



COLORADO

Department of Human Services

September 1, 2021

The Honorable Jared Polis
Governor, State of Colorado

The Honorable Alec Garnett
Speaker of the Colorado House of Representatives

The Honorable Leroy M. Garcia, Jr.
President of the Colorado Senate

Governor Polis, Speaker Garnett, and President Garcia:

The Colorado Department of Human Services, in response to reporting requirements set forth in Section 26-21-106 (1)(e), C.R.S., respectfully submits the attached Colorado Commission for Deaf, Hard of Hearing, and Deafblind Annual Report.

“The powers, functions, and duties of the commission include...Assessing the needs of deaf, hard of hearing, and deafblind and reporting annually 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 deaf, hard of hearing, and deafblind.”

If you have any questions, please contact Kevin Neimond, Policy and Legislative Affairs Director at 303-620-6450.

Sincerely,

Michelle Barnes
Director, Colorado Department of Human Services





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Colorado Commission for the Deaf, Hard of Hearing, and DeafBlind Annual Report

September 1, 2021



INTRODUCTION

This report is provided on behalf of the Colorado Commission for Deaf, Hard of Hearing, and Deafblind (CCDHHDB) as required by Section 26- 21-106(1)(e), C.R.S., which requires CCDHHDB to:

“Assess the needs of deaf, hard of hearing, and deafblind and report annually 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 deaf, hard of hearing, and deafblind. Notwithstanding Section 24-1-136 (1)(a)(I), on or before September 1 of each year, the commission must file the report required by this subsection (1)(e). In preparing the annual report and recommendations, the commission shall consider the following:

- (I) Whether any existing statutory or administrative provisions impede the ability of the commission to act as a statewide coordinating agency advocating for deaf, hard-of-hearing, and deafblind individuals in Colorado;
- (II) Any methods, programs, or policies that may improve communication, accessibility and quality of existing services, promote or deliver necessary new services, and assist state agencies in the delivery of services to deaf, hard of hearing, and deafblind;
- (III) Any methods, programs, or policies that may make providing access to government services more efficient; and
- (IV) Any methods, programs, or policies that may improve implementation of state policies affecting deaf, hard of hearing, and deafblind and their relationship with the general public, industry, health care, and educational institutions.

The CCDHHDB assessed these areas throughout the year and is providing this report which includes recommendations related to the need for a State Auxiliary Services Program.

OVERVIEW/PROBLEM STATEMENT

Historically, the deaf, hard of hearing, deafblind (DHHDB) population in Colorado has been overlooked and underserved. The lack of centralized auxiliary services for State of Colorado agencies within the Executive Branch creates multiple layered barriers for DHHDB individuals who are members of the general public, state employees, and/or recipients of emergency communications.

According to the National Institute on Deafness and Other Communication Disorders (NIDCD), one in eight people in the United States (13%) aged 12 or older has a hearing loss in both ears based on standard hearing examinations (NIDCD, 2021). If Colorado’s population in 2019 was 5,758,736 (U.S. Census, 2019), that means an estimated 758,636 Coloradans are deaf or hard of hearing. This statistic does not include those who are identified as deafblind. Estimating the number of deafblind people is difficult due to how data is collected nationwide.

The National Deaf Center shows that in 2017, only 31% of deafblind people and 56% of deaf people were employed in Colorado compared to 77% of hearing people (Garberoglio et al., 2017). The same report states that 8.6% of deaf people aged 25-64 in Colorado receive Supplemental

Security Income (SSI) benefits, which are monthly payments to adults and children who have low income and resources, and who are blind or disabled.¹

The State of Colorado Workforce Report for FY 2019-20 states that there were 29,112 classified employees for the State of Colorado that year. However, currently, the number of DHHDB individuals who work for the State is unknown.

The majority of the State of Colorado's employees are not DHHDB. Thus, when interacting with DHHDB people, auxiliary services are often required to facilitate effective communication. Auxiliary services is a general term for, "items, or equipment or services that assist in effective communication between a person who has a hearing, vision or speech disability and a person who doesn't" (Williamson, 2014). Contrary to popular perception, auxiliary services are not just for DHHDB individuals. Rather, they are also for hearing² (non-deaf) individuals who need support ensuring effective communication with DHHDB individuals. In other words, they are needed for both DHHDB and hearing parties to communicate effectively with one another.

PROPOSED SOLUTION

To help rectify this situation, this report³ outlines a plan to create a permanent State Auxiliary Services (SAS) program housed under the Colorado Commission for the Deaf, Hard of Hearing, and Deafblind (CCDHHDB)⁴ within the Colorado Department of Human Services that would provide centralized auxiliary services for the Executive Branch of the Colorado State government, including all state agencies.

