.
- Instruct the U.S. Department of Education to have its Office of Special Education and Rehabilitation Services (OSERS) to provide clear guidance to states to allow deaf, hard of hearing, late-deafened and deaf-blind students served by Vocational Rehabilitation services to attend the post-secondary education program of their choice, in-state or out-of-state, and with full support for school-to-work transition.
- Direct the U.S. Department of Education to reestablish a unit within OSERS to oversee vocational rehabilitation services targeted specifically to deaf, hard of hearing, late-deafened and deaf-blind individuals who seek training or retraining, job coaching, or placement services for employment.



Recommendations:

Employment

- Direct the U.S. Department of Labor, Office of Disability Employment Policy, to establish a blue-ribbon commission with consumer groups, academia, government and the business community to develop new initiatives to create employment opportunities for people with disabilities including those who are deaf, hard of hearing, late-deafened or deaf-blind.
- Direct the U.S. Department of Labor, the U.S. Office of Personnel Management and the U.S. Equal Employment Opportunity Commission to implement substantial policy and procedural changes necessary to increase the hiring of individuals who are deaf, hard of hearing, late-deafened or deaf-blind in the federal workforce as a model employer nationwide.
- Direct state offices offering employment services to ensure that all programs and services are accessible in person and online to deaf, hard of hearing, late-deafened and deaf-blind persons
- Direct the U.S. Small Business Administration to make all of its programs and services accessible to entrepreneurs who are deaf, hard of hearing, late-deafened and deaf-blind, and to support inclusion of deaf, hard of hearing, late-deafened and deaf-blind business owners as eligible for SBA-backed loans, government 8(a) status and contracting opportunities, training programs, and other services.
- Fund research about the impact of age-related hearing and combined hearing/vision loss on employee productivity and effective means to address that impact.
- Improve the accessibility of employment within the federal government with a streamlined process for requesting reasonable accommodations, giving consideration to a centralized point of contact for all agencies or within each agency that is accessible to employees and applicants with disabilities.
- Direct the U.S. Department of Labor to lead interagency efforts to provide pre-employment, hands-on training, employment mentoring, and internship programs in the public and private sectors for deaf, hard of hearing, late-deafened and deaf-blind students transitioning from school to work.



Recommendations:

Health Care

- Support reauthorization of the Early Hearing Detection and Intervention Act to improve hearing detection and intervention systems overseen by the Centers for Disease Control and Prevention and the Health Resources and Services Administration.
- Ensure that Federally-funded state and local early hearing detection and intervention systems offer families a full continuum of services and programs, including center-based programs, family-to-family support services, American Sign Language services and resources, auditory and speech habilitation services, and other resources specifically designed to meet the unique language and communication needs of deaf, hard of hearing and deaf-blind infants and toddlers.
- Direct the U.S. Department of Health and Human Services (HHS) to fund and lead a nationwide campaign with consumer groups, service providers and government agencies to raise public awareness about hearing loss, the need for prevention, and the importance of regular hearing screenings throughout life; and to provide assistance and resources for late-deafened individuals and their families to learn how to address and adjust to hearing loss.
- Direct HHS and the U.S. Substance Abuse and Mental Health Services Administration to establish a national blue ribbon commission, consisting of specialized mental health care providers and deaf, hard of hearing, late-deafened and deaf blind consumers to implement and oversee a strategic planning process with all 50 states and territories which will:
 - Ensure full and equal access to community-based and school-based substance abuse and mental health services for diverse groups of deaf, hard of hearing, late-deafened and deaf-blind people of all ages, across the continuum of service modalities.
 - Strengthen university-based training, recruitment and retention of substance abuse, domestic violence, sexual assault and mental health care professionals to work with deaf, hard of hearing, late-deafened and deaf-blind people of all ages.
 - Research evidence-based practices in substance abuse and mental health services with diverse groups of deaf, hard of hearing, late-deafened and deaf-blind people.
- Require Medicare and private insurance companies to cover all types of hearing aids, cochlear implants and other implantable devices, related examinations, and training in rehabilitative strategies including skills development in American Sign Language, English-based sign systems, cued speech, speech, and speech reading, auditory rehabilitation and mapping services for hearing aid and cochlear implant users, and the use of hearing assistive technology for individuals who have recently lost their hearing.
- Increase funding for research on disability demographics, expanded funding for medical research in the areas of hearing, vision, and language, advances in technology to improve hearing in noisy environments, standards for acoustics in meeting places and public areas, affordable technology, technological accommodations in the workplace, and stress-related conditions such as the incidence of high blood pressure, diabetes, depression and their association with hearing loss.
- Direct HHS to increase enforcement actions to ensure access to routine and emergency health care, in person and by telephone, which supports a consumer's choice of effective language and communication mode.



