

NEVADA COMMISSION FOR PERSONS WHO ARE DEAF AND HARD OF HEARING

Position on the ADA and IDEA as it pertains to People who are Deaf and Hard of Hearing (D/HH)

Scope: The **Nevada Commission for Persons who are Deaf and Hard of Hearing (NVCDHH)** is established to provide advocacy on behalf of individuals who are Deaf and Hard of Hearing (D/HH), including the development of the Nevada State Plan for the Deaf (D), Hard of Hearing (HH), Speech-Impaired (SI), DeafBlind (DB), and Deaf Plus (D+). The Commission, established in 2017, works to promote full inclusion, equal access, and self-sufficiency of D/HH/SI/DB/D+ in the State of Nevada. As an advisory and advocacy body to the state, local government, policymakers, and stakeholders, the NVCDHH makes recommendations to address systemic barriers and to advocate for policies that enhance communication access, education, healthcare, employment, and community engagement. Statutory Authority: [NRS 427A.70](#).

For the purposes of this position statement the term “Deaf and Hard of Hearing (D/HH)” will be used throughout this document to include persons who are Deaf (D), DeafBlind (DB), Hard of Hearing (HH), Speech Impaired (SI), and Deaf or Hard of Hearing Plus (D/HH+).

The ADA and IDEA as it pertains to People who are Deaf or Hard or Hearing (D/HH)

The Americans with Disabilities Act (ADA), signed into law in 1990, prohibits discrimination against individuals with disabilities, including those who are Deaf and Hard of Hearing (D/HH), in all areas of public life, including employment, education, transportation, and public accommodations. It ensures that individuals who are D/HH have the right to effective communication and reasonable accommodations.

The Individuals with Disabilities Education Act (IDEA) mandates that students with disabilities, including those who are D/HH, receive a Free Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE). This law requires schools to provide necessary accommodations, including sign language Interpreters, Assistive Technology (AT), and Individualized Education Plans (IEPs) to support students' academic success.

Despite these laws, many individuals who are D/HH continue to face significant barriers in education, employment, and public accessibility due to inconsistent enforcement and oversight of ADA accommodations. Strengthening Nevada’s implementation of ADA and IDEA provisions is necessary to uphold the rights of the D/HH community.

The Nevada Commission for Persons who are Deaf and Hard of Hearing (NVCDHH) believes that every individual has the right to equal access to education, employment, healthcare, and public services. The Americans with Disabilities Act (ADA) and the Individuals with Disabilities Education Act (IDEA) are critical legislative frameworks that protect the rights of people who are Deaf and Hard of Hearing (D/HH). However, enforcement and implementation of these laws require strengthening to ensure full accessibility and compliance across Nevada.

The Need for Stronger ADA and IDEA Enforcement in Nevada: While ADA and IDEA provide legal protections, gaps remain in their enforcement at the state level. The Nevada Commission for Persons who are Deaf and Hard of Hearing (NVCDHH) recognizes the urgent need to:

- Strengthen Nevada’s enforcement of ADA and IDEA provisions to ensure full compliance by public and private entities.
- Improve accessibility in schools, workplaces, healthcare settings, and public spaces for individuals who are D/HH.
- Hire a dedicated Compliance Officer to oversee enforcement, investigate complaints and non-compliance, and pursue justice for violations of these laws.
- Provide state oversight to hold government agencies, workforce, and institutions accountable for non-compliance.
- Provide clear and D/HH accessible navigation support to file and/or report non-compliance violations.

Policy Recommendations: To enhance ADA and IDEA enforcement in Nevada, the Nevada Commission for Persons who are Deaf and Hard of Hearing (NVCDHH) recommends:

1. **State Enforcement Mechanisms:** Establish a state-led enforcement body to monitor ADA and IDEA compliance in schools, workplaces, and public facilities.
2. **Compliance Officer Position:** Hire a Compliance Officer dedicated to overseeing ADA and IDEA implementation, investigating complaints, and ensuring corrective action.
3. **Educational and Training Programs:** Develop training programs for educators, employers, healthcare providers, and public officials to improve their understanding of ADA and IDEA requirements.
4. **Accessible Complaint Process:** Create an easily accessible and streamlined process for individuals to report ADA and IDEA violations and seek resolution.
5. **Stronger Accountability Measures:** Implement stricter penalties and corrective measures for organizations that fail to comply with accessibility laws.
6. **Funding for Compliance Efforts:** Secure state and federal funding to support ADA and IDEA enforcement initiatives, ensuring the availability of necessary resources and accommodations.
7. **Community Awareness Campaigns:** Increase public awareness about ADA and IDEA rights and the responsibilities of institutions to comply with these laws.

Proposed Next Steps (Call to Action): To ensure full implementation and enforcement of ADA and IDEA provisions, the Nevada Commission for Persons who are Deaf and Hard of Hearing (NVCDHH) urges the following actions:

- **Legislative Action:** Advocate for new policies that strengthen Nevada’s enforcement of ADA and IDEA protections.

- **Compliance Officer Appointment:** Work with state officials to establish a Compliance Officer role dedicated to pursuing justice and oversight.
- **Stakeholder Collaboration:** Engage with government agencies, educational institutions, employers, and advocacy organizations to improve accessibility.
- **Public Accountability:** Hold organizations accountable for non-compliance and provide resources to assist with necessary accommodations.
- **Funding and Resource Allocation:** Secure funding to expand enforcement efforts and ensure all individuals who are D/HH receive the accommodations they need.

Conclusion: The ADA and IDEA are essential laws that protect the rights of people who are Deaf and Hard of Hearing (D/HH), but enforcement must be strengthened to ensure full accessibility and compliance. The Nevada Commission for Persons who are Deaf and Hard of Hearing (NVCDHH) is committed to advocating for stronger oversight, increased accountability, and the appointment of a Compliance Officer to uphold these protections. By taking decisive action, Nevada can create a more inclusive and accessible environment for all individuals who are D/HH.