Why Federal Laws Requiring Communication Access Have Failed

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No Disclosures
Federal Laws on Access

• Education Laws (IDEA, No Child Left Behind, Section 504 of Rehab Act)
• Telecommunications Laws (HAC Act, Telecom Act)
• General Access Laws (ADA)
• All three types of laws have implications for children or adults who need to connect to other technologies to maximize listening outcomes
Education Laws / IDEA

- **Free and Appropriate** Public Education (FAPE)
- How services are to be provided is described in the IEP
- “It costs too much” or “we don’t have the money” are not legal reasons for not providing assistive listening devices in educational settings
- Services do not have to be the best possible
- Services must address the **child’s specific needs**
- IEPs are negotiated
May parents ask the school to purchase a specific FM or ALDs system for their child?

- Technology (CI and ALDs) are upgraded periodically but schools will not upgrade automatically.
- It helps to demonstrate improved outcomes.
- CI audiologist should test child with existing ALDs and with the upgraded/new technology.
- Schools not legally obligated to provide the “best” but demonstrating improved access to sound will help make the case.
IDEA and Practical Challenges

• Services and technology are negotiated
• Parents must take the initiative
• Some schools are more open to upgrades than others
• Financial pressures exist everywhere
• We still have the thinking: “I have this system in the closest left over from Johnny”
• 3 CI companies with multiple devices plus multiple ALDs options —another major challenge
General Access Laws/
Americans with Disabilities Act (ADA)

• Passed in 1990, provides protections in all aspects of life
• 4 parts (or titles)
  – Employment
  – State and Local Government Services (includes education)
  – **Public Accommodations** (anywhere the public goes —it covers stores, theaters, sports events, hotels, health care)
  – Telecommunications Relay Services (above)
How do ALDs work in public places?

- Most facilities translate ALDs to mean headsets
- Typically do not provide telecoil access
- Facilities think if they have provided equipment, they’re done
- Rarely monitor sound quality or S/N ratio or even batteries
- Many CI recipients find they hear better using options on their own sound processor
- Push to greater use of induction loops following the European example
Kennedy Center for the Performing Arts
ALDs Equipment: New System!
Telecommunications Revolution

• Historical lack of telephone access for deaf people tremendously limiting
• Range of Federal laws sought to change the paradigm for individuals with hearing loss
• HAC Act of 1988 required telecoil access (new rules in 1996 added volume requirements)
• And then….everything moved to wireless, first analog and then digital
Wireless Telephones

• First wireless phones were analog and did not create major access problems though few worked with telecoils (wireless exempted)

• In 1995, new type of wireless (digital) was introduced in the US—HA and CI users reported interference. Many people could not use them

• Consumers and professionals advocated to the Federal Communications Commission for over 10 years to lift HAC exemption for wireless phones
FCC Actions on Wireless Phones

• Agreed to lift exemption for wireless phones
• Established technical standards
• Each wireless manufacturer must now offer % of phones that meet a specific interference standard
• Rating scheme initiated for handsets for microphone and telecoil compatibility
  – M1-M4 and T1-T4 (30% must be 3’s)
  – Rating of M4, T4 is the best
• Phone stores are supposed to offer help and allow you to try out phones
  • How many of you knew this & advise patients?
Telecommunications Act of 1996

Sec 255 (telephones) / Sec 713 (captioning)

• Requires that telecom products and services be accessible to, and usable by, people with disabilities

• Addresses wireless, wireline, cordless phones

• Overlaps somewhat with HAC though Telecom Act allows companies to fall back on “readily achievable” language

• TV captioning is now part of universal design and used by everyone
Reality of Telecom Laws and Phones

- Most people don’t know the wireless ratings exist
- Store personnel often don’t know about the classification scheme
- Many cell phone stores don’t have phones activated to try
- Variability even with the rating scheme
- Much of it is personal
- A few manufacturers HAVE taken on the challenge and tried to address access in creative ways (iphone 6)
My 30-year old (favorite) phone
Why Federal Laws have failed

• Requirements are not absolute
• A facility’s concept of having met the law’s requirements doesn’t mean they have provided technology that improves access to sound
• Kennedy Center example: What is going wrong?
• All of us have done a poor job of making our needs known
• Matching hearing technology to other technologies is complicated