Recommendations:

Housing

- Direct the U.S. Department of Housing and Urban Development to educate stakeholders and enforce the provision of accessibility features for deaf, hard of hearing, late-deafened and deaf-blind individuals in housing that is subject to the Fair Housing Act or Section 504 of the Rehabilitation Act.
- Fund research to explore alternatives to current residential visual smoke and carbon monoxide detectors for deaf, hard of hearing, late-deafened and deaf-blind individuals, and support the design and production of fully effective and affordable safety equipment with universal design features including auditory, visual and tactile alerting systems.
- Increase the availability of housing options accessible to deaf, hard of hearing, late deafened and deaf blind individuals of all ages, including collaboration with the U.S. Department of Health and Human Services Administration on Aging for the development of programs, including accessible housing, for senior citizens.



Recommendations:

Telecommunications, Information Services and Video Programming

- Direct the Chairman of the Federal Communications Commission (FCC) to have the Office of Strategic Planning and Policy Analysis review all of their rules and regulations for compliance with existing laws and policies promoting access to communications by people with disabilities.
- Direct the FCC to have its Disability Rights Office provide guidance on its services through videos that are both captioned and interpreted in American Sign Language, generate quarterly reports on consumer complaints about the accessibility of telecommunications and video programming equipment and services, and ensure appropriate investigation and resolution of all disability-related complaints.
- Work with the 111th U.S. Congress to pass the 21st Century Communications and Video Accessibility Act, which would amend the Communications Act to close existing communication accessibility gaps and ensure that new Internet-based and digital telephone and television services are accessible to and usable by people with disabilities.
- Direct the FCC to take action on the remaining issues from the captioning quality petition filed in July 2004 by a coalition of consumer organizations and to convene a technical working group to identify solutions for closed captioning problems on digital TV.
- Direct the FCC to rescind the 9/12/06 Anglers Exemption Order that improperly exempted a new class of video programming from the closed captioning rules and to issue determinations for approximately 700 petitions for exemption, about 500 of which were filed in 2006.
- Provide funding for and direct the FCC to lead the interagency effort to ensure access by people with disabilities to Next Generation 9-1-1 services to enable direct communication by these individuals with public safety answering points (PSAPs) and emergency services through video, text and voice carried by wireline, wireless, and Internet-based communication networks.
- Direct the FCC to allow the Universal Service Fund (USF) to subsidize low-income deaf, hard of hearing, late-deafened and deaf-blind individuals in their purchase of broadband service, defray the cost of specialized telecommunication devices needed by people who are deaf-blind, and implement measures to ensure access to all effective telecommunication services by deaf, hard of hearing, late-deafened and deaf-blind people.
- Direct the FCC to mandate the nationwide offering of captioned telephone relay services via the public switched telephone network to ensure that all Americans with hearing loss have access to this relay technology.
- Provide full support for captioned radio technology, which is currently under research and being tested by National Public Radio and its partners.



Recommendations:

Transportation

- Direct the U.S. Department of transportation (DOT) to implement measures that ensure full visual access to all public announcements made at all airports and public ground transportation facilities.
- Direct the DOT to make highway emergency communications systems, including those located at rest areas, accessible to deaf and hard of hearing travelers.
- Direct the DOT to include the Federal Communications Commission (FCC) in the interagency efforts to establish Next Generation 9-1-1 services to ensure access by people with disabilities by enabling direct communication by these individuals with public safety answering points (PSAPs) and emergency services through video, text, and voice carried by wireline, wireless, and Internet-based communication networks.

