

COLORADO COMMISSION FOR INDIVIDUALS WHO ARE BLIND OR VISUALLY IMPAIRED



ANNUAL REPORT 2009



Colorado Department of Human Services

people who help people

STATE OF COLORADO
Bill Ritter, Jr., Governor

DEPARTMENT OF HUMAN SERVICES
Karen L. Beye, Executive Director

EMPLOYMENT AND REGULATORY AFFAIRS
Jenise May, Director

BOARDS AND COMMISSIONS DIVISION
Mary V. McGhee, Director

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WHO ARE BLIND OR VISUALLY IMPAIRED
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REPORT AND RECIPIENTS

This report has been prepared and is being respectfully submitted pursuant to Section 26-8.7-106 (g) (3) C.R.S. (See Attachment 1).

The statute directs that this report be submitted to the following:

- Governor Bill Ritter, Jr.
- The Health and Human Services Committee of the Colorado House of Representatives
- The Health and Human Services Committee of the Colorado Senate
- The Independent Living Council in the Division of Vocational Rehabilitation, Colorado Department of Human Services

The purpose of the annual report as identified in statute is to submit recommendations regarding the topics identified below, including recommendations for proposed legislation. Out of respect for the condition of Colorado's budget and economy and the need to contain costs rather than initiate new programs, the Commission is making no recommendations for new legislation this year. The Commission is making one recommendation regarding accessibility of State websites and documents.

This report describes the work of the Commission in its second year of operation including their Strategic plan, their focus on needs assessment and identification of gaps in service for individuals who are blind or visually impaired, beginning efforts to develop a centralized and comprehensive information and referral resource for individuals who are blind or visually impaired and to provide provider and community education. The Commission is committed to accomplishing this work, which can be done without additional expenditures and will positively influence quality of life for individuals who are blind or visually impaired in Colorado.

CREATION, POWERS AND DUTIES

The Colorado Commission for Individuals Who Are Blind or Visually Impaired (CCIBVI) was created pursuant to House Bill 07-1274 to make recommendations concerning the provision of services to aid individuals who are blind or visually impaired in Colorado. The CCIBVI is a Type 2 transfer agency placed in the Department of Human Services. Its statutory duties include:

- To make recommendations regarding the provision of Vocational Rehabilitation Services to individuals who are blind or visually impaired, pursuant to Section 101 of the Federal "Rehabilitation Act of 1973", 29 U.S.C. sec.701, et seq.;
- To make recommendations concerning the provision of independent living services for individuals who are blind or visually impaired, including services for older individuals who are blind or visually impaired, pursuant to Title VII of the

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federal "Rehabilitation Act of 1973", 29 U.S.C. sec. 701 et seq., and article 8.1 of this title concerning independent living services;

- To make recommendations concerning pre-vocational and other training to prepare individuals who are blind or visually impaired for vocational training, job placement, and independence;
- To make recommendations concerning responsibilities of and evaluations of business enterprise programs for individuals who are blind or visually impaired, pursuant to the federal "Randolph-Sheppard Act", 20 U.S.C. sec. 107, and article 8.5 of this title;
- To make recommendations concerning responsibilities for developing and administering any other program that will further the provision of services to individuals who are blind or visually impaired;
- To serve as a liaison between the blind and visually impaired community and the General Assembly, Governor, Colorado State Department of Human Services and state agencies. The Commission serves as an information resource and makes recommendations concerning the provisions of vocational rehabilitation, independent living services, pre-vocational and other training, and evaluates business enterprise programs.

COMMISSIONERS

On December 21, 2007, Governor Bill Ritter, Jr. appointed the following Commissioners:

- David E. Bolin of Broomfield, Colorado, a representative of an organization for individuals who are blind or visually impaired, and who represents veterans who are blind or visually impaired.
- Barbara Hopke Boyer of Arvada, Colorado, a representative of an organization for individuals who are blind or visually impaired, and who represents a national organization that is part of an advocacy group for individuals who are blind or visually impaired.
- Michelle L. Chacon of Arvada, Colorado, an individual who is blind or visually impaired and who is living independently.
- Peter O. Goshia of Longmont, Colorado, a senior who is blind or visually impaired.
- Dr. Kara S. Hanson of Aurora, Colorado, a professional who works directly with seniors who are blind or visually impaired.
- Julie M. Hunter of Denver, Colorado, a parent of a child who is blind or visually impaired.
- Scott C. LaBarre of Denver, Colorado, a representative of an organization for individuals who are blind or visually impaired, and who represents a national

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organization that is part of an advocacy group for individuals who are blind or visually impaired.

- Sammie McKay of Buena Vista, Colorado, an individual who is blind or visually impaired and who uses a service dog.
- Dr. Nalin J. Mehta of Golden, Colorado, an ophthalmologist, low-vision optometrist, or other qualified low-vision specialist.
- Evelyn Tileston of Craig, Colorado, a representative of an independent living center.
- Mark N. Wedgle of Westminster, Colorado, an individual who is blind or visually impaired and who is also deaf.
- Kevan Worley of Colorado Springs, Colorado, an individual who is a licensed blind manager involved in the federal Randolph-Sheppard program.
- Julia M. Zanon of Denver, Colorado, a vocational rehabilitation counselor who works with individuals who are blind or visually impaired.

On April 24, 2008, Governor Ritter appointed the following Commissioner:

- Kenneth J. Schmidt of Littleton, Colorado, as the designee of the Director of the Department of Human Services.

No Young Adult Commissioner who is at least 18 years of age has been appointed.

The CCIBVI elected the following officers at their initial meeting in May of 2008:

Chair: Commissioner Sammie McKay
Vice Chair: Commissioner Worley

In January of 2009, Commissioner Sammie McKay resigned. Since that time, Vice Chair Worley has been serving as Chair during Commission meetings.

