



**COLORADO**

**Department of  
Regulatory Agencies**

Colorado Office of Policy, Research &  
Regulatory Reform

# 2023 Sunset Review

Colorado Commission for the  
Deaf, Hard of Hearing, and  
Deafblind Act



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October 13, 2023



**COLORADO**

**Department of  
Regulatory Agencies**

Executive Director's Office

October 13, 2023

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 Colorado General Assembly established the sunset review process in 1976 as a way to analyze and evaluate regulatory programs and determine the least restrictive regulation consistent with the public interest. Pursuant to section 24-34-104(5)(a), Colorado Revised Statutes (C.R.S.), the Colorado Office of Policy, Research and Regulatory Reform (COPRRR) at the Department of Regulatory Agencies (DORA) undertakes a robust review process culminating in the release of multiple reports each year on October 15.

A national leader in regulatory reform, COPRRR takes the vision of their office, DORA and more broadly of our state government seriously. Specifically, COPRRR contributes to the strong economic landscape in Colorado by ensuring that we have thoughtful, efficient, and inclusive regulations that reduce barriers to entry into various professions and that open doors of opportunity for all Coloradans.

As part of this year's review, COPRRR has completed an evaluation of the Colorado Deaf, Hard of Hearing, and Deafblind Act (Act). I am pleased to submit this written report, which will be the basis for COPRRR's oral testimony before the 2024 legislative committee of reference.

The report discusses the question of whether there is a need for the services provided under Article 21 of Title 26, C.R.S. The report also discusses the effectiveness of the Commission for the Deaf, Hard of Hearing, and Deafblind in carrying out the intent of the statutes and makes recommendations for statutory changes for the review and discussion of the General Assembly.

To learn more about the sunset review process, among COPRRR's other functions, visit [coprrr.colorado.gov](http://coprrr.colorado.gov).

Sincerely,

Patty Salazar  
Executive Director





## Sunset Report: Colorado Commission for the Deaf, Hard of Hearing, and Deafblind

### Background

#### *What is the Commission?*

The Colorado Commission for the Deaf, Hard of Hearing, and Deafblind (Commission) is established under section 26-21-101, et seq., C.R.S., as a Type 2 agency within the Office of Adult Aging and Disability Services (Office) at the Department of Human Services.

#### *What does the Commission do?*

The Commission provides invaluable centralized expertise and referrals unlike any other program within the state. Additionally, the Commission increases awareness regarding needs within the deaf, hard of hearing, and deafblind communities, and strives to provide equity in access to services.

#### *What services are provided?*

Services offered by the Commission include Outreach and Consultative Services, the Communications Technology Program, Legal Auxiliary Services, Rural Auxiliary Services, the Deafblind Program, and the Colorado Commission for the Deaf, Hard of Hearing, and Deafblind Grant Program.

#### *Why does the Commission exist?*

The Commission provides many critical services for the deaf, hard of hearing, and deafblind communities. In fact, so many services are provided by the Commission that without access to this centralized source for services and referrals, stakeholders have indicated there would be an increased sense of isolation, a decrease in independence among some community members, and ultimately, a lack of equity.

#### *What does it cost?*

Total program expenditures including grant funds in fiscal year 21-22 were \$2,613,993 with a total of 14.5 full-time equivalent employees allocated by the Office. The Commission is funded through a combination of General Fund dollars and funds from the Telecommunications Relay Service Surcharge.

### Key Recommendations

- Continue the Commission for seven years, until 2031.
- Create a permanent state auxiliary services program.
- Change the name of the Deafblind Citizens Council to the Deafblind Advisory Council.

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## Background

### Sunset Criteria

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 Colorado Office of Policy, Research and Regulatory Reform (COPRRR) within 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 guided by statutory criteria and sunset reports are organized so that a reader may consider these criteria while reading. While not all criteria are applicable to all sunset reviews, the various sections of a sunset report generally call attention to the relevant criteria. For example,

- In order to address the first criterion and determine whether the program under review is necessary to protect the public, it is necessary to understand the details of the profession or industry at issue. The Profile section of a sunset report typically describes the profession or industry at issue and addresses the current environment, which may include economic data, to aid in this analysis.
- To address the second sunset criterion--whether conditions that led to the initial creation of the program have changed--the History of Regulation section of a sunset report explores any relevant changes that have occurred over time in the regulatory environment. The remainder of the Legal Framework section addresses the fifth sunset criterion by summarizing the organic statute and rules of the program, as well as relevant federal, state, and local laws to aid in the exploration of whether the program's operations are impeded or enhanced by existing statutes or rules.
- The Program Description section of a sunset report addresses several of the sunset criteria, including those inquiring whether the agency operates in the public interest and whether its operations are impeded or enhanced by existing statutes, rules, procedures, and practices; whether the agency or the agency's board performs efficiently and effectively and whether the board, if applicable, represents the public interest.
- The Analysis and Recommendations section of a sunset report, while generally applying multiple criteria, is specifically designed in response to the fourteenth criterion, which asks whether administrative or statutory changes are necessary to improve agency operations to enhance the public interest.

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

These are but a few examples of how the various sections of a sunset report provide the information and, where appropriate, analysis required by the sunset criteria. Just as not all criteria are applicable to every sunset review, not all criteria are specifically highlighted as they are applied throughout a sunset review. While not necessarily exhaustive, the table below indicates where these criteria are applied in this sunset report.

**Table 1**  
**Application of Sunset Criteria**

Sunset Criteria	Where Applied
(I) Whether regulation or program administration by the agency is necessary to protect the public health, safety, and welfare.	<ul style="list-style-type: none"> <li>• Profile of the Deaf, Hard of Hearing, and Deafblind Communities</li> <li>• History of Regulation</li> <li>• Recommendation 1</li> </ul>
(II) Whether the conditions that led to the initial creation of the program have changed and whether other conditions have arisen that would warrant more, less, or the same degree of governmental oversight.	<ul style="list-style-type: none"> <li>• History of Regulation</li> <li>• Administrative Recommendation 1</li> </ul>
(III) If the program is necessary, whether the existing statutes and regulations establish the least restrictive form of governmental oversight consistent with the public interest, considering other available regulatory mechanisms.	<ul style="list-style-type: none"> <li>• Legal Summary</li> </ul>
(IV) If the program is necessary, whether agency rules enhance the public interest and are within the scope of legislative intent.	<ul style="list-style-type: none"> <li>• Legal Summary</li> <li>• Administrative Recommendation 2</li> </ul>
(V) 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.	<ul style="list-style-type: none"> <li>• Legal Summary</li> <li>• Program Description and Administration</li> <li>• Recommendations 2, 3, &amp; 4</li> <li>• Administrative Recommendations 1 &amp; 2</li> </ul>
(VI) Whether an analysis of agency operations indicates that the agency or the agency's board or commission performs its statutory duties efficiently and effectively.	<ul style="list-style-type: none"> <li>• Program Description and Administration</li> <li>• Administrative Recommendation 1</li> </ul>
(VII) 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.	<ul style="list-style-type: none"> <li>• Legal Summary</li> <li>• Program Description and Administration</li> <li>• Administrative Recommendation 1</li> </ul>
(VIII) Whether regulatory oversight can be achieved through a director model.	<ul style="list-style-type: none"> <li>• Complaint Activity</li> <li>• Recommendation 1</li> </ul>
(IX) The economic impact of the program and, if national economic information is not available, whether the agency stimulates or restricts competition.	<ul style="list-style-type: none"> <li>• Not applicable</li> </ul>

Sunset Criteria	Where Applied
(X) If reviewing a regulatory program, 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 or regulated entity.	<ul style="list-style-type: none"> <li>Complaint Activity</li> <li>Recommendation 3</li> </ul>
(XI) If reviewing a regulatory program, whether the scope of practice of the regulated occupation contributes to the optimum use of personnel.	<ul style="list-style-type: none"> <li>Not applicable</li> </ul>
(XII) Whether entry requirements encourage equity, diversity, and inclusivity.	<ul style="list-style-type: none"> <li>Not applicable</li> </ul>
(XIII) If reviewing a regulatory program, whether the agency, through its licensing, certification, or registration process, imposes any sanctions or disqualifications on applicants based on past criminal history and, if so, whether the sanctions or disqualifications serve public safety or commercial or consumer protection interests. To assist in considering this factor, the analysis prepared pursuant to subsection (5)(a) of this section must include data on the number of licenses, certifications, or registrations that the agency denied based on the applicant's criminal history, the number of conditional licenses, certifications, or registrations issued based upon the applicant's criminal history, and the number of licenses, certifications, or registrations revoked or suspended based on an individual's criminal conduct. For each set of data, the analysis must include the criminal offenses that led to the sanction or disqualification.	<ul style="list-style-type: none"> <li>Not applicable</li> </ul>
(XIV) Whether administrative and statutory changes are necessary to improve agency operations to enhance the public interest.	<ul style="list-style-type: none"> <li>Recommendations 1 - 3</li> <li>Administrative Recommendations 1 - 4</li> </ul>

## 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 on COPRRR's website at [coprrr.colorado.gov](http://coprrr.colorado.gov).

The provisions of the Colorado Deaf, Hard of Hearing, and Deafblind Act (Act) as administered by the Colorado Commission for the Deaf, Hard of Hearing, and Deafblind (Commission) in the Colorado Department of Human Services (Department), as enumerated in Article 21 of Title 26, Colorado Revised Statutes (C.R.S.), shall terminate on September 1, 2024, unless continued by the General Assembly. During the year prior to this date, it is the duty of COPRRR to conduct an analysis and evaluation of the Commission pursuant to section 24-34-104, C.R.S.

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The purpose of this review is to determine whether the Act should be continued and to evaluate the performance of the Commission and the Department. During this review, the Commission staff must demonstrate that the Act serves the public interest. COPRRR's findings and recommendations are submitted via this report to the Office of Legislative Legal Services.

## Methodology

As part of this review, COPRRR staff interviewed Commission members, Commission staff, consumers, and officials with state and national associations; and reviewed Colorado statutes and rules, and the laws of other states.

The major contacts made during this review include, but are not limited to:

- Center for People with Disabilities, Boulder;
- Colorado Boards and Commissions, Department of Human Services;
- Colorado Deafblind Citizens Council;
- Colorado Early Hearing Detection and Intervention Program;
- Colorado Judicial Branch;
- Colorado Municipal League;
- Colorado Office of Emergency Management, Division of Homeland Security and Emergency Management;
- Colorado Public Utilities Commission, Department of Regulatory Agencies;
- Colorado School for the Deaf and the Blind;
- Deaf Overcoming Violence through Empowerment (DOVE);
- Disabled Resource Services, Fort Collins;
- Spark Community Foundation;
- Rocky Mountain ADA Center; and
- Rocky Mountain Deaf School.

Throughout this sunset report, COPRRR attempts to be concise and inclusive in providing information related to the Commission and the communities it serves. There are cultural considerations, individual perspectives, and needs that must be contemplated in the choice of words used. As a result, any language used in this report has been chosen with the best of intentions.