Direct the DOT to issue regulations for the Air Carrier Access Act that ensure access to all airline services and ensures that individuals who are deaf-blind can exercise their right of self-determination for independent travel.



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Alexander Graham Bell Association for the Deaf and Hard of Hearing, Inc.	
Catherine Murphy Director of Communications Alexander Graham Bell Association 3417 Volta Place, NW Washington, DC 20007 202-204-4687 202-337-8314 fax cmurphy@agbell.org www.agbell.org	The Alexander Graham Bell Association for the Deaf and hard of Hearing (AG Bell) helps families, health care providers and education professionals understand childhood hearing loss and the importance of early diagnosis and intervention. Through advocacy, education, research and financial aid, AG Bell helps to ensure that every child and adult with hearing loss has the opportunity to listen, talk and thrive in mainstream society. With chapters located in the United States and a network of international affiliates, AG Bell supports its mission: <i>Advocating Independence through Listening and Talking!</i>
American Association of the Deaf-Blind	
Jamie Pope Executive Director American Association of the Deaf-Blind 8630 Fenton Street, Suite 121 Silver Spring, MD 20910 Jamie-Pope@aadb.org (301)495-4402 TTY/VP (301) 495-4403 Voice (301) 495-4404 Fax	American Association of the Deaf-Blind (AADB) is a national consumer advocacy organization of, for and by deaf-blind Americans. The mission of AADB is to enable deaf-blind individuals achieve their maximum potential through increased independence, productivity, and integration into the community. Founded in 1937 to have deaf-blind people meet and provide moral support to one another, AADB evolved into a formal organization in 1984 with 501 (c) (3) status, bylaws, and a board of directors, the majority of whom are deaf-blind themselves. AADB also has a website at www.aadb.org
Association of Late-Deafened Adults	
Cheryl Heppner Advocacy Chair Northern Virginia Resource Center for Deaf and Hard of Hearing Persons 3951 Pender Dr. Suite 130 Fairfax, VA 22030 703-352-9055 Voice 703-352-9056 TTY 703-352-9058 FAX cheppner@nvrc.org ALDA, Inc. 8038 MacIntosh Lane Rockford, IL 61107 V/TTY : 815-332-1515	The Association of Late-Deafened Adults was formed in Chicago, Illinois in 1987. It has evolved to membership that is international in scope, working collaboratively with other organizations and individuals around the world to serve the needs of people who are late-deafened. Through a support network of chapters, groups, and individuals, ALDA promotes public and private programs to alleviate the problems faced by those with late-deafness in becoming reintegrated into all aspects of society. ALDA also provides educational information through publications and an annual conference, as well as advocacy on behalf of, and in support for, late-deafened adults and their families and friends.
California Agencies Serving the Deaf and Hard of Hearing	
Ed Kelly, Chair, CCASDHH Director, Orange County Deaf	The California Coalition derived from the 1970's civil rights era in which American citizens advocated for their right to



