



**COLORADO**

**Department of  
Regulatory Agencies**

**2014 Sunset Review:  
Colorado Commission for the  
Deaf and Hard of Hearing**

*Office of Policy, Research and Regulatory Reform  
October 15, 2014*



**COLORADO**

**Department of  
Regulatory Agencies**

Executive Director's Office

October 15, 2014

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

Dear Members of the General Assembly:

The mission of the Department of Regulatory Agencies (DORA) is consumer protection. As a part of the Executive Director's Office within DORA, the Office of Policy, Research and Regulatory Reform seeks to fulfill its statutorily mandated responsibility to conduct sunset reviews with a focus on protecting the health, safety and welfare of all Coloradans.

DORA has completed the evaluation of the Colorado Commission for the Deaf and Hard of Hearing (Commission). I am pleased to submit this written report, which will be the basis for my office's oral testimony before the 2015 legislative committee of reference. The report is submitted pursuant to section 24-34-104(8)(a), of the Colorado Revised Statutes (C.R.S.), which states in part:

The department of regulatory agencies shall conduct an analysis of the performance of each division, board or agency or each function scheduled for termination under this section...

The department of regulatory agencies shall submit a report and supporting materials to the office of legislative legal services no later than October 15 of the year preceding the date established for termination....

The report discusses the question of whether there is a need for the program provided under Article 21 of Title 26, C.R.S. The report also discusses the effectiveness of the Commission and staff in carrying out the intent of the statutes and makes recommendations for statutory changes in the event this program is continued by the General Assembly.

Sincerely,

A handwritten signature in cursive script that reads 'Barbara J. Kelley'.

Barbara J. Kelley  
Executive Director





# COLORADO

## Department of Regulatory Agencies

### 2014 Sunset Review

### Colorado Commission for the Deaf and Hard of Hearing

#### SUMMARY

#### *What Is the Colorado Commission for the Deaf and Hard of Hearing?*

The Commission for the Deaf and Hard of Hearing (Commission) provides a vital program that centralizes the provision of services to deaf and hard of hearing people to ensure that all Coloradans have access to communication and critical government and private-sector services.

#### *How Is It Administered?*

The Commission helps to improve communication access through its various programs, which provide:

- Information and referrals to deaf and hard of hearing people and private and public entities that serve them;
- Outreach and consultative services to public and private entities;
- Telecommunications equipment to ensure that deaf and hard of hearing people have access to telephone service;
- Sign language interpreters and real-time captioning in the Colorado state courts, probation, and court-ordered treatment and therapy; and
- A grant program to address the needs of the deaf and hard of hearing community.

#### *Who Is Served by the Commission?*

In fiscal year 12-13, the Commission responded to 1,176 inquiries for information and referrals, provided 104 presentations and workshops, distributed telecommunications equipment to 140 people, distributed 173 notification systems, handled 3,106 requests for auxiliary services in the state court system, and awarded grants to fund six projects to improve services to the deaf and hard of hearing population.

#### *What Does It Cost?*

In fiscal year 12-13, the total expenditures to administer the Commission were \$1.1 million, and there were 6.3 full-time equivalent employees associated with the program.

## KEY RECOMMENDATIONS

### *Continue the Commission for nine years, until 2024.*

The purpose of the Commission is to centralize the provision of services to the deaf and hard of hearing population, especially those required by the Americans with Disabilities Act of 1990 (ADA). The goal of the ADA is to assure equality of opportunity, full participation, and economic self-sufficiency. For the deaf and hard of hearing, such equality is largely dependent on communication access. The Commission helps to ensure that all Coloradans have access to communication and critical government and private-sector services, and it should be continued.

### *Amend the reporting requirement to require the Commission to submit a report to the Governor and the General Assembly by September 1 each year.*

Currently, the Commission is required to submit a report with recommendations, including proposals for legislation, to the Governor and the General Assembly. However, the statute does not provide a deadline for the production of a report, and the Commission has never produced one. Considering the many barriers facing the deaf and hard of hearing community, the Commission should produce an annual report to the Governor and the General Assembly based on the current reporting requirement in statute.

### *Repeal the requirement for a member of the public to serve on the Commission and add a deaf-blind member to the membership of the Commission.*

The Commission acts to provide guidance to the staff regarding how to best provide governmental services to the deaf and hard of hearing community. While the current public member brings a great deal of knowledge and expertise to the Commission, the role of a public member is not critical to the effectiveness of the Commission. On the other hand, including a deaf-blind member on the Commission would ensure that the needs of this population are consistently communicated to the Commission and its staff, and, in so doing, improve the quality of governmental services to this population.

## MAJOR CONTACTS MADE DURING THIS REVIEW

Center for Rights of Parents with Disabilities  
Colorado Association of the Deaf  
Colorado Commission for the Deaf and Hard of Hearing  
Colorado Department of Human Services  
Colorado Cross-Disability Coalition  
Colorado Hands and Voices  
Colorado Public Utilities Commission  
Denver Purple Communications  
Deaf Overcoming Violence Through Empowerment  
Hearing Loss Association of America, Colorado chapters  
Relay Colorado  
Rocky Mountain ADA Center

### What is a Sunset Review?

A sunset review is a periodic assessment of state boards, programs, and functions to determine whether they should be continued by the legislature. Sunset reviews focus on creating the least restrictive form of regulation consistent with protecting the public. In formulating recommendations, sunset reviews consider the public's right to consistent, high quality professional or occupational services and the ability of businesses to exist and thrive in a competitive market, free from unnecessary regulation.

Sunset Reviews are prepared by:  
Colorado Department of Regulatory Agencies  
Office of Policy, Research and Regulatory Reform  
1560 Broadway, Suite 1550, Denver, CO 80202  
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# Background

## Introduction

Enacted in 1976, Colorado's sunset law was the first of its kind in the United States. A sunset provision repeals all or part of a law after a specific date, unless the legislature affirmatively acts to extend it. During the sunset review process, the Department of Regulatory Agencies (DORA) conducts a thorough evaluation of such programs based upon specific statutory criteria<sup>1</sup> and solicits diverse input from a broad spectrum of stakeholders including consumers, government agencies, public advocacy groups, and professional associations.

Sunset reviews are based on the following statutory criteria:

- Whether regulation by the agency is necessary to protect the public health, safety and welfare; whether the conditions which led to the initial regulation have changed; and whether other conditions have arisen which would warrant more, less or the same degree of regulation;
- If regulation is necessary, whether the existing statutes and regulations establish the least restrictive form of regulation consistent with the public interest, considering other available regulatory mechanisms and whether agency rules enhance the public interest and are within the scope of legislative intent;
- Whether the agency operates in the public interest and whether its operation is impeded or enhanced by existing statutes, rules, procedures and practices and any other circumstances, including budgetary, resource and personnel matters;
- Whether an analysis of agency operations indicates that the agency performs its statutory duties efficiently and effectively;
- Whether the composition of the agency's board or commission adequately represents the public interest and whether the agency encourages public participation in its decisions rather than participation only by the people it regulates;
- The economic impact of regulation and, if national economic information is not available, whether the agency stimulates or restricts competition;
- Whether complaint, investigation and disciplinary procedures adequately protect the public and whether final dispositions of complaints are in the public interest or self-serving to the profession;
- Whether the scope of practice of the regulated occupation contributes to the optimum utilization of personnel and whether entry requirements encourage affirmative action;

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<sup>1</sup> Criteria may be found at § 24-34-104, C.R.S.

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- Whether the agency through its licensing or certification process imposes any disqualifications on applicants based on past criminal history and, if so, whether the disqualifications serve public safety or commercial or consumer protection interests. To assist in considering this factor, the analysis prepared pursuant to subparagraph (i) of paragraph (a) of subsection (8) of this section shall include data on the number of licenses or certifications that were denied, revoked, or suspended based on a disqualification and the basis for the disqualification; and
  - Whether administrative and statutory changes are necessary to improve agency operations to enhance the public interest.

## Types of Regulation

Consistent, flexible, and fair regulatory oversight assures consumers, professionals and businesses an equitable playing field. All Coloradans share a long-term, common interest in a fair marketplace where consumers are protected. Regulation, if done appropriately, should protect consumers. If consumers are not better protected and competition is hindered, then regulation may not be the answer.

As regulatory programs relate to individual professionals, such programs typically entail the establishment of minimum standards for initial entry and continued participation in a given profession or occupation. This serves to protect the public from incompetent practitioners. Similarly, such programs provide a vehicle for limiting or removing from practice those practitioners deemed to have harmed the public.

From a practitioner perspective, regulation can lead to increased prestige and higher income. Accordingly, regulatory programs are often championed by those who will be the subject of regulation.

On the other hand, by erecting barriers to entry into a given profession or occupation, even when justified, regulation can serve to restrict the supply of practitioners. This not only limits consumer choice, but can also lead to an increase in the cost of services.

There are also several levels of regulation.

### Licensure

Licensure is the most restrictive form of regulation, yet it provides the greatest level of public protection. Licensing programs typically involve the completion of a prescribed educational program (usually college level or higher) and the passage of an examination that is designed to measure a minimal level of competency. These types of programs usually entail title protection - only those individuals who are properly licensed may use a particular title(s) - and practice exclusivity - only those individuals who are properly licensed may engage in the particular practice. While these requirements can be viewed as barriers to entry, they also afford the highest level of consumer protection in that they ensure that only those who are deemed competent may practice and the public is alerted to those who may practice by the title(s) used.

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## Certification

Certification programs offer a level of consumer protection similar to licensing programs, but the barriers to entry are generally lower. The required educational program may be more vocational in nature, but the required examination should still measure a minimal level of competency. Additionally, certification programs typically involve a non-governmental entity that establishes the training requirements and owns and administers the examination. State certification is made conditional upon the individual practitioner obtaining and maintaining the relevant private credential. These types of programs also usually entail title protection and practice exclusivity.

While the aforementioned requirements can still be viewed as barriers to entry, they afford a level of consumer protection that is lower than a licensing program. They ensure that only those who are deemed competent may practice and the public is alerted to those who may practice by the title(s) used.

## Registration

Registration programs can serve to protect the public with minimal barriers to entry. A typical registration program involves an individual satisfying certain prescribed requirements - typically non-practice related items, such as insurance or the use of a disclosure form - and the state, in turn, placing that individual on the pertinent registry. These types of programs can entail title protection and practice exclusivity. Since the barriers to entry in registration programs are relatively low, registration programs are generally best suited to those professions and occupations where the risk of public harm is relatively low, but nevertheless present. In short, registration programs serve to notify the state of which individuals are engaging in the relevant practice and to notify the public of those who may practice by the title(s) used.