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## Profile of the Deaf, Hard of Hearing, and Deafblind Communities

In a sunset review, the Colorado Office of Policy, Research and Regulatory Reform (COPRRR) is guided by the sunset criteria located in section 24-34-104(6)(b), Colorado Revised Statutes (C.R.S.). The first criterion asks whether regulation or program administration by the agency is necessary to protect the public health, safety, and welfare.

To understand the need for the services provided by the Commission for the Deaf, Hard of Hearing, and Deafblind (Commission), it is first necessary to understand the deaf, hard of hearing, and deafblind communities, and the resources that they utilize.

The Commission defines “deaf, hard of hearing, or deafblind” as:

... a person who has a functional hearing loss of sufficient severity to prevent aural comprehension, even with the assistance of hearing aids, pursuant to section 13-90-202(6), C.R.S. Deafblind individuals exist on a continuum, ranging from no vision and/or hearing to varied combinations of usable hearing and/or vision, that presents difficulty in routinely accessing information.<sup>2</sup>

It has been estimated that approximately 15 percent of adults in the United States, or roughly 37.5 million people, have at least some reduction in residual hearing. Of these individuals, nearly 2 million are deaf, many of which are late-deafened.<sup>3</sup> Additionally, it is estimated that there are approximately 35,000 to 40,000 individuals that are deafblind in the United States, and more than 10,000 children in the United States ages birth to 22 years of age are classified as deafblind.<sup>4</sup>

In Colorado, it is estimated that roughly 13 percent of the population are deaf or hard of hearing, which translates to approximately 755,569 Coloradans as of the 2021 census data. Further, approximately 200 babies are born deaf or hard of hearing each year in Colorado, and there were 258 individuals with Colorado addresses who self-registered on the National Deafblind Registry as of 2020.<sup>5</sup>

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<sup>2</sup> 12 CCR § 2516-1-27.210. Colorado Commission for the Deaf, Hard of Hearing, and Deafblind, Rule Manual 27.

<sup>3</sup> Centers for Medicare and Medicaid Services. *Improving Communication Access for Individuals Who are Deaf or Hard of Hearing*. Retrieved June 27, 2023, from [www.cms.gov/files/document/audio-sensory-disabilities-brochure-508c.pdf](http://www.cms.gov/files/document/audio-sensory-disabilities-brochure-508c.pdf)

<sup>4</sup> Colorado Commission for the Deaf, Hard of Hearing, and Deafblind, Outreach and Consultative Services. *Information Sheet Series: Deaf, Hard of Hearing, and Deafblind Demographics Guide*. Retrieved June 27, 2023, from [drive.google.com/file/d/1BvtCNIIrpMXxfDSA-AlpaDPyaWNtRs2b/view](https://drive.google.com/file/d/1BvtCNIIrpMXxfDSA-AlpaDPyaWNtRs2b/view)

<sup>5</sup> Ibid.

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## Sign Language and Interpreters

American Sign Language (ASL) is a complete language that utilizes the same properties as spoken language with its own grammar properties and is expressed through movement of the hands and face. Additionally, ASL is the primary language utilized by many individuals who are deaf or hard of hearing within the United States.<sup>6</sup>

A qualified interpreter is defined as, “someone who is able to interpret effectively, accurately, and impartially, both receptively...and expressively...using any necessary specialized vocabulary.”<sup>7</sup>

Some of the most common types of related interpreters include, but are not limited to:<sup>8</sup>

- ASL interpreters,
- Deaf interpreters, and
- Protactile interpreters.

Deaf interpreters are individuals who are deaf or hard of hearing that have been certified by the Registry of Interpreters for the Deaf<sup>9</sup> and who may provide translation and interpretive services using sign language.<sup>10</sup>

Additionally, deaf interpreters may translate from one signed language to another, provide interpretation for individuals who are deafblind, or they may also work as a language model for individuals who are learning sign language.<sup>11</sup>

Deaf interpreters most commonly work in tandem with hearing interpreters to ensure that a spoken language is being effectively communicated in a language that the deaf consumer understands, and also to ensure that the deaf consumer’s message is being accurately communicated in a spoken language.<sup>12</sup>

Protactile ASL (PTASL) is a language which is rooted in touch practiced on the body, and was developed as a language both by, and for, individuals who are deafblind.

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<sup>6</sup> National Institutes of Health, National Institute on Deafness and Other Communication Disorders. *American Sign Language*. Retrieved June 28, 2023, from [www.nidcd.nih.gov/health/american-sign-language#1](http://www.nidcd.nih.gov/health/american-sign-language#1)

<sup>7</sup> United States Department of Justice, Civil Rights Division. *ADA Requirements: Effective Communication*. Retrieved September 27, 2023, from [ada.gov/resources/effective-communication/](http://ada.gov/resources/effective-communication/)

<sup>8</sup> National Deaf Center on Postsecondary Outcomes. *Interpreting*. Retrieved June 28, 2023, from [www.nationaldeafcenter.org/resources/access-accommodations/accomodations101/interpreting/](http://www.nationaldeafcenter.org/resources/access-accommodations/accomodations101/interpreting/)

<sup>9</sup> *Standard Practice Paper: Use of a Certified Deaf Interpreter*. National Registry of Interpreters for the Deaf (1997), p. 1.

<sup>10</sup> National Deaf Center on Postsecondary Outcomes. *Interpreting*. Retrieved June 28, 2023, from [www.nationaldeafcenter.org/resources/access-accommodations/accomodations101/interpreting/](http://www.nationaldeafcenter.org/resources/access-accommodations/accomodations101/interpreting/)

<sup>11</sup> Ibid.

<sup>12</sup> Deaf Interpreter Institute. *What is a Deaf Interpreter?* Retrieved July 24, 2023, from [diinstitute.org/what-is-the-deaf-interpreter/](http://diinstitute.org/what-is-the-deaf-interpreter/)

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Further, PTASL can be used in small groups for communication and does not have to be for one-on-one communication exclusively.<sup>13</sup>

### Communication Access Realtime Translation

Communication Access Realtime Translation (CART) services provide a real-time translation from the spoken word into a typed text utilizing a stenotype machine or other real-time software, and may be displayed on a computer monitor, projection screen, or can be combined with a video presentation. CART services may be used in a variety of settings, such as classrooms or courtrooms, and can be utilized either remotely or on location.<sup>14</sup>

### Assistive Devices

Some devices and technologies can help a person who is deaf or hard of hearing to hear more easily or to communicate more effectively. Some examples of these devices include, but are not limited to:<sup>15</sup>

- Hearing aids or cochlear implants;
- Alarm clocks, doorbells and telephones with blinking lights or loud sounds to let a person know that an event is taking place;
- Hearing loops, FM systems, infrared systems, and personal amplifiers that transmit sounds; and
- Captioned telephones, which provide a transcript of the other person's conversation on a readout panel.

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<sup>13</sup> Perkins School for the Blind. *Q&A: How Pro-Tactile American Sign Language-PTASL-is Changing the Conversation*. Retrieved June 28, 2023, from [perkins.org/qa-how-pro-tactile-american-sign-language-ptasl-is-changing-the-conversation/](https://perkins.org/qa-how-pro-tactile-american-sign-language-ptasl-is-changing-the-conversation/)

<sup>14</sup> National Association of the Deaf. *Communication Access Realtime Translation*. Retrieved June 28, 2023, from [nad.org/resources/technology/captioning-for-access/communication-access-realtime-translation/](https://nad.org/resources/technology/captioning-for-access/communication-access-realtime-translation/)

<sup>15</sup> National Institutes of Health, National Institute on Deafness and Other Communication Disorders. *Assistive Devices for People with Hearing, Voice, Speech, or Language Disorders*. Retrieved June 28, 2023, from [www.nidcd.nih.gov/health/assistive-devices-people-hearing-voice-speech-or-language-disorders](https://www.nidcd.nih.gov/health/assistive-devices-people-hearing-voice-speech-or-language-disorders)

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## Legal Framework

### History of Regulation

In a sunset review, the Colorado Office of Policy, Research and Regulatory Reform (COPRRR) is guided by the sunset criteria located in section 24-34-104(6)(b), Colorado Revised Statutes (C.R.S.). The first sunset and second sunset criteria question:

Whether regulation or program administration by the agency is necessary to protect the public health, safety, and welfare; and

Whether the conditions that led to the initial creation of the program have changed and whether other conditions have arisen that would warrant more, less or the same degree of governmental oversight.

One way that COPRRR addresses this is by examining why the program was established and how it has evolved over time.

Prior to the establishment of the Colorado Commission for the Deaf and Hard of Hearing in 2000 (now the Commission for the Deaf, Hard of Hearing, and Deafblind), the state provided some services to the deaf and hard of hearing communities.

Since 1987, sign language interpreters have been required to be provided in legal settings for the state courts, law enforcement entities, and regulatory agencies.

The Americans with Disabilities Act (ADA) was passed by Congress in 1990, with additional amendments in 2008. The purpose of the ADA included:

...to invoke the sweep of congressional authority, including the power to enforce the fourteenth amendment and to regulate commerce, in order to address the major areas of discrimination faced day-to-day by people with disabilities.<sup>16</sup>

In compliance with the ADA, the Telecommunications Relay Service (TRS) program was established in Colorado in 1992. This program, which is still available, provides telephone relay assistance for individuals including those who are deaf, hard of hearing, deafblind, or have other speech or visual conditions. The program is housed under the Public Utilities Commission and receives funding for services through the Telecommunications Relay Service Surcharge.<sup>17</sup>

The General Assembly passed Senate Bill 00-194 in 2000, which created the Commission, and included a process for the selection of Commission members, procedures regarding

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<sup>16</sup> 42 U.S.C. sec. 12101 *et seq.*

<sup>17</sup> § 40-17-103(3), C.R.S.

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the work of the Commission as well as the duties, powers, and functions of the Commission.

In 2002, the Commission's Telecommunications Equipment Distribution Program was implemented through House Bill 02-1180 to provide interactive telephone equipment and other services to individuals within the deaf and hard of hearing communities. Additionally, funds were appropriated from what is known as the Telephone Users with Disabilities Fund to the Commission's cash fund to provide designated services.

In 2006, legal auxiliary interpreter services that provided for a variety of courtroom proceedings and law enforcement settings were moved from the Colorado Division of Rehabilitation at the Department of Human Services to the Commission through the passage of Senate Bill 06-061. Further, the bill authorized the Commission, in coordination with the Judicial Department, to publish a list of available resources regarding communication accessibility for individuals who are deaf or hard of hearing.

In 2009, the General Assembly adopted Senate Bill 09-144, which, among other things, expanded the role of the Commission by requiring that it serve as an informational resource and referral mechanism for private agencies and other entities in addition to its work with state agencies and the deaf and hard of hearing communities.

