

COLORADO COMMISSION FOR INDIVIDUALS WHO ARE BLIND OR VISUALLY IMPAIRED



ANNUAL REPORT 2011



Colorado Department of Human Services

people who help people

STATE OF COLORADO

John W. Hickenlooper, Governor

DEPARTMENT OF HUMAN SERVICES

Reggie Bicha, Executive Director

OFFICE OF ENTERPRISE PARTNERSHIPS

Dee Martinez, Deputy Executive Director

BOARDS AND COMMISSIONS DIVISION

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COLORADO COMMISSION FOR INDIVIDUALS

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 John W. Hickenlooper
- 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.

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 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;

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- 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.

COMMISSION MEMBERSHIP

Commission Chairperson

- Dr. Nalin J. Mehta of Golden, Colorado, an ophthalmologist, low-vision optometrist, or other qualified low-vision specialist. Mr. Mehta works as an ophthalmologist at the Colorado Retina Center. He is a member of the American Academy of Ophthalmologists and the Denver Medical Society.

Commission Vice Chairperson

- Evelyn Tileston of Craig, Colorado, a representative of an independent living center. Ms. Tileston is blind, a Board Member of the Independent Living Center in Craig, a retired Executive Director of an Independent Living Center and a rancher.

Commissioners

- 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. Ms. Boyer is the Executive Director of the American Council of the Blind of Colorado.
- Michelle L. Chacon of Arvada, Colorado, an individual who is blind or visually impaired and who is living independently. Ms. Chacon is blind and works as a teacher for visually impaired students in the Adams School District 50.
- LaVerne Dell, of Golden, Colorado, a vocational rehabilitation counselor who works with individuals who are blind or visually impaired. Ms. Dell is blind, a Rehabilitation Counselor II and Statewide Coordinator for the Blind with the Division of Vocational Rehabilitation at the Colorado Department of Human Services.
- Dr. Kara S. Hanson of Aurora, Colorado, a professional who works directly with seniors who are blind or visually impaired. Ms. Hanson is a Doctor of Optometry with a specialty in low vision, a Fellow with the American Academy of Optometry and a member of the American Optometric Association.

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- Lucie B. Kiwimagi of Wheat Ridge, Colorado, a parent of a child who is blind or visually impaired. Ms. Kiwimagi is the parent of a blind son, is a Licensed Professional Counselor who works as a Supervising Therapist at the Tennyson Center for Children.
- Peter Link of Lakewood, Colorado, a representative of an organization for individuals who are blind or visually impaired, and who represents veterans who are blind or visually impaired. Mr. Link is blind, is the National Service Officer for the Blinded Veterans Association and President of the Rocky Mountain Regional Group of the Blinded Veteran's Association
- Scott C. LaBarre of Denver, 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. Mr. LaBarre is blind, owns and operates LaBarre Law Offices, P.C., and serves as the President of the National Federation of the Blind of Colorado.
- Arielle Silverman, of Boulder, Colorado, a young adult who is blind or visually impaired. Ms. Silverman is blind, is a doctoral student and teaching assistant in Social Psychology at the University of Colorado, Boulder and Vice President of the National Association of Blind Students.
- Penny S. Street of Loveland, Colorado, an individual who is blind or visually impaired and who uses a service dog. Ms. Street is blind, her service dog is a white Standard Poodle named Boo and she works as a Case Coordinator for Disabled Resource Services.
- Mark N. Wedgle of Westminster, Colorado, an individual who is blind or visually impaired and who is also deaf. Mr. Wedgle is deaf-blind and is a retired computer programmer and systems analyst.

STAFFING

Jean G. McAllister, Administrator (.75 FTE)

Tricia Frank, Program Staff (.25 FTE)

The Commission's single FTE is funded through the Disabled Telephone Users Cash Fund.

