

INTER-OFFICE MEMO



TO: Driver Training Schools

FROM: Tina O'Grady, Administrator of OTSO

DATE: August 28, 2009

SUBJECT: ADA Memo

The Ohio Traffic Safety Office (OTSO), Driver Training section, has received several inquiries regarding what responsibilities individual driver training schools have in providing accommodations for students who are hearing impaired. According to Ohio Administrative Code Section 4501-7-03 (C), "Every person connected in any manner with a driver training enterprise. . . shall comply with all applicable state and federal laws which prohibit discrimination based upon race, color, national origin, sex, age, handicap, disability, ancestry or religions." Likewise, Ohio Administrative Code Section 4501-21-05(D)(5) states that a remedial driving school will certify that the enterprise will operate "in compliance with applicable local, state, and federal laws."

The Americans with Disabilities Act (ADA), a federal law, prohibits discrimination on the basis of disability. The purpose of the ADA is to ensure effective communication with the students so that the students are able to receive the full benefit of the classes and training programs offered by the driver training school. What constitutes effective communication with an individual who has hearing loss or no hearing should be determined on a case by case basis. The applicable federal law and regulations can be found at 42 U.S.C. § 12181 and Volume 28 of the Code of Federal Regulations, Part 36. Please refer to these sections for further guidance.

OTSO is of the opinion, in accordance with the ADA and Ohio Administrative Code 4501-7-03, that driver training schools should provide auxiliary aids and services to students who have a hearing loss or no hearing, unless providing such auxiliary aids or services would fundamentally alter the program provided or result in an undue burden. Please note, however, that the terms "undue burden" and "fundamentally alter" have been narrowly interpreted. Therefore, the OTSO advises that all driver training schools should consult with a private attorney before making a decision to deny a student training based upon one of these reasons or if a school has any other ADA or disability-related inquiries.