## Title Protection

Finally, title protection programs represent one of the lowest levels of regulation. Only those who satisfy certain prescribed requirements may use the relevant prescribed title(s). Practitioners need not register or otherwise notify the state that they are engaging in the relevant practice, and practice exclusivity does not attach. In other words, anyone may engage in the particular practice, but only those who satisfy the prescribed requirements may use the enumerated title(s). This serves to indirectly ensure a minimal level of competency - depending upon the prescribed preconditions for use of the protected title(s) - and the public is alerted to the qualifications of those who may use the particular title(s).

Licensing, certification and registration programs also typically involve some kind of mechanism for removing individuals from practice when such individuals engage in enumerated proscribed activities. This is generally not the case with title protection programs.

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## Regulation of Businesses

Regulatory programs involving businesses are typically in place to enhance public safety, as with a salon or pharmacy. These programs also help to ensure financial solvency and reliability of continued service for consumers, such as with a public utility, a bank or an insurance company.

Activities can involve auditing of certain capital, bookkeeping and other recordkeeping requirements, such as filing quarterly financial statements with the regulator. Other programs may require onsite examinations of financial records, safety features or service records.

Although these programs are intended to enhance public protection and reliability of service for consumers, costs of compliance are a factor. These administrative costs, if too burdensome, may be passed on to consumers.

## **Sunset Process**

Regulatory programs scheduled for sunset review receive a comprehensive analysis. The review includes a thorough dialogue with agency officials, representatives of the regulated profession and other stakeholders. Anyone can submit input on any upcoming sunrise or sunset review via DORA's website at: [www.dora.colorado.gov/opr](http://www.dora.colorado.gov/opr).

The functions of the Colorado Commission for the Deaf and Hard of Hearing (Commission) as enumerated in Article 21 of Title 26, Colorado Revised Statutes (C.R.S.), shall terminate on July 1, 2015, unless continued by the General Assembly. During the year prior to this date, it is the duty of DORA to conduct an analysis and evaluation of the administration of the Commission pursuant to section 24-34-104, C.R.S.

The purpose of this review is to determine whether the Commission should be continued. DORA's findings and recommendations are submitted via this report to the Office of Legislative Legal Services.

## **Methodology**

As part of this review, DORA staff attended Commission meetings, interviewed Commission staff, reviewed Commission minutes, interviewed officials with state associations, interviewed stakeholders, conducted a survey of deaf and hard of hearing people, reviewed Colorado statutes and the Department of Human Services rules, and reviewed the laws of other states.

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## Profile of the Deaf and Hard of Hearing Population

Colorado is home to roughly 446,000 deaf and hard of hearing residents. Of this about 46,688 are deaf and 399,444 are hard of hearing.<sup>2</sup>

In the United States, most people who are deaf use American Sign Language (ASL) to communicate with each other and with other people who know ASL.<sup>3</sup> Sign language is a visual language that employs the shape, placement, and movement of the hands to convey meaning. Facial expressions and body movement are also important in sign language.<sup>4</sup>

In addition to ASL, deaf people may use other forms of communication including:<sup>5</sup>

- Speech reading (also referred to as lip reading) and
- Cued speech (speech reading assisted by hand shapes that represent certain difficult-to-read sounds).

People who are hard of hearing usually rely on spoken or written English to communicate and use hearing aids and assistive listening devices to amplify sound.<sup>6</sup> A person with severe to profound hearing loss may not benefit from a hearing aid and may choose to be fitted with a cochlear implant, a device that is surgically implanted to transmit sound directly to the auditory nerve.<sup>7</sup>

Assistive listening devices extend the reach of hearing aids and cochlear implants so that listeners can participate in meetings, classrooms or court proceedings, or listen to a speech or sermon.<sup>8</sup>

Sign language interpreters facilitate communication between people who are deaf with people who only communicate in English. ASL is a separate language from English with different grammatical rules, so interpreters for the deaf must be fluent in both English and ASL.<sup>9</sup>

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<sup>2</sup> Colorado Commission for the Deaf and Hard of Hearing. *Deaf and Hard of Hearing Population in Colorado*. Retrieved on November 20, 2013, from <http://www.ccdhh.com/PDF/Infosheets/Demographics%2012.pdf>

<sup>3</sup> Colorado Commission for the Deaf and Hard of Hearing. *Communication Access Accommodations for Deaf and Hard of Hearing People*. Retrieved on November 20, 2013, from <http://www.ccdhh.com/PDF/Infosheets/CommAccessInfo%2008.pdf>

<sup>4</sup> National Association for the Deaf. *What Is American Sign Language?* Retrieved on November 7, 2013, from <http://www.nad.org/issues/american-sign-language/what-is-asl>

<sup>5</sup> U.S. Department of Justice. *ADA Business Brief*. Retrieved on November 20, 2013, from <http://www.ada.gov/hospcombrprt.pdf>

<sup>6</sup> Colorado Commission for the Deaf and Hard of Hearing. *About... Being Hard of Hearing*. Retrieved on November 20, 2013, from [http://www.ccdhh.com/PDF/Infosheets/About\\_HOH\\_InfoSheet.pdf](http://www.ccdhh.com/PDF/Infosheets/About_HOH_InfoSheet.pdf)

<sup>7</sup> ABLE for the Deaf Adult Learner. *Technological Devices*. Retrieved on November 20, 2013, from <http://literacy.kent.edu/Oasis/deaf/devices.html>

<sup>8</sup> National Association for the Deaf. *Assistive Listening Systems and Devices*. Retrieved on November 20, 2013, from <http://www.nad.org/issues/technology/assistive-listening/systems-and-devices>

<sup>9</sup> Bureau of Labor Statistics, U.S. Department of Labor. *Occupational Outlook Handbook, 2012-13 Edition, Interpreters and Translators*. Retrieved on November 20, 2013, from <http://www.bls.gov/ooh/media-and-communication/interpreters-and-translators.htm>

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Interpreters for the deaf may specialize in other forms of communication. An interpreter may do an “oral interpretation” by mouthing speech silently and carefully for people who lip read. Interpreters may also employ cued speech by using hand shapes near the mouth to give more information to lip readers. They may also sign exact English. Others may specialize in tactile signing, which is used by people who are deaf and blind.<sup>10</sup>

People who are deaf or hard of hearing may also benefit from a real-time captioning provider who transcribes speech that is displayed on a screen during a meeting or another proceeding.<sup>11</sup>

Technology helps deaf and hard of hearing people communicate across distances or with the hearing world. Two important forms of technology for the deaf include the teletypewriter (TTY) and the videophone.

- A TTY is a device with a keyboard and a display screen for exchanging written messages over a telephone line.<sup>12</sup>
- A videophone transmits both audio and video over a telephone line.<sup>13</sup>

The federal Americans with Disabilities Act created a free nationwide network for TTY communications, which allows an operator to relay a typed message to voice and the voice response to a typed message.<sup>14</sup> Similarly, video relay services allow a translator to relay signed language to a voice message and the voice response to signed language.<sup>15</sup>

Within the deaf and hard of hearing population, some individuals are also blind or visually impaired. The number of residents who are deaf-blind in Colorado is difficult to determine because the definition of deaf-blind shifts considerably depending on the source. According to the Commission, there are approximately 3,000 people who are deaf-blind in Colorado, but the number of people who are deaf-blind including hard of hearing and low vision may range as high as 17,000 people.

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<sup>10</sup> Bureau of Labor Statistics, U.S. Department of Labor. *Occupational Outlook Handbook, 2012-13 Edition, Interpreters and Translators*. Retrieved on November 20, 2013, from <http://www.bls.gov/ooh/media-and-communication/interpreters-and-translators.htm>

<sup>11</sup> U.S. Department of Justice. *ADA Requirements: Effective Communication*. January 2014.

<sup>12</sup> U.S. Department of Justice. *ADA Business Brief*. Retrieved on November 20, 2013, from <http://www.ada.gov/hospcombrprt.pdf>

<sup>13</sup> Britannica Online Encyclopedia. *Videophone*. Retrieved on September 9, 2014, from <http://www.britannica.com/EBchecked/topic/627947/videophone>

<sup>14</sup> U.S. Department of Justice. *ADA Business Brief*. Retrieved on November 20, 2013, from <http://www.ada.gov/hospcombrprt.pdf>

<sup>15</sup> Deaf Websites. *Technology for the Deaf*. Retrieved on September 9, 2014, from <http://www.deafwebsites.com/technology/technology-for-deaf.html>

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Deaf-blind people use many different forms of communication, depending on the level of vision and hearing, their background and their education. Some forms of communication that deaf-blind people may use include:<sup>16</sup>

- Sign language – the person who is signing may sign more slowly or wear a shirt that contrasts with his or her skin tone;
- Adapted sign language – the person who is signing may sign in a very small space, usually at chest level for people with restricted peripheral vision;
- Tactile sign language – the deaf-blind person feels the signer’s hands while he or she is signing;
- Tracking – some people with some usable vision, such as tunnel vision, may hold the signer’s forearm or wrist to follow signs more easily;
- Tactile fingerspelling<sup>17</sup> – for a person who has not learned ASL, a deaf-blind person feels the signer’s hands while he or she is fingerspelling; and
- Print on palm – for those who do not know sign language or fingerspelling, a person may print block letters on the deaf-blind person’s palm.

Technology is also available to help deaf-blind people communicate:<sup>18</sup>

- A Screen-Braille Communicator is a small, portable device that enables a deaf-blind person to communicate with a sighted person. It has a keyboard and an LCD screen on one side and an eight-cell braille display on the other side. The sighted person types on the keyboard, and the deaf-blind person reads the braille display on the other side. Then the deaf-blind person responds using the braille display to type text, which appears on the LCD screen.
- TTY connected to a braille display enables a deaf-blind person to use the telephone or to communicate face-to-face with a person.
- A captioned telephone allows a person with hearing and vision loss to call into a captioning service that transcribes the other person’s speech into captions that appear on a screen. The person with hearing and vision loss can both read and hear the other person’s conversation at the same time.
- A Braille Notetaker allows a deaf-blind person to keep track of information by entering it with either a braille or typewriter keyboard and accessing the information through a speech synthesizer and braille displays, or both.<sup>19</sup> A Braille Notetaker can also be used to communicate face-to-face with a person.
- A Personal Digital Assistant is a small, portable device with a braille or typewriter keyboard that allows information to be stored and accessed through a speech synthesizer, a braille display, or both.<sup>20</sup>

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<sup>16</sup> American Association of the Deaf-Blind. *How Do Deaf-Blind People Communicate?* Retrieved on November 14, 2013, from [http://www.aadb.org/factsheets/db\\_communications.html](http://www.aadb.org/factsheets/db_communications.html)

<sup>17</sup> Fingerspelling is the representation of letters and sometimes numbers through hand shapes.

