



COLORADO
**Office of Community
Access & Independence**
Department of Human Services
Mark Wester, Director

The Honorable Governor John Hickenlooper
Members of the Colorado General Assembly
C/O Office of Legal Services
State Capitol Building
Denver, Colorado 80203

October 31, 2016

Dear Governor Hickenlooper and Members of the Colorado General Assembly:

Please accept my sincere apologies for the lateness of this report. The report was due on September 1, 2016. In the future, the Colorado Department of Human Services will make every effort to complete all of its legislative reports by the stated due date.

Sincerely,

Mark J. Wester
Director
Office of Community Access and Independence
Colorado Department of Human Services





COLORADO

Department of Human Services

September 1, 2016

Governor and Members of the Colorado General Assembly
c/o the Office of Legislative Legal Services
State Capitol Building
Denver, Colorado 80203

Dear Governor Hickenlooper and Members of the General Assembly:

In accordance with the statutory responsibility established through 26-21-106 (e), C.R.S., the Colorado Commission for the Deaf and Hard of Hearing (CCDHH) is pleased to submit the second annual report. CCDHH is mandated to assess the needs of the deaf and hard of hearing community and report to the Governor and the General Assembly “any recommendations for legislation or administrative changes that may facilitate or streamline the provision of general government services to the deaf and hard of hearing community.”

In this report, you will realize that CCDHH has been true to its mission, “To be an agent of change for a sustainable statewide network of resources dedicated to cultural and linguistic equality.” CCDHH is an effective and valuable state commission dedicated to resolving issues facing deaf, hard-of-hearing, and deaf-blind Coloradans.

CCDHH envisions a barrier-free Colorado. This report meets the intent of the fair-minded residents and legislators of our beautiful state.

Should you have questions or need additional information, please contact me at cliff.moers@state.co.us or 720-747-9462.

We thank you for the opportunity to serve.

Respectfully,

Cliff Moers
Administrator
Colorado Commission for the Deaf and Hard of Hearing



cc: Reggie Bicha, Executive Director, Colorado Department of Human Services
Julie Krow, Deputy Executive Director, Community Partnerships
Alicia Caldwell, Deputy Executive Director, Legislative Affairs and Communications
Nikki Hatch, Deputy Executive Director, Operations
Lauren Schreier, Legislative Liaison
Riley Kitts, Legislative Analyst
Angela Maramba, Boards and Commissions Liaison
Mark Wester, Director, Office of Community Access and Independence





COLORADO
Department of Human Services

Colorado Commission for the Deaf and Hard of Hearing Annual Report

September 1, 2016



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I. Introduction

Through hard work, dedication, and commitment by the CCDHH staff and stakeholders, CCDHH was able to compile this report outlining the critical services and community projects conducted during FY 2016. The community stakeholders, including commissioners, were involved in the recommendation process and take ownership of the issues outlined in this proposal.

This report is in the following sections:

1. Community Projects and Issues (Section II) – these are collaborative projects between CCDHH and its constituents.
2. Legislative Recommendation for your consideration (Section III) – CCDHH has only one recommendation. This recommendation is not reflected in the Department of Human Services priorities; it is a grassroots community initiative supported by CCDHH and its stakeholders.
3. Pending Issues (Section IV) – these issues may be addressed during the 2017 legislative session.

II. Community Project Updates and Issues

Aging Services and Residential Facilities

CCDHH has agreed to collaborate with the Colorado Deaf Senior Citizens Coalition and Spark Policy Institute to research existing models of independent living centers/complexes for deaf, hard-of-hearing, and deaf-blind residents. The Spark Policy Institute will lead the research and analysis. An analysis will be done to determine the need for independent living centers/complexes. The study and analysis will be based on interview data and existing research on prevalence data and statistics in Colorado. This work will include a write-up of a needs statement for potential developers.

Colorado Daylight Partnership: Behavioral Health Services

A presentation given to the Office of Behavioral Health (OBH) and other Department of Human Services representatives by CCDHH and the Colorado Daylight Partnership (CDP) outlining the accomplishments of CDP and the continued challenges in addressing capacity needs for deaf, hard-of-hearing, and deaf-blind people across the state in April 2016, resulted in OBH's intention to support the CDP mission to close gaps in behavioral health programming for these populations. CDP is in the process of submitting a detailed, formal funding request to OBH after it is endorsed by the Colorado Behavioral Healthcare Council and the mental health centers.