This initiative would allow members of the DHHDB communities, including prospective employees, employees, consumers, and stakeholders, to be included in the everyday functions of the state 24 hours a day and seven days a week. The proposed program would build upon the Pilot for State Auxiliary Services (PSAS) that was conducted in 2019 with five programs across five state agencies as mandated by HB 18-1108 and outlined in the 2020 report.⁵

After successfully conducting PSAS, CCDHHDB is prepared to operate a permanent State Auxiliary Services (SAS) program beginning July 1, 2022, with a six-year implementation period. SAS would centralize auxiliary services for all State agencies and the Governor's Office to include scheduling, invoicing, and payments.

¹ <https://www.ssa.gov/ssi/>

² Hearing people are understood to be people who are not deaf, hard of hearing, or deafblind. They typically have listening and speaking capabilities and function (live and work) in a world that is predominantly auditory and vocal in nature (Cue, 2020).

³ This report is a condensed version of a white paper written regarding centralizing State Auxiliary Services

⁴ A Type II state agency housed under the Colorado Department of Human Services

⁵ The PSAS Report is available as an appendix to the State Auxiliary Services White Paper

The benefits of such a system are centralized funding, ease of finding auxiliary service providers, ensuring the right fit of vendors and consumers, streamlining independent contractor agreements and agency contracts, receiving, and processing invoices, and following up on payments. It also spreads the cost of auxiliary services across many entities instead of the weight being placed on specific, one-on-one interactions that happen to occur between DHHDB individuals and entities.

Having a centralized system means that CCDHHDB staff, the state's courts, and rural stakeholders can focus on their work without the added labor/burden of needing to worry about ensuring access or arranging accommodations. It also instills confidence in DHHDB state employees and DHHDB community members that they have access to the various programs and services provided by the Colorado state government.

To accomplish this venture, a six-year phase-in plan is proposed as follows that eventually covers all State agencies and the Governor's Office (including the Lieutenant Governor's Office).

Below is the Executive Branch breakdown that is being considered for inclusion in SAS.

Executive Branch:

- Governor's Office
- Lieutenant Governor's Office
- Cabinet Members of the Governor's Office under their respective State Agencies
- State Agencies

The Governor's Office will be added in three phases:

1. Governor's Office Press Conferences
2. Governor's Office's Other Functions
3. Lieutenant Governor's Office

The order of agency additions will be determined by the Auxiliary Services program. Priority will be given to PSAS participants.

Year 1: One agency (CDHS which was a PSAS agency) and the Governor's Office Press Conferences.

Year 2: Two agencies (PSAS agencies given priority), additional Governor's Office Functions and the Lieutenant Governor's Office

Year 3: Four agencies (two PSAS agencies and two new agencies to be determined)

Year 4: Five agencies (to be determined)

Year 5: Five agencies (to be determined)

Year 6: Six agencies (to be determined)

Total: 23 agencies plus entirety of the Governor's Office

The budget breakdown for this program's first three years of operations is as follows:

Proposed State Auxiliary Services Program Budget - Years 1 through 3			
	Personnel & Operating Costs	Auxiliary Services Costs	Total
Year One	\$253,637	\$116,850	\$370,487
Year Two	\$249,947	\$192,450	\$442,397
Year Three	\$249,947	\$268,050	\$517,997

The SAS program would have 3.0 full time equivalent (FTE) employees. Projected personnel needs include one Assistant Auxiliary Services Manager (Administrator IV), one SAS Coordinator (Administrator III), and one American Sign Language /English Interpreter (Technician V) position. See personnel and operating costs above for the total amount per year.

Anticipated Auxiliary Services Costs in Years 1-3 are shown in the table below. Years 4-6 funding will be determined based on Years 1-3 costs:

Breakdown of Auxiliary Services Costs - Years 1 through 3			
	Year One	Year Two	Year Three
Agencies Added & Estimated Costs	CDHS (\$18,900 estimated based on PSAS projections) CCDHHDB (\$49,200 based on FY 2020-21) Early Hearing Detection and Intervention; a program of CCDHHDB (\$23,400 based on FY 2020-21) Governor's Office Press Conferences (\$25,350 based on FY 2020-21)	Governor's Office Functions (\$18,900 estimated based on PSAS projections) Lieutenant Governor's Office (\$18,900 estimated based on PSAS projections) Two Agencies (\$18,900 based on PSAS projections x 2 agencies)	Four Agencies (\$18,900 based on PSAS projections x 4 agencies)
Total Cost	\$116,850	\$192,450 (Note: \$75,600 + Year One Total)	\$268,050 (Note: \$75,600 + Year Two Total)

The Commission recommends that funding for centralizing state government auxiliary services and establishing the proposed SAS program under CCDHHDB come from the Telephone Users with

Disabilities Fund (TUDF) due to the precedent that has been established. The CCDHHDB and its associated programs are funded mainly by the TUDF. Particularly, its associated auxiliary services programs. This funding enables CCDHHDB to provide auxiliary services at no cost to the courts, probation, treatment providers, and rural providers.