<sup>18</sup> American Association of the Deaf-Blind. *How Do Deaf-Blind People Communicate?* Retrieved on November 14, 2013, from [http://www.aadb.org/factsheets/db\\_communications.html](http://www.aadb.org/factsheets/db_communications.html)

<sup>19</sup> Boundless Assistive Technologies. *Braille Notetakers*. Retrieved on November 20, 2013, from <http://www.boundlessat.com/Blindness/Notetakers>

<sup>20</sup> American Foundation for the Blind. *Personal Digital Assistants (Braille)*. Retrieved on September 9, 2014, from <http://www.afb.org/ProdBrowseCatResults.asp?CatID=47>

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## Legal Framework

### History of the Agency

The Colorado Commission for the Deaf and Hard of Hearing (Commission) in the Department of Human Services (DHS) was created in 2000. Before the Commission was created, the state provided the following services to the deaf and hard of hearing population.

- State courts, licensing, regulatory, and law enforcement agencies were required to provide qualified sign language interpreters to people who are deaf and hard of hearing in legal settings as of 1987.
- The State established telecommunications relay services (TRS) to serve deaf, hard of hearing, and speech-impaired people in order to comply with the federal Americans with Disabilities Act of 1990 (ADA). The TRS program is housed in the Public Utilities Commission and funded through a telephone surcharge known as the Disabled Telephone Users Fund (DTUF).

The General Assembly created the Commission in order to fulfill the federal requirement to ensure equivalent access to deaf and hard of hearing people and to provide a point of access for individuals in need of services. It also authorized an appropriation from the DTUF to establish the Commission.

In 2002, the General Assembly directed the Commission to establish a program to distribute telecommunications equipment – such as teletypewriters, amplified telephones, and videophones – to deaf and hard of hearing people who meet certain income criteria.

In 2006, the program providing interpreters for deaf and hard of hearing people in legal settings was moved from the Division of Vocational Rehabilitation in DHS to the Commission. The bill also clarified that the state must provide a range of auxiliary services, recognizing that some deaf and hard of hearing people might benefit more from assistive listening devices that amplify sound, or from the services of a Communication Access Real-Time Translation (CART) provider, than from a sign language interpreter. The bill also required the state to provide interpreters and auxiliary services not only to deaf and hard of hearing people who are parties to a case, but also to witnesses and potential jurors who are deaf and hard of hearing, as well as those on probation and those who are ordered by the court to enter into treatment programs or therapy.

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In 2009, the General Assembly adopted Senate Bill 09-144 (SB 09-144), which, among other things, established a grant program to address the needs of deaf and hard of hearing people. SB 09-144 increased the Commission's duties by requiring it to coordinate qualified interpreters, CART providers, assistive listening devices, and other means of providing information to deaf and hard of hearing individuals in the state court system. Senate Bill 09-144 also created a system navigator specialist position to improve and ensure equivalent access to communication in critical state and local government agencies, private agencies and other entities.

That same year, the Commission underwent a sunset review and was continued for five years. In the sunset report, several issues were raised including:

- Many deaf and hard of hearing people were unaware that the Commission exists as a resource for them.
- Some hard of hearing people reported that the Commission places a disproportionate emphasis on issues facing the deaf.
- Deaf people reported a pressing need for job training and placement services.
- Deaf and hard of hearing people rated the state government poor for accessibility.

Due to the passage of SB 09-144, none of these issues resulted in recommendations. This was based on the expectation that the bill would resolve most if not all of these issues.

## Summary of Current Laws

### Federal Laws

The ADA prohibits discrimination based on disability. Specifically, the ADA ensures access to state and local government. It also requires telephone companies to establish a nationwide TRS network, which allows an operator to relay a typed message to voice and the voice response to a typed message. The Federal Communications Commission (FCC) oversees and sets minimum standards for TRS services.<sup>21</sup>

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<sup>21</sup> U.S. Department of Justice. *A Guide to Disability Rights Laws*. Retrieved on November 26, 2013, from <http://www.ada.gov/cguide.htm>

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In addition to the traditional teletypewriter service, there are several other forms of TRS available:<sup>22</sup>

- Voice Carry Over – allows a caller with hearing loss to use his or her own voice to speak on the phone and then read the responses, or read and hear the responses;
- Hearing Carry Over – allows a caller who cannot speak to listen to a telephone conversation and respond by typing text on a teletypewriter;
- Captioned Telephone Service – allows a caller with hearing loss to both listen and read captions of the responses that are transcribed word for word using voice-recognition technology;
- Internet Protocol Relay Service – allows callers to use their computer to access a relay service; and
- Video Relay Service – allows callers to use sign language in a relay call using video conferencing equipment.<sup>23</sup>

TRS must operate all day, every day and provide access to 911 emergency call centers.<sup>24</sup>

The Twenty-First Century Communications and Video Accessibility Act of 2010, among other things, updates the definition of TRS to include people who are deaf-blind. It also creates a national equipment distribution program for people who are deaf-blind to ensure access to telephone, texting and online communication. The FCC oversees the program, and \$10 million a year is allocated to the states from the Interstate Telecommunications Relay Service Fund.<sup>25</sup>

### State Laws

The Commission is created in the Colorado Commission for the Deaf and Hard of Hearing Act (Act) located in Article 21 of Title 26, Colorado Revised Statutes (C.R.S.).

The purpose of the Commission is to centralize the provision of services, especially those required by the ADA, to deaf and hard of hearing people.<sup>26</sup>

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<sup>22</sup> Federal Communications Commission. *Consumer Guide: Telecommunications Relay Service*. May 23, 2014.

<sup>23</sup> The FCC does not require telephone carriers to provide video relay service, but some do.

<sup>24</sup> Federal Communications Commission. *Consumer Guide: Telecommunications Relay Service*. May 23, 2014.

<sup>25</sup> Federal Communications Commission. *Consumer Guide: Twenty-First Century Communications and Video Accessibility Act*. May 27, 2014.

<sup>26</sup> § 26-21-102, C.R.S.

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A seven-member Commission is created to provide oversight and guidance to the Commission staff. The Commission must meet at least quarterly.<sup>27</sup> The Governor, with the consent of the Senate, appoints the following commissioners to four-year terms:<sup>28</sup>

- A person who is deaf,
- A person who is hard of hearing,
- A professional who works in the field of deafness,
- A person who is a parent of a deaf or hard of hearing person,
- A person who is late deafened (i.e., a person whose hearing loss began after the person acquired oral language skills),
- A person who is qualified to work as an interpreter for the deaf, and
- A person who is a member of the public.

The Executive Director of the Department of Human Services (Executive Director) appoints the Administrator of the Commission, who is responsible for the management and development of the Commission office and its programs. The Commission may interview candidates and provide guidance to the Executive Director regarding candidates.<sup>29</sup>

The Commission must serve as:<sup>30</sup>

- A liaison between deaf and hard of hearing people and the General Assembly, Governor, and state departments;
- An informational resource to the public and state government; and
- A referral agency for state, local and private services to deaf and hard of hearing people.

The Commission must also assess the technological needs of people who are deaf and hard of hearing, especially the needs of low-income people who are deaf and hard of hearing.<sup>31</sup>

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<sup>27</sup> § 26-21-105(2)(c), C.R.S.

<sup>28</sup> §§ 26-12-104(2) and (3)(a), C.R.S.

<sup>29</sup> §§ 26-21-103(1) and 26-21-105(1), C.R.S.

<sup>30</sup> §§ 26-21-106(1)(a), (b) and (c), C.R.S.

<sup>31</sup> § 26-21-106(1)(d), C.R.S.

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The Commission also has the duty to assess the needs of the deaf and hard of hearing population and recommend to the General Assembly any legislation to facilitate and streamline the provision of services. In doing so, the Commission must consider:<sup>32</sup>

- Whether the Commission should be established as a statewide coordinating agency that advocates for people who are deaf and hard of hearing;
- Any methods, programs or policies to improve communication accessibility and the quality of existing services, promote or deliver new services that are necessary, and assist state agencies in delivering services;
- Any methods, programs or policies that will result in a more efficient way to provide access to government services; and
- Any methods, programs or policies that may improve implementation of state policies affecting the deaf and hard of hearing population and its relationship with the general public, industry, health care, and educational institutions.

The Commission is empowered to approve, disapprove or amend the findings of any study authorized by the Act. When any findings are approved by the Commission, it must submit a report with the recommendations including proposed legislation to the Governor and the General Assembly.<sup>33</sup>

The Commission has the duty to create a distribution program for interactive telecommunications equipment that is needed by deaf and hard of hearing people.<sup>34</sup>

The Commission must collaborate with the Colorado Judicial Branch to arrange for auxiliary services for the state court system.<sup>35</sup> Auxiliary services include qualified interpreters, Communication Access Real-Time Translation providers, assistive listening devices or systems, and other effective methods of making spoken or written information available to deaf or hard of hearing people.<sup>36</sup>

The Commission's duties include, but are not limited to:<sup>37</sup>

- Coordinating and scheduling auxiliary services for court proceedings;
- Developing and managing a process for auxiliary service requests to be filled;
- Identifying, coordinating and placing auxiliary services with all parties;
- Coordinating the purchase, shipment and receipt of assistive listening devices and systems;
- Establishing and managing processes for auxiliary service providers to receive payment for services; and
- Resolving any issues that may arise.

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<sup>32</sup> § 26-21-106(1)(e), C.R.S.

<sup>33</sup> § 26-21-106(2), C.R.S.

<sup>34</sup> § 26-21-106(3), C.R.S.

<sup>35</sup> § 26-21-106(4), C.R.S.

<sup>36</sup> § 26-21-103(2), C.R.S.

<sup>37</sup> § 26-21-106(5), C.R.S.

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As required by statute, the Commission publishes on its website a list of resources relating to communication accessibility for the deaf and hard of hearing.<sup>38</sup>

The Commission must provide a system navigator specialist to provide technical assistance to improve and ensure equivalent access to auxiliary services by government agencies and other entities and to increase awareness of the programs for and the rights of deaf and hard of hearing individuals. The system navigator is funded by the Disabled Telephone Users Fund.<sup>39</sup>

The system navigator specialist has the following duties:<sup>40</sup>

- Respond to and assist anyone who has encountered barriers to obtain auxiliary services,
- Help individuals to understand and access auxiliary services,
- Ensure state agencies and private entities are equipped to accommodate deaf and hard of hearing people,
- Increase public awareness about the needs and issues facing deaf and hard of hearing people, and
- Establish a resource directory of auxiliary services and programs for deaf and hard of hearing people and the agencies that assist them.