Additionally, the 2009 sunset review recommended to continue the Commission, and an administrative recommendation was also made that the Department of Human Services should work with the Department of Personnel and Administration to offer trainings to state employees to provide equivalent access to state agencies and programs for individuals who are deaf or hard of hearing.

In 2014, the Commission underwent another sunset review, and the recommendation was made to continue the Commission for nine years, until 2024. Further recommendations included the addition of an annual reporting requirement to the Governor, and the addition of a deafblind member to the Commission. Subsequently, these recommendations were passed by the General Assembly through the enactment of Senate Bill 15-178.

House Bill 18-1108 (HB18-1108) was enacted by the legislature, which renamed the Commission "The Colorado Commission for the Deaf, Hard of Hearing, and Deafblind," and further created the Colorado Deafblind Citizens Council. Additionally, HB18-1108 directed the Commission to include the deafblind community in the services provided by the Commission.

In 2019, the General Assembly passed House Bill 19-1069 which required a valid certification for sign language interpretation for an interpreter to be qualified to use protected titles such as "Certified American Sign Language Interpreter" and provided an additional supplemental appropriation to the Commission from the Telephone Users with Disabilities Fund for the Commission to approve valid certification types for interpreters.

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In 2021, Senate Bill 21-216 was enacted by the General Assembly. This bill directed the Commission to provide rural auxiliary services for individuals in rural communities who are deaf, hard of hearing, or deafblind. Additionally, the bill created the requirement for a Rural Auxiliary Services Advisory Committee, and also required that rules be developed by, or in consultation with, the Commission and the deaf, hard of hearing, and deafblind communities, to include the development of a definition for the term, “rural area.”

## Legal Summary

The third, fourth, fifth and seventh sunset criteria question:

Whether the existing statutes and regulations establish the least restrictive form of governmental oversight consistent with the public interest, considering other available regulatory mechanisms;

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; and

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.

A summary of the current statutes and rules is necessary to understand whether the statutes are set at the appropriate level and whether the current laws are impeding or enhancing the agency’s ability to operate in the public interest.

The Colorado Commission for the Deaf, Hard of Hearing, and Deafblind (Commission) is established under section 26-21-101, *et seq.*, C.R.S. (Act) as a Type II agency within the Colorado Department of Human Services (Department).

The purpose of the Commission is to,

...facilitate[s] the provision of state and local government services to the deaf, hard of hearing, and deafblind while making government more efficient...This duty requires state departments and agencies to provide

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auxiliary services, communications technology equipment, and other resources to ensure access.<sup>18</sup>

The Commission consists of seven members, appointed by the Governor in the following manner:<sup>19</sup>

- One member who is deaf;
- One member who is hard of hearing;
- One member who is late-deafened;
- One member who is deafblind;
- One member who is the parent of a deaf, hard of hearing or deafblind person;
- One member who provides auxiliary services to individuals who are deaf, hard of hearing, or deafblind; and
- One member who is a professional that works with individuals within the deaf, hard of hearing, and deafblind communities.

All members serve four-year staggered terms, and no member may serve more than two consecutive terms.<sup>20</sup> Additionally, Commission members are authorized to be reimbursed for expenses incurred during the discharge of official duties, which may include mileage reimbursement or per diem to cover actual expenses.<sup>21</sup>

Further, the Executive Director of the Department (Executive Director), or their designee, appoints a director of the Commission. Additionally, the Executive Director must provide feedback to the Commission regarding the hiring of the director.<sup>22</sup>

The Commission is required to convene its meetings no later than October 1 each fiscal year,<sup>23</sup> and must meet at least quarterly.<sup>24</sup>

The duties of the Commission include, but are not limited to:<sup>25</sup>

- Serving as a liaison for deaf, hard of hearing, and deafblind communities, the General Assembly, the Governor, and other Colorado departments and agencies;
- Serving as a referral agency for individuals who are deaf, hard of hearing, and deafblind to other state agencies and institutions, and other entities;
- Serving as an informational resource for state and local governments, individuals who are deaf, hard of hearing, and deafblind as well as private agencies and other entities;

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<sup>18</sup> § 26-21-102, C.R.S.

<sup>19</sup> § 26-21-104(2), C.R.S.

<sup>20</sup> § 26-21-104(3)(a), C.R.S.

<sup>21</sup> § 26-21-107(3), C.R.S.

<sup>22</sup> § 26-21-105(1), C.R.S.

<sup>23</sup> § 26-21-105(2)(a), C.R.S.

<sup>24</sup> § 26-21-105(2)(c), C.R.S.

<sup>25</sup> § 26-21-106(1), C.R.S.

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- Assessing the needs of individuals who are deaf, hard of hearing, and deafblind, and providing an annual report to the Governor and the General Assembly regarding recommendations for legislation or other administrative changes;
  - Assessing the type and amount of equipment needed by individuals who are deaf, hard of hearing, and deafblind as well as performing assessments regarding how technology has affected the needs of individuals who are deaf, hard of hearing, and deafblind;
  - Evaluating methods, policies, and programs that may improve communication accessibility, quality, and delivery of necessary new services;
  - Evaluating any methods, programs, or policies that improve access to government services; and
  - Determining whether any statutory or administrative provisions impede the Commission's ability to act as a statewide coordinating agency.

Further, the Commission is directed to establish and coordinate a communications technology program consistent with the findings of its work and obtain the communications technology needed for individuals who are deaf, hard of hearing, and deafblind.<sup>26</sup>

The Commission is also required to arrange auxiliary services for the state court system in coordination with the Colorado Judicial Department, including, but not limited to:<sup>27</sup>

- Coordinating state-wide scheduling of auxiliary services on a day-to-day basis;
- Creating and managing a process regarding fulfilling auxiliary services requests;
- Coordinating the purchasing, shipping, and receipt of assistive listening devices and systems;
- Identifying, coordinating, and placing the appropriate auxiliary systems relating to all concerned parties; and
- Creating and managing consistent and efficient processes so that auxiliary service providers can submit required documentation and be paid for services.

Further, the Commission is directed by statute to conduct a pilot program beginning in calendar year 2019 to provide auxiliary services to other state departments and agencies, and the Commission may continue to offer the pilot program in subsequent years if specific conditions are met, including, but not limited to, creating a process for providing auxiliary services, collecting data regarding the auxiliary services provided, and hiring an independent contractor to evaluate the pilot program and make recommendations.<sup>28</sup>

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<sup>26</sup> § 26-21-106(3), C.R.S.

<sup>27</sup> § 26-21-106(4), C.R.S.

<sup>28</sup> § 26-21-106(5), C.R.S.

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The Commission must also provide and maintain outreach and consulting services to ensure effective access to auxiliary services by state and local governments, private agencies, and other entities.<sup>29</sup>

The Commission is funded through the Colorado Commission for the Deaf, Hard of Hearing, and Deafblind Cash Fund, and all money credited to the fund remains in the fund along with any interest earned. Money within the cash fund does not revert to the General Fund or any other fund at the end of each fiscal year.<sup>30</sup>

Additionally, the Commission is authorized to receive and expend grants, gifts, and donations in accordance with state law from individuals, private foundations, or any governmental unit.<sup>31</sup>

Further, section 26-21-105(2)(f), C.R.S., establishes the Colorado Deafblind Citizens Council (Council) to, among other things, provide advice to the Commission, state and local governments, and other entities regarding methods to expand economic opportunities, increase competitive integrated employment, and improve services for individuals who are deafblind.

Further, the Commission appoints a total of seven members to the Council with staggered terms in the following manner:<sup>32</sup>

- One member who is deafblind,
- One member who is deaf with low vision,
- One member who is hard of hearing and blind,
- One member who is hard of hearing with low vision,
- One member who is latent deafblind,
- One member who is the parent of a deafblind child, and
- One member who is a professional working with the deafblind community.

### Grant Funding

Section 26-21-107.5(1), C.R.S., establishes the Colorado Commission for the Deaf, Hard of Hearing and Deafblind Grant Program (Grant Program) to provide additional funding to entities across the state to address the needs of individuals who are deaf, hard of hearing, or deafblind.

The Grant Program is administered by the Commission with funds appropriated by the General Assembly in the amount of no more than \$50,000 annually.<sup>33</sup> Additionally,

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<sup>29</sup> § 26-21-106(6), C.R.S.

<sup>30</sup> § 26-21-107(1), C.R.S.

<sup>31</sup> § 26-21-107(2), C.R.S.

<sup>32</sup> § 26-21-105(f)(III), C.R.S.

<sup>33</sup> § 26-21-107.5(2), C.R.S.

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entities may apply for grant funding that provide services to individuals who are deaf, hard of hearing, or deafblind, or to enhance existing programs.<sup>34</sup>

The Department must adopt rules to address timelines and guidelines for the grant application process and must also develop criteria for the approval or denial of grant applications.<sup>35</sup>

Further, statute also directs the creation of the Colorado Commission for the Deaf, Hard of Hearing, and Deafblind Grant Program Committee (Committee) to make recommendations to the Commission regarding approval or denial of Grant Program applications. In appointing members to the Committee, the Commission must select individuals for three-year staggered terms who have knowledge of innovative strategies that address the challenges faced by individuals who are deaf, hard of hearing, or deafblind.<sup>36</sup> The Committee consists of four members appointed by the Commission in the following manner:<sup>37</sup>

- One person who is deaf,
- One person who is hard of hearing,
- One person who is deafblind, and
- One person who is a representative of the public at large.

Additionally, the Director serves as an *ex-officio* member of the Committee.<sup>38</sup>

The Commission is directed to review and may follow the recommendations presented by the Committee regarding approval and denial of Grant Program applications, and, if approved, the grant award amounts recommended. The Department retains final decision-making authority to approve or deny grant applications, and the amounts awarded if approved.<sup>39</sup>

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<sup>34</sup> § 26-21-107.5(4), C.R.S.

<sup>35</sup> § 26-21-107.5(3), C.R.S.

<sup>36</sup> § 26-21-707.7(1)(a.5)(III), C.R.S.

<sup>37</sup> § 26-21-107.7(1)(a.5)(II), C.R.S.

<sup>38</sup> § 26-21-107.7(a.5)(III)(b), C.R.S.

<sup>39</sup> § 26-21-107.7(3), C.R.S.

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## Program Description and Administration

In a sunset review, the Colorado Office of Policy, Research and Regulatory Reform (COPRRR) is guided by sunset criteria located in section 24-34-104(6)(b), Colorado Revised Statutes (C.R.S.). The fifth, sixth and seventh sunset criteria question:

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 or the agency's board or commission performs its statutory duties efficiently and effectively; and

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.

In part, COPRRR utilizes this section of the report to evaluate the agency according to these criteria.

The Colorado Commission for the Deaf, Hard of Hearing, and Deafblind (Commission) is established under section 26-21-101, *et seq.*, C.R.S., (Act) as a Type II agency within the Office of Adult Aging and Disability Services at the Department of Human Services (Department).

