

Colorado Commission for the Deaf, Hard of Hearing, and DeafBlind Annual Report - September 1, 2022

Introduction

This report is provided on behalf of the Colorado Commission for Deaf, Hard of Hearing, and Deafblind (CCDHHDB) per 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.”

The recommendation contained in this report addresses the following areas in which the CCDHHDB is required to consider and make recommendations:

- Existing statutory or administrative provisions that impede the ability of the Commission to act as a statewide coordinating agency advocating for deaf, hard-of-hearing, and deafblind individuals in Colorado
- 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
- Methods, programs, or policies that may make providing access to government services more efficient
- Methods, programs, or policies that may improve implementation of state policies affecting deaf, hard of hearing, and deafblind (DHHDB) and their relationship with the general public, industry, health care, and educational institution

Recommendation

The CCDHHDB recommends the establishment of a State Auxiliary Services (SAS) Program. The CCDHHDB made this same recommendation in its FY 2021-22 Annual Report. During the 2022 legislative session, House Bill 22-1143 to create a State Auxiliary Services program was introduced, but did not make it through the process to passage. Last year’s Annual Report described the details of how the SAS program would be implemented. This year’s report will focus more on the need for a SAS program in Colorado and how to provide more equitable work environments and services to State agency employees. Also of note, this report proposes a two-year approach to rolling out the program as opposed to the six-year phased approach that was recommended last year. Upon further consideration, the CCDHHDB determined that expanding an SAS program across all State agencies would be feasible in a shorter time period.

Background/Context

Colorado residents and State of Colorado employees who are deaf, hard of hearing, or deafblind (DHHDB) do not have the same ease of access as State residents and employees who are hearing. In order for State programs and services to be truly equitable and accessible and be the most impactful for Coloradoans who are DHHDB, it is important for DHHDB individuals



to be able to communicate real-time with State employees who are hearing. And, in order for the State of Colorado to be a place where DHHDB individuals can work and thrive in all positions, DHHDB employees need the ability to communicate real-time with their co-workers who are hearing.

The majority of the state's employees are not DHHDB. Thus, when hearing individuals are 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 hearing¹ (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.

Further, the Americans with Disabilities Act (ADA) requires that Title II entities, State and local governments, communicate effectively with DHHDB people. The goal is to ensure that such communication is equally effective as communication with people who are not DHHDB.²

And, according to the [Colorado Department of Personnel and Administration website](#):
*"The State of Colorado believes that an equitable, diverse, and inclusive workplace is one where all employees and community partners, whatever their gender, race, ethnicity, religion, national origin, age, sexual orientation, gender identity, citizenship status, education, disability, socio-economic status, or any other identity, feel valued and respected. As an employer, the State is committed to nondiscriminatory practices and providing equitable opportunities for employment and advancement in all of our departments, programs, services, and worksites."*³

There is great diversity within the DHHDB community, with individuals representing a spectrum of hearing and vision as well as communication styles. Some rely on sign language interpreters, who have come to be perceived as the language and cultural mediators for DHHDB communities. Others rely on captionists to accurately and completely convey what is spoken through live, real-time captioning on screens. As a result, sign language interpreters and captionists greatly impact DHHDB communication access with the world at large – a world that is audio-centric (predominantly relying on the listening and speaking sensory orientation). Therefore, the quality of auxiliary services has great implications with regards to

¹ 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).

² U.S. Department of Justice, Civil Rights Division, Disability Rights Section, "ADA Requirements: Effective Communication": <https://www.ada.gov/effective-comm.htm>

³ [State of Colorado DPA website](#)



the safety, health, well-being, and ability of a DHHDB person's capacity to carry out the ordinary functions of their personal and working lives, including interactions with state government employees. The above is not always understood by the hearing person who may or may not have had interactions with DHHDB people or background knowledge with regards to the unique needs of the DHHDB populations.

Problem Statement

Despite the need and requirement for equal access to communication, the State of Colorado currently does not have a uniform, standardized way for State employees and the public who are DHHDB to communicate with State employees who are hearing. This lack of a coordinated, centralized auxiliary services program for State agencies leads to multiple barriers for DHHDB individuals who are members of the general public, state employees, and/or recipients of emergency communications to access and benefit from State services and employment.

As an example of a recent barrier faced by DHHDB people, one of the third party contractors of the Colorado Division of Motor Vehicles (DMV), which provides driving school and testing, failed to provide accommodations to deaf high school students as requested. Because the DMV no longer provides driving tests, individuals who need to take the driving test must use the contractor's driving school and testing center, but no provision was made for funding and coordination of auxiliary services. The DHHDB students went unserved while the state agency and the contractor denied having responsibility for ensuring equal access to communication. This demonstrates an inequitable system for young drivers to access the same services as their hearing peers.