III. Legislative Recommendations

Deaf Education Steering Committee with a full-time coordinator

This grassroots community recommendation promotes a systemic shift in deaf education by recommending 1.0 FTE for the Deaf Education Steering Committee and \$20,000 in funding for an annual language, education, and policy symposium. The CCDHH recommends that this initiative be implemented through legislation in 2017.

Purpose:

This initiative will ensure opportunities for the State to consistently evaluate and determine the needs of deaf, deaf-blind, and hard of hearing children during their time in pre-school through 12th grade and implement programming, policy and legislative measurements as recommended by the Deaf Education Steering Committee.

This initiative will give the State the authority to:

- Create and operate a permanent Deaf Education Steering Committee consisting of 13, but no more than 19, diverse educational and community stakeholders (graduates of deaf education, parents, teachers, administrators, district representatives, state representatives and policy makers) with a highly qualified full-time Educational Advancement and Partnerships Coordinator (Administrator V).
- Host an interactive and policy focused two-day symposium for a larger group of stakeholders (consumers of deaf education – students and graduates, parents, support staff, teachers, administrators, district representatives, state representatives, and policy makers) where the Steering Committee presents their studies, findings and plans on an annual basis.

The Educational Advancement and Partnerships Coordinator will coordinate the annual symposium. The Deaf Education Steering Committee will advise the Educational Advancement and Partnerships Coordinator as to how funding for these positions should be allocated and monitored.

Funding request:

This initiative includes 1.0 FTE and funding for an annual symposium totaling \$130,970.

The initiative could be fully implemented by December 2017. The first symposium could be held in 2019. A statewide needs assessment might be conducted during 2018.

Task	Month/Year
Coordinator hiring	November 2017
Creation of Deaf Education Steering Committee	January-March 2018
State-wide needs assessment	April-June 2018
Symposium	March 2019

Technical clean-up of CCDHH statutes, 26-21-(101-108), C.R.S.

Several bills, including the most recent bill HB 16-1414, called for a technical clean-up of CCDHH statutes. Clarification and redefinition of programs that CCDHH is mandated to provide are the main purpose of the amendment. This amendment will ensure CCDHH and state government remain current with providing the seamless, effective resources the community stakeholders anticipate. Key changes:

- Change the name of the Colorado Commission for the Deaf and Hard of Hearing to the “Colorado Commission OF the Deaf, Hard of Hearing and Deaf-Blind” to reflect the populations CCDHH serves.
- Include the term “deaf-blind” and “deaf and hard of hearing” throughout the statutes to reflect that CCDHH programs are accessible to these communities.
- Change the position title of the CCDHH administrator to “director” as the office has expanded significantly in the past nine years.
- Change the name of the Telecommunications Equipment Distribution Program to “Communications Technology Program” to reflect this program’s expanded scope.
- Make the CCDHH provision of sign language interpreting and Communication Access Real-time Translation (CART) services available to state agencies in the executive branch. This authority is not clear within the current statutory language.
- Clarify that CCDHH has a new program, Community Access, because of the new mandate to serve deaf-blind people.

Both supporters and stakeholders such as the deaf community, the hard-of-hearing community, the deaf-blind community, the seven (7) commissioners of CCDHH, state agencies, and members of the Advocacy Coalition for Equality will be engaged in the rule-making process to implement statutory changes in rule with the State Board of Human Services after a technical clean-up of the CCDHH statutes is completed.

IV. Pending Issues

Centralized Auxiliary Services for State Agencies

CCDHH deployed a 10-15 minute survey to Colorado's executive branch employees to determine the level of experience in the provision of ADA accommodation, specifically auxiliary services (sign language interpreting and real-time captioning services), in September 2016.

The purpose of this survey was to help CCDHH identify opportunities to improve the efficiency of coordinating requests of auxiliary services within the current system, as well as to improve the quality of services for deaf, hard-of-hearing, or deaf-blind employees and consumers.

This survey asked about the employee's experience (or lack thereof) in coordinating auxiliary services for deaf, hard-of-hearing, or deaf-blind employees and consumers. There were two versions of the survey: one for those who have no experience and one for those with some experience. Even if an employee has no experience in coordinating auxiliary service requests, their input was going to be very valuable to this process.

Feasibility of providing centralized auxiliary services for deaf, hard-of-hearing, and deaf-blind people who struggle to access state programs will be determined when responses are gathered and assessed by the Spark Policy Institute, who is conducting the survey for CCDHH.

An addendum with the survey summary findings and recommendations for a quality-driven and seamless provision of auxiliary services for state agencies will be submitted by November 15, 2016.