The Commission consists of seven members, appointed by the Governor in the following manner:<sup>40</sup>

- One member who is deaf;
- One member who is hard of hearing;
- One member who is late-deafened;
- One member who is deafblind;
- One member who is the parent of a deaf, hard of hearing or deafblind person;
- One member who provides auxiliary services to individuals who are deaf, hard of hearing, or deafblind;<sup>41</sup> and
- One member who is a professional that works with individuals within the deaf, hard of hearing, and deafblind communities.

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<sup>40</sup> § 26-21-104(3), C.R.S.

<sup>41</sup> § 26-21-707, C.R.S.

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Further, the Executive Director of the Department (Executive Director) or their designee, appoints a director of the Commission (Director), and the Executive Director must provide feedback to the Commission regarding the hiring of the Director.<sup>42</sup>

The powers, functions, and duties of the Commission include, but are not limited to:<sup>43</sup>

- Serving as a liaison for the deaf, hard of hearing, and deafblind communities, the General Assembly, the Governor, and other Colorado departments and agencies;
- Serving as a referral agency for individuals who are deaf, hard of hearing, and deafblind to other state agencies and institutions, and other entities;
- Serving as an informational resource for state and local governments, individuals who are deaf, hard of hearing, and deafblind as well as private agencies and other entities;
- Assessing the needs of individuals who are deaf, hard of hearing, and deafblind, and providing an annual report to the Governor and the General Assembly regarding recommendations for legislation or other administrative changes;
- Assessing the type and amount of equipment needed by individuals who are deaf, hard of hearing, and deafblind as well as performing assessments regarding how technology has affected the needs of individuals who are deaf, hard of hearing, and deafblind; and
- Approving an entity's certification of sign language interpreters.

Further, the Commission is directed to establish and coordinate a communications technology program consistent with the findings of their work and obtain the communications technology needed by individuals who are deaf, hard of hearing, and deafblind.<sup>44</sup>

The Commission is also tasked with arranging auxiliary services for the state court system in coordination with the Colorado Judicial Department, including, but not limited to:<sup>45</sup>

- Coordinating state-wide scheduling of auxiliary services on a day-to-day basis;
- Creating and managing a process regarding fulfilling auxiliary requests;
- Coordinating the purchasing, shipping, and receipt of assistive listening devices and systems;
- Identifying, coordinating, and placing the appropriate auxiliary systems relating to all concerned parties; and
- Creating and managing consistent and efficient processes so that auxiliary service providers can submit required documentation and be paid for services.

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<sup>42</sup> § 26-21-105(1), C.R.S.

<sup>43</sup> § 26-21-106(1), C.R.S.

<sup>44</sup> § 26-21-106(3), C.R.S.

<sup>45</sup> § 26-21-106(4), C.R.S.

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The staff at the Commission are responsible for meeting these statutory requirements through the services provided. Services offered by the Commission include Outreach and Consultative Services, the Communications Technology Program (CTP), Legal Auxiliary Services, Rural Auxiliary Services, the Deafblind Program, and the Colorado Commission for the Deaf, Hard of Hearing, and Deafblind Grant Program (Grant Program).

Additionally, six committees are currently established under the Commission to provide an advisory role in specific subject areas, including:

- The By-Laws Committee,
- The Grant Program Committee,
- The Legal Auxiliary Services Advisory Council,
- The Rural Auxiliary Services Advisory Council,
- The Nominations Committee, and
- The Colorado Deafblind Citizens Council.

Table 2 highlights the total program expenditures including grant funds as well as the number of full-time equivalent (FTE) employees dedicated to the Commission programs for fiscal years 17-18 through 21-22.

**Table 2**  
**Program Expenditures and FTE**

Fiscal Year	Total Program Expenditure	FTE
17-18	\$1,622,392	8.3
18-19	\$2,119,986	8.3
19-20	\$2,347,124	8.3
20-21	\$2,281,258	9.5
21-22	\$2,613,993	14.5

The table indicates that the total program expenditures have steadily increased during the years under review. During fiscal year 21-22, 1.3 FTE of the total listed was not utilized, and vacancies are anticipated to be filled by the end of fiscal year 23-24.

In 2021, the General Assembly passed Senate Bill 21-216, which established the Rural Auxiliary Services program under the Commission. Therefore, staffing was increased at the Commission to accommodate the increase in services provided.

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In fiscal year 22-23, the staff dedicated to the Commission included:

- Management (Director) - 1.0 FTE. This position manages all aspects of statutory mandates of the Commission and related programs. Additionally, the Director manages the workload regarding Commission meetings, ensures that the Commission operates within established rules and meets statutory mandates. Further, this position serves as the Department authority regarding all Commission-related programs and with government and nongovernmental entities to provide equitable access for the deaf, hard of hearing and deafblind communities;
- Administrator V (Auxiliary Services Program Manager) - 1.0 FTE. This position serves as the authority and subject matter expert responsible for managing the Auxiliary Services Program to facilitate and ensure compliance with federal and state law regarding auxiliary services;
- Administrator III (Auxiliary Services Coordinator) - 2.0 FTE. These positions work with the Auxiliary Services Program to provide administrative, logistical, and fiscal support regarding program activities. Additionally, these positions schedule auxiliary services providers for a variety of assignments, including rural auxiliary services, legal auxiliary services, and auxiliary services for Commission staff;
- Administrator V (Lead American Sign Language/English Interpreter) - 1.0 FTE. This position works with the Auxiliary Services Program Manager and Certified Deaf Interpreter to act as the senior authority relating to sign language interpreting services, including training, mentoring, and outreach activities. Further this position provides guidance regarding statewide interpreting standards, policies, procedures, and training initiatives;
- Administrator IV (Certified Deaf Interpreter) - 1.0 FTE. This position works closely with other members of the Auxiliary Services Program and other auxiliary services vendors on assignment. Additionally, this position provides a variety of American Sign Language (ASL) interpreting services, including, but not limited to, one-on-one meetings, group meetings, events, and trainings. Further, this position participates in public outreach activities and assists the Lead Interpreter with mentoring, assessment, and backup interpreting services requests;
- Administrator V (Outreach and Consultative Services Manager) - 1.0 FTE. This position serves three specific roles, including: serving as the subject matter expert regarding accessibility for government and other entities; management of the Outreach and Consultative Services Program; and functioning as the deaf specialty outreach consultant. Further, this position is responsible for ensuring accessible resources for government entities, public and private entities, and community organizations;
- Training Specialist IV (Outreach Consultant) - 2.0 FTE. These positions are the hard of hearing and deafblind authorities who design systems, strategies, guidelines, processes, rules, and standards, and ensure that legislative mandates are carried out relating to the hard of hearing and deafblind communities. Additionally, these positions work with the Outreach and Consultative Services

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Manager and the Department to provide education and training to entities that interact with the hard of hearing and deafblind communities;

- Marketing and Communication Specialist III (Communications Specialist) - 1.0 FTE. This position serves as the subject matter expert regarding Section 508 of the Rehabilitation Act and the Americans with Disabilities Act (ADA). Additionally, this position conducts outreach to develop, strengthen, and coordinate partnerships with communities across Colorado to maximize access to information for those who are deaf, hard of hearing, and deafblind;
- Administrator V (Communications Technology Program Manager) - 1.0 FTE. This position serves as an authority and subject matter expert regarding the Communications Technology Program and all of its underlying programs which include access to home phones and accessories, wireless devices and accessories, and specialized equipment within the National Deafblind Equipment Distribution Program, a federally funded national grant;
- Administrator II (Deafblind Services Coordinator) - 1.0 FTE. This position is predominantly responsible for scheduling and coordinating support service providers, the Orientation & Mobility Program, and provides additional support for the Deafblind Program with administrative, fiscal, and logistical activities;
- Grants Specialist VI (Early Hearing Detection and Intervention Program Director) - 0.45 FTE. This position works closely with the Director and the Colorado Department of Early Childhood/Early Intervention Program Director to lead the Colorado Early Hearing Detection and Intervention (COEDHI) Alliance and other EHDl stakeholders to refresh the state's EHDl system from the April 1, 2020 through March 31, 2024 cycle in accordance with the four-year federal Health Resources and Services Administration EHDl Grant awarded from the Health Resources and Services Administration. This position is fully funded through the EHDl grant; and
- Administrator V (Family Support and Engagement Manager) - 0.75 FTE. This position supports comprehensive and coordinated state EHDl systems of care for families with children from birth to three years old who are deaf or hard of hearing to receive appropriate and timely services, including hearing screening, identification of reduced hearing acuity, and early interventions. Additionally, this position monitors a Deaf and Hard of Hearing Mentor program housed at the Colorado School for the Deaf and the Blind. This position is fully funded through the EHDl grant.

## Pilot Programs

For historical context, the Commission has partnered with a variety of state agencies and organizations for two separate pilot programs since fiscal year 17-18, including the Colorado Daylight Partnership (CDP) and the Pilot for State Auxiliary Services (PSAS).

CDP is an ongoing partnership established between the Mental Health Center of Denver (currently known as WellPower) and the Commission, funded through a federal block grant from the Office of Behavioral Health. The purpose of CDP is to provide

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consultation and technical assistance with the goal of supporting local community centers in creating statewide linguistically accessible and culturally affirmative behavioral healthcare for individuals who are deaf or hard of hearing.<sup>46</sup>

The PSAS pilot program was enacted through House Bill 18-1108 to establish a one-year pilot program. The purpose of PSAS was to provide auxiliary services, such as sign language interpretation and Communication Access Real-Time Translation (CART) services to five participating state agencies, including:<sup>47</sup>

- The Commission,
- The Colorado Department of Education,
- The Colorado Department of Public Health and Environment,
- Colorado Parks and Wildlife in the Colorado Department of Natural Resources, and
- The Colorado Division of Vocational Rehabilitation in the Colorado Department of Labor and Employment.

At the conclusion of the pilot program, an independent evaluation determined that PSAS was effective, and several areas for improvement were noted, including:<sup>48</sup>

- Making PSAS into a permanent service offered by the Commission;
- Creating a centralized funding mechanism;
- Outreach and training opportunities to agencies regarding the services provided through PSAS;
- Increasing program efficiency;
- Centralizing scheduling, billing, and invoicing; and
- Offering PSAS as an alternative to existing agency structures relating to auxiliary services.

In 2022, House Bill 22-1143 would have provided auxiliary services to state agencies, but it did not pass after referral to the House Committee on Appropriations.

## Outreach and Consultative Services

The staff within the Outreach and Consultative Services program at the Commission provide information, referrals, additional resources, and training services for stakeholders who are deaf, hard of hearing, and deafblind. Additionally, this section maintains a directory of contact information regarding a wide variety of services, including, but not limited to:

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<sup>46</sup> Colorado Department of Human Services. Colorado Commission for the Deaf, Hard of Hearing, and Deafblind: Annual Report, September 1, 2018, p. 3.