STAFFING

In order to ensure that the CCIBVI could begin its work in a timely manner and be involved in assisting the Department with the hiring of a permanent Administrator, temporary and contract staff were utilized by the Department to work with the Commission in its initial year of operation. Hiring of the permanent Administrator position, originally projected to occur in fall of 2008, was substantially delayed due to the hiring freeze and other personnel issues. This delay impacted the Commission's capacity to proceed with its work during the spring and summer of this year.

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In September 2009, the Department, in consultation with the Commission pursuant to Section 26-8.7-105 (2), C.R.S., hired a permanent Administrator. The Commission has held two meetings since that time and has made substantial progress on work identified in their strategic plan.

COMMISSION VACANCIES

There are currently several vacancies on the Commission. One position was never appointed, one is vacant due to a resignation and five Commissioner's terms expired on September 1, 2009. At their meeting on October 28, the Commissioners made a commitment to assist the Department and the Governor's office in filling the vacancies as quickly as possible. Commissioners initiated a broad call throughout the blind and visually impaired communities for applications for the vacant Commission positions. All Commissioners have assisted by distributing it to their respective constituency groups.

MEETINGS AND ACCOMPLISHMENTS OF THE COMMISSION

In 2009, the Commission held full Commission meetings on January 29, October 28 and November 18 and a Hiring Sub-Committee meeting on May 19. The January meeting focused on identification of priorities for their work and development of their Strategic Plan for addressing their statutory directives. As a part of that process, the Commission formed working Committees to address the development of materials to be included in a statewide needs assessment and to identify programs and agencies to include in that needs assessment. A copy of that plan is attached to this report (See Attachment 2). At the May Hiring Sub-committee meeting, Commissioners interviewed candidates for the Administrator Position and gave feedback to the Department pursuant to Section 28-8.7-105 (2), C.R.S.

In the last two meetings of the year, the Commission and its working Committees developed and approved materials and identified initial contacts for their statewide needs assessment, developed a policy to receive regular community input, heard a review of the expenditure of American Recovery and Reinvestment Act dollars by the Division of Vocational Rehabilitation, initiated a statewide call for applications to fill existing vacancies, created an additional Committee to review received applications, approved initial material for the development of a website which will eventually serve as a comprehensive and centralized information and referral site for individuals who are blind or visually impaired, developed and approved this report, scheduled all 2010 meetings and identified work to be completed in the coming year. In addition, Commission staff is serving on the Judicial Branch's Americans with Disabilities Act (ADA) Advisory Committee to assist with developing appropriate accommodations for individuals who are blind or visually impaired and involved in the courts.

RECOMMENDATION

That all State websites be made fully accessible to blind and visually impaired users. This includes making all information and documents available in formats that can be

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understood and read by adaptive software and allowing all forms and documents to be completed online. These adaptations will allow all blind and visually impaired citizens full access to information about their State government and its programs. They will also allow blind and visually impaired citizens to function as independent adults in their interactions with State agencies rather than being dependent on sighted individuals for assistance.

Discussion

The Commission has identified through personal experience and received feedback from multiple constituents that State websites, and documents on those websites, are inconsistent in their accessibility to blind and visually impaired users. This inconsistency provides unequal access to State Government and programs for many individuals who are blind or visually impaired.

Commissioners understand the complexity of bringing all State websites and electronic documents to full accessibility, and they are aware of budget constraints that exist in the current economic environment. They are also aware of existing strengths in Colorado government that would allow this recommendation to be addressed without substantial additional expenditure. Since many of Colorado's websites and documents are already fully accessible, the knowledge and ability to provide fully accessible electronic communication clearly exists in current State staff. Colorado has existing IT accessibility standards, "ADA IT Accessibility Standards for the Blind and Visually Impaired and IT Accessibility Procurement Criteria," published by the State of Colorado ADA Standards Work Committee. These Standards were initially adopted in 2001 and revised in 2005, requiring electronic information in Colorado to be accessible to individuals who are blind or visually impaired and giving explicit instructions for compliance. A copy of these Standards is attached to this Report (See Attachment 3). Creating electronic accessibility for individuals who are blind or visually impaired is addressed by changing how information is presented with existing software and technology. It does not require expensive new hardware or software. Additionally, the Commission, among its various members, has substantial expertise in this arena, and Commissioners are willing to provide assistance in achieving their recommendation if it would be helpful to the State.

ATTACHMENTS

Attachment 1: HB 07-1274 Enabling Legislation for the Commission

Attachment 2: CCIBVI Strategic Plan

Attachment 3: ADA IT Accessibility Standards for the Blind and Visually Impaired and IT Accessibility Procurement

HOUSE BILL 07-1274

BY REPRESENTATIVE(S) Rice, Borodkin, Carroll M., Kerr A., Labuda, Madden, Mitchell V., Peniston, Todd, Frangas, and McGihon; also SENATOR(S) Williams, Boyd, Hagedorn, and Windels.

CONCERNING THE CREATION OF A COMMISSION FOR THE VISUALLY IMPAIRED, AND MAKING AN APPROPRIATION THEREFOR.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Title 26, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 8.7

Colorado Commission for Individuals

Who Are Blind or Visually Impaired

26-8.7-101. Short title. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "COLORADO COMMISSION FOR INDIVIDUALS WHO ARE BLIND OR VISUALLY IMPAIRED ACT"¹.