Proposed Solution

To help rectify this situation, this report outlines a plan to create a permanent State Auxiliary Services (SAS) program within the CCDHHDB⁴ that would provide centralized auxiliary services, such as sign language interpreting and live captioning services, for State of Colorado Executive Branch agencies.

The SAS program would allow members of the DHHDB communities, including prospective employees, employees, consumers, and stakeholders, to be included in the everyday functions of State operations 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.

The following attachment describes the solution proposed to create a permanent State Auxiliary Services Program within the CCDHHDB.

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



Attachment A
Colorado Commission for Deaf, Hard of Hearing and Deafblind
Proposal for State Auxiliary Services Program
September 1, 2022

After successfully conducting a pilot of the State Auxiliary Services (SAS) program in 2019, the Colorado Commission for Deaf, Hard of Hearing and Deafblind (CCDHHDB) is prepared to operate a permanent SAS program beginning July 1, 2023. This is consistent with the provisions of Section 26-21-106(1)(e), C.R.S., which requires the CCDHHDB to act as a statewide coordinating agency and assist state agencies in the delivery of services to DHHDB individuals and make government more efficient. Furthermore, CCDHHDB has previous experience in developing, implementing, and operating centralized state programs dedicated to the provision of sign language interpreter and live captioning services according to section 26-21-106(4), C.R.S., i.e., auxiliary services for Colorado state court and state administrative proceedings, including probation and court-ordered treatment and other services ordered by the courts, and section 26-21-106(9), C.R.S., i.e, auxiliary services for rural areas.

The SAS program would centralize auxiliary services for 23 state agencies and the Governor's Office, including the Lieutenant Governor's Office, to handle scheduling, invoicing, and payments. 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 the stakeholders in the Executive Branch can focus on their work without the added labor 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. Returning to the example above, the driving students, driving school and test center, and DMV would simply contact SAS to arrange for the necessary accommodations.

To accomplish this venture, the CCDHHDB would roll out the SAS program within the Colorado Department of Human Services and the Governor's Office during the first year as the program was being established and staff were being hired. Then, the CCDHHDB would add the remaining State agencies and the Lieutenant Governor's Office the following year.

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



State Auxiliary Services Program Costs in Years 1 and 2			
	Personnel & Operating Costs	Auxiliary Services Costs	Total
Year One	\$217,740	\$131,850	\$349,590
Year Two	\$314,202	\$585,450	\$899,652

The SAS program would have 2.6 full-time equivalent (FTE) employees starting three months after the law becomes effective in FY 2023-24 and would occupy the position full-time for 12 months in FY 2024-25. Projected personnel needs include one Assistant Auxiliary Services Manager (Administrator IV), one SAS Coordinator (Administrator III), and one American Sign Language (ASL)/English Interpreter (Administrator IV) position. Note that special arrangements would need to be made for the Division of Vocational Rehabilitation, which has a dedicated budget made up of state and federal funds for providing auxiliary services.

The CCDHHDB 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), administered by the Public Utilities Commission, due to the precedent that has been established. The CCDHHDB and its associated programs are funded mainly by the TUDF, including its auxiliary services programs. This funding already enables CCDHHDB to provide auxiliary services at no cost to the Colorado State Courts, including probation and treatment, and rural communities.

The TUDF is funded through an adjustable monthly surcharge per telephone access line for all landline, mobile wireless, and voice-over-internet-protocol (VoIP) customers with a cap of 15 cents per month (\$1.80 per year) for the surcharge. The current telephone surcharge fee was set in October 2019 and is six cents per month per telephone access line (\$0.72 per year). The surcharge rate can be updated once every 12 months and affects approximately 6 million users.

The TUDF originally was established as a funding mechanism to ensure DHHDB and speech-impaired individuals have access to telecommunication relay services. This concept was expanded to ensure access to communication more generally for deaf, hard of hearing, deafblind and blind individuals through a variety of programs, including communications technology, sign language interpreters, live captioners, deafblind support service providers, etc.

Finally, the CCDHHDB would be available for consultation in the event a bill was introduced during the 2023 legislative session to establish a State Auxiliary Services program in Colorado. The CCDHHDB staff have done extensive research and calculations pertaining to the costs of establishing an SAS program and implementing it statewide.

