

Testimony on Bill No. 36-0190

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Good morning Honorable Angel L. Bolques Jr., Senator-at-Large, members of the Committee on Government Operations, Veterans Affairs, and Consumer Protection, other senators present, and members of the listening and viewing public. I am Angus Drigo, Executive Director of V.I. Advocacy Inc. commonly known as the Disability Rights Center of the Virgin Islands (DRCVI).

Thank you for inviting the DRCVI to present on Bill No. 36-0190. This proposed measure aims to enhance accessibility and inclusivity across the Virgin Islands by mandating the use of American Sign Language (ASL) interpreters for all live, televised broadcasts as well as official functions of the Government of the Virgin Islands.

This bill is paramount to the people that DRCVI represents, and I commend you for ensuring accessibility to critical government information as mandated by the American with Disabilities Act.

This legislation proposes the creation of a new section within Title 1 of the Virgin Islands Code —§ 12A— which would ensure that members of our community, who are deaf or hard of hearing, receive equal access to critical government information disseminated as part of emergency communications, press conferences and via other public forums.

The National Association of the Deaf (NAD) recognizes that ASL is the backbone of the American deaf culture and values its acquisition, usage, and preservation. In fact, the NAD was created in part to promote and preserve ASL as a legitimate language and an optimal educational tool for deaf children and adults.

ASL is expressed by movements of the hands and face. It is the primary language of many who are deaf and hard of hearing and is used by some hearing people as well.

As I've stated, ASL is mandated by the ADA. Specifically, effective communications from government entities are included in Title II of the act. It requires that Title II entities (state and local governments) and Title III entities (businesses and nonprofits that serve the public) disseminate information to people who have communication disabilities. The purpose of this rule is to ensure that individuals with either a vision, hearing or speech disability can communicate with and receive information from all public sources.

It is essential that government information be an accessible gateway to education, employment, healthcare, other available government services, social interactions, civic events and community programs among others. When information is accessible, people with disabilities can participate fully in society, access resources, and exercise their rights.

According to the ADA, a “qualified” interpreter means someone who can interpret effectively, accurately, and impartially, both receptively (i.e., understanding what the person with the disability is saying) and expressively (i.e., having the skill needed to convey information back to that person) using any necessary specialized vocabulary.

There is no universal sign language as different languages are used in different countries or regions. In the territory, where colloquialism is part of our culture, it means ASL would differ slightly from traditional ASL. As such, local ASL interpreters should be prioritized over other interpreters.

Just as with other languages, specific ways of expressing ideas in ASL vary as much as ASL users themselves. In addition to individual differences in expression, ASL has regional accents and dialects, just as certain English words are spoken differently in different parts of the country. ASL has regional variations in the rhythm of signing, pronunciation, slang and signs used.

Further, fingerspelling is part of ASL and is used to spell out English words. In the fingerspelled alphabet, each letter corresponds to a distinct handshape. Fingerspelling is often used for proper names or to indicate the English word for something.

When choosing aide or service, Title II entities are required to give primary consideration to the choice of aid or service requested by the person who has a communication disability. The state or local government must honor the person's choice, unless it can demonstrate that another equally effective means of communication is available, or that the use of the means chosen would result in a fundamental alteration or in an undue burden.

For people who do not use sign language, real-time captioning (also known as computer-assisted real-time transcription, or CART) is the most beneficial service to disseminate information to a group of people. It's similar to court reporting. In this service, a transcriber types what is being said at a meeting or event into a computer, which then projects the words onto a screen. This service, which can be provided on-site or remotely, is beneficial for people who are deaf or have hearing loss but do not use sign language. For persons whose primary language is ASL, using written English in exchange of notes often is ineffective as ASL syntax and vocabulary can be different from English language.

In summary, effective communication is not just a legal requirement, but a fundamental right that ensures equal participation and empowers people with disabilities to have control of the information and subsequent decisions that they need to participate in society. ASL interpreters ensure that those who are deaf and hard of hearing can do just that.