The Commission is provided a cash fund into which gifts, grants and donations may be deposited.<sup>41</sup>

Additionally, the General Assembly established a grant program to address the needs of the deaf and hard of hearing population in the amount of no more than \$50,000 annually.<sup>42</sup> Grant money may be awarded to local or state government entities, or private nonprofit or not-for-profit community-based organizations.<sup>43</sup>

The Commission must appoint four members to a Grant Subcommittee including:<sup>44</sup>

- An individual who is knowledgeable about deaf issues,
- An individual who is knowledgeable about hard of hearing issues, and
- Two representatives who are deaf or hard of hearing.

The Administrator serves as an ex officio member of the Grant Subcommittee.<sup>45</sup>

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<sup>38</sup> § 26-21-106(4), C.R.S.

<sup>39</sup> § 26-21-106(6), C.R.S.

<sup>40</sup> § 26-21-106(7), C.R.S.

<sup>41</sup> § 26-21-107(1), C.R.S.

<sup>42</sup> §§ 26-21-107.5(1) and (2)(C), C.R.S.

<sup>43</sup> §§ 26-21-107.5(4) and (5), C.R.S.

<sup>44</sup> § 26-21-107.7(1)(a), C.R.S.

<sup>45</sup> § 26-21-107.7(1)(b), C.R.S.

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The Grant Subcommittee was created to review grant applications and make recommendations to the Commission regarding which grant applications should be approved, based on criteria established by the Commission.<sup>46</sup> If the Commission disagrees with the recommendations, the Executive Director has final decision-making authority over grants that are awarded.<sup>47</sup>

Grants are reviewed and selected according to the following criteria:<sup>48</sup>

- Whether the application is complete,
- Whether matching funds are available or committed when required,
- Whether the applicant demonstrates management and fiscal capability to manage the grant project,
- How the cost of the project compares to other grant proposals,
- Whether there is a community need that the grant proposal addresses,
- Whether the applicant demonstrates community support, and
- Whether grant money is available for the project.

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<sup>46</sup> § 26-21-107.7(2), C.R.S.

<sup>47</sup> § 26-21-107.7(3), C.R.S.

<sup>48</sup> 12 CCR 2516-1 Commission for the Deaf and Hard of Hearing Rules § 27.450(B)

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## Program Description and Administration

The Colorado Commission for the Deaf and Hard of Hearing (Commission), authorized in Article 21 of Title 26, Colorado Revised Statutes (C.R.S.), (Act), is located in the Division of Boards and Commissions (Division) of the Colorado Department of Human Services (DHS).

The Commission is funded by the Disabled Telephone Users Fund (DTUF) through a surcharge on business and residential landline telephone service. The Public Utilities Commission (PUC) administers the DTUF and may adjust the amount of the surcharge if needed. The fee fluctuates from year to year. In 2013, the PUC reduced the monthly surcharge from 20 to 5 cents, effective January 1, 2014. The DTUF also funds the Colorado Telecommunications Relay Service and the Reading Services for the Blind.

The Legal Auxiliary Services (LAS) program, which provides services within the state court system, is funded by both the General Fund and the DTUF. The General Fund pays for a portion of the auxiliary services<sup>49</sup> provided directly to deaf and hard of hearing people in the courts, probation and in court-ordered treatment and therapy. The DTUF pays for operating expenses and personnel services of the LAS program, and, when necessary, any remaining auxiliary services provided.

Table 1 shows the expenditures and staffing levels for the Commission during the period under review.

**Table 1**  
**Agency Fiscal Information**

Fiscal Year	Total Program Expenditures	Full-Time Equivalent Employees (FTE)
08-09	\$785,920	2.8
09-10	\$793,850	2.8
10-11	\$1,037,999	5.8
11-12	\$1,004,783	5.8
12-13	\$1,113,442	6.3

In fiscal year 10-11, staff increased by 3.0 FTE as a result of legislation that required the Commission to coordinate the day-to-day scheduling of auxiliary services in the state court system and to provide outreach to government and private entities and to deaf and hard of hearing people in order to improve and ensure equivalent access to communication.

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<sup>49</sup> Auxiliary services mean qualified interpreters, Communication Access Real-Time Translation providers, assistive listening devices or systems, and other effective methods of making spoken or written information available to deaf or hard of hearing people.

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The staff dedicated to the Commission includes:

- The Administrator (1.0 FTE General Professional V), who oversees the Commission office and its programs;
- A manager of the legal auxiliary services program (1.0 FTE, General Professional V), who supervises the provision of auxiliary services in the state court system;
- An auxiliary services coordinator (1.0 FTE, General Professional II), who coordinates and schedules auxiliary services in the state court system;
- An administrator of the Telecommunications Equipment Distribution Program (TEDP) (1.0 FTE, General Professional III), who coordinates and monitors the distribution of telecommunications equipment;
- Outreach consultants (2.0 FTE, General Professional III), who communicate and maintain contact with state and local government agencies and community organizations, and also provide information and referrals to deaf and hard of hearing people; and
- A media specialist (0.3 FTE, Technician IV), who maintains the Commission's website and creates training and information videos.

The Commission's primary duties are:

- Acting as a central resource for information and referrals for the deaf and hard of hearing population;
- Ensuring communication access by furnishing telecommunications equipment to deaf and hard of hearing residents who qualify;
- Overseeing and coordinating the provision of sign language interpreters and Communication Access Real-Time Translation (CART) providers to the state court system;
- Providing consultation and outreach to other state agencies, employers and the public;
- Distributing grants to public and nonprofit entities to address the needs of Colorado residents who are deaf and hard of hearing;
- Acting as a liaison between the deaf and hard of hearing population and state government; and
- Making recommendations to the General Assembly to facilitate and streamline the provision of general governmental services to people who are deaf and hard of hearing.

The seven-member Commission meets quarterly, as required by statute. The meetings are supported by sign language interpreters and CART providers. The Commission reserves a portion of each meeting for public comment, and the meetings are well attended by the public.

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The Commission has established the following subcommittees:

- The Legal Auxiliary Services Advisory Council,
- The Grant Program Subcommittee,
- The By-Laws Subcommittee,
- The Media Access Subcommittee, and
- The Nominations Subcommittee.

The Commission functions in an advisory capacity to the Administrator, and rulemaking authority rests with the Executive Director of DHS (Executive Director).

## Information and Outreach

The Commission serves as a resource for information and referrals for deaf and hard of hearing people. It also provides consultation and outreach to state and local government and private organizations and businesses.

The Commission staff provides the following presentations and training workshops:

- **About Deaf and Hard of Hearing** – an in-depth presentation about deaf and hard of hearing people and issues related to communication access;
- **Cultural and Linguistic Competencies** – a professional development workshop in cultural and linguistic competencies;
- **Communications Services and Technologies** – a professional development workshop related to communication services and technology used by the deaf and hard of hearing;
- **Laws and Regulations** – a professional development workshop regarding the laws and regulations that mandate equal access to communication;
- **Effective Communication Access to Programs and Services** – a customized series of workshops to address communication accessibility in government, the workplace, medical and health facilities, legal systems, emergency response services, senior residential communities, schools and other settings; and
- **Community Advocacy** – a presentation to deaf and hard of hearing individuals about their legal rights.

The Commission also offers consultative services to public or private entities to help them develop effective and appropriate access to communication for people who are deaf and hard of hearing.

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Table 2 provides the Commission’s activities relating to general information and outreach for the five fiscal years indicated.

**Table 2**  
**Information and Outreach**

Type	FY 08-09	FY 09-10	FY 10-11	FY 11-12	FY 12-13
Inquiries	570	565	774	742	1,776
Presentations and workshops	7	6	36	48	104
Publications	6	4	5	7	0

In fiscal year 10-11, the requests for presentations and workshops increased as a result of more stringent federal regulations authorized by the Americans with Disabilities Act (ADA). Additionally, a number of court settlements in Colorado related to violations of the ADA by law enforcement agencies also led to an increase in requests for presentations and workshops from these agencies.

The Commission took over the responsibility of coordinating auxiliary services in the state court system in fiscal year 10-11. During the transition, the outreach efforts of the LAS program increased awareness of legal obligations to deaf and hard of hearing people, which resulted in an increase in the number of inquiries that year.

The Commission produces publications such as program bulletins, informational sheets, brochures and booklets.

In fiscal year 12-13, the Commission began to use social media to increase its outreach to the deaf and hard of hearing community. It also issued a press release that was picked up by two news outlets and posted on numerous public relations websites. These activities may account for the considerable increase in inquiries in fiscal year 12-13.

### **Telecommunications Equipment Distribution Program**

The Telecommunications Equipment Distribution Program (TEDP) in the Commission provides free equipment to deaf and hard of hearing people to accommodate hearing loss and to ensure access to telephone service.

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The equipment that is available includes:

- Amplified telephones,
- Captioned telephones,
- Teletypewriters,
- Notification systems,<sup>50</sup>
- Amplified accessories, and
- Wireless devices and accessories.

To qualify for TEDP, a person must be a resident of Colorado, must provide evidence of being deaf or hard of hearing, and must have an income less than 300 percent of the federal poverty level guidelines.

Table 3 summarizes the equipment and outreach provided through TEDP for the five fiscal years indicated.

**Table 3**  
**TEDP Activity**

Type	FY 08-09	FY 09-10	FY 10-11	FY 11-12	FY 12-13
Clients receiving telecommunications equipment	155	205	224	95	140
Notification systems distributed	89	170	277	93	173
TEDP presentations	0	0	0	0	11

In fiscal year 08-09, staff began promoting TEDP through advertisements on television. A company that manufactures captioned telephones also produced advertisements on the radio and in newspapers to promote its products and TEDP. The advertising resulted in an increased awareness of TEDP, and requests for telecommunications equipment increased in the following years.

In fiscal year 10-11, the Commission stopped advertising on television due to the high cost of producing commercials. This may have contributed to the lower number of requests for equipment the following year. Staffing issues also caused the number of clients served to drop in fiscal year 11-12.

In fiscal year 12-13, a full-time staff member was hired to manage TEDP and to perform outreach in the deaf and hard of hearing community. Previously, Commission staff did not deliver presentations on TEDP.

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<sup>50</sup> A notification system, or a ring signaler, alerts a deaf or hard of hearing person of a call by flashing a lamp on and off.

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Recently, the Commission began an initiative to distribute wireless devices to accommodate consumers who are transitioning to mobile and internet-based devices.

Another new initiative is the National Deaf-Blind Equipment Distribution Program (NDBEDP). Colorado residents who are deaf-blind now have a wide assortment of equipment available, some of which includes:

- Braille displays,
- Computer screen readers, and
- iPhones and iPads with built in accessibility features.