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MEETINGS AND ACCOMPLISHMENTS OF THE COMMISSION

- In 2011, the CCIBVI held full Commission meetings on:
 - February 16,
 - May 18,
 - August 17, and
 - November 2.
- The CCIBVI Website rolled out in March of this year with the transition to the new State website program. Commissioners tested the site and the Division of Boards and Commissions websites prior to rollout to ensure accessibility. Commission meeting notices, minutes, documents and reports are available on the site currently. The Commission is working on a statewide information and referral component to the site that will be rolled out in 2012.
- Last year some citizens who are blind or visually impaired were denied participation in the State hiring process due entirely to their blindness or visual impairments. Based on citizen complaints that an applicant for State employment who was blind had been screened out of the hiring process for filling out the State employment application with a screen reader, the Commission and its staff worked with the CDHS Human Resources Director to get information to the Department of Personnel and Administration and Human Resources Directors from other state agencies to advocate for an accessible employment application. Last winter a new and fully accessible employment application was made available through the Department of Personnel and Administration.
- Commission staff worked with Colorado Benefits Management System (CBMS) staff to have Commissioners who are blind or visually impaired test the CBMS application system to ensure its accessibility. Commissioners who tested the application commend the CBMS staff for making their application so fully accessible.
- The Commission completed its statewide needs assessment survey. The Commission worked with Dr. Karl Flaming, survey researcher and Professor at the University of Colorado, Denver who volunteered to assist the Commission with the survey. The online survey was designed for service providers throughout Colorado to identify unmet needs and gaps in service for individuals who are blind or visually impaired and to identify issues that could be addressed through provider education. The recommendations in this report reflect the findings from the survey. Commissioners plan to continue to assess gaps in service and unmet needs with follow-up phone calls to targeted providers, with small focus groups and to develop a survey targeted to consumers.
- The Commission met with staff at the Vote Program at the Legal Center for Older People and People with Disabilities to offer support for accessible voting efforts, to share the voting accessibility needs of individuals who are blind or visually impaired

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and to gather information to develop a formal recommendation with regard to accessible voting for individuals who are blind or visually impaired.

- The Regional Transportation District (RTD) contractor responsible for building the new train lines in Metro Denver requested information from the CCIBVI regarding the needs of blind and visually impaired passengers. The Commission provided consultation to the RTD contractor regarding accessibility on the new train lines.
- A CDHS Procurement Bid was posted this year for a transportation grant designed to provide rural communities with transportation assistance for people with disabilities. The bid materials and application were not available in an accessible format. An Independent Living Center Executive Director who is blind requested accessible materials and her request was denied. She informed Commission staff who worked with Procurement staff to help them understand the need for reasonable accommodation. The Division of Procurement ultimately made accessible materials available to the applicant and agreed to extend the deadline to ensure the applicant who was blind was not harmed by the time it took to obtain accessible materials and had time to complete the application. The Division of Procurement now makes accessible materials available regularly.
- The Commission has requested and received extensive outcome data from the Division of Vocational Rehabilitation Services (DVR) regarding services to consumers who are blind and visually impaired. They will be meeting with the DVR staff to assess the data and determine outstanding needs of consumers and the Division.
- The Commission Braille Embosser is up and running with appropriate software and interface with staff computers. Staff completed initial training in very basic Braille and in formatting documents for embossing. Staff should be able to do all Commission embossing in 2012 and will evaluate their ability to provide embossing to meet other Department needs.
- Staff regularly attends statewide Blind Coalition meetings, a network of service providers and advocacy groups addressing the needs of consumers who are blind and visually impaired in Colorado.
- Staff attended both the American Council of the Blind of Colorado Conference and the National Federation of the Blind of Colorado Convention to receive training regarding the effective programming and best practices for services to individuals who are blind and visually impaired.
- Staff have attended initial website management training and hope to be able to internally manage the CCIBVI website in 2012.
- Commission staff serves on the Judicial Branch Americans with Disabilities Act (ADA) Advisory Committee to assist with developing appropriate accommodations

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for individuals who are blind or visually impaired and involved in the court system in Colorado.

- The Commission has provided support for the Colorado Commission for the Deaf and Hard of Hearing to apply for a Federal grant to develop an equipment distribution program for individuals who are deaf-blind.
- The Department of Regulatory Agencies Sunset Review of the CCIBVI recommends continuation of the Commission for five years (Report Attached).

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Commissioners base these recommendations on their experiences as blind and visually impaired citizens, as service providers to blind and visually impaired consumers throughout the state, on data and information provided by State and local programs regarding the outstanding needs of blind and visually impaired citizens in Colorado and on the information gathered in the Needs Assessment Survey they completed in 2011.

Out of respect for the challenging economic environment in Colorado and the country, and the recognition that new initiatives generally cost money, Commissioners are not recommending any legislative initiatives this year. Commissioners and their staff are willing and available to assist policy makers with problem solving regarding implementation of any of their recommendations, should they be needed.

- I. That voting be fully accessible to all citizens in Colorado, including those who are blind or visually impaired. Full accessibility means that citizens have a right to vote privately and independently through means that are accessible to them individually.**

All mail voting, without the availability of accessible voting machines or alternative private and independent voting options, is not accessible voting for individuals who are blind or visually impaired and should never be the only means of voting in Colorado.