26-8.7-102. Legislative declaration. THE GENERAL ASSEMBLY RECOGNIZES THE NEED FOR INDIVIDUALS WHO ARE BLIND OR VISUALLY IMPAIRED TO HAVE ACCESS TO SERVICES BENEFITTING INDIVIDUALS WHO ARE BLIND OR VISUALLY IMPAIRED. THE GENERAL ASSEMBLY THEREFORE DECLARES THAT THE ESTABLISHMENT OF A COMMISSION TO MAKE RECOMMENDATIONS CONCERNING THE PROVISION OF SERVICES TO AID INDIVIDUALS WHO ARE BLIND OR VISUALLY IMPAIRED IS IN THE BEST INTERESTS OF THE CITIZENS OF COLORADO.

26-8.7-103. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "ADMINISTRATOR" MEANS AN INDIVIDUAL HIRED BY THE DEPARTMENT, SUBJECT TO AVAILABLE APPROPRIATIONS, TO PROVIDE ADMINISTRATIVE SUPPORT TO THE COMMISSION AND TO ENSURE THAT THE COMMISSION'S ACTIVITIES ARE CONSISTENT WITH APPLICABLE STATE STATUTES, REGULATIONS, AND POLICIES.

¹ Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

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(2) "BLIND OR VISUALLY IMPAIRED" MEANS AN INDIVIDUAL WHO:

(a) HAS A VISUAL ACUITY OF 20/200 OR LESS IN THE BETTER EYE WITH CORRECTIVE LENSES OR HAS A LIMITED FIELD OF VISION SO THAT THE WIDEST DIAMETER OF THE VISUAL FIELD SUBTENDS AN ANGLE NO GREATER THAN TWENTY DEGREES; OR

(b) HAS A MEDICALLY DIAGNOSED LIMITATION IN VISUAL FUNCTIONING THAT RESTRICTS THE INDIVIDUAL'S ABILITY TO READ AND WRITE STANDARD PRINT AT LEVELS EXPECTED OF INDIVIDUALS OF COMPARABLE ABILITY.

(3) "COMMISSION" MEANS THE COLORADO COMMISSION FOR INDIVIDUALS WHO ARE BLIND OR VISUALLY IMPAIRED CREATED IN SECTION 26-8.7-104.

(4) "DEPARTMENT" MEANS THE DEPARTMENT OF HUMAN SERVICES.

26-8.7-104. Commission created - appointments. (1) EFFECTIVE SEPTEMBER 1, 2007, THERE IS HEREBY CREATED IN THE STATE DEPARTMENT THE COLORADO COMMISSION FOR INDIVIDUALS WHO ARE BLIND OR VISUALLY IMPAIRED THAT SHALL SERVE AS AN ADVISORY COMMITTEE. THE COMMISSION SHALL EXERCISE ITS POWERS, DUTIES, AND FUNCTIONS UNDER A **TYPE 2** TRANSFER UNDER THE PROVISIONS OF THE "ADMINISTRATIVE ORGANIZATION ACT OF 1968", ARTICLE 1 OF TITLE 24, C.R.S.

(2) THE COMMISSION SHALL CONSIST OF NO MORE THAN FIFTEEN MEMBERS, INCLUDING:

(a) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OR HIS OR HER DESIGNEE;

(b) AN INDIVIDUAL WHO IS BLIND OR VISUALLY IMPAIRED AND WHO IS ALSO DEAF;

(c) THREE MEMBERS WHO REPRESENT ORGANIZATIONS FOR INDIVIDUALS WHO ARE BLIND OR VISUALLY IMPAIRED, NO MORE THAN ONE OF WHOM SHALL BE FROM THE SAME ORGANIZATION. AT LEAST TWO MEMBERS SHALL REPRESENT NATIONAL ORGANIZATIONS THAT ARE PART OF ADVOCACY GROUPS FOR INDIVIDUALS WHO ARE BLIND OR VISUALLY

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IMPAIRED AND AT LEAST ONE MEMBER SHALL REPRESENT VETERANS WHO ARE BLIND OR VISUALLY IMPAIRED.

(d) AN INDIVIDUAL WHO IS A LICENSED BLIND MANAGER INVOLVED IN THE FEDERAL RANDOLPH-SHEPPARD PROGRAM;

(e) AN INDIVIDUAL WHO IS BLIND OR VISUALLY IMPAIRED AND WHO USES A SERVICE DOG;

(f) A REPRESENTATIVE OF AN INDEPENDENT LIVING CENTER AS DEFINED IN SECTION 26-8.1-102;

(g) A PROFESSIONAL FROM EACH OF THE FOLLOWING PROFESSIONS WHO SPECIALIZES IN LOW-VISION AND WHO WORKS WITH INDIVIDUALS WHO ARE BLIND OR VISUALLY IMPAIRED:

(I) AN OPHTHALMOLOGIST, LOW-VISION OPTOMETRIST, OR OTHER QUALIFIED LOW-VISION SPECIALIST;

(II) A VOCATIONAL REHABILITATION COUNSELOR WHO WORKS WITH INDIVIDUALS WHO ARE BLIND OR VISUALLY IMPAIRED; AND

(III) A PROFESSIONAL WHO WORKS DIRECTLY WITH SENIORS WHO ARE BLIND OR VISUALLY IMPAIRED, SUCH AS A GERONTOLOGIST, GERIATRIC SPECIALIST, OCCUPATIONAL THERAPIST, OR AN OTHERWISE-QUALIFIED PROFESSIONAL WHO SPECIALIZES IN AGING AND WHO WORKS WITH INDIVIDUALS WHO ARE BLIND OR VISUALLY IMPAIRED;

(h) A YOUNG ADULT WHO IS AT LEAST EIGHTEEN YEARS OF AGE AND WHO IS ALSO BLIND OR VISUALLY IMPAIRED;

(i) A PARENT OF A CHILD WHO IS BLIND OR VISUALLY IMPAIRED;

(j) A SENIOR WHO IS BLIND OR VISUALLY IMPAIRED; AND

(k) AN INDIVIDUAL WHO IS BLIND OR VISUALLY IMPAIRED AND WHO IS LIVING INDEPENDENTLY.

