

APPENDIX 201

COMMUNICATING WITH PERSONS WITH DISABILITIES

These requirements are separate from accommodation requirements. Your obligation to communicate effectively with people with disabilities – whether those people are students, staff, applicants for admission or employment, parents, guardians, or members of the public – is *separate from* your obligation to provide reasonable accommodations for qualified people with disabilities.

The Workforce Innovation and Opportunity Act (WIOA)

<https://www.congress.gov/113/bills/hr803/BILLS-113hr803enr.pdf>, nondiscrimination regulations, which apply to Job Corps, distinguish between these two obligations, for a very simple reason: without clear, accurate, effective communication, any encounter between a person with a disability and a program from which he or she is seeking services, such as Job Corps, will be meaningless.

Therefore, when a person with a disability that affects his or her ability to communicate approaches Job Corps, the first thing you should do is find out how to communicate as effectively with that person as you do with people without disabilities.

It is important to understand that under the law, the burden is on Job Corps to provide the auxiliary aids and services (communication aids) that are needed for equally effective communication with a particular person with a disability. This means that you *cannot* and *must not* require the person with a disability to supply, or pay for his or her own interpreter, communication device, or whatever else is necessary for clear communication between him or her and Job Corps.

Furthermore, in deciding what type of aid or service is appropriate and necessary in order for you to communicate equally effectively with a particular person with a disability, the law requires you to “give primary consideration to” the requests of that person. Why? Because:

- He or she is the best source of information about his or her own needs.
- Not everyone who appears to have “the same” disability, or type of disability, is able to use and understand the same communication method. For example, while some people with hearing impairments understand American Sign Language, others communicate in Signed English, while still others do not understand sign language at all, and need a different communication method such as CART transcription.

Although Job Corps is not necessarily required to provide the precise communication aid requested by a person with a disability when an *equally effective*, less costly alternative is available, the law places on you the clear obligation to provide some method of communication that is effective for *that particular person* with a disability. This essentially means that you must engage in an interactive process with the person with a disability, similar to the process required for reasonable accommodations (see Form 2-03), to find out what communication method(s) the person can genuinely understand. This process itself, of course, requires you to communicate effectively with the person with a disability.