Communication Access Fund for Legal Counsel

The CCDHH Communication Access Fund (CAF) Task Force had been established to remove barriers that deaf, hard-of-hearing and deaf-blind individuals encounter when seeking legal counsel. A survey had been conducted in March 2013 and the results of the survey showed that eighty-two percent (82%) of the 204 respondents indicated that there was a general lack of willingness on the part of attorneys to provide auxiliary services (e.g., interpreter and Communication Access Real-time Translation (CART) services). After the survey, the CAF Task Force recommended the creation of a centrally-funded, sustainable system for the provision of auxiliary services.

CCDHH met with representatives from the State's Supreme Court administration to pursue stakeholder task force recommendations to establish a communication access fund through an increase in annual attorney licensure fees. CCDHH representatives were informed that:

1. There are legal barriers to using monies from attorney annual licensing fees for the provision of auxiliary services. The monies are intended for those who have been victimized by attorney fraud, but attorney non-compliance with ADA regulations would not fit this category;

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2. Since the increase in attorneys' annual licensing fee, there has been a decline in the number of attorneys who are bar members; and
 3. Other groups who need help will also want to increase fees to increase access to attorneys.

The State Court Administrator recommended that grant monies be solicited to establish a fund to increase access to attorneys, because the State Supreme Court is not in a position to hold funds for private practice attorneys (legally they cannot).

Therefore, they recommend the establishment of a private foundation for donations through a separate entity to take and distribute funds for this purpose.

Another option is to have the Colorado Department of Human Services (CDHS) or community stakeholders to ask the legislature to appropriate funds for this need.

CCDHH representatives explored the possibility of tapping into the Colorado Lawyer Trust Account Foundation (COLTAF) to allocate monies for this purpose. COLTAF administers the Colorado's Interest on Lawyer Trust Accounts (IOLTA) program. This program uses the interest on lawyers' pooled trust accounts in order to improve access to civil justice. However, CCDHH was informed that the IOLTA funds are almost gone. The interest earned over the past seven (7) years has diminished by 80%, which in turn has diminished grant funding to current grantees.

Long-term action plan:

CCDHH needs to investigate the provision of auxiliary services for the State's public defenders, because State court chief of staff reported that public defenders are not consistently providing communication access when requested and that they need to be aware of their obligations for ADA compliance. The same problem exists with district attorneys, but CCDHH legal auxiliary services (LAS) does not provide auxiliary services for county district attorney offices. Services to public defenders and district attorneys need to be included in LAS's scope of work.

Community stakeholders who want to pursue the establishment of a CAF for legal counsel will need a plan for working with the legislature. Community stakeholders may have to tell their personal story to legislators in order to convince them of the need to establish a fund. Also, CCDHH plans to obtain statistics and examples about the types of cases that are happening without legal counsel — relative to people who were looking for help but couldn't get help. The study will likely show the devastating effects of unmet communication access needs.

Current action plan:

As a short-term solution, stakeholders will need to educate attorneys who are members of Colorado Bar Association (CBA) of the following:

- Inform the attorney that CBA funds can be used for an interpreter service when a request for an interpreter service is made. The attorney will need to request reimbursement from CBA. CBA currently does not reimburse bar members for CART service.

The CBA reimburses bar members, attorneys who are members of CBA, for interpreter expenses up to \$250 per client per attorney. Consumers are referred to the CBA website to find an attorney who specializes in whatever is needed.

- Advise attorneys of IRS Access Credit form 8826 for a federal tax incentive, which allows a 50% tax credit for expenses incurred providing access to qualified individuals.

According to the American Bar Association, "The protection of communications between client and lawyer, as embodied in the attorney-client privilege, has been a bedrock principle of our justice system for hundreds of years. The privilege is designed to permit the full and frank exchange of information as a necessary measure to ensure effective legal representation and protection of civil liberties." The establishment of a CAF is the solution to remove barriers for consumers who are seeking access to attorneys.

V. Conclusion

A progress update in regards to Section II (Aging Services and Independent Residential Facilities and Colorado Daylight Partnership funding) will be reported in 2018. These projects will require long-term planning and implementation.

CCDHH is prepared to respond to any questions or concerns regarding the grassroots community's legislative initiative to form a statewide Deaf Education Steering Committee with a full-time coordinator (Section III). This initiative would not have been made possible without the CCDHH grant program.

Section IV issues (technical clean-up of CCDHH statutes, centralized auxiliary services for state agencies, and CAF) will be a heavy focus of CCDHH during 2017.