(3) (a) THE GOVERNOR SHALL APPOINT THE COMMISSION MEMBERS, WHO SHALL REPRESENT DIFFERENT REGIONS OF THE STATE, DESCRIBED IN SUBSECTION (2) OF THIS SECTION. THE GOVERNOR SHALL MAKE THE INITIAL APPOINTMENTS ON OR BEFORE SEPTEMBER 1, 2007. SEVEN OF THE COMMISSION MEMBERS DESIGNATED BY THE GOVERNOR SHALL SERVE

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INITIAL TERMS OF TWO YEARS, AND EIGHT MEMBERS SHALL SERVE INITIAL TERMS OF THREE YEARS. AFTER THE INITIAL APPOINTMENTS OF THE COMMISSION MEMBERS DESCRIBED IN SUBSECTION (2) OF THIS SECTION, ALL SUBSEQUENT MEMBERS SHALL SERVE TERMS OF FOUR YEARS. UPON THE EXPIRATION OF A COMMISSION MEMBER'S TERM OF OFFICE, THE COMMISSION MEMBER SHALL CONTINUE TO SERVE UNTIL A SUCCESSOR IS APPOINTED AS PROVIDED IN SUBSECTION (4) OF THIS SECTION.

(b) IN MAKING APPOINTMENTS TO THE COMMISSION, THE GOVERNOR SHALL ENSURE THAT:

(I) AT LEAST EIGHT MEMBERS OF THE COMMISSION ARE BLIND OR VISUALLY IMPAIRED; AND

(II) NO GROUP, PROVIDER, OR ORGANIZATION SHALL HAVE MORE THAN TWO REPRESENTATIVES ON THE COMMISSION.

(c) THE GOVERNOR SHALL APPOINT A QUALIFIED PERSON TO FILL ANY VACANCY ON THE COMMISSION FOR THE REMAINDER OF ANY UNEXPIRED TERM. IF THE GOVERNOR DOES NOT APPOINT A PERSON TO FILL THE VACANCY WITHIN SIXTY DAYS AFTER THE DATE THE VACANCY ARISES, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT OF THE SENATE, WITHIN NINETY DAYS AFTER THE DATE THE VACANCY ARISES, SHALL JOINTLY APPOINT A QUALIFIED PERSON TO FILL THE VACANCY. IF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT OF THE SENATE DO NOT APPOINT A PERSON TO FILL THE VACANCY WITHIN THE NINETY-DAY PERIOD, THE COMMISSION, BY A MAJORITY VOTE, SHALL APPOINT A QUALIFIED PERSON TO FILL THE VACANCY.

(4) AT LEAST NINETY DAYS PRIOR TO THE EXPIRATION OF A MEMBER'S TERM OF OFFICE, THE COMMISSION SHALL CREATE A LIST OF CANDIDATES THAT INCLUDES AT LEAST THREE CANDIDATES FOR EACH OPEN POSITION PURSUANT TO SUBSECTION (2) OF THIS SECTION. THE CANDIDATES' NAMES SHALL BE SUBMITTED TO THE GOVERNOR AT LEAST FORTY-FIVE DAYS PRIOR TO THE EXPIRATION OF THE PRECEDING TERM FOR WHICH THE CANDIDATES ARE BEING CONSIDERED. IF THE GOVERNOR APPROVES THE CANDIDATES, THE GOVERNOR SHALL APPOINT ONE OF THE CANDIDATES FROM EACH LIST FOR EACH OPEN POSITION WITHIN NINETY DAYS AFTER THE DATE OF EACH VACANCY; IF THE GOVERNOR DOES NOT APPROVE ANY OF THE CANDIDATES FROM THE LISTS FOR THE OPEN POSITION, THEN THE GOVERNOR SHALL APPOINT QUALIFIED PERSONS.

26-8.7-105. Procedures of the commission. (1) (a) AT THE FIRST MEETING, AND ANNUALLY THEREAFTER, THE COMMISSION SHALL ELECT A CHAIR AND VICE-CHAIR FROM AMONG ITS MEMBERS.

(b) THE COMMISSION MAY ADOPT SUCH RULES OF PROCEDURE AS ARE NECESSARY TO FACILITATE ORDERLY CONDUCT OF ITS BUSINESS.

(c) THE COMMISSION SHALL MEET AT LEAST QUARTERLY. MEETINGS SHALL BE HELD ON THE CALL OF THE CHAIR OR AT THE REQUEST OF AT LEAST FIVE MEMBERS OF THE COMMISSION.

(d) THE COMMISSION SHALL ADOPT NO OFFICIAL POSITION, RECOMMENDATION, OR ACTION EXCEPT BY THE CONCURRENCE OF A MAJORITY OF THE MEMBERS.

(2) THE DEPARTMENT SHALL APPOINT AN ADMINISTRATOR TO PROVIDE STAFF SERVICES TO THE COMMISSION. THE COMMISSION MAY INTERVIEW CANDIDATES AND PROVIDE COMMENTS ON THE HIRING OF THE ADMINISTRATOR.

(3) MEMBERS OF THE COMMISSION SHALL RECEIVE A PER DIEM REIMBURSEMENT NOT TO EXCEED FIFTY DOLLARS PER DAY AND DIRECT REIMBURSEMENT FOR ANY TRAVEL EXPENSES INCURRED TO ATTEND COMMISSION MEETINGS.

26-8.7-106. Powers, functions, and duties of the commission.

