



DISABILITY AND COMMUNICATION ACCESS BOARD

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Guidance on the Provision of Auxiliary Aids/Services or Accommodations Due to a Disability at Public Meetings or Events

Legal Requirement

Title II of the Americans with Disabilities Act, 28 C.F.R. §35.106, states, in part:

§35.106 Notice. A public entity shall make available to applicants, participants, beneficiaries, and other interested persons information regarding the provisions of this part and its applicability to the services, programs, or activities of the public entity, and make such information available to them in such manner as the head of the entity finds necessary to apprise such persons of the protections against discrimination assured them by the Act and this part.

Guidance

With respect to a noticed event, a public entity can meet the above requirement by indicating on an agenda, flyer, registration form, etc., that a person with a disability may request an auxiliary aid/service (i.e., sign language interpreter, captioner, computer assisted notetaker) or other accommodation in order to participate in its program, service or activity. An event to which the public is invited includes, but is not limited to, a community meeting, conference, workshop, administrative proceeding subject to Hawaii Revised Statutes, Chapter 91, or a public agency meeting subject to Hawaii Revised Statutes, Chapter 92; held in person or via virtual platforms. While the specifics of the event may vary, the general principles are the same and notices shall take into account the following considerations:

1. Wording on how to request an auxiliary aid/service or other accommodation because of a disability should be placed directly on the document, flyer, or other form, and should not require an 'extra step' that requires the reader to find instructions elsewhere via a link or other research.
2. Any deadline date listed for requesting an auxiliary aid/service or other accommodation for an open event is only a "reply by date" because the public entity shall continue to try to meet any request up to the scheduled time of the event. A public entity may (1) indicate a "reply by date" and state that requests made as early as possible have a greater likelihood of being fulfilled; or (2) add a phrase stating that requests made after a "reply by date" cannot be assured. In some cases, due to the limited number of communication access providers, a requested auxiliary aid/service or accommodation may not be obtained for the event even if a request is made prior to the "reply by date."

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3. Any “reply by date” should take into consideration the date that the notice is made available to the public at large. For example, if an agenda is posted six days prior to the meeting pursuant to Chapter 91, then a “reply by date” to request an auxiliary aid/service or other accommodation should not require six days advance notice. Or, for example, if a conference program is posted a month in advance, then a “reply by date” for requests can be set to allow the public entity more time to fulfill the request.
4. If an event has a registration deadline for all participants, such as a conference or workshop, with or without a registration form, then the deadline for requesting an auxiliary aid/service or an accommodation can be firm and can coincide with the deadline for registering for the event itself.
5. If an auxiliary aid/service or accommodation will be provided without the need for a request, the notice should indicate so (i.e., an American Sign Language interpreter will be present).
6. If an event is conducted virtually, always include a phone number to allow participants who may not have the technology or ability to join the event via a given virtual platform to participate in the event by phone.

It is also a given that any agenda and all supporting documents linked to the agenda should be prepared in an accessible format readable by a person with screen-reader software, including the inclusion of alt text (alternative text) behind images.

Sample Language

If you need an auxiliary aid/service or other accommodation due to a disability, contact [Name] at [phone number and email address] as soon as possible, preferably by [reply date]. If a response is received after [reply date], we will try to obtain the auxiliary aid/service or accommodation, but we cannot guarantee that the request will be fulfilled.

Upon request, this notice is available in alternate formats such as large print, Braille, or electronic copy.

Or, if no reply date is provided:

If you need an auxiliary aid/service or other accommodation due to a disability, contact [Name] at [phone number and email address] as soon as possible. Requests made as early as possible will allow adequate time to fulfill your request.

Upon request, this notice is available in alternate formats such as large print, Braille, or electronic copy.