The deaf-blind telecommunications equipment is funded by the Federal Communications Commission.<sup>51</sup> In fiscal year 12-13, Colorado was awarded \$161,097.

To qualify for deaf-blind telecommunications equipment, a person must provide evidence of being deaf-blind<sup>52</sup> and must have an income below 400 percent of the federal poverty level.

## Legal Auxiliary Services Program

The LAS program coordinates auxiliary services and auxiliary aids in the Colorado state courts, probation, and in court-ordered treatment and therapy. Auxiliary services include either professional sign language interpreters or CART providers, who use specialized equipment to transcribe spoken language to text. An auxiliary aid is an assistive listening device or system that transmits sound directly to a hearing aid or cochlear implant.

Table 4 illustrates the services provided via the LAS program for the fiscal years indicated.<sup>53</sup>

Table 4  
LAS Program Activities

Type	FY 08-09	FY 09-10	FY 10-11	FY 11-12	FY 12-13
Requests for services	1,460	1,595	2,200	2,528	3,106
Hours of service provided	5,652	7,204	7,680	7,649	9,502
Presentations/workshops	11	13	26	17	11
Publications	4	13	12	12	12

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<sup>51</sup> The NDBEDP was authorized through the Twenty-First Century Communications and Video Accessibility Act of 2010, and the FCC oversees the program.

<sup>52</sup> The term deaf-blind is defined in the Twenty-First Century Communications and Video Accessibility Act of 2010 as an individual that has a certain level of vision loss and hearing loss that cause extreme difficulty in attaining independence in daily activities, achieving psychosocial adjustment or obtaining employment.

<sup>53</sup> The LAS program was not transferred to the Commission until fiscal year 06-07.

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Before fiscal year 10-11, the various judicial districts were scheduling auxiliary services themselves, and the LAS program was involved in credentialing service providers and paying for services.

In fiscal year 10-11, the LAS program took over the scheduling function. As the LAS staff trained each of the 22 judicial districts in a new online scheduling system, they became aware of instances in which judicial districts were not providing auxiliary services as required by the ADA. The judicial districts at the time were treating deaf and hard of hearing people as if they were non-English speaking people, rather than a protected class under the ADA, and they were not providing auxiliary services for civil cases and in other instances. The LAS staff also began training probation departments to connect court-ordered treatment providers to LAS, so that they may begin coordinating services.

The growth in requests for services is due to the training by the LAS staff in fiscal years 10-11 and 11-12, which helped the courts and probation departments to improve their understanding of their obligations under the ADA.

In addition to providing training to the courts, the LAS program also provides presentations and workshops to sign language interpreters, CART providers and other entities that request them.

The LAS staff sends out a monthly publication to sign language interpreters and CART providers to keep them up to date on upcoming workshop and training opportunities, changes in procedures and other news.

## **Grant Program**

The Commission administers a grant program that was established by the General Assembly to address the needs of the deaf and hard of hearing community. The Commission awards up to \$50,000 annually.

The grant money is intended to assist with:

- Community access where auxiliary services and aids are made available (an exceptional reason is required as this is not intended to supplant the ADA);
- Community planning to improve coordination and access to services;
- Start-up programs that the state lacks;
- Support for existing services and programs; and
- Other projects that meet the overall purpose of the grant program as determined by the Commission's Grant Program Subcommittee.

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The Commission may award grants to any of the following entities:

- Local governments;
- State agencies; and
- Private, nonprofit, community-based organizations.

The Commission has established the following grant process:

1. Before July 1, the Commission distributes a grant application, budget template and guidelines to organizations and agencies who have signed up to receive grant information from the Commission.
2. Applications are due on July 31.
3. By August 31, the Grant Program Subcommittee reviews the grant applications and submits recommendations to the Commission regarding which applications should be approved and the grant amounts.
4. By September 15, the Commission reviews the recommendations of the Grant Program Subcommittee.
5. The Act requires the Executive Director to determine which applications should be approved and to set the grant amounts only if the Commission and the Grant Program Subcommittee disagree on the recommendations.<sup>54</sup> In practice and by rule, the recommendations must be submitted to the Executive Director for final approval regardless of whether the Commission approves the Grant Program Subcommittee's recommendations.<sup>55</sup>
6. Grants are approved by October 1.

Table 5 provides a breakdown of the grant applications and awards for the period under review.

**Table 5**  
**Grant Applications and Awards**

Fiscal Year	Grant Applications	Grants Awarded	Total Amount
09-10	11	4	\$13,829
10-11	8	7	\$33,360
11-12	14	6	\$49,245
12-13	20	6	\$47,848

Over a four-year period, the Commission awarded a total of \$144,282 to fund 23 projects.

During fiscal 09-10, when the grant program started, the Commission was busy planning and developing the program, and consequently only a few projects were funded. Any funds that are not awarded remain in the cash fund.

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<sup>54</sup> § 26-21-107.7(3), C.R.S.

<sup>55</sup> 12 CCR 2516-1 Commission for the Deaf and Hard of Hearing Rules § 27.450(A)(4)

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The overall goal of the grant program is to address the needs of the deaf and hard of hearing community. The Commission accomplished this by funding projects that provided:

- Alerting equipment that works with doorbells, alarm clocks, and other devices to 30 low-income deaf and hard of hearing consumers who reside in Larimer and Jackson Counties;
- Education for families about how to advocate for their deaf and hard of hearing children; and
- Hearing aids at little or no cost to individuals between the ages of 21 and 64, who do not qualify for current government programs and who are unemployed or underemployed and actively seeking employment.

The Commission has also accomplished the specific statutory goals of the program.

For instance, the Commission funded projects that increased access to auxiliary services in meetings and in the community for people who are deaf and hard of hearing. Some of these projects provided:

- Sign language interpreters and CART providers at meetings to teach deaf and hard of hearing people about civil rights as protected under the ADA so that they can improve their ability to advocate for themselves;
- Work-study opportunities for deaf and hard of hearing students; and
- CART services at educational meetings for deaf and hard of hearing people.

It also increased community planning to improve coordination and access to services by funding projects that provided, among other things:

- Services to deaf and hard of hearing people to help them live independently;
- A pilot project to demonstrate the use and positive impact of Support Service Providers available to drive and assist deaf-blind people with medical appointments, grocery shopping, reading mail, filling out job applications, and other critical needs; and
- A committee to work on closing the gap in deaf education, including providing mentors for deaf and hard of hearing juveniles.

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Additionally, the grant program provided support for existing services and programs, such as:

- A seven-day overnight camp designed to cultivate positive leadership and self-identity among deaf and hard of hearing adolescents with community service, role-model mentoring, and hands-on projects;
- Support to families of children who are deaf and hard of hearing, especially the underserved, harder to locate families whose children are at greater risk for delays and difficulties during their educational years; and
- A community Awareness Day to increase awareness about domestic violence and sexual assault affecting deaf and hard of hearing individuals and to promote a 24-hour crisis hotline.

The Commission monitors grant projects in a number of different ways. It requires grant recipients to submit final reports and detailed budgets to the Commission. Depending on the grant project, the Commission either awards a lump sum or makes payments upon receiving invoices for expenses. Grant recipients must provide the Commission access to the financial records upon request.

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## Analysis and Recommendations

### **Recommendation 1 – Continue the Commission for the Deaf and Hard of Hearing for nine years, until 2024.**

The Colorado Commission for the Deaf and Hard of Hearing (Commission) in the Department of Human Services (DHS) is authorized in Article 21 of Title 26, Colorado Revised Statutes (C.R.S.), (Act).

The purpose of Commission is to centralize the provision of services to the deaf and hard of hearing population, especially those required by the Americans with Disabilities Act of 1990 (ADA).<sup>56</sup> The ADA prohibits discrimination based on disability, and ensures access to state and local government.

Sunset reviews are guided by statutory criteria located in section 24-34-104, C.R.S. The primary purpose of a sunset review is to determine whether a government program is necessary to protect the public.

The goal of the ADA is to assure equality of opportunity, full participation, and economic self-sufficiency.<sup>57</sup> For the deaf and hard of hearing, such equality is largely dependent on communication access.

Despite the creation of the ADA nearly a quarter of a century ago, deaf and hard of hearing people continue to have difficulty accessing services through state and local government and private organizations. For example, people who are deaf often do not have adequate representation in courts because not only must they pay for the costs of their lawyers, they must also pay for interpreters in order to communicate with their lawyers. People who are deaf also continue to struggle to obtain equal access to education and health-care services.

For most deaf people, English is a second language. The primary language they use in their daily lives is American Sign Language (ASL), a language that is very different from English. While the average deaf person may understand basic information that is provided in English, they may have a difficult time understanding more complex information, such as in legal proceedings or discussions about medical procedures, without a sign language interpreter.

Hard of hearing people do not face the same barriers as deaf people, but they also have trouble accessing information that is provided in meetings and in other venues without adequate assistive listening devices, such as real-time captioning or a looped room.

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<sup>56</sup> § 26-21-102, C.R.S.

<sup>57</sup> 42 U.S.C. § 12101(a)(7).

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Ensuring equal access to communication provides deaf and hard of hearing people the opportunity to receive critical services that hearing people take for granted, including education, health care, and government services.

The Commission helps to improve communication access through its various programs, which include:

- **Outreach and Consultative Services** – The Commission has worked with various law enforcement agencies and the Colorado Department of Labor and Employment to help improve the provision of critical services to deaf and hard of hearing people.
- **Telecommunications Equipment Distribution Program (TEDP)** – The Commission provides free equipment to deaf and hard of hearing people who qualify, to accommodate hearing loss and to ensure access to telephone service. A new program through TEDP also provides free telecommunications equipment to deaf-blind people who qualify. In fiscal year 12-13, TEDP distributed telecommunications equipment to 140 people, and it also distributed 173 notification systems.
- **Legal Auxiliary Services (LAS)** – The Commission coordinates sign language interpreters and real-time captioning in the Colorado state courts, probation, and court-ordered treatment and therapy. In fiscal year 12-13, the LAS program handled 3,106 requests for service.

The Commission also facilitates access to communication through a grant program, which awards up to \$50,000 annually. The funds have been awarded to improve access to:

- Community programs,
- Employment and work study programs,
- Independent living services,
- Advocacy services and training,
- Legal services, and
- Equal education.

The seven-member Commission represents the diverse needs of the individuals served by these programs.

The Commission provides a vital program that centralizes the provision of services to deaf and hard of hearing people to ensure that all Coloradans have access to communication and critical government and private-sector services, and it should be continued.

