

1980 WL 120865 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 11, 1980

**\*1 RE: Auxiliary Aids for Students at the University of South Carolina**

The Honorable M. Ernest Nunnery  
530 Blatt Building  
Columbia, South Carolina 29211

Dear Representative Nunnery:

You have recently asked this Office for its opinion about the extent to which auxiliary aids must be supplied to hearing impaired students in order for the University of South Carolina to comply with the Rehabilitation Act of 1973, § 504, [29 U.S.C. § 794](#). The applicable federal regulations of the formerly titled United States Department of Health Education and Welfare require recipients of federal funds to supply interpreters for hearing impaired students but recipients are not required to provide services of a personal nature. The regulations expressly provide:

(1) A recipient to which this subpart applies shall take such steps as are necessary to ensure that no handicapped student is denied the benefits of, excluded from participation in, or otherwise subjected to discrimination under the education program or activity operated by the recipient because of the absence of educational auxiliary aids for students with impaired sensory, manual, or speaking skills.

(2) Auxiliary aids may include taped texts, interpreters or other effective methods of making orally delivered materials available to students with hearing impairments, readers in libraries for students with visual impairments, classroom equipment adapted for use by students with manual impairments, and other similar services and actions. Recipients need not provide attendants, individually prescribed devices, readers for personal use or study, or other devices or services of a personal nature. [45 C.F.R. § 84.44\(d\)](#).

You will note that the list of auxiliary aids which a recipient must supply for handicapped students is not exclusive. Thus, aids other than those listed in paragraph two of the regulation may have to be supplied to handicapped students. Additionally, the South Carolina District Court relying upon the Rehabilitation Act and the above-quoted regulations, required a college to supply an interpreter for a deaf student. See [Barnes v. Converse College](#), 436 F.Supp. 635 (D.S.C. 1977) (copy enclosed).

Sincerely,

Barbara J. Hamilton  
Assistant Attorney General

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