



COLORADO

Department of Human Services

September 1, 2023

The Honorable Jared Polis
Governor, State of Colorado

The Honorable Julie McCluskie
Speaker of the Colorado House of Representatives

The Honorable Stephen Fenberg
President of the Colorado Senate

Governor Polis, Speaker McCluskie, and President Fenberg:

On behalf of the Colorado Commission for the Deaf, Hard of Hearing, and DeafBlind, the Colorado Department of Human Services respectfully submits the attached Commission Annual Report in response to reporting requirements set forth in Section 26-1-310, C.R.S.

“(1)(e) 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. Notwithstanding section 24-1-136 (11)(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.”

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

Sincerely,

Yolanda Webb, Director, Office of Adult, Aging, and Disability Services



Colorado Commission for the Deaf, Hard of Hearing, and DeafBlind Annual Report - September 1, 2023

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 Communication Access Services (SCAS) Program. The goal of a SCAS Program is to provide communication access support and services to the public and State employees upon request to serve deaf, hard of hearing and deafblind(DHHDB) Coloradans seeking to engage with the State. The CCDHHDB recognizes the need for communication access services and has made a similar recommendation in its FY 2021-22 and FY 2022-23 Annual Legislative Reports. The CCDHHDB determined after successful completion of its State Auxiliary Services (SAS) Pilot Program that a permanent Communication Access Services Program would be feasible and necessary to provide clarity, understanding and support for DHHDB Coloradans accessing State government. The proposed SCAS Program seeks to provide centralized sign language interpreting, protactile interpreting, cued language transliterating, and real-time captioning services as a cost effective and efficient method for the State to support DHHDB individuals.

Background/Context

Colorado residents and State employees who are deaf, hard of hearing, or deafblind (DHHDB) do not have the same ease of access to State government services and employment as State employees and Coloradans who are hearing. As a State, Colorado supports programs and services that are equitable and accessible for all. It is important for DHHDB individuals to be able to access State government and communicate in real-time with State personnel who are hearing. Additionally, to ensure that the State is an environment where DHHDB individuals

can work and thrive, DHHDB employees need the services and support that a centralized SCAS program could provide to facilitate communication in real-time.

The majority of Coloradans and State employees are not DHHDB. Thus, when hearing individuals are interacting with DHHDB people, auxiliary services are often required to facilitate effective communication. Auxiliary services [communication access 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). It is also known as auxiliary services in the Americans with Disabilities Act (ADA).

Communication access services support both DHHDB individuals and hearing(non-deaf) individuals. The ADA requires State and local governments to communicate effectively with DHHDB people. The goal of a SCAS Program is to ensure that communication between the State and people who are DHHDB is equally effective as communication between the State and people who are not DHHDB.

There is great diversity within the DHHDB community, with individuals representing a spectrum of hearing and vision as well as communication styles. Some Coloradans rely on sign language interpreters, some rely on cued language transliterators who convert language from the spoken mode of communication to the cued mode, while others rely on captioners to convey what is spoken through live, real-time captioning on screens. As a result, sign language interpreters, cued language transliterators, and captioners greatly impact DHHDB communication access with the world at large. The quality of communication access services has an impact on the capacity for DHHDB people and state government personnel to interact.

Problem Statement

The State of Colorado currently does not have a uniform, standardized way for State employees and the public who are DHHDB to communicate. This lack of a coordinated, centralized auxiliary services program for State agencies leads to multiple barriers.

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

A permanent, State Communication Access Services program within the CCDHHDB that would provide centralized communication access services, such as sign language interpreting, cued language transliterating, and live captioning services, for State of Colorado Executive Branch agencies.

A SCAS program would allow members of the DHHDB communities, including prospective employees, employees, consumers, and stakeholders, to be included in the everyday

functions of State government and employment opportunities. A SCAS 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.

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 SCAS program beginning July 1, 2024. 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. The CCDHHDB has previous experience in developing, implementing, and operating centralized state programs dedicated to the provision of sign language interpreting 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.

A SCAS 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. A SCAS program would spread 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 would mean that stakeholders in the Executive Branch can focus on their work without the added labor of needing to worry about ensuring access or arranging accommodations and instill 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.