It is the right of adult citizens of the US and Colorado to vote for their representative government. This right to vote was reinforced, particularly with regard to persons with disabilities, in 2002 with the passage of the Help America Vote Act. Even so, several Commissioners were able to vote privately and independently for the first time in their lives in the general election last November. Many Colorado citizens who are blind or visually impaired have never voted privately, and many still do not vote for lack of accessibility. For too long, asking people who are blind or visually impaired to compromise their right to vote in privacy, by having another person fill out their ballot or telling someone voting is accessible when there is no public

transportation to the polls has been common practice. These practices deny Colorado citizens the right to vote privately and independently, and in some cases, the right to vote at all.

The Commission strongly encourages the State to continue to require the use of at least one accessible voting machine in each polling place. To make those machines fully accessible, transportation should be provided to polling places that are not accessible by public transportation for all individuals who are blind or visually impaired. The Commission opposes all mail ballots, as they currently exist, because they make private, independent voting impossible for blind or visually impaired citizens. The Commission also encourages the development and provision of alternative voting methods that would increase accessibility for blind or visually impaired voters without sacrificing independence or privacy. These alternatives could include the ability to cast votes by computer, either on line or through downloadable ballots, the availability of large print or Braille ballots and the ability to vote by phone. They also recommend assessing and utilizing developing technologies that would make voting more accessible over time.

II. That services and supports for employment and employment readiness programs for individuals who are blind or visually impaired be substantially increased. These services and supports should include vocational rehabilitation, job development, pre-vocational training and services for adults and teens approaching employment age. This is the second year this recommendation is being made.

The Colorado Department of Human Services, Division of Vocational Rehabilitation (DVR) recently reduced the waiting list for VR Services to zero. This is a result of commendable planning and use of Federal American Recovery and Reinvestment Act dollars by the Division. This is a formidable accomplishment, especially in these very difficult economic times, and it has been a substantial step in the right direction. Existing services, while very helpful to those who can access them, are not fully meeting the needs of this population. Due to limited availability of teachers and trained Vocational Rehabilitation Counselors fully versed in services to individuals who are blind or visually impaired in all areas of the State, consumers often have lengthy waiting periods before approved services can be provided. Additionally, based on data recently provided by DVR, blind and visually impaired consumers have longer times until employment than typical DVR consumers even when they are receiving services. Commissioners understand that there have been very real problems with timely hiring due to the economy and periodic hiring freezes in the Department. They also are aware that there is a shortage of skilled providers.

Commissioners recommend some additional options to assist with timely provision of service to blind and visually impaired consumers. The Division

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of Vocational Rehabilitation could contract more often with other existing service providers such as Independent Living Centers and other independent programs providing service to this population to provide the needed services. These programs are generally private, not for profit entities and are not constrained by the extremely time-consuming hiring practices of the State. Consequently, these programs could hire additional staff quickly, or extend hours for existing staff and begin providing needed services very quickly. Another option would be for the Division of Vocational Rehabilitation to hire additional administrative staff to do the extensive paperwork required of Vocational Rehabilitation Counselors and Teachers. This could potentially free Counselors and Teachers to provide more direct contact, and services, for consumers.

The Commission has requested and received extensive service data from the Division of Vocational Rehabilitation and plans to work closely with the Division in the coming year to identify and provide support for accessing things the Division needs to more fully meet the need of blind and visually impaired consumers in Colorado.

It is estimated that over 70% of adults who are Blind are unemployed. People with visual impairments also have much higher unemployment rates than the general population. Lack of employment and training for employment readiness skills can leave people who are blind or visually impaired dependent on the State for financial support, decrease their quality of life and rob the State of competent and gifted workers. This is why the Commission has focused on continuing to increase the availability of these services.

III. Ensure that Medicaid dollars spent for Home and Community Based Services through the Waiver programs support independence and prevent nursing home or other institutional placements for individuals who are blind or visually impaired. This recommendation is being made for the second year.

This recommendation will support independence and enhance quality of life for individuals who are blind or visually impaired. Due to the high cost of nursing home and other institutional placements, it will also result in cost savings for the State. Existing waiver services include supports for independence. However, consumers cannot remain independent in the community without accessible, affordable housing options, which are extremely limited in many areas of the State. The Commission encourages HCBS Waiver staff and HCBS providers to work closely with housing providers to identify existing housing options and to partner to develop new options for affordable, accessible housing and to provide housing subsidies when necessary, for Waiver recipients.

- IV. That dollars allocated for services to individuals who are blind or visually impaired follow the individual who needs services rather than making them re-apply for a series of differing programs and services to meet their varying needs. This recommendation is being made for the second year.**

The Commission understands that the Department of Health Care Policy and Financing (HCPF) has received a Federal grant to allow allocated dollars from Medicaid Waiver Programs to follow the individual within the Medicaid system rather than requiring re-application across programs. The Commission wholeheartedly supports the State applying for this grant and congratulates HCPF for obtaining the funds. The Commission is available to assist and provide support for this effort at any time.