<sup>47</sup> Colorado Department of Human Services. Colorado Commission for the Deaf, Hard of Hearing, and Deafblind: Annual Report, September 1, 2020, p.3.

<sup>48</sup> Colorado Department of Human Services. Colorado Commission for the Deaf, Hard of Hearing, and Deafblind: Annual Report, September 1, 2020, p.4.

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- Assistive technologies,
  - CART and captioning services,
  - Community-based ASL courses,
  - Translation services,
  - Civil rights,
  - Video relay services, and
  - Interpreting services.

As a part of the upcoming five-year strategic plan, Commission staff have indicated that the work provided by the Outreach and Consultative Services unit will be absorbed by other existing staffing units within the Commission structure in order to free up additional resources to allow for the development of accessible video and online training content. As such, data related to outreach and consultative services is included in the following program descriptions.

These trainings will include offerings related to the Americans with Disabilities Act, communication techniques for law enforcement, and training regarding providing culturally affirmative services in health settings, among other offerings.

### **Communications Technology Program**

The Communications and Technology Program (CTP) within the Commission provides a variety of adaptive technology tools, including captioned and amplified phones, tablets, smartphones, headsets, neck loops, and ring signalers free of charge to individuals who qualify for these services.

During fiscal year 18-19, the program name was changed from the Telecommunications Equipment Distribution Program to CTP in order to more accurately reflect the constant evolution of technology as well as to increase the public's understanding of the types of services provided.

An application must be submitted and certain requirements met to receive services from CTP. These requirements of the applicant include:<sup>49</sup>

- Must be a resident of the state of Colorado and provide a valid address on the application;
- Must be a minimum age of 13 for wireless devices and a minimum age of 5 for all other devices;
- Parents or guardians must apply and assume responsibility for devices for any applicant that is 18 years of age or younger;
- If the applicant is over 18 years of age and has a guardian, parents or guardians must apply on behalf of the applicant and must assume responsibility for devices; and

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<sup>49</sup> 12 CCR § 2516-1-27.130. Colorado Commission for the Deaf, Hard of Hearing, and Deafblind, Rule Manual 27.

- Must be deaf, hard of hearing, or deafblind, as determined by:
  - A licensed physician or other medical professional,
  - A licensed audiologist,
  - A licensed speech-language pathologist, or
  - A service professional from a private or public agency that provides services to the deaf, hard of hearing, or deafblind.

Additionally, the applicant’s household income must be less than 400 percent of the Federal Poverty Guidelines based upon family size, and applicants may be placed on a waitlist during times of budgetary constraints.

The CTP will review any application received to determine if all information requested on the application was completed, all required documentation was submitted, and that the application contains the applicant’s original or electronic signature and a valid street address.<sup>50</sup>

If approved, applicants will be notified by mail or email within 60 days of the receipt of the application.<sup>51</sup>

Table 3 provides the total number of service inquiries that were received during fiscal years 17-18 through 21-22 regarding the program and its services.

**Table 3  
Service Inquiries per Fiscal Year**

	FY17-18	FY18-19	FY19-20	FY20-21	FY21-22
Home Service Inquiries	910	799	459	457	293
Wireless Service Inquiries	432	445	501	591	388
National Deafblind Equipment Distribution Program (NDBEDP) Inquiries	488	385	563	527	287
<b>Total</b>	<b>1,830</b>	<b>2,126</b>	<b>1,523</b>	<b>1,575</b>	<b>968</b>

The National Deafblind Distribution Equipment Program (NDBEDP), also referred to as the iCanConnect program, is federally funded and supported by the staff of the CTP and provides training and equipment for individuals who have experienced a reduction in vision or hearing.

<sup>50</sup> 12 CCR § 2516-1-27.140.B. Colorado Commission for the Deaf, Hard of Hearing, and Deafblind, Rule Manual 27.

<sup>51</sup> 12 CCR § 2516-1-27.141. Colorado Commission for the Deaf, Hard of Hearing, and Deafblind, Rule Manual 27.

During fiscal year 21-22 a significant decrease in the number of service inquiries is demonstrated. According to Commission staff, this can be attributed to the COVID-19 pandemic.

Table 4 depicts the total number of devices that were distributed during fiscal years 17-18 through 21-22, as well as the types of devices that were distributed per year.

**Table 4  
Devices Distributed per Fiscal Year**

	FY17-18	FY18-19	FY19-20	FY20-21	FY21-22
Captioned phones	30	15	10	7	6
Amplified phones	57	99	50	59	53
Captioning tablets	Not applicable	Not applicable	Not applicable	3	6
Signalers	107	70	66	145	230
Amplified devices (handsets, headsets, neck loops)	51	78	18	25	26
Wireless phones	48	35	45	54	73
Wireless tablets	15	8	10	9	12
Amplified answering machines	11	12	3	3	1
Protective cases, covers, and stands	Not applicable	Not applicable	Not applicable	62	Not applicable
TTY (teletypewriter)	Not applicable	Not applicable	Not applicable	Not applicable	1
NDBEDP equipment	223	168	190	231	205
Devices Loaned	Not applicable	Not applicable	25	2	Not applicable
<b>Total</b>	<b>542</b>	<b>485</b>	<b>417</b>	<b>598</b>	<b>613</b>

The table indicates that the number and types of devices available fluctuate from year to year, and some categories are referred to as not applicable. According to Commission staff, the devices requested are tailored to the needs and communication styles of each individual and may also depend upon the availability of devices offered and new technologies that may be obtainable.

Table 5 details the total number of consumer requests for devices that were waitlisted during fiscal years 17-18 through 21-22.

**Table 5  
Waitlisted Devices per Fiscal Year**

	FY17-18	FY18-19	FY19-20	FY20-21	FY21-22
Devices waitlisted	0	0	64	0	0

During fiscal year 19-20, consumers were waitlisted for adaptive technologies. Also, during fiscal year 19-20, the CTP budget was exhausted as of January 2020. Consequently, any additional qualifying consumers were placed on a waitlist for devices.

According to Commission staff, the COVID-19 pandemic impacted many of the consumers who receive services from the Commission during fiscal years 19-20 and 20-21. As a result, the assessment, installation, and training regarding many of the devices that the CTP provides were waitlisted for deafblind consumers.

Further, Commission staff have indicated that the COVID-19 pandemic continued to create delays in in-person assistance for adaptive technologies. As health restrictions lessened, assessments, installations, and trainings were able to resume. Lastly, budgetary constraints may also impact the ability to provide services.

Table 6 highlights the number of outreach activities engaged in by Commission staff at the CTP unit during fiscal years 17-18 through 21-22.

**Table 6  
CTP Outreach Services per Fiscal Year**

	FY17-18	FY18-19	FY19-20	FY20-21	FY21-22
Community outreach efforts	185	193	153	132	181
Event participation	39	34	58	94	63
Trainings and demonstrations	46	28	61	63	68
Presentations	26	40	50	39	21
<b>Total</b>	<b>296</b>	<b>295</b>	<b>322</b>	<b>328</b>	<b>333</b>

According to Commission staff, community outreach efforts and event participation occur in a variety of ways, such as outreach to entities across the state, including audiologists, medical professionals, independent living centers, religious institutions, and non-profit organizations. Additionally, CTP outreach may include hosting booths at local events and attending the meetings of other organizations.

Overall, CTP outreach has consistently increased during the years under review.

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## Legal Auxiliary Services

The Legal Auxiliary Services (LAS) program within the Commission, funded through a combination of General Funds and funds from the Telecommunications Relay Service Surcharge, provides both courtroom-qualified interpreter services and Communication Access Real Time (CART) services for the Colorado Judicial Branch, as well as any related administrative proceedings. Additionally, these services also include any services that are ordered by the courts, including mediation, probation, and therapy or treatment services.<sup>52</sup>

The LAS program will schedule and pay for all auxiliary services that are requested by an appointing authority at each Judicial District and will maintain a referral resource list for law enforcement and prosecutorial personnel.<sup>53</sup>

Additionally, the LAS program will arrange and pay for auxiliary services in the following situations for deaf, hard of hearing, or deafblind individuals:<sup>54</sup>

- If the individual is present and is the principal party of interest or is a witness in any state court civil or criminal proceeding;
- If the individual is present and is participating as a witness or party of interest in any state administrative, commission, agency hearing, or hearing of a licensing authority in the state;
- If the individual is involved in grand jury or jury proceedings as either a juror or potential juror;
- If the individual is a juvenile whose parents are deaf, hard of hearing, or deafblind in any state court proceeding; or
- If meetings are needed between an attorney and a client if the meeting is an extension of a courtroom appearance.

Auxiliary service providers must meet specific requirements to serve as either a qualified interpreter, a CART provider, or a cued language transliterator (the process of moving messages between different forms of the same language). Several statuses exist for legal auxiliary service providers, including:<sup>55</sup>

- Status I - Interpreters who hold a court/legal certification or who have passed the National Center for State Courts examination, or CART providers who hold the Certified Realtime Captioner designation from the National Court Reporters Association, are considered preferred providers for all court and legal assignments;
- Status II - Court/legal interpreters who hold a certified deaf interpreter certificate and are recommended for a wide range of assignments, or non-

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<sup>52</sup> Colorado Department of Human Services, Colorado Commission for the Deaf, Hard of Hearing, and Deafblind. *Legal Auxiliary Services*. Retrieved on June 23, 2023, from [ccdhh.com/index.php/las/](http://ccdhh.com/index.php/las/)

<sup>53</sup> 12 CCR § 2516-1-27.220. Colorado Commission for the Deaf, Hard of Hearing, and Deafblind, Rule Manual 27.

<sup>54</sup> 12 CCR § 2516-1-27.220.B. Colorado Commission for the Deaf, Hard of Hearing, and Deafblind, Rule Manual 27.

<sup>55</sup> 12 CCR § 2516-1-27.230. Colorado Commission for the Deaf, Hard of Hearing, and Deafblind, Rule Manual 27.

certified CART providers who meet the education, training, experience, and mentoring requirements;

- Status III - Communication assistants, who may not have formal certification or training, but have experience with the communication needs of a specific person who is deaf, hard of hearing, or deafblind and work under the supervision of a Status I or II interpreter; and
- Status IV - Community interpreters or CART service providers for court-ordered treatment or therapy.

Table 7 details the total number of legal auxiliary service requests, the total number of service hours provided for completed requests as well as the number of consultations, development activities, workshops and presentations completed during fiscal years 17-18 through 21-22.

**Table 7  
Legal Auxiliary Services Provided**

	FY17-18	FY18-19	FY19-20	FY20-21	FY21-22	Total
Number of Requests for Services	2,307	2,368	2,314	2,485	2,880	12,354
Number of Service Hours Provided	8,044	9,913	8,635	10,192	11,967	48,751
Consultation and Development	15	21	36	20	73	165
Workshops and Presentations	7	2	3	3	4	19

Consultation and development include: meetings with the Colorado Judicial Branch staff; development of mentoring, training, and consultation services with the Denver Office of Sign Language Services; Legal Auxiliary Services Advisory Council meetings; presentations and trainings at the Office of Dispute Resolution; and participation in rulemaking proceedings with the Colorado State Board of Human Services.