(1) THE POWERS, FUNCTIONS, AND DUTIES OF THE COMMISSION SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, THE FOLLOWING:

(a) TO MAKE RECOMMENDATIONS CONCERNING THE PROVISION OF VOCATIONAL REHABILITATION SERVICES FOR INDIVIDUALS WHO ARE BLIND OR VISUALLY IMPAIRED, PURSUANT TO SECTION 101 OF THE FEDERAL "REHABILITATION ACT OF 1973", 29 U.S.C. SEC. 701, ET SEQ.;

(b) TO MAKE RECOMMENDATIONS CONCERNING THE PROVISION OF INDEPENDENT LIVING SERVICES FOR INDIVIDUALS WHO ARE BLIND OR VISUALLY IMPAIRED, INCLUDING SERVICES FOR OLDER INDIVIDUALS WHO ARE BLIND OR VISUALLY IMPAIRED, PURSUANT TO TITLE VII OF THE FEDERAL "REHABILITATION ACT OF 1973", 29 U.S.C. SEC. 701, ET SEQ., AND ARTICLE 8.1 OF THIS TITLE CONCERNING INDEPENDENT LIVING SERVICES;

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(c) TO MAKE RECOMMENDATIONS CONCERNING PRE-VOCATIONAL AND OTHER TRAINING TO PREPARE INDIVIDUALS WHO ARE BLIND OR VISUALLY IMPAIRED FOR VOCATIONAL TRAINING, JOB PLACEMENT, AND INDEPENDENCE;

(d) TO MAKE RECOMMENDATIONS CONCERNING RESPONSIBILITIES OF AND EVALUATIONS OF BUSINESS ENTERPRISE PROGRAMS FOR INDIVIDUALS WHO ARE BLIND OR VISUALLY IMPAIRED, PURSUANT TO THE FEDERAL "RANDOLPH-SHEPPARD ACT", 20 U.S.C. SEC. 107, AND ARTICLE 8.5 OF THIS TITLE;

(e) TO MAKE RECOMMENDATIONS CONCERNING RESPONSIBILITIES FOR DEVELOPING AND ADMINISTERING ANY OTHER PROGRAM THAT WILL FURTHER THE PROVISIONS OF SERVICES TO INDIVIDUALS WHO ARE BLIND OR VISUALLY IMPAIRED;

(f) TO SERVE AS A LIAISON BETWEEN THE BLIND AND VISUALLY IMPAIRED COMMUNITY AND THE GENERAL ASSEMBLY, THE GOVERNOR, AND COLORADO STATE DEPARTMENTS AND AGENCIES; AND

(g) TO SERVE AS AN INFORMATION RESOURCE TO THE STATE AND THE BLIND AND VISUALLY IMPAIRED COMMUNITY.

(2) WHEN MAKING ITS RECOMMENDATIONS, THE COMMISSION SHALL ADDRESS FISCAL IMPACT, POSSIBLE FUNDING MECHANISMS, AND THE MAXIMIZATION AND DISTRIBUTION OF FEDERAL AND STATE DOLLARS.

(3) ON OR BEFORE DECEMBER 1, 2008, AND ON OR BEFORE EACH DECEMBER 1 THEREAFTER, THE COMMISSION SHALL SUBMIT A REPORT WITH

ITS RECOMMENDATIONS INCLUDING PROPOSED LEGISLATION, IF NECESSARY, TO THE GOVERNOR, HEALTH AND HUMAN SERVICES COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND SENATE, OR ANY SUCCESSOR COMMITTEES, AND THE STATE INDEPENDENT LIVING COUNCIL WITHIN THE DIVISION OF VOCATIONAL REHABILITATION IN THE DEPARTMENT OF HUMAN SERVICES.

26-8.7-107. Repeal of article. (1) THIS ARTICLE IS REPEALED, EFFECTIVE JULY 1, 2012.

(2) PRIOR TO THE REPEAL, THE COMMISSION SHALL BE REVIEWED AS PROVIDED IN SECTION 2-3-1203, C.R.S.

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SECTION 2. 24-1-120 (5), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-1-120. Department of human services - creation - repeal. (5) The department of human services shall include the following:

(I) (I) THE COLORADO COMMISSION FOR INDIVIDUALS WHO ARE BLIND OR VISUALLY IMPAIRED, CREATED IN ARTICLE 8.7 OF TITLE 26, C.R.S. THE COMMISSION AND ITS POWERS, DUTIES, AND FUNCTIONS ARE TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF HUMAN SERVICES.

(II) THIS PARAGRAPH (I) IS REPEALED, EFFECTIVE JULY 1, 2012.

SECTION 3. 2-3-1203 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

2-3-1203. Sunset review of advisory committees. (3) The following dates are the dates for which the statutory authorization for the designated advisory committees is scheduled for repeal:

(y) JULY 1, 2012: THE COLORADO COMMISSION FOR INDIVIDUALS WHO ARE BLIND OR VISUALLY IMPAIRED, CREATED IN ARTICLE 8.7 OF TITLE 26, C.R.S.

SECTION 4. 40-17-104 (4), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

40-17-104. Colorado disabled telephone users fund - creation -purpose. (4) (d) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (1) OF THIS SECTION TO THE CONTRARY, THE GENERAL ASSEMBLY SHALL MAKE ANNUAL APPROPRIATIONS FROM THE COLORADO DISABLED TELEPHONE USERS FUND TO COVER AUTHORIZED EXPENSES ASSOCIATED WITH THE COLORADO COMMISSION FOR INDIVIDUALS WHO ARE BLIND OR VISUALLY IMPAIRED, CREATED IN ARTICLE 8.7 OF TITLE 26, C.R.S. ANY ANNUAL APPROPRIATION MADE FROM THE COLORADO DISABLED TELEPHONE USERS FUND BY THE GENERAL ASSEMBLY SHALL NOT EXCEED AN AMOUNT OF ONE HUNDRED TWELVE THOUSAND SIXTY-SEVEN DOLLARS.