TUDF is funded through an adjustable monthly surcharge per telephone access line for all landline, mobile wireless, and voice-over-internet-protocol (VOIP) customers. The TUDF was established as a funding mechanism to ensure those with disabilities have access to telecommunication relay services. Based on current expenses and revenues of the TUDF, the TRS Administrator projects that an additional expense of \$370,487, the amount anticipated for funding the first year of the SAS, would not require a surcharge adjustment.

RECOMMENDED LEGISLATIVE INITIATIVE

The following is proposed language for a bill to establish a State Auxiliary Program that is modeled after the bill that created the PSAS program. These proposed changes to Sections 26-21-106(5), C.R.S. would create a new CCDHHDB program, State Auxiliary Services Program.

26-21-106. Powers, functions, and duties of commission - community access program - report

~~(5) On or before January 1, 2019, the commission shall establish a one-year pilot program to provide auxiliary services to state departments and agencies. The commission may continue the pilot program in subsequent years if the commission has adequate funding to provide auxiliary services through the pilot program. The commission shall:~~

~~(a) Identify at least two state departments or agencies to participate in the pilot program during calendar year 2019;~~

~~(b) Create a process for participating state departments or agencies to request auxiliary services from the commission;~~

~~(c) Collect data on the utilization of auxiliary services through the pilot program; and~~

~~(d) Hire an independent contractor to evaluate the pilot program and make recommendations regarding whether to expand the program to additional state departments and agencies. The evaluation must be based on utilization data from the first year of the program. The evaluation must be included in the September 1, 2020, annual report required by section 26-21-106 (1)(e).~~

(a) THE COMMISSION SHALL ARRANGE FOR THE PROVISION OF AUXILIARY SERVICES FOR STATE AGENCIES WITHIN THE EXECUTIVE BRANCH, INCLUDING THE GOVERNOR'S OFFICE, THAT EMPLOY OR SERVE DEAF, HARD OF HEARING, AND DEAFBLIND INDIVIDUALS BY PERFORMING THE FOLLOWING FUNCTIONS:

(I) COORDINATING ON A STATEWIDE BASIS THE DAY-TO-DAY SCHEDULING FOR AUXILIARY SERVICES PROVIDED TO STATE AGENCIES WITHIN THE EXECUTIVE BRANCH;

(II) CREATING AND MANAGING EFFICIENT AND CONSISTENT PROCESSES THROUGH WHICH AN AUXILIARY SERVICES PROVIDER MAY SUBMIT REQUIRED DOCUMENTATION AND RECEIVE PAYMENT FOR AUXILIARY SERVICES PROVIDED;

(III) CREATING AND MANAGING A PROCESS FOR THE INTAKE AND FULFILLMENT OF STATE'S REQUESTS FOR AUXILIARY SERVICES, INCLUDING THE IDENTIFICATION, COORDINATION, AND APPOINTMENT OF AUXILIARY SERVICES PROVIDERS TO MEET THE NEEDS OF ALL PARTIES, INVOLVED IN THE PROCEEDING, EVENT, OR CIRCUMSTANCE FOR WHICH A REQUEST IS MADE;

(IV) TO RESOLVE ANY ISSUES THAT ARISE WITH REGARD TO AUXILIARY SERVICES, COMMUNICATING WITH AUXILIARY SERVICES USERS, AUXILIARY SERVICES PROVIDERS, AND APPOINTING AUTHORITIES, AS DEFINED IN SECTION 13-90-202(1), IN THE STATE IN WHICH AUXILIARY SERVICES ARE BEING PROVIDED PURSUANT TO THIS SUBSECTION (5); AND

(VIII) ESTABLISHING, MONITORING, AND PUBLISHING ON THE COMMISSION'S PUBLIC WEBSITE A LIST OF CART PROVIDERS AND QUALIFIED INTERPRETERS, AS DEFINED IN SUBSECTION (4)(G)(II)(A) and (4)(G)(II)(B) OF THIS SECTION, RESPECTIVELY.

(b) CREATING AN ADVISORY COUNCIL TO MAKE RECOMMENDATIONS TO THE COMMISSION ABOUT THE PROVISION OF AUXILIARY SERVICES TO THE EXECUTIVE BRANCH AND STATE AGENCIES.

(c) THE EXECUTIVE DIRECTOR SHALL PROMULGATE RULES IN CONSULTATION WITH, OR AS PROPOSED BY, THE COMMISSION AND THE DEAF, HARD OF HEARING, AND DEAFBLIND COMMUNITY, REGARDING IMPLEMENTATION OF THIS SUBSECTION (5).