According to staff at the LAS Program, while funding for the LAS program has remained stable, the number of service requests and the number of service hours provided have been consistently increasing during the years under review, as is demonstrated in the table above.

Program staff has further indicated that the Legal Auxiliary Services program has been increased to a seven-day per week operation, which staff has also noted is the first of its kind in the United States.

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## Rural Auxiliary Services

The Rural Interpreting Services Project (RISP) was established as a two-year pilot to expand auxiliary services to rural areas of the state, which utilized funds from the Telephone Users with Disabilities Fund to address access to rural auxiliary services for individuals within the deaf, hard of hearing, and deafblind communities.<sup>56</sup>

In 2021, the General Assembly passed Senate Bill 21-216, permanently establishing the Rural Auxiliary Services program, which required that the Commission provide rural auxiliary services on a permanent basis to, among other things:

- Coordinate daily scheduling of rural auxiliary services,
- Manage auxiliary requests in rural areas of the state,
- Manage a system which would allow providers to submit documentation and receive payment for services,
- Provide additional outreach and training, and
- Award scholarships to potential auxiliary service providers.

The Rural Auxiliary Services unit within the Commission provides both in-person and virtual interpretation and virtual CART services, free of charge, to individuals who are deaf, hard of hearing, or deafblind and who live in rural areas of the state. Additionally, the unit provides training and certification support for service providers who are willing to provide services in rural communities.<sup>57</sup>

The program currently defines the rural portions of Colorado as any area outside of the I-25 corridor (this definition also currently includes Pueblo) since there are few qualified auxiliary services providers outside of the Front Range.<sup>58</sup> According to Commission staff, the definition of the term “rural” is currently under rulemaking with an objective of creating a more formal definition.

The types of services that may be performed utilizing rural auxiliary services include, but are not limited to:<sup>59</sup>

- Medical, dental, and mental health appointments;
- Staff meetings, job interviews, and job training;
- Municipal court proceedings, attorney-client meetings, and police interviews;
- Community classes, meetings, and events;
- School events and parent meetings; and
- Church services and funerals.

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<sup>56</sup> Colorado Department of Human Services. Colorado Commission for the Deaf, Hard of Hearing, and Deafblind: Annual Report, September 1, 2018, p. 3.

<sup>57</sup> Colorado Department of Human Services, Colorado Commission for the Deaf, Hard of Hearing, and Deafblind. *Rural Auxiliary Services*. Retrieved on June 23, 2023, from [ccdhh.com/index.php/ras/](http://ccdhh.com/index.php/ras/)

<sup>58</sup> Ibid.

<sup>59</sup> Colorado Department of Human Services, Colorado Commission for the Deaf, Hard of Hearing, and Deafblind. *FAQ*. Retrieved June 23, 2023, from [ccdhhdb.com/index.php/faqras/](http://ccdhhdb.com/index.php/faqras/)

Table 8 provides the total number of rural auxiliary service requests, the total number of service hours provided, as well as the number consultations, development activities, workshops and presentations completed during fiscal years 17-18 through 21-22.

**Table 8**  
**Rural Auxiliary Services Provided**

	FY17-18	FY18-19	FY19-20	FY20-21	FY21-22	Total
Requests for Services	Not applicable	553	1,215	742	972	3,482
Service Hours Completed	Not applicable	1,434	3,168	1,832	3,305	9,739
Consultation and Development	Not applicable	34	26	29	20	109
Workshops and Presentations	Not applicable	19	18	1	1	39

The Rural Auxiliary Services unit became a permanent program under the Commission in 2021. Additionally, no data are included regarding rural auxiliary services for fiscal year 17-18 since the pilot program was not established until fiscal year 18-19. Commission staff has indicated that the reduction in workshops and presentations in fiscal years 20-21 and 21-22 were due to the challenges of coordinating in-person events during the COVID-19 pandemic.

Rural Auxiliary Consultation and Development includes meetings with the University of Northern Colorado’s American Sign Language and Interpreting Studies program staff regarding sign language interpreter training, the establishment of booths at related events as well as a variety of town hall meetings, stakeholder meetings, and trainings.

## Deafblind Services

The Deafblind Services unit within the Commission staff provides access to Support Service Providers (SSPs) and Orientation and Mobility programs (O&M) to assist individuals who are deafblind with navigation tools.

SSPs are trained individuals who provide assistance with accomplishing a variety of important daily activities, such as grocery shopping and utilizing bank services. Additionally, the O&M program services are provided by professionals to assist with the development of skills and tools for independent travel.<sup>60</sup>

While the use of SSPs is not listed under “aids and services” in the Americans with Disabilities Act, they are considered an extremely valuable resource by many which

<sup>60</sup> Colorado Department of Human Services, Colorado Commission for the Deaf, Hard of Hearing, and Deafblind. *Deafblind Services*. Retrieved June 21, 2023, from [ccdhh.com/index.php/deafblind/](http://ccdhh.com/index.php/deafblind/)

enables individuals within the deafblind community to access their communities in an independent manner.<sup>61</sup>

Table 9 depicts the total number of SSP services requested by deafblind consumers, the number of SSPs utilized, the number of fulfilled and unfulfilled SSP requests, the total number of SSP service hours provided, the total number of O&M specialists available, as well as the total number of program inquiries and total expenditures from fiscal years 17-18 through 21-22.

**Table 9**  
**Support Service Provider and Orientation and Mobility Provider Information per Fiscal Year**

	FY17-18	FY18-19	FY19-20	FY20-21	FY21-22
Number of consumers that utilized SSP services	24	34	41	46	47
SSPs utilized	12	18	16	16	15
Number of fulfilled SSP requests	578	1,105	1,341	1,369	1,310
Number of unfulfilled SSP requests	5	31	71	34	13
SSP total hours provided	2,095	3,479	4,552	4,426	4,617
Total Number of O&M Specialists	2	3	2	2	2
Total Number of Program Inquiries	260	1,152	2,475	3,114	3,318
<b>Total expenditures</b>	<b>\$65,829</b>	<b>\$118,582</b>	<b>\$131,110</b>	<b>\$131,522</b>	<b>\$152,699</b>

According to Commission staff, fiscal year 17-18 was the first year in which O&M services became available to consumers of the program. Additionally, Program Inquiries may pertain to a variety of types of general information related to deafblind services.

It should be noted that the total number of consumers utilizing services as well as the total number of SSPs providing services each fiscal year does not represent the total number that participate in the program. For example, not all consumers who utilize services may do so every year, and not all SSPs registered with the program provide services every year.

According to Commission staff, the COVID-19 pandemic affected the number of services that could be safely provided to consumers during fiscal year 19-20, which led to a significant increase in unfulfilled requests. Staff has also indicated that three new SSP providers began participation in the program during fiscal year 21-22.

<sup>61</sup> United States Department of Justice, Civil Rights Division. *ADA Requirements: Effective Communication*. Retrieved September 27, 2023, from [ada.gov/resources/effective-communication/](https://ada.gov/resources/effective-communication/)

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Table 10 indicates the number of individuals who have been removed from the waitlist and were able to actively utilize SSP services during fiscal years 17-18 through 21-22.

**Table 10**  
**Waitlisted Consumers Utilizing SSP Services per Fiscal Year**

<b>Fiscal Year</b>	<b>Consumers Removed from the SSP waitlist</b>
17-18	0
18-19	0
19-20	0
20-21	3
21-22	7

According to Commission staff, fiscal year 17-18 was the first year of the SSP program. On average, consumers who have been placed on the waitlist for services have remained there without access to SSP services for 2.5 years.

The SSP waitlisted consumers are those who have requested services but do not have access to services due to high demand. Commission staff have indicated that there are a total of 17 individuals on the waitlist as of August 4, 2023. Further, Commission staff has indicated that a lack of additional funding has caused waitlists, and the Commission’s top priority is to increase funding.

Additionally, Commission staff indicated that the Deafblind Services Program is currently being restructured. Members of the Commission staff will serve as a point person for outreach to potential service providers, as well as areas of specialization related to each type of service provided. This restructuring will include a full accounting of the vendors available to provide services as well as the number of deafblind community members requesting services.

Table 11 provides information regarding the number of outreach and events engaged in by the Deafblind Services Unit during fiscal years 17-18 through 21-22.

**Table 11**  
**Deafblind Services Outreach and Events per Fiscal Year**

	FY17-18	FY18-19	FY19-20	FY20-21	FY21-22
Community outreach	2	4	3	6	4
Event participation	5	6	6	12	12
Trainings	3	3	5	3	2
Presentations	4	1	1	0	2
<b>Total</b>	<b>14</b>	<b>14</b>	<b>15</b>	<b>21</b>	<b>20</b>

According to Commission staff, community outreach with entities across the state occurs in a variety of ways, including hosting booths at local events and attending deafblind conferences.

Like other programs within the Commission structure, outreach regarding deafblind services has continuously increased during the years under review.

### Early Hearing Detection and Intervention Program

The Colorado Early Hearing Detection and Intervention Program (COEHDI) is a collaborative effort between the Commission and Early Intervention Colorado in the Colorado Department of Early Childhood.

The purpose of COEHDI embraces what is commonly referred to as the “1-3-6 goal,” which includes:<sup>62</sup>

- Conducting hearing screenings of all infants by one month of age,
- Rescreening and identification of any failed screenings by three months of age, and
- Enrolling children in early intervention services if needed by six months of age.

Currently, COEHDI’s primary focus is to renovate the state’s early hearing detection and intervention (EHDI) system during the April 1, 2020 through March 31, 2024 grant cycle. The EHDI grant is awarded by the federal Health Resources and Services Administration, which funds the total cost of the program, although auxiliary services are provided by the Commission when requested.

Table 12 demonstrates the total number of babies screened in the state per calendar year, the total number of births in the state per calendar year, as well as the percentage of babies screened.

<sup>62</sup> Colorado Early Detection Hearing and Intervention. *EHDI Goals*. Retrieved August 3, 2023, from [www.coehdi.org/ehdi-goals/](http://www.coehdi.org/ehdi-goals/)

**Table 12**  
**Total Screenings per Calendar Year**

Calendar Year	Total Number of Screenings	Total Births	Percentage of Screenings Performed
2017	Not available	Not available	Not available
2018	Not available	Not available	Not available
2019	59,766	62,811	95%
2020	58,661	61,574	95.2%
2021	61,160	62,995	97.1%

According to COEHDI staff, the tracking of this data began through the Colorado Department of Public Health and Environment as of calendar year 2019. Additionally, data for calendar year 2022 is not yet available as of the writing of this report. Data for the three years provided indicate a consistent increase in the percentage of screenings for babies within the state.