SECTION 5. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the Colorado disabled telephone users cash fund created in section 40-17-104, Colorado Revised Statutes, not otherwise appropriated, to the department of regulatory agencies, public utilities commission, for the fiscal year

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beginning July 1, 2007, the sum of ninety-five thousand one hundred fifty-two dollars (\$95,152), or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, to the department of human services, for allocation to the division of vocational rehabilitation, for the fiscal year beginning July 1, 2007, the sum of ninety-five thousand one hundred fifty-two dollars (\$95,152), cash funds exempt, and 1.0 FTE, or so much thereof as may be necessary, for the implementation of this act. Said sum shall be from cash funds exempt received from the department of regulatory agencies, public utilities commission out of the appropriation made in subsection (1) of this section.

SECTION 6. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 8, 2007, if adjournment sine die is on May 9, 2007); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Andrew Romanoff
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Joan Fitz-Gerald
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Karen Goldman
SECRETARY OF
THE SENATE

APPROVED _____

Bill Ritter, Jr.
GOVERNOR OF THE STATE OF COLORADO

**Colorado Commission
for Individuals Who Are Blind or Visually Impaired**

**STRATEGIC PLAN
Revised February 2010**

I. The Commission will identify existing services and resources in the following areas and analyze their availability and gaps in their ability to meet the public needs:

- Vocational rehabilitation
- Independent living services, including services for older individuals
- Pre-vocational training and services including job placement
- Business enterprise programs
- Transportation
- Employment
- Public awareness regarding the availability of services
 - Individuals who are blind or visually impaired (especially those not currently being served)
 - Physicians, Ophthalmologists and Optometrists
- Deaf-Blind Services
- Voting
- Adequate medical eye care including eye exams, low vision evaluation and care, medical treatment and surgery

A. Letter Committee:

Chair: Commissioner Mehta.

Members: Commissioners Tileston, LaBarre, Boyer and Hanson.

Task: Develop a letter that can be used to contact each identified service provider or resource requesting information regarding the nature and availability of their services, costs and met and unmet needs.

B. List Committee:

Chair: Commissioner Worley

Members: Commissioners Chacon, Hunter, Bolin, Boyer, Zanon, and Wedgle.

Task: Develop a list of service providers and resource programs to contact using the letter developed by the Letter Committee. Begin with existing resource lists obtained during the previously received training.

C. Staff:

Work with Dr. Flaming to develop survey instrument. Conduct test survey with Commission.

Revise and distribute survey through search engine.

Compile and analyze returned information for Commission Review.

D. Commission: Review information for the following purposes:

- i. Identify services and resources to place on the website resource list.**
- ii. Identify unmet needs or under served areas or groups.**
- iii. Determine whether follow-up needs assessment through public meetings or other means is warranted.**
- iv. Identify what areas could benefit from information about how they are addressed in other states.**
- v. Consider whether recommendations pursuant to the Commission's statutory charges are warranted.**

II. Create a website to serve as a central location for information about services and resources for individuals who are blind or visually impaired. The website and all posted information will be fully accessible to individuals who are blind or visually impaired.

A. Staff

- i. Meet with technical experts to identify what is needed to begin the site and how to add information as the needs assessment proceeds.**
- ii. Interface with the Department and technical experts to begin the site and expand the postings as approved by the Commission.**

B. Commission

- i. Identify material to be posted on the site.**
- ii. Review and approve draft material provided by staff.**
- iii. Identify links to other services that would benefit the public.**

III. Develop a public awareness education campaign targeting the following groups:

- A. Outreach to individuals who are blind or visually impaired and who are not receiving services or who are under – resourced.**
- B. Provide information to physicians, Ophthalmologists and Optometrists regarding current resources so they are able to more fully meet their patient's needs.**

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- C. Educate the general public, including other State Agencies, about the needs of individuals who are blind or visually impaired to improve access for those individuals and to ensure fair treatment.**

State of Colorado
ADA IT Accessibility Standards
For the Blind and Visually Impaired

and

IT Accessibility Procurement Criteria

Submitted by Governor's Office of Innovation & Technology (OIT)
ADA Standards (for visually impaired) Work Committee
Adopted January 19, 2001

Version 2.0
July 2005

State of Colorado
ADA Standards Work Committee

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The following ADA Standards were adopted by the Commission on Information Management (IMC) on January 19, 2001 as required by House Bill 00-1269, approved June 1, 2000, for information technology access for individuals who are blind or visually impaired.

HB 1269 requires:

1. the IMC to develop, on or before 2/1/01, nonvisual access standards for information technology systems employed by state agencies that:
 - A) provide blind or visually impaired individuals with access to information stored electronically by ensuring compatibility with adaptive technology systems so that such individuals have “full and equal access” when needed: AND
 - B) are designed to present information, including prompts used for interactive communications, in formats intended for both visual and nonvisual use, such as the use of text-only options.
2. the head of each state agency to develop a written, as part of its annual IT plan and to develop proposed budget requests to implement the nonvisual access standards for its agency at publicly accessible facilities.
3. the IMC to approve minimum standards and criteria to be used in approving/rejecting procurements by state agencies for adaptive technologies for nonvisual access uses in compliance with section 2437.5-202, CRS by June 1, 2001.
4. the IMC/OIT to consult with state agencies and representatives of individuals who are blind or visually impaired in developing the nonvisual access standards and the procurement criteria.
5. the IMC to develop a “technology access clause that may be used in contracts by state agencies when they purchase, upgrade, or replace information technology equipment or software. It shall require that IT supplied by a vendor meet the standards set by the IMC. Please note that HB 1269 does not require the installation of software or peripheral devices used for nonvisual access when the IT is being used by individuals who are not blind or visually impaired or the purchase of nonvisual adaptive equipment.