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The Commission improves government efficiency by acting as a clearinghouse for information for and about deaf and hard of hearing people. The Commission staff members serve as subject matter experts on issues facing deaf and hard of hearing people, and they have an in-depth knowledge of the ADA and the rights of deaf and hard of hearing people.

In order to determine the effectiveness of the Commission in providing services to the deaf and hard of hearing community, the Department of Regulatory Agencies (DORA) staff interviewed stakeholders.

The general consensus among stakeholders interviewed for this report is that access to communication has improved since the Commission was created. Specifically, stakeholders report that communication access in the state court system has improved significantly since LAS assumed responsibility for coordinating sign language interpreters and other auxiliary services.

DORA staff also conducted a survey of deaf and hard of hearing Coloradans through three organizations: the Colorado Association of the Deaf, an organization that advocates for deaf people; the Hearing Loss Association in Colorado, an organization that provides information, education, advocacy and support to people with hearing loss; and Deaf.com, an online news service for the deaf.

Out of 123 respondents, 97 percent were familiar with the Commission and 65 percent had received information or referrals from the Commission. A significant number of respondents had received other services through the Commission, and overwhelmingly respondents reported that the service they received was satisfactory or better.

Therefore, a review of the agency operations indicates that the Commission performs its statutory duties efficiently and effectively.

As authorized in section 24-34-104, C.R.S., the General Assembly may continue this program for any period between 1 and 15 years. While the sunset review uncovered a number of issues, most of the issues were not related to the level of service provided by the Commission itself, but were much larger issues that are prevalent in the deaf and hard of hearing community in general.

For these reasons, the General Assembly should continue the Commission for nine years, until 2024.

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**Recommendation 2 – Amend the reporting requirement to require the Commission to submit a report to the Governor and the General Assembly by September 1 each year.**

Section 26-21-106(2), C.R.S., requires the Commission to consider the findings of any study authorized by the Act and submit a report with recommendations, including proposals for legislation, to the Governor and the General Assembly.

Specifically, the Commission must consider:<sup>58</sup>

- Implementing the Commission as a statewide coordinating agency that advocates for the deaf and hard of hearing citizens of Colorado;
- 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 the deaf and hard of hearing;
- Any methods, programs or policies that may make providing access to governmental services more efficient; and
- Any methods, programs, or policies that may improve implementation of state policies affecting deaf and hard of hearing people and their relationship with the general public, industry, health-care, and educational institutions.

While the Commission has sought legislative changes, it has never provided a report with recommendations to the Governor and the General Assembly as the statute requires. Since this directive has been in place since 2000, a report is unlikely to be produced without a deadline.

For this reason, the General Assembly should set a deadline for the production of the report.

The report is necessary because deaf and hard of hearing people continue to have difficulty accessing critical services.

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<sup>58</sup> § 26-21-106(1)(e), C.R.S.

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Some of the issues that the sunset review identified include:

- Closing the education gap for deaf children;
- Installing looped systems in public places so that people who are hard of hearing could receive important information through their hearing aids;
- Centralizing the provision of auxiliary services in state government;
- Establishing Support Service Providers to provide mobility, orientation and informal communication services to deaf-blind people in order to help them live independently in their communities;
- Providing direct, one-on-one advocacy for deaf, deaf-blind and hard of hearing people in regional centers throughout the state;
- Ensuring access to legal services for deaf and deaf-blind people who cannot afford interpreters and whose attorneys will not provide them; and
- Ensuring that the funding source for the Commission continues to be sustainable.

All of these issues may be addressed by the Commission through its authority to provide a report to the Governor and to the General Assembly.

Through the report, the Commission may drive administrative changes to increase communication access within state government. The previous sunset review identified serious weaknesses in the provision of communication access within state government, and it was clear during the current sunset review that many of these problems persist. The Commission has a limited ability to influence other state agencies; it may encourage other state agencies to make changes, but it does not have the authority to direct them to do so.

Likewise, providing a report to the General Assembly creates an opportunity for the Commission to fuel legislative changes. While the Commission has sought legislative changes in the past, it is fairly difficult for the Commission to get a bill sponsored. Each state department has a limited number of bills that it may seek legislators to sponsor in any one year, and there are countless other programs competing for department bills.

A report would provide legislators with evidence so that they could make informed decisions about public policy related to deaf and hard of hearing people and determine whether legislative changes are appropriate.

At the very least, the report is an opportunity for the Commission to bring attention to issues facing deaf and hard of hearing people and the current state of communication access in Colorado.

Considering the many barriers facing the deaf and hard of hearing community, including the continuing lack of access to state government and other critical services, the Commission should produce an annual report to the Governor and the General Assembly based on the current reporting requirement in statute.

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Therefore, the General Assembly should amend the reporting requirement to require the Commission to submit a report to the Governor and the General Assembly by September 1 each year.

**Recommendation 3 – Limit commissioners to two consecutive terms of four years.**

Currently, the Commission is a seven-member board appointed by the Governor to four-year terms. At this time, there is no statutory limit to the number of terms a commissioner may serve. This is unusual in Colorado.

Most members of boards, commissions and other governmental bodies in Colorado have term limits. The Governor is limited to two terms, and the members of the General Assembly also have term limits. Further, members of state commissions and boards are almost always limited by the number of terms they may serve.

The Commission impacts the lives of many deaf and hard of hearing people in Colorado. It provides information to DHS staff in order to improve the provision of services to the deaf and hard of hearing population. Only a handful of people are granted the opportunity to serve on the Commission, and term limits provide an opportunity for new people to serve. New commissioners bring new perspectives, ideas and information.

The current policy of the Governor is to limit commission members to two terms. In order to ensure a healthy change of the Commission membership, the Governor's policy should be codified in statute.

Therefore, the General Assembly should limit commissioners to two consecutive terms of four years.

**Recommendation 4 – Repeal the requirement for the Senate to approve the appointment of commissioners.**

Currently, section 26-21-104(3)(a), C.R.S., requires all commissioners to be appointed by the Governor with the consent of the Senate.

In some cases, it is important for the Senate to confirm members of a board or commission. In this case, Senate confirmation is largely a formality. The Commission serves in an advisory role. It does not have any authority to promulgate rules or otherwise determine public policy. The Senate confirmation, therefore, does not serve to check the power of the executive branch of government.

In 14 years, the Senate has never denied the confirmation of a commissioner.

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The confirmation process is laborious, and it creates some logistical difficulties for the prospective commissioner, who may serve on the Commission for months before the Senate confers approval. It also creates unnecessary work for the legislative staff.

Therefore, the General Assembly should repeal the requirement for the Senate to approve the appointment of commissioners.

**Recommendation 5 – Clarify that the Commission serves people who are deaf-blind.**

Within the deaf and hard of hearing population, some individuals are also blind or visually impaired. According to Commission staff, there are approximately 3,000 deaf-blind individuals in Colorado, and the number of deaf-blind people including hard of hearing and low vision may range as high as 17,000 people.

Previously, the deaf-blind community was represented by the Colorado Commission for Individuals Who Are Blind and Visually Impaired. However, this commission was sunset in 2012. While state services still exist for blind and visually impaired people, there is no longer a commission representing the provision of services to this community.

In 2014, as part of a nation-wide effort to improve access to communication for this population, the Commission began providing telecommunications equipment to the deaf-blind community. It also created a subcommittee for deaf-blind people in order to identify the needs of this population.

The purpose of the Commission is to centralize the provision of services to the deaf and hard of hearing population, especially those required by the ADA.<sup>59</sup> Since the Commission now provides services to people who are deaf-blind, the Act should be amended to include the deaf-blind community. While it seems that the deaf-blind community would already be served by the Commission since they are deaf, it should be explicitly stated in statute.

This is necessary because deaf-blind people have different needs from other deaf or hard of hearing people; they require different services and different technology. Including them in the language of the statute would ensure that the Commission continues to consider the unique needs of this population.

Therefore, the General Assembly should amend the Act to clarify that the Commission serves people who are deaf-blind.

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<sup>59</sup> § 26-21-102, C.R.S.

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**Recommendation 6 – Repeal the requirement for a member of the public to serve on the Commission and add a deaf-blind person to the membership of the Commission.**

The Commission is made up of the following members:<sup>60</sup>

- A person who is deaf,
- A person who is hard of hearing,
- A person who is a professional in the field of deafness,
- A person who is a parent of a deaf or hard of hearing person,
- A person who is late deafened,
- A person who is an interpreter for the deaf or hard of hearing, and
- A person who is a member of the public.

Typically, a public member is included on a board or commission to provide the consumer or public perspective. It is especially important in the regulation of professions and occupations since the public member serves to ensure that the board or commission, which is often made up of members of the regulated profession, is operating to protect the health, safety and welfare of the public rather than protecting the interests of the profession.

However, the Commission is not a regulatory body; the Commission operates in an advisory capacity. While a subcommittee awards grant money with the Commission's approval, the Executive Director maintains final approval of all grant applications.

The current public member brings a great deal of knowledge and expertise to the Commission. However, the role of a public member is not critical to the effectiveness of the Commission.

Therefore, the General Assembly should repeal the public member from the membership of the Commission and add a deaf-blind member.

The Commission began serving deaf-blind people in 2014 through a telecommunications distribution program, as part of a nation-wide effort to increase access to communication to this population.

Now that the Commission is providing services to the deaf-blind community, a deaf-blind member should be added to the Commission.

A deaf-blind person is necessary because the needs of the deaf-blind community are vastly different than those of other deaf and hard of hearing people. They require different technology and different services.

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<sup>60</sup> § 26-21-104(2), C.R.S.

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The Commission acts primarily to provide guidance to the staff regarding how to best provide governmental services to the deaf and hard of hearing community. Including a deaf-blind member on the Commission would ensure that the needs of this population are consistently communicated to the Commission and its staff, and, in so doing, improve the quality of governmental services to this population.

Therefore, the General Assembly should amend the Commission membership to repeal the seat designated for a public member and replace it with a seat designated for a deaf-blind person.

### **Recommendation 7 – Make technical amendments to the Act.**

The Act has been in place for nearly 15 years. As with any law, it contains instances of obsolete, duplicative and confusing language. The Act should be revised to reflect current terminology and administrative practices. These changes are technical in nature, so they will have no substantive impact on the Commission or any of its programs.