### Grant Program

The Colorado Commission for the Deaf, Hard of Hearing, and Deafblind Grant Program (Grant Program) provides funding to a variety of organizations that assist with providing services to the deaf, hard of hearing, and deafblind communities. Types of services that may be offered utilizing this grant funding include, but are not limited to:<sup>63</sup>

- Community planning regarding access to services and service coordination,
- Start-up programs that are not available in Colorado,
- Support for existing programs and services, and
- Additional projects that meet the requirements of the grant program.

Grant funding applications must include:<sup>64</sup>

- A letter of interest submitted by the entity’s governing body;
- A mission statement that reflects support of the purposes of the Grant Program;
- Documentation of legal status of the entity or standing as a private non-profit or not-for-profit agency or corporation;
- A list of all functioning board of advisors or advisory committee members with oversight;
- A grant proposal that, at a minimum, states the objectives to be achieved, the community need addressed in the proposal, and a timeline for achieving those objectives;

<sup>63</sup> Colorado Department of Human Services, Colorado Commission for the Deaf, Hard of Hearing, and Deafblind. *Grant Program*. Retrieved on June 21, 2023, from [www.ccdhh.com/index.php/grant-program/](http://www.ccdhh.com/index.php/grant-program/)

<sup>64</sup> 12 CCR § 2516-1-27.440. Colorado Commission for the Deaf, Hard of Hearing, and Deafblind, Rule Manual 27.

- Letters of support from three entities;
- A proposed budget tied to the stated activities and outcomes, and, if required, a demonstration of a 50 percent match of funds;
- A certified copy of the latest financial review of the entity or a plan to manage the grant if the entity is newly established; and
- A copy of the entity’s equal employment opportunity statement.

Additionally, the applicant must submit an original copy of all materials listed above as well as four additional copies of the entire grant packet.<sup>65</sup>

The application process occurs on a yearly basis, and the following deadlines must be met for application:<sup>66</sup>

- May 1 - Distribution of grant applications;
- June 30 - Application deadline;
- July 31 - Review and recommend applications to the Commission; and
- September 1 - Award announcements.

Additionally, any unused portion of the funding allocated for grants does not revert to the General Fund and will remain in the cash fund.

During fiscal years 17-18 through 21-22, the total available funding was \$50,000 per year, with grant funding not to exceed \$10,000 per applicant.

Table 13 shows the total number of applications considered and approved by the Commission and the total funds awarded from fiscal year 17-18 to fiscal year 21-22.

**Table 13  
Number of Grant Applications Received and Awarded**

Fiscal Year	Number of Applications Considered	Number of Applications Approved	Total Awarded
17-18	7	5	\$40,427
18-19	10	5	\$34,683
19-20	12	5	\$49,949
20-21	10	5	\$49,356
21-22	7	5	\$50,000
<b>Total</b>	<b>46</b>	<b>25</b>	<b>\$224,415</b>

<sup>65</sup> Colorado Commission for the Deaf, Hard of Hearing, and Deafblind. *Grant Program: Request for Applications (RFA) Guidelines and Instructions*. Retrieved on June 22, 2023, from [ccdhhdb.com/index.php/application/](http://ccdhhdb.com/index.php/application/)

<sup>66</sup> 12 CCR § 2516-1-27.450. Colorado Commission for the Deaf, Hard of Hearing, and Deafblind, Rule Manual 27.

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The table indicates that the number of applications considered was elevated in fiscal years 18-19 through 20-21, and then returned to previous levels. The total award has continued to increase, and as of fiscal year 21-22, the total amount of funding available was awarded.

A list of grant recipients and the amounts awarded for fiscal years 17-18 through 21-22 are located in Appendix A.

## Complaints

The eighth and tenth sunset criteria requires COPRRR to examine whether regulatory oversight can be achieved through a director model, and 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 or regulated entity.

In part, COPRRR utilizes this section of the report to evaluate the program according to these criteria.

The Commission does not currently have an internal complaint process. Instead, the Department oversees complaints in a centralized manner. There is a location on the Department website where a complaint can be submitted to the Department's Client Services Unit, and complaints may also be received in person or by telephone. Once received, the complaint is forwarded to the Commission's Director for internal review.

Commission staff have indicated that no formal complaints have been received during the years under sunset review. However, approximately one to two complaints are received on an informal basis per fiscal year which are reviewed by Commission staff for resolution.

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## Analysis and Recommendations

The final sunset criterion questions whether administrative and statutory changes are necessary to improve agency operations to enhance the public interest. The recommendations that follow are offered in consideration of this criterion, in general, and any criteria specifically referenced in those recommendations.

### Recommendation 1 – Continue the Colorado Deaf, Hard of Hearing, and Deafblind Act for seven years, until 2031.

The Colorado Commission for the Deaf, Hard of Hearing, and Deafblind (Commission) is established by the Colorado Deaf, Hard of Hearing, and Deafblind Act (Act) which can be found at section 26-21-101, *et seq.*, of the Colorado Revised Statutes (C.R.S.). The Commission is a Type II agency within the Office of Adult, Aging and Disability Services at the Department of Human Services (Office and Department, respectively).

The powers, functions, and duties of the Commission include, but are not limited to:<sup>67</sup>

- Serving as a liaison for the deaf, hard of hearing, and deafblind communities, the General Assembly, the Governor, and other Colorado departments and agencies;
- Serving as a referral agency for individuals who are deaf, hard of hearing, and deafblind to other state agencies and institutions, and other entities;
- Serving as an informational resource for state and local governments, individuals who are deaf, hard of hearing, and deafblind as well as private agencies and other entities;
- Assessing the needs of individuals who are deaf, hard of hearing, and deafblind, and providing an annual report to the Governor and the General Assembly regarding recommendations for legislation or other administrative changes;
- Assessing the type and amount of equipment needed by individuals who are deaf, hard of hearing, and deafblind as well as performing assessments regarding how technology has affected the needs of individuals who are deaf, hard of hearing, and deafblind; and
- Approving an entity's certification of sign language interpreters.

The Commission performs these tasks through a variety of programs including Legal Auxiliary Services, Rural Auxiliary Services, the Communications Technology Program, and the Colorado Commission for the Deaf, Hard of Hearing and Deafblind Grant Program (Grant Program), to name a few.

Pursuant to the Act, the Commission provides many critical services for the deaf, hard of hearing, and deafblind communities. In fact, so many services are provided by the

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<sup>67</sup> § 26-21-106(1), C.R.S.

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Commission that without access to this centralized source for services and referrals, stakeholders have indicated there would be an increased sense of isolation, a decrease in independence among some community members, and ultimately, a lack of equity.

The first sunset criterion asks,

Whether regulation or program administration by the agency is necessary to protect the public health, safety, and welfare.

The Commission provides invaluable centralized expertise and referrals unlike any other program within the state. Additionally, the Commission increases awareness regarding needs within the deaf, hard of hearing, and deafblind communities, and strives to provide equity in access to services, thereby enhancing the public welfare.

Due to the numerous structural and policy recommendations contained within this report, the General Assembly should continue the Act for only seven years, until 2031.

### **Recommendation 2 – Create a permanent state auxiliary services program.**

The Pilot for State Auxiliary Services (PSAS) was enacted through House Bill 18-1108 to establish a one-year pilot program. The purpose of PSAS was to provide auxiliary services, such as sign language interpretation and Communication Access Real-Time Translation (CART) services to five participating state agencies.

In 2022, House Bill 22-1143 would have converted PSAS into a permanent function of the services provided by the Commission, but it did not pass after referral to the House Committee on Appropriations.

Throughout the sunset review process, stakeholders indicated frustration that there is no centralized location for services for the deaf, hard of hearing, and deafblind communities that creates uniform interaction with state government, outside of those provided to the Judicial Branch through the Commission's Legal Auxiliary Services program.

Further, some state departments create their own internal processes for obtaining services, develop their own standards for services provided, and even enter into their own contracts with vendors. This, in turn, creates a sense of unevenness and confusion in the services provided across a myriad of state entities.

The fifth and fourteenth sunset criteria ask,

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; and

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Whether administrative and statutory changes are necessary to improve agency operations to enhance the public interest.

The development of a state auxiliary services program administered and developed with the expertise of the Commission would help to establish uniform standards and services, which would allow members of the public who utilize these services to interact with their government with greater ease, thereby enhancing the public interest. Therefore, the General Assembly should create a permanent state auxiliary services program.

**Recommendation 3 – Change the name of the Deafblind Citizens Council to the Deafblind Advisory Council.**

House Bill 18-1108, enacted by the legislature in 2018, gave the Commission its current name, and further created the Colorado Deafblind Citizens Council (Council).

The use of the word “citizen” in the Council’s name has proven problematic. For example, the current name of the Council might be incorrectly interpreted by some stakeholders or members of the public as meaning that either United States citizenship or Colorado residency is somehow a requirement for participation in the work of the Council, which is not the case.

The fifth and fourteenth sunset criteria ask,

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; and

Whether administrative and statutory changes are necessary to improve agency operations to enhance the public interest.

If the Council were to be referred to as the Deafblind Advisory Council rather than the Deafblind Citizens Council, the title would more aptly reflect the work that the Council performs on behalf of the Commission and would provide a more accurate reflection of the inclusivity that is intended in the Council’s work in providing recommendations to the Commission regarding best practices for supporting individuals within the deafblind community.

Therefore, the General Assembly should change the name of the Deafblind Citizens Council to the Deafblind Advisory Council.

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**Administrative Recommendation 1 – The Commission should obtain an external evaluation of its structure to provide recommendations regarding necessary structural changes.**

Since its establishment in 2000, the Commission has been tasked with an ever-growing list of new statewide objectives. For example, since fiscal year 17-18, the Commission has partnered with a variety of state agencies and organizations for three separate pilot programs. Additionally, in 2018, the Commission was renamed to include the deafblind community, and the Deafblind Citizens Council was established. In 2021, the Commission was tasked with the administration of the rural auxiliary services program. These programs are in addition to the tasks that were statutorily assigned to the Commission upon its inception.

As a result, the Commission’s delivery of services to the communities it serves seems to lack cohesion. Indeed, throughout the sunset review process, stakeholders discussed numerous concerns regarding the current structure of the Commission. Namely, stakeholders questioned whether the Commission could be converted to a standalone Type 1 entity and whether a Division for the Deaf, Hard of Hearing, and Deafblind may be more effective than the current Commission structure. Also, some stakeholders asked whether the Commission itself is effective as a governing entity, in terms of the depth of involvement that Commission members have in the development of recommendations and the administrative oversight of programs and services.

Furthermore, stakeholders also conveyed concerns regarding the current advisory committees under the Commission. For example, some have indicated that the Commission may have too many advisory committees. However, others would like to see each community have its own advisory committee to share the community’s expertise and recommendations with the Commission since the deafblind community has an advisory committee under the Commission, but the hard of hearing and deaf communities do not.