<p>Equal Access Foundation 6022 Cerritos Avenue Cypress, CA 90630 Email: EDKOCDEAF@aol.com</p> <p>Sheri A. Farinha, Vice Chair, CCASDHH CEO, NorCal Services for Deaf & Hard of Hearing 4708 Roseville Road, Suite 111 Sacramento, CA 95660 Email: SFarinha@norcalcenter.org www.norcalcenter.org</p>	<p>equal access to employment, education, housing, all government services, and dignity. Section 504 of the Rehabilitation Act of 1973, as amended in 1978, and the Americans with Disability Act opened up further access mandating communication accesses and making discrimination on the basis of disability illegal. Such acts, created an avenue for the Coalition of Agencies, as advocates "of, by, and for" the deaf and hard of hearing consumers to focus on efforts providing mandatory services under the Department of Social Services, Office of Deaf Access Assistance. There are approximately 3.8 million deaf and hard of hearing individuals the Coalition is available to provide such services covering all 58 counties. As a whole, the Coalition of Deaf Agencies in California work together on system advocacy where access and services involving communication access is lacking.</p>
<p>CSD</p>	
<p>102 N. Krohn Place Sioux Falls, South Dakota 57103 TTY: (605) 367-5761 Voice: (605) 367-5760 Toll Free TTY: (866) 273-3323 Toll Free Voice: (800) 642-6410 Fax: (605) 367-5958</p>	<p>CSD (also known as Communication Service for the Deaf, Inc.) is a private, nonprofit organization dedicated to providing broad-based services, ensuring public accessibility and increasing public awareness of issues affecting deaf and hard of hearing individuals. Through global leadership and a continuum of quality communication services and human service programs, CSD provides the tools conducive to a positive and fully integrated life.</p>
<p>Conference of Educational Administrators of Schools and Programs for the Deaf</p>	
<p>Barbara Raimondo Government Relations Liaison P.O. Box 685 Washington Grove, MD 20880 (301) 792-2884 baraimondo@earthlink.net www.ceasd.org</p>	<p>Founded in 1868, the Conference of Educational Administrators of Schools and Programs for the Deaf (CEASD) is committed to the promotion of excellence within a continuum of equitable educational opportunities for all children and adults who are deaf or hard of hearing. CEASD advocates on behalf of individuals who are deaf or hard of hearing and supports the efficient and effective management of schools, programs, program service centers, and governmental units offering educational and related programs and services. CEASD's membership consists of over 100 member schools and programs serving over 12,000 deaf and hard of hearing children and their families.</p>
<p>Deaf and Hard of Hearing Consumer Advocacy Network</p>	
<p>Claude Stout Chair, DHHCAN 8630 Fenton Street, Suite 604 Silver Spring, MD 20910 (301) 589-3786 execdir@tdi-online.org</p> <p>Cheryl Heppner Vice Chair, DHHCAN</p>	<p>Established in 1992, the Deaf and Hard of Hearing Consumer Advocacy Network (DHHCAN) provides a forum for proactive coordination of information for addressing and influencing legislation. It also seeks to further the movement toward universal, barrier-free access with emphasis on quality, certification and standards.</p> <p>Nineteen organizations are members of this national coalition of, for, and by the deaf and hard of hearing: American</p>



<p>Nancy J. Bloch Chief Executive Officer 8630 Fenton Street, Suite 820 Silver Spring, MD 20910 (301) 587-1788 Nancy.Bloch@nad.org</p> <p>Rosaline Hayes Crawford Director, Law and Advocacy Center (301) 587-7730 Rosaline.Crawford@nad.org</p>	<p>The National Association of the Deaf (NAD) was established in 1880 by deaf leaders who believed in the right of the American deaf community to use sign language, to congregate on issues important to them, and to have its interests represented at the national level. These beliefs remain true to this day, with American Sign Language as a core value. As a nonprofit federation, the mission of the NAD is to preserve, protect, and promote the civil, human, and linguistic rights of deaf and hard of hearing Americans. The advocacy scope of the NAD is broad, covering the breadth of a lifetime and impacting future generations in the areas of early intervention, education, employment, health care, technology, telecommunications, youth leadership, and more. For more information, please visit www.nad.org.</p>
<p>Telecommunications for the Deaf and Hard of Hearing, Inc.</p>	
<p>Claude Stout Executive Director 8630 Fenton Street, Suite 604 Silver Spring, MD 20910 (301) 589-3786 (301) 589-3797 Fax execdir@tdi-online.org www.tdi-online.org</p>	<p>Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI) is a consumer advocacy organization that provides leadership in achieving equal access to telecommunications, media and information technologies for 31 million Americans who are deaf and hard of hearing. TDI publishes the TDI World quarterly magazine and the annual TDI National Directory & Resource Guide, also known as the Blue Book. For more information please visit www.tdi-online.org</p>