Ultimately, the Commission would like to see this concept applied across Departments and Programs in our State. The Commission understands that this would require extensive, long range planning on the part of multiple Departments. The Commission encourages policy makers to move toward one application for all State funded services (a universal application) and that once approved, dollars would follow the needs of the consumer, rather than the consumer responding to the needs of differing funding streams for all of their necessary services.

- V. That all State websites and documents be made fully accessible to users who are blind and visually impaired. This includes making all information and documents available in formats that can be understood and read by all types of adaptive software and allowing all forms and application 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.**

This is the third year this Recommendation is being made. While the Commission recognizes that changes take time, the fact that many documents and parts of websites remain inaccessible to citizens who are blind or visually impaired is not acceptable to Commissioners. They strongly recommends the State bring all websites and public documents into compliance with the State's current 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, initially adopted in 2001 and revised in 2005; and with the Americans with Disabilities Act (42 U.S.C. §§ 12101 et seq).

With the roll out of the new state Websites, some issues of accessibility have been addressed, but there are still inconsistencies. Most Colorado State government web pages are now screen reader accessible and most visual

images have text tags available. For the most part, Accessibility information, including the ability to size fonts, should always be available at the beginning of any web page or document, not at the end. Scanned PDF documents are still the most common documents on State web pages. Those that cannot be saved as text documents are not accessible to any blind citizens. Word documents are most accessible to the large majority of screen reader programs and should always be available.

The Commission and its staff have met with IT managers of individual programs and with Managers of programs that do not offer accessible materials to advocate for accessible documents in individual cases, but this means a blind or visually impaired individual must complain about inaccessible materials prior to receiving the Commission's assistance. In the coming year, the Commission will invite the Director of the Governor's Office of Information Technology to meet with them to try to address the accessibility issue proactively statewide.

This inconsistency of accessible information 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, including the Commission's website and documents, are already fully accessible, it is clear that 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. And finally, the Americans with Disabilities Act, 42 U.S.C. §§ 12101 et seq., requires full accessibility. 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 and their staff are willing to provide assistance in achieving their recommendation if it would be helpful to the State.

- VI. That accessible public transportation be available throughout the State in both urban and rural areas to ensure that individuals who are blind or visually impaired have equal access to transportation. This will support both independence and employability for these citizens. This is the second year this recommendation is being made.**

Additionally, all direct providers of public transportation and their program managers or directors should be required to receive basic education regarding providing effective accessible transportation to people who are blind or visually impaired.

Accessible transportation is currently available only in some communities and is available only on a limited basis in many communities where it is available. This year even large public transportation providers such as RTD have cut and eliminated routes and coverage throughout the Denver metro area. Many other providers have substantially cut hours of availability and some have cut all service on certain days of the week.

For individuals who are blind or visually impaired, public transportation is not a choice, but a basic necessity. Without it, those blind and visually impaired citizens without sighted family who are available to transport them literally have no transportation options if anything is located farther than walking distance from their homes. Many seniors who are blind or visually impaired and infirm do not have the option of walking. When public transportation is not available, many of these citizens cannot work or access basic services, such as health care, education, and other forms of community participation. Lack of transportation threatens their independence and makes it more likely that they will become dependent on the State for basic support.

At times, public transportation is available, but because providers have not been appropriately educated, it is essentially inaccessible to citizens who are blind or visually impaired. Commissioners, citizens and service providers have reported multiple incidents involving not allowing blind citizens who are using service animals access to transportation, failure to announce stops verbally, failure of drivers to respond to verbal questions regarding the bus or route a blind person is attempting to board and refusal to carry deaf-blind citizens because they cannot speak.

The Commission is willing to assist with the development and provision of basic training regarding accessible transportation for individuals who are blind or visually impaired.

- VII. That funding for the State Library and specifically, the Colorado Talking Book Library (CTBL), continue without reduction.**

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This Colorado State Library service provides audio, Braille and large-print books to Coloradoans of all ages who are unable to read standard print material due to visual, physical or learning disabilities. Over 50% of patrons have macular degeneration, an age-related disease. 7,000 patrons are served annually through the Talking Book Library in every county of the state. CTBL also records an audio version of the State Blue Book each election season, contributing to the accessibility of voting for citizens who are blind and visually impaired. These citizens have no other options to obtain reading material, as the CTBL provides the only library service of this kind for the entire State. The Commission urges the General Assembly and the Governor to continue funding this crucial service for citizens who are blind and visually impaired.

ATTACHMENTS

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

Attachment 2: Department of Regulatory Agencies 2011 Sunset Review of Advisory Committees