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PROCESS:

In December 2000, the Governor's Office of Innovation and Technology (OIT) assembled a work committee to develop ADA standards for information technology access for individuals who are blind or visually impaired per the requirements established by HB 1269. The ADA Standards Work Committee is comprised of a cross section of private and public sector individuals as well as visually impaired persons. The Committee met initially on December 18, 2000 to develop proposed standards, using the W3C guidelines as its primary source document. On December 21, 2000 the Department of Justice issued its final accessibility standards for information technology as required by section 508 of the Rehabilitation Act Amendments of 1998. The Committee met again on January 8, 2001 and compared the W3C guidelines with the applicable portions of the Department of Justice standards. Because the W3C standards were substantially integrated into the Department of Justice section 508 standards, the following recommended standards comport with both the applicable Department of Justice section 508 standards and the W3C private sector guidelines.

Pursuant to the dictates of HB 1269, the Work Committee's initial proposed standards focus on design criteria for web-based publicly accessible information. The standards cover the following specific categories: Equivalents, Color, Markup Language/Style Sheets, Tables, Natural Language, Time-Sensitive Content, and Dynamic Content and Device Independent.

RECOMMENDATION:

Due to the quickly changing nature of technology, the ADA Standards Work Committee recommends that annual reviews of these standards be conducted and the standards be updated appropriately.

ADOPTED PROCUREMENT CRITERIA:

The following procurement criteria was adopted by the Commission on Information Management

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(IMC) as specified by Colorado Revised Statutes, and went into effect July 1, 2001:

State of Colorado Procurement Rules,
Article 104, Specifications

“All communication and information technology procurements, agreements, and contracts shall comply with Colorado Information Technology Accessibility Standards for the Blind and Visually impaired.”

ADOPTED IT ACCESSIBILITY STANDARDS:

1. The following terms, as defined, shall be used in interpreting the standards:

A. Accessible – Content is accessible when it may be used by someone with a disability.

B.

Applet – A program inserted into a Web page.

C. Assistive technology – Software or hardware that has been specifically designed to assist people with disabilities in carrying out daily activities. Assistive technology includes wheelchairs, reading machines, devices for grasping, etc. In the area of Web Accessibility, common software-based assistive technologies include screen readers, screen magnifiers, speech synthesizers, and voice input software that operate in conjunction with graphical desktop browsers (among other user agents). Hardware assistive technologies include alternative keyboards and pointing devices.

D. ASCII art – ASCII art refers to text characters and symbols that are combined to create

an image. For example “;-)” is the smiley emoticon.

E.

Authoring tool – HTML editors, document conversion tools, tools that generate Web content from databases are all authoring tools.

F.

Backward compatible – Design that continues to work with earlier versions of a language, program, etc.

G. Braille – Braille uses six raised dots in different patterns to represent letters and numbers to be read by people who are blind with their fingertips. A Braille display, commonly referred to as a “dynamic Braille display,” raises or lowers dot patterns on command from an electronic device, usually a computer. The result is a line of Braille that can change from moment to moment. Current dynamic Braille displays range in size from one cell (six or eight dots) to an eighty-cell line, most having between twelve and twenty cells per line.

H. Caption – A caption is a text transcript for the audio track of a video presentation that is

synchronized with the video and audio tracks. Captions are generally rendered visually by being superimposed over the video, which benefits people who are deaf and hard-of-hearing,

and anyone who cannot hear the audio (e.g., in a crowded room).

I.

Collated text transcript – A collated text transcript combines (collates) captions with text descriptions of video information (descriptions of the actions, body language, graphics, and scene changes of the video track).

J.

Content developer – someone who authors Web pages or designs Web sites.

K. Deprecated – A deprecated element or attribute is one that has been outdated by newer constructs. Deprecated elements may become obsolete in future versions of HTML. Authors should avoid using deprecated elements and attributes. User agents should continue to support them for reasons of backward compatibility.

L.

Device independent – Users must be able to interact with a user agent (and the document it renders) using the supported input and output devices of their choice and according to their needs. Input devices may include pointing devices, keyboards, Braille devices, head wands, microphones, and others. Output devices may include monitors, speech synthesizers, and Braille devices.

Please note that “device-independent support” does not mean that user agents must support every input or output device. User agents should offer redundant input and output mechanisms for those devices that are supported. For example, if a user agent supports keyboard and mouse input, users should be able to interact with all features using either the keyboard or the mouse.

M. Document Content, Structure, and Presentation – The content of a document refers to what it says to the user through natural language, images, sounds, movies, animations, etc. The structure of a document is how it is organized logically (e.g., by chapter, with an introduction and table of contents, etc.). An element (e.g., P, STRONG, BLOCKQUOTE in HTML) that specifies document structure is called a structural element. The presentation of a document is how the document is rendered (e.g., as print, as a two-dimensional graphical presentation, as a text-only presentation, as synthesized speech, as Braille, etc.). An element that specifies document presentation (e.g., B, FONT, CENTER) is called a presentation element.

Consider a document heading, for example. The content of the heading is what the heading says (e.g., “Sailboats”). In HTML, the heading is a structural element marked up with, for example, an H2 element. Finally, the presentation of the heading might be a bold block text in the margin, a centered line of text, a title spoken with a certain voice style (like an aural font), etc.

N. Dynamic HTML (DHTML) – DHTML is the marketing term applied to a mixture of standards including HTML, style sheets, the Document Object Model (DOM) and scripting.