Additionally, there are questions regarding the potential future growth of the Commission and whether the current structure would support additional expansion outside of the growing list of services already provided. Although the staff support to the Commission grew to 14.5 full-time equivalent employees in fiscal year 21-22, some stakeholders expressed concern that opportunities to receive services may not be equally available among the deaf, hard of hearing, and deafblind communities, with some expressing the sentiment that the Commission’s focus is geared more specifically to the deaf community. There is also a sentiment among some stakeholders that staffing at the Commission may already be stretched to a point of maximum capacity given the number of programs and services that the Commission currently oversees.

These issues indicate that substantive systemic change may be necessary in order to better enable the Commission to deliver services in a holistic manner, and although some of these changes were evaluated during the course of the sunset review, the time

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constraints and broad nature of the sunset review process cannot meaningfully address all of the structural issues raised.

However, if the Commission were to engage an external evaluator to review the current structure, taking into consideration its overall mission and the services it is expected to deliver, then any needed changes could be addressed with the goal of establishing a holistic and comprehensive framework that meets the current needs and services for the deaf, hard of hearing, and deafblind communities in an organized, transparent approach. Additionally, the evaluator could also look to the future of the Commission to ensure that any growth in the services offered by the Commission could be adequately supported.

The second, fifth, sixth, seventh, and eighth sunset criteria ask,

Whether the conditions that led to the initial creation of the program have changed and whether other conditions have arisen that would warrant more, less, or the same degree of governmental oversight;

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 or the agency's board or commission performs its statutory duties efficiently and effectively;

Whether the composition of the agency's board or commission adequately represents the public interest; and

Whether regulatory oversight can be achieved through a director model.

Given the complexity of the numerous structural issues that have quickly evolved as the Commission has continued to be tasked with more oversight and given the staffing and budgetary constraints under which the Commission currently operates, a thorough, holistic, and comprehensive evaluation of the current needs and future expansion potential of the Commission should be reviewed with the Commission's overall mission providing the necessary context. This will help to assure that services to the deaf, hard of hearing, and deafblind communities are efficiently and effectively delivered with equity, which is in the public interest. Therefore, The Commission should obtain an external evaluation of its structure to provide recommendations regarding necessary structural changes.

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## **Administrative Recommendation 2 – The Commission should improve its stakeholder engagement experience.**

Throughout the course of the sunset review, stakeholders expressed frustrations related to waitlists and lack of access to some of the services provided by the Commission, deficiencies in the opportunities for community members to provide meaningful feedback, and the lack of a clear venue to participate in the work that guides the Commission. Additionally, stakeholders indicated that clearer organization of resources could benefit those who utilize the services of the Commission.

The fourth, fifth, and seventh sunset criteria ask,

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; and

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...

Members of the deaf, hard of hearing, and deafblind communities who took part in the stakeholder process for the sunset review largely expressed positive support regarding the goals of the Commission, but many reported feeling left out in their ability to offer constructive feedback or to meaningfully participate. Additionally, some stakeholders indicated that they struggle to locate basic information regarding services that the Commission oversees.

If the Commission were to provide a clear process for stakeholder feedback, increase opportunities for members of the public to participate, and strengthen communication with stakeholders regarding services, the work of the Commission may receive wider support and provide a greater benefit to the communities that it serves. Therefore, the Commission should improve its stakeholder engagement experience.

## **Administrative Recommendation 3 – The Commission should pursue legislation to address inconsistencies in related statutes.**

During the sunset review process, Commission staff provided numerous examples of elements that may need to be revised in both the Consumer Protection Act, located in section 6-1-101, *et seq.*, C.R.S., and the statutory references for auxiliary services for the Colorado state courts, located in section 13-90-201, *et seq.*, C.R.S., in order to provide statutory consistency with the Act.

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However, these issues were not able to be addressed through the broad approach of the sunset review process as they are located in statutes which are outside of the Act.

The fourteenth sunset criterion asks,

Whether administrative and statutory changes are necessary to improve agency operations to enhance the public interest.

All three sets of statute must work in tandem to provide clarity regarding the services offered by the Commission. Addressing any needed statutory changes would increase statutory clarity and ultimately, enhance the public interest. Therefore, the Commission should pursue legislation to address inconsistencies in related statutes.

#### **Administrative Recommendation 4 – The Commission should update its rules related to grant application requirements.**

The Colorado Commission for the Deaf, Hard of Hearing, and Deafblind Grant Program (Grant Program) provides funding to a variety of organizations that assist with providing services to the deaf, hard of hearing, and deafblind communities.

Grant funding applications must include:<sup>68</sup>

- A letter of interest submitted by the entity’s governing body;
- A mission statement that reflects support of the purposes of the Grant Program;
- Documentation of legal status of the entity or standing as a private non-profit or not-for-profit agency or corporation;
- A list of all functioning board of advisors or advisory committee members with oversight;
- A grant proposal that, at a minimum, states the objectives to be achieved, the community need addressed in the proposal, and a timeline for achieving those objectives;
- Letters of support from three entities;
- A proposed budget tied to the stated activities and outcomes, and, if required, a demonstration of a 50 percent match of funds;
- A certified copy of the latest financial review of the entity or a plan to manage the grant if the entity is newly established; and
- A copy of the entity’s equal employment opportunity statement.

Additionally, the applicant must submit an original copy of all materials listed as well as four additional copies of the entire grant packet.<sup>69</sup>

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<sup>68</sup> 12 CCR § 2516-1-27.440. Colorado Commission for the Deaf, Hard of Hearing, and Deafblind, Rule Manual 27.

<sup>69</sup> Colorado Commission for the Deaf, Hard of Hearing, and Deafblind. *Grant Program: Request for Applications (RFA) Guidelines and Instructions*. Retrieved on June 22, 2023, from [ccdhhdb.com/index.php/application/](http://ccdhhdb.com/index.php/application/)

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In general, grant applications have specific requirements which must be met in order to obtain grant funding, and many of the requirements listed may be considered standard for any grant application.

However, some requirements listed may require excessive duplication, such as the requirement for five copies of each completed grant application packet. Additionally, Commission staff has indicated that an option to submit an online grant application has been made available to grant applicants in recent years, yet no mention of this process is discussed in rule.

The fourteenth sunset criterion asks,

Whether administrative and statutory changes are necessary to improve agency operations to enhance the public interest.

Many applicants for this grant funding are nonprofit in nature, and some may not possess extensive grant writing experience. While it is important that any grant process be thorough, if requirements are too cumbersome or are outdated, they may deter those who may otherwise be eligible to receive grant funding.

Removing any duplicative or unnecessary requirements in rule and including updated guidance regarding grant applications could create a smoother and easier process, while still requiring any necessary components, which would be in the public interest. Therefore, the Commission should update its rules related to grant application requirements.

## Appendix A - Colorado Commission For the Deaf, Hard of Hearing, and Deafblind Grant Recipients

The Colorado Commission for the Deaf, Hard of Hearing, and Deafblind Grant Program (Grant Program) provides funding to a variety of organizations that provide services to the deaf, hard of hearing, and deafblind communities. The following tables provide the name of each grant recipient as well as the dollar amount awarded during fiscal years 17-18 through 21-22.

### Grant Program Recipients, Fiscal Year 2017-2018

Grant Recipient Name	Amount Awarded	Project Description
Deaf Overcoming Violence through Empowerment (DOVE)	\$9,527	Start-up of new therapy program
Feel the Beat	\$10,000	Start-up of a new creative arts education
Hearing Loss Association of America - Colorado Springs Chapter	\$900	Communication access for chapter meetings
Northwest Colorado Center for Independence	\$10,000	Outreach program
Rocky Mountain Deaf School	\$10,000	Toddler program

The total amount of grant funding available during fiscal year 17-18 was \$50,000, with a maximum award per recipient of \$10,000. A total of seven applications were considered, and five applications were approved for a total of \$40,427 in grant awards allocated.

### Grant Program Recipients, Fiscal Year 2018-2019

Grant Recipient Name	Amount Awarded	Project Description
Colorado Hands & Voices	\$9,300	System navigation for educational advocacy
Colorado School for the Deaf and the Blind	\$5,115	Annual Deaf + Autism Family Day
Deaf Overcoming Violence through Empowerment (DOVE)	\$9,368	Yoga classes
Hearing Loss Association of America - Colorado Springs Chapter	\$900	Communication access for chapter meetings
Rocky Mountain Deaf School	\$10,000	Toddler program

The total amount of grant funding available during fiscal year 18-19 was \$50,000, with a maximum award per recipient of \$10,000. A total of ten applications were considered, and five applications were approved for a total of \$34,683 in grant awards allocated.

### Grant Program Recipients, Fiscal Year 2019-2020

Grant Recipient Name	Amount Awarded	Project Description
Deaf Overcoming Violence through Empowerment (DOVE)	\$9,964	Resiliency program
Hearing Loss Association of America - Colorado Springs Chapter	\$9,985	Let's Loop Colorado! program and communication access for chapter meetings
Hellen Keller National Center (Postposed to FY 21-22 due to COVID-19 pandemic)	\$10,000	Support service provider training
Rocky Mountain Medical Reserve Corps of Colorado	\$10,000	Fire evacuation simulation
Rocky Mountain Deaf School	\$10,000	Literacy program

The total amount of grant funding available during fiscal year 19-20 was \$50,000, with a maximum award per recipient of \$10,000. A total of twelve applications were considered, and five applications were approved for a total of \$49,949 in grant awards allocated.

### Grant Program Recipients, Fiscal Year 2020-2021

Grant Recipient Name	Amount Awarded	Project Description
Colorado Chapter of the American Academy of Pediatrics	\$10,000	Improving care of Colorado children who are deaf due to Cytomegalovirus
Colorado Cross-Disability Coalition	\$10,000	Educational video for medical offices
Colorado School for the Deaf and the Blind (postposed to FY21-22 due to COVID-19 pandemic)	\$10,000	Family ski weekend
Rocky Mountain Deaf School	\$10,000	Early literacy project/family education program
Deaf Overcoming Violence through Empowerment (project cancelled)	\$9,356	Resiliency and community education

The total amount of grant funding available during fiscal year 20-21 was \$50,000, with a maximum award per recipient of \$10,000. A total of ten applications were considered, and five applications were approved for a total of \$49,356 in grant awards allocated.

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### Grant Program Recipients, Fiscal Year 2021-2022

Grant Recipient Name	Amount Awarded	Project Description
Colorado Chapter of the American Academy of Pediatrics	\$10,000	Improving care of Colorado children who are deaf due to Cytomegalovirus
Colorado Hands & Voices	\$10,000	Improving parent-to-parent support and systems navigation in educational advocacy for families
Family Voices Colorado	\$10,000	Community intervener pilot
Marion Downs	\$10,000	Deaf and hard of hearing transition program
Rocky Mountain Deaf School	\$10,000	Family education program

The total amount of grant funding available during fiscal year 21-22 was \$50,000, with a maximum award per recipient of \$10,000. A total of seven applications were considered, and five applications were approved for a total of \$50,000 in grant awards allocated.