The General Assembly should make the following technical changes:

- **Section 26-21-104(1)(c), C.R.S.** Strike “in the field of deafness” and replace with “working with deaf, deaf-blind or hard of hearing individuals” because the current language implies that being deaf is a condition that needs to be fixed.
- **Section 26-21-104(1)(f), C.R.S.** Strike “interpreter” and replace with “auxiliary service provider” to clarify that people who provide CART services may serve on the Commission.
- **Section 26-21-106(1)(d), C.R.S.** Strike “in order to reasonably interact with society” as this language is not particularly meaningful.
- **Sections 26-21-106(6) and (7), C.R.S.** Strike “system navigator” and replace with “outreach consultant” since it represents what the position actually does.
- **Section 26-21-106(7)(c), C.R.S.** Strike “ensure that” and replace with “consult with” and add “so that they” after “private entities” since the Commission does not have any authority over other state agencies or private entities.
- **Section 40-17-102, C.R.S.** Strike “as defined in tariffs approved by the commission” since the Public Utilities Commission no longer approves rates for landline telephone service.

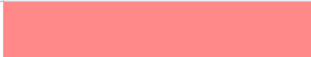
## Appendix A – Survey Results

DORA staff also conducted a survey of deaf and hard of hearing Coloradans through three organizations: the Colorado Association of the Deaf, an organization that advocates for people who are deaf; the Hearing Loss Association in Colorado, an organization that provides information, education, advocacy and support to people with hearing loss; and Deaf.com, an online news service for the deaf.

### 1. Are you Deaf or hard of hearing?

Response	Chart	Frequency	Count
I am Deaf.		52.8%	65
I am hard of hearing.		30.1%	37
I am a parent (or guardian) of someone who is Deaf and is under 18.		2.4%	3
I am a parent (or guardian) of someone who is hard of hearing and is under 18.		0.0%	0
I am not Deaf or hard of hearing, but I work with or am closely involved with people who are.		14.6%	18
Not Answered			6
		<b>Valid Responses</b>	<b>123</b>
		<b>Total Responses</b>	<b>129</b>

### 2. What area of the state do you live in?

Response	Chart	Frequency	Count
Denver/Boulder Metro		77.0%	94
Northeast		1.6%	2
Northwest		1.6%	2
North Central		3.3%	4
Pikes Peak		8.2%	10
Southeast		4.1%	5
Southwest		3.3%	4
West Central		0.8%	1
Not Answered			7
		<b>Valid Responses</b>	<b>122</b>
		<b>Total Responses</b>	<b>129</b>

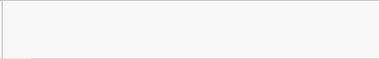
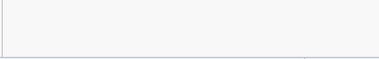
3. Have you heard of the Commission for the Deaf and Hard of Hearing before today?

Response	Chart	Frequency	Count
Yes		97.5%	119
No		2.5%	3
Not Answered			7
		<b>Valid Responses</b>	<b>122</b>
		<b>Total Responses</b>	<b>129</b>

4. Have you received information or referrals from Commission for the Deaf and Hard of Hearing?

Response	Chart	Frequency	Count
Yes		66.1%	80
No		33.9%	41
Not Answered			8
		<b>Valid Responses</b>	<b>121</b>
		<b>Total Responses</b>	<b>129</b>

5. When did you receive the information or referrals?

Response	Chart	Frequency	Count
Within the last five years		95.1%	58
Between five and ten years ago		1.6%	1
Over ten years ago		3.3%	2
Not Answered			11
		<b>Valid Responses</b>	<b>61</b>
		<b>Total Responses</b>	<b>72</b>

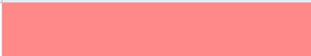
6. How would you rate the customer service provided for information and referrals?

Response	Chart	Frequency	Count
Excellent		48.3%	28
Good		25.9%	15
Satisfactory		12.1%	7
Needs Improvement		8.6%	5
Poor		5.2%	3
Not Answered			14
		<b>Valid Responses</b>	<b>58</b>
		<b>Total Responses</b>	<b>72</b>

7. Have you been to a workshop or seminar given by the Commission for the Deaf and Hard of Hearing?

Response	Chart	Frequency	Count
Yes		26.7%	27
No		73.3%	74
Not Answered			5
		<b>Valid Responses</b>	<b>101</b>
		<b>Total Responses</b>	<b>106</b>

8. When did you attend the workshop or seminar?

Response	Chart	Frequency	Count
Within the last five years		81.5%	22
Between five and ten years ago		11.1%	3
Over ten years ago		7.4%	2
Not Answered			6
		<b>Valid Responses</b>	<b>27</b>
		<b>Total Responses</b>	<b>33</b>

9. How would you rate the workshop or seminar?

Response	Chart	Frequency	Count
Excellent		55.6%	15
Good		29.6%	8
Satisfactory		3.7%	1
Needs Improvement		11.1%	3
Poor		0.0%	0
Not Answered			6
		<b>Valid Responses</b>	<b>27</b>
		<b>Total Responses</b>	<b>33</b>

10. Have you received a telephone or other equipment from the Telecommunications Equipment Distribution Program (TEDP) in the Commission for the Deaf and Hard of Hearing?

Response	Chart	Frequency	Count
Yes		13.9%	14
No		86.1%	87
Not Answered			4
		<b>Valid Responses</b>	<b>101</b>
		<b>Total Responses</b>	<b>105</b>

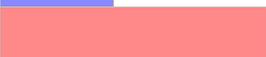
11. When did you receive the telephone or other equipment?

Response	Chart	Frequency	Count
Within the last five years		80.0%	12
Between five and ten years ago		13.3%	2
Over ten years ago		6.7%	1
Not Answered			4
		<b>Valid Responses</b>	<b>15</b>
		<b>Total Responses</b>	<b>19</b>

12. How would you rate the customer service?

Response	Chart	Frequency	Count
Excellent		50.0%	7
Good		42.9%	6
Satisfactory		7.1%	1
Needs Improvement		0.0%	0
Poor		0.0%	0
Not Answered			5
		<b>Valid Responses</b>	<b>14</b>
		<b>Total Responses</b>	<b>19</b>

13. Have you been in a court of law in Colorado (NOT a municipal court or Denver County Court)?

Response	Chart	Frequency	Count
Yes		30.0%	30
No		70.0%	70
Not Answered			3
		<b>Valid Responses</b>	<b>100</b>
		<b>Total Responses</b>	<b>103</b>

14. Did you request a sign language interpreter, CART provider or assistive listening device?

Response	Chart	Frequency	Count
Yes		83.3%	25
No		16.7%	5
Not Answered			4
		<b>Valid Responses</b>	<b>30</b>
		<b>Total Responses</b>	<b>34</b>

15. What did you ask for?

Response	Chart	Frequency	Count
Sign language interpreter		80.0%	20
CART provider		12.0%	3
Assistive listening device		8.0%	2
Not Answered			3
		Valid Responses	25
		Total Responses	28

16. Did the court provide one?

Response	Chart	Frequency	Count
Yes		92.0%	23
No		8.0%	2
Not Answered			3
		Valid Responses	25
		Total Responses	28

17. How would you rate the customer service of the court in securing a sign language interpreter, CART provider or assistive listening device?

Response	Chart	Frequency	Count
Excellent		43.5%	10
Good		17.4%	4
Satisfactory		21.7%	5
Needs Improvement		8.7%	2
Poor		8.7%	2
Not Answered			3
		Valid Responses	23
		Total Responses	26

18. If you were not provided an interpreter or other auxiliary service requested, when did this happen?

Response	Chart	Frequency	Count
After July 2010		0.0%	0
Before July 2010		100.0%	2
Over ten years ago		0.0%	0
		Valid Responses	2
		Total Responses	2

19: What reason were you given?

Response	Chart	Frequency	Count
It's too expensive.		100.0%	2
It's not their responsibility.		50.0%	1
They cannot find the services requested.		0.0%	0
It would violate confidentiality.		0.0%	0
Another reason. (please explain) (limit 255 characters)		0.0%	0
		Valid Responses	2
		Total Responses	2

20. Have you requested a sign language interpreter, CART provider, or assistive listening device in probation, court-ordered treatment or court-ordered therapy in Colorado (NOT a municipal court or Denver County Court)?

Response	Chart	Frequency	Count
Yes		4.0%	4
No		96.0%	95
Not Answered			3
		Valid Responses	99
		Total Responses	102

21. What did you ask for?

Response	Chart	Frequency	Count
Sign language interpreter		80.0%	4
CART provider		20.0%	1
Assistive listening device		0.0%	0
Not Answered			4
		Valid Responses	5
		Total Responses	9

22. Did they provide one?

Response	Chart	Frequency	Count
Yes		40.0%	2
No		60.0%	3
Not Answered			4
		Valid Responses	5
		Total Responses	9

23. If you were not provided an interpreter or other auxiliary service requested, when did this happen?

Response	Chart	Frequency	Count
After July 2010		40.0%	2
Before July 2010		20.0%	1
Over ten years ago		0.0%	0
		Valid Responses	5
		Total Responses	5

24. What reason were you given?

Response	Chart	Frequency	Count
It's too expensive.		20.0%	1
It's not their responsibility.		20.0%	1
They cannot find the services requested.		20.0%	1
It would violate confidentiality.		20.0%	1
Another reason. (please explain) (limit 255 characters)		0.0%	0
		<b>Valid Responses</b>	<b>5</b>
		<b>Total Responses</b>	<b>5</b>

25. Have you requested a sign language interpreter, CART provider, or assistive listening device at any of the following state agencies?

