

Morris County School Of Technology Pays \$175,000 and Agrees to Enter Into a Settlement Agreement for Failure to Provide Accommodations to Deaf Student

Submitted by the Office of Clara R. Smit, Esq.

In one of the few cases of its kind in New Jersey and across the nation, Morris County School of Technology has entered into an agreement to pay monetary damages and change their policy with regards to Deaf students at their school. Alexander Veman, a profoundly Deaf individual who communicates primarily in American Sign Language, filed a complaint in Federal Court for the failure to provide interpreters during his classes at Morris County School of Technology. Veman was a student in the Heating Ventilation Air Conditioning (HVAC) Program at Morris County School of Technology.

The school will utilize certain protocol to ensure that reasonable accommodations such as qualified sign language interpreters will be provided to future Deaf students under the Americans with Disabilities Act, the Rehabilitation Act of 1973 and the New Jersey Law Against Discrimination. This settlement agreement is believed to be among the most comprehensive agreement entered into with Morris County School of Technology and will hopefully result in important changes in the adult schools in New Jersey.

After experiencing the frustration and emotional anguish of having to sit through two and a half months of classes, which included lectures, class instruction, reading and writing in a workbook (with question and answer sessions), without any understanding as to what took place, Veman decided to sue the Morris County School of Technology so this would not happen to other Deaf students. Veman requested a sign language interpreter prior to classes commencing, and repeatedly during this time period. However, an interpreter was not provided to Veman until November 16, 2005, nearly two and a half months after his classes began. Even after the school finally provided an interpreter to Veman, they only provided the interpreter from 8:00 a.m. to 12:00 p.m., although the school did not end officially until 2:00 p.m., thereby precluding plaintiff from full participation in the HVAC program.

Following Veman's graduation from Morris County School of Technology, he still needed to retake the elec-

trical component of the program which he did on his own at the Morris County College. He had to retake the electrical portion due to Morris County School of Technology's failure to provide an interpreter during the first two and a half months of his HVAC program. Mr. Veman felt he had to re-take this part of the program at another college before he was able to secure a job in his field, which he currently holds.

After a year of litigation, the Morris County School of Technology has agreed to settle the case with payment of \$175,000 for monetary damages, attorneys' fees and injunctive relief in the form of a settlement agreement. Mr. Veman was represented in the case by Clara R. Smit, attorney in East Brunswick who specializes in serving the Deaf and hard of hearing. Ms. Smit and Alexander Veman are extremely pleased and excited with this settlement, and hope to see major changes in school systems across the country, in their policies and practices.

This settlement agreement provides for signage to be posted throughout the school to alert Deaf students and staff alike to the school's responsibility to provide interpreters to Deaf students who require same for effective communication. In addition the settlement agreement mandates that the school follow several steps to ensure all possible efforts are made to obtain an interpreter or accommodations whenever required for classes. Training and policy changes to implement the Settlement Agreement will also become part of the school's administrative policy as required as part of the Agreement.

Although the ADA, the New Jersey Law Against Discrimination and the Rehabilitation Act, specifically requires that a school provide reasonable accommodation, such as interpreters for its Deaf students, it is only recently that Deaf people have begun to feel empowered to start bringing these lawsuits. Communication difficulties in the past created extremely limited access to the legal community and the school system in general for Deaf individuals. Thus, Clara R. Smit, who is fluent in American Sign Language and whose parents were Deaf, seeks to make change and bring awareness through the bringing of these lawsuits.