O. Element – This document uses the term “element” both in the strict SGML sense (an element is a syntactic construct) and more generally to mean a type of content (such as video or sound) or a logical construct (such as a heading or list). The second sense emphasizes that a guideline inspired by HTML could easily apply to another markup language.

Note that some (SGML) elements have content that is rendered (e.g., the P, LI, or TABLE elements in HTML), some are replaced by external content (e.g., IMG), and some affect processing (e.g., STYLE and SCRIPT cause information to be processed by a style sheet or script engine). An element that causes text characters to be part of the document is called a text element.

P.

Equivalent – Content is “equivalent” to other content when both fulfill essentially the same function or purpose upon presentation to the user. In the context of this document, the equivalent must fulfill essentially the same function for the person with a disability (at least insofar as is feasible, given the nature of the disability and the state of technology), as the primary content does for the person without any disability. For example, the text “The Full Moon” might convey the same information as an image of a full moon when presented to users. Note that equivalent information focuses on fulfilling the same function. If the image is part of a link and understanding the image is crucial to guessing the link target, an equivalent must also give users an idea of the link target. Providing equivalent information for inaccessible content is one of the primary ways authors can make their documents accessible to people with disabilities.

As part of fulfilling the same function of content, an equivalent may involve a description of that content (i.e., what the content looks like or sounds like). For example, in order for users to understand the information conveyed by a complex chart, authors should describe the visual information in the chart.

Since text content can be presented to the user as synthesized speech, Braille, and visually displayed text, these guidelines require text equivalents for graphic and audio information. Text equivalents must be written so that they convey all essential content. Non-text equivalents (e.g., an auditory description of a visual presentation, a video of a person telling a story using sign language as an equivalent for a written story, etc.) also improve accessibility for people who cannot access visual information or written text, including many individuals with blindness, cognitive disabilities, learning disabilities, and deafness.

Equivalent information may be provided in a number of ways, including through attributes (e.g., a text value for the “alt” attribute in HTML and SMIL), as part of element content (e.g., the OBJECT in HTML), as part of the document’s prose, or via a linked document (e.g., designated by the “longdesc” attribute in HTML or a description link). Depending on the complexity of the equivalent, it may be necessary to combine techniques (e.g., use “alt” for an abbreviated equivalent, useful to familiar readers, in addition to “longdesc” for a link to more complete information, useful to first-time readers).

One example of a non-text equivalent is an auditory description of the key visual elements of a presentation. The description is either a pre-recorded human voice or a synthesized voice (recorded or generated on the fly). The auditory description is synchronized with the audio track of the presentation, usually during natural pauses in

the audio track. Auditory descriptions include information about actions, body language, graphics, and scene changes.

Q. Image – a graphical presentation.

R.

Image map – An image that has been divided into regions with associated actions.

Clicking on an active region causes an action to occur.

When a user clicks on an active region of a client-side image map, the user agent calculates in which region the click occurred and follows the link associated with that region. Clicking on an active region of a server-side image map causes the coordinates of the click to be sent to a server, which then performs some action.

Content developers can make client-side image maps accessible by providing device-independent access to the same links associated with the image map's regions. Client-side image maps allow the user agent to provide immediate feedback as to whether or not the user's pointer is over an active region.

S.

Important – Information in a document is important if understanding that information is crucial to understanding the document.

T.

Text link – The rendered text content of a link.

2.

A text equivalent for every non-text element shall be provided (e.g., via “alt”, “longdesc”, or in element content).

3.

Equivalent alternatives for any multimedia presentation shall be synchronized with the presentation.

4.

Web pages shall be designed so that all information conveyed with color is also available without color, for example from context or markup.

5.

Documents shall be organized so they are readable without requiring an associated style sheet.

6.

Redundant text links shall be provided for each active region of a server-side image map.

7.

Client-side image maps shall be provided instead of server-side image maps except where the regions cannot be defined with an available geometric shape.

8.

Row and column headers shall be identified for data tables.

9.

Markup shall be used to associate data cells and header cells for data tables that have two or more logical levels of row or column headers.

10.

Frames shall be titled with text that facilitates frame identification and navigation.

11.

Pages shall be designed to avoid causing the screen to flicker with a frequency greater than 2 Hz and lower than 55 Hz.

12.

A text-only page, with equivalent information or functionality, shall be provided to make a web site comply with the provisions of this part, when compliance cannot be accomplished in any other way. The content of the text-only page shall be updated whenever the primary page changes.

13.

When pages utilize scripting languages to display content, or to create interface elements, the information provided by the script shall be identified with functional text that can be read by assistive technology.

14.

When a web page requires that an applet, plug-in or other application be present on the client system to interpret page content, the page must provide a link to a plug-in or applet that complies with standards 1 through 12 above.

15.

When electronic forms are designed to be completed on-line, the form shall allow people using assistive technology to access the information, field elements, and functionality required for completion and submission of the form, including all directions and cues.

16.

A method shall be provided that permits users to skip repetitive navigation links.

17.

When a timed response is required, the user shall be alerted and given sufficient time to indicate more time is required.

18.

Textual information shall be provided through operating system functions for displaying text. The minimum information that shall be made available is text content, text input caret location, and text attributes.

19.

Applications shall not override user selected contrast and color selections and other individual display attributes.

20.

When animation is displayed, the information shall be displayable in at least one non-animated presentation mode at the option of the user.

21.

Color coding shall not be used as the only means of conveying information, indicating an action, prompting a response, or distinguishing a visual element.

22.

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When a product permits a user to adjust color and contrast settings, a variety of color selections capable of producing a range of contrast levels shall be provided.

23.

Software shall not use flashing or blinking text, objects, or other elements having a flash or
blink frequency greater than 2 Hz and lower than 55 Hz.

24.

The initial web page shall provide a contact name and e-mail address for feedback.