Response	Chart	Frequency	Count
Colorado Department of Agriculture		0.0%	0
Colorado Department of Corrections		1.0%	1
Colorado Department of Education		9.1%	9
Colorado Department of Health Care Policy & Financing		2.0%	2
Colorado Department of Higher Education		6.1%	6
Colorado Department of Human Services		6.1%	6
Colorado Department of Labor and Employment		1.0%	1
Colorado Department of Law		1.0%	1
Colorado Department of Local Affairs		2.0%	2
Colorado Department of Military and Veterans Affairs		0.0%	0
Colorado Department of Natural Resources		0.0%	0
Colorado Department of Public Health and Environment		3.0%	3
Colorado Department of Public Safety		3.0%	3
Colorado Department of Regulatory Agencies		1.0%	1
Colorado Department of Revenue		2.0%	2
Colorado Department of Transportation		2.0%	2
Colorado Governor's Office		3.0%	3

Colorado Secretary of State		3.0%	3
Other state agency (please explain) (limit 100 characters)		8.1%	8
None of the above		69.7%	69
		Valid Responses	99
		Total Responses	99

<b>Other state agency:</b>
It did not occur to me to request for an interpreter in several of the departments listed above.
Kaiser Permanente
It did not occur to me to request for a sign language interpreter for several of the departments listed above.
Aging Services
Education and entertainment venues
Division of Wildlife
DCPA, Arvada Theater
Deaf-Blind Town Hall Meeting/Deaf-Blind Task Force meetings/Commission for the Deaf and Hard of Hearing meeting

26. What state services were you trying to access?

<b>Response</b>
None yet
Communication access via interpreter to attend meetings, town halls, public ceremonies, hearings, legislative committee hearings, education events
Obamacare and issue with car insurance not help me
Center on Disabilities and Human Development Meeting; Commission for the Deaf and Hard of Hearing meetings; Department of Regulatory Agencies meetings; Colorado Public Utilities meetings, including the 9-1-1 Task Force.
Reading a DMV test through sign language interpreter
College
Aging Services
Private, not state
Social Security
Interpreter for hunter safety class

27. What did you ask for?

Response	Chart	Frequency	Count
Sign language interpreter		73.9%	17
CART provider		13.0%	3
Assistive listening device		13.0%	3
Not Answered			9
		Valid Responses	23
		Total Responses	32

28. Did they provide one?

Response	Chart	Frequency	Count
Yes		70.8%	17
No		29.2%	7
Not Answered			8
		Valid Responses	24
		Total Responses	32

29. If a state agency did not provide an interpreter or other auxiliary service requested, when did this happen?

Response	Chart	Frequency	Count
Within the last five years		41.7%	5
Between five and ten years ago		16.7%	2
Over ten years ago		0.0%	0
		Valid Responses	12
		Total Responses	12

30. What reason were you given?

Response	Chart	Frequency	Count
It's too expensive.		0.0%	0
It's not their responsibility.		16.7%	2
They cannot find the services requested.		16.7%	2
It would violate confidentiality.		0.0%	0
Another reason. (please explain) (limit 255 characters)		41.7%	5
		<b>Valid Responses</b>	<b>12</b>
		<b>Total Responses</b>	<b>12</b>

Other Reasons:

Response
Have not requested services.
Don't know who to make the request to.
They don't provide interpreting service for the Department of Motor Vehicles examination.
They asked the deaf to take online course then will provide interpreter for the range training. We haven't coordinated everything yet.
No one seems to know what can be done.

31. Have you requested a sign language interpreter, CART provider, or assistive listening device at the State Capitol?

Response	Chart	Frequency	Count
Yes		16.8%	16
No		83.2%	79
Not Answered			3
		<b>Valid Responses</b>	<b>95</b>
		<b>Total Responses</b>	<b>98</b>

32. What did you ask for?

Response	Chart	Frequency	Count
Sign language interpreter		81.3%	13
CART provider		12.5%	2
Assistive listening devices		6.3%	1
Not Answered			3
		Valid Responses	16
		Total Responses	19

33. Did they provide one?

Response	Chart	Frequency	Count
Yes		81.3%	13
No		18.8%	3
Not Answered			3
		Valid Responses	16
		Total Responses	19

34. When did this happen?

Response	Chart	Frequency	Count
Within the last five years		42.9%	3
Between five and ten years ago		0.0%	0
Over ten years ago		0.0%	0
		Valid Responses	7
		Total Responses	7

35. What reason were you given?

Response	Chart	Frequency	Count
It's too expensive.		14.3%	1
It's not their responsibility.		0.0%	0
They cannot find the services requested.		14.3%	1
It would violate confidentiality.		0.0%	0
Another reason. (please explain) (limit 255 characters)		14.3%	1
		<b>Valid Responses</b>	<b>7</b>
		<b>Total Responses</b>	<b>7</b>

36. Have you requested a sign language interpreter, CART provider, or assistive listening device, in any of the following local government settings in Colorado?

Response	Chart	Frequency	Count
City or County Jail		2.0%	2
Community Corrections		1.0%	1
Denver County Court		3.1%	3
District Attorney's Office		3.1%	3
Fire Department		0.0%	0
Municipal Court		6.1%	6
Parks and Recreation		5.1%	5
Police Department		5.1%	5
Property Tax		1.0%	1
Public School		9.2%	9
Sheriff's Office		3.1%	3
Social Services		10.2%	10
Other (please explain)		5.1%	5
None of the above.		57.1%	56
		<b>Valid Responses</b>	<b>98</b>
		<b>Total Responses</b>	<b>98</b>

<b>Other local government settings:</b>
Resident Community Meetings & Resident Neighborhood Watch Meetings
City Council outside of Denver
Adams County Trials (I was a Juror for one trial and placed in the jury pool for the other)
Meeting for Public School Teachers of the Deaf
Political meetings

**37. What did you ask for?**

Response	Chart	Frequency	Count
Sign language interpreter		73.5%	25
CART provider		5.9%	2
Assistive listening device		20.6%	7
Not Answered			9
		<b>Valid Responses</b>	<b>34</b>
		<b>Total Responses</b>	<b>43</b>

**38. Did they provide one?**

Response	Chart	Frequency	Count
Yes		62.9%	22
No		37.1%	13
Not Answered			8
		<b>Valid Responses</b>	<b>35</b>
		<b>Total Responses</b>	<b>43</b>

39. If a local government agency did not provide an interpreter or other auxiliary service requested, when did this happen? (select any that apply)

Response	Chart	Frequency	Count
Within the last five years		50.0%	10
Between five and ten years ago		0.0%	0
Over ten years ago		5.0%	1
		<b>Valid Responses</b>	<b>20</b>
		<b>Total Responses</b>	<b>20</b>

40. What reason were you given?

Response	Chart	Frequency	Count
It's too expensive.		30.0%	6
It's not their responsibility.		35.0%	7
They cannot find the services requested.		20.0%	4
It would violate confidentiality.		10.0%	2
Another reason. (please explain) (limit 255 characters)		25.0%	5
		<b>Valid Responses</b>	<b>20</b>
		<b>Total Responses</b>	<b>20</b>

**Another reason:**

It takes too long to get an interpreter on-site.

The meetings are run by us, the residents. The residents do not have the funds.

No reason given.

The meetings are run by the building residents; we live in a HUD building. The residents do not have the funds to hire interpreters to serve me.

They were only set up to speak with representatives using voice telephones.

41. Have you requested a sign language interpreter, CART provider, or assistive listening device in any of the following other private settings in Colorado?

Response	Chart	Frequency	Count
Accountant's office		5.2%	5
Attorney's office		8.2%	8
Medical setting		27.8%	27
Mental health setting		5.2%	5
Private college or university		4.1%	4
Public college or university		14.4%	14
Any other setting (limit 100 characters)		11.3%	11
None of the Above		43.3%	42
		<b>Valid Responses</b>	<b>97</b>
		<b>Total Responses</b>	<b>97</b>

Any other setting:
The Mental Health Center of Denver provides interpreters faithfully. Some medical settings did not provide qualified/certified sign language.
Colorado State University Graduation; Front Range Community College Graduation
Volunteer work
Live and movie theaters
2 places: movies and theaters
Denver Botanic Gardens, Denver Art Museum
Special program in church programs
Theater, church
I have an assistive listening device that I have used in large venues.
Art classes

42. What did you ask for?

Response	Chart	Frequency	Count
Sign language interpreter		77.1%	37
CART provider		8.3%	4
Assistive listening devices		14.6%	7
Not Answered			6
		<b>Valid Responses</b>	<b>48</b>
		<b>Total Responses</b>	<b>54</b>

43. Did they provide one?

Response	Chart	Frequency	Count
Yes		68.8%	33
No		31.3%	15
Not Answered			6
		<b>Valid Responses</b>	<b>48</b>
		<b>Total Responses</b>	<b>54</b>

44. If a private entity did not provide you with an interpreter or other auxiliary service requested, when did this happen?

Response	Chart	Frequency	Count
Within the last five years		66.7%	14
Between five and ten years ago		0.0%	0
Over ten years ago		0.0%	0
		<b>Valid Responses</b>	<b>21</b>
		<b>Total Responses</b>	<b>21</b>

45. What reason were you given?

Response	Chart	Frequency	Count
It's too expensive.		38.1%	8
It's not their responsibility.		33.3%	7
They cannot find the services requested.		33.3%	7
It would violate confidentiality.		9.5%	2
Another reason. (please explain) (limit 255 characters)		14.3%	3
		<b>Valid Responses</b>	<b>21</b>
		<b>Total Responses</b>	<b>21</b>

Another reason:
Ignorance, mainly they don't know anything about "sign language interpreting" policy. Many staff turnovers and new doctors and nurses.
"We only have amplification, not closed captioning. Besides, the movie is already loud" and "The theater is too small". I've also had good experiences: the Regal movie chain was FABULOUS in their closed captioning devices and instruction.
They advised me that it is the attorney's responsibility to provide an interpreter...

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46. Do you have any issues, concerns or ideas about the Commission for the Deaf and Hard of Hearing that you would like to share?

Response
I'm not always clear what the Commission's purpose is, or what exactly they're doing on a day-to-day basis. I know they probably do some great work, and they probably also could be doing more (but again that depends on its PURPOSE, which I'm not sure about in the first place).
Just moved back a year ago after being out of state for eleven years.
I requested a sign language interpreter at a private university, but was denied at first. I had to contact the President of the University. Finally, after a couple of months, they provided one, but from a friend of one of the officers. I requested a sign language interpreter at a city council meeting, but was denied at first, fought for it, and finally got it. I was selected as a juror, and they did not have interpreter ready in the afternoon. Rather than kick me out, the judge waited till next day. I'd like more information on seminars and workshops. I did not know the Commission for the Deaf and Hard of Hearing offered them.
I have not been to any Colorado agencies except Police Department Advisory meetings. Interpreters were provided.
The Commission is a lifesaver for the deaf and hard of hearing. I remember before the Commission was formed we did not have access to services that hearing citizens do. I appreciate the change the Commission has brought so we can participate in society like other Coloradoans.
I replied no to the most of the questions because I did not go to court or else, yet. If I must go to the court, I will request an ASL interpreter. In the future if I need assistance, I will ask the Commission for the assistance or a referral. Once I asked the Commission to help me to educate my former lawyer about paying the interpreter because my lawyer told me that it was my responsibility to pay the interpreter. So I got information from the Commission and I brought it up with my lawyer again and my lawyer agreed to pay for the interpreters.
The Commission provides valuable services!
The Commission needs to do a better job with outreach, give more workshops to educate how get services or where go get ObamaCare or where to go to file a complaint against an interpreter.
The Commission does excellent work and has an outstanding 14 year record of accomplishments and dedicated service through their programs. Under the leadership of Director Cliff Moers and his highly qualified Staff, the Commission is committed towards serving, protecting, and addressing the needs of all our Colorado Deaf and Hard of Hearing citizens. We have been blessed, for the most part, with excellent Commissioner appointments, by Governors Owens, Ritter and Hickenlooper. Indeed, the entire Commission -- Director Moers, the staff and the Commissioners -- has successfully focused upon addressing issues and concerns facing the deaf and hard of hearing community for the past 14 years.