



**HB22-1143 CONCERNING THE CONTINUATION OF THE STATE AUXILIARY SERVICES PROGRAM
TO PROVIDE AUXILIARY SERVICES TO STATE AGENCIES.**

Madame Chair and members of the committee,

I am submitting this written testimony in support of HB22-1143.

My name is Kelly McCullough, and I am an attorney at Disability Law Colorado. As the Protection and Advocacy agency for the state of Colorado, charged with protecting the rights of people with disabilities across our state, Disability Law Colorado (DLC) supports HB22-1143.

Deaf and hard of hearing individuals are employed at much lower rates than hearing individuals. The employment rate for Deaf individuals was 53 percent, and the number had not significantly changed between 2008-2019.ⁱ Because of difficulty finding jobs and discrimination in jobs many Deaf people are not looking for work any longer. Programs like the auxiliary services program can increase the number of people hired and, if promoted, engage those who have given up on finding employment.

Disabling hearing loss is one of the disabilities that people are most likely to develop as they age. "About 2 percent of adults aged 45 to 54 have disabling hearing loss. The rate increases to 8.5 percent for adults aged 55 to 64. Nearly 25 percent of those aged 65 to 74 and 50 percent of those who are 75 and older have disabling hearing loss."ⁱⁱ This means people are developing disabling hearing loss while still in the work force. Auxiliary services are vital to keeping them employed.

Additionally, providing auxiliary services to individuals seeking state services is vital for Deaf individuals. This ensures not only that they can have access to necessary services, but also that they are connected to and invested in this State.

For all these reasons, DLC supports HB22-1143 and asks you to vote "yes" to advance this important legislation.

Respectfully submitted,

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ⁱ[https://www.nationaldeafcenter.org/sites/default/files/Deaf%20People%20and%20Employment%20in%20the%20United%20States_%202019%20\(7.26.19\)\(ENGLISH\)\(WEB\).pdf](https://www.nationaldeafcenter.org/sites/default/files/Deaf%20People%20and%20Employment%20in%20the%20United%20States_%202019%20(7.26.19)(ENGLISH)(WEB).pdf)

ⁱⁱ <https://www.nidcd.nih.gov/health/statistics/quick-statistics-hearing>

RE: HB22-1143 State Auxiliary Services Program– **Vote Yes**

Feb., 17, 2022

Dear Chair, Vice Chair & Members of Public & Behavioral Health & Human Services Committee,

I am writing to express my frustration with the current unreliable services of Communication Access Realtime Translation (CART) and ASL interpreters for the D/deaf and Hard of Hearing in the Colorado Legislative System. I was born a fully-hearing, able-bodied person until one fall at a roller skating rink at age 15 ½. Who would have ever guessed I would suddenly spend the rest of my life with an invisible disability of profound hearing loss? I have been a life-long advocate for equal access to communication ever since. I would like to share my story about the lack of accommodations just a year ago with Colorado Legislative System.

I have been involved as one of the lead authors of a bill for Colorado in 2020-22. Last year, 2021, we had prepared prompts for a demo and several of us planned to do a live testimony. The day before the hearing, we were notified the committee was short of votes for COVID reasons directly caused financial losses of the opposing party. Our lobbyist informed us the hearing was canceled. We contacted everyone we knew who planned to do live testimony and had them cancel their plans to provide live testimony.

The next day, I got an email from a friend who said she was waiting to testify online. What? The hearing was cancelled yesterday! How could this be true? We did not know this particular friend had registered to submit live testimony and she was the only one we did not contact to cancel plans to testify. Sure enough, two more hearing friends of mine, who canceled their plans to testify told me they were listening in to the live hearing! My husband who hears fine soon connected and also could hear the testimony going on, listening to the senators, the opposing party, and my friend testifying. I had zero access! It was just too much for me to bear and I went for a drive in the country during the hearing. I am one of the leading authors on the bill and there I had no access to this surprise live testimony.

Things go crazy in legislation and our senators and lobbyist did not notify us at the last split second that the hearing was actually going to happen. Access to legislation activity should be available all the time. I had to beg and wait several days to get a written translation of the hearing. I cannot tell you how deeply hurt I was to be left out on the bill hearing. It was not until a year later, about a month ago, the senator who carried our bill expressed bewilderment of why we didn't have more live testimony. Imagine that, the senator learned a year later that I and others were blocked from the live hearing because there was no captioning!

It is utterly important to give all Coloradoans full accessibility to the legislative system, and jobs. Deaf and hard of hearing disability rights have been a neglected part of the civil rights movement for decades now. Please make all public Colorado House and Senate meetings, and the many multiple-layered infrastructure (funding, staffing, auxiliary services contracts, scheduling, invoicing, etc.) for Deaf/hoh and those without hearing loss be able to experience effective communication with each other. These everyday situations need to be accessible to everyone, as required by the ADA, by being live-captioned, live transcribed, and sign language interpreted. Full accessibility at all public gathering places is critical for making sure that hard of hearing and deaf people in Colorado and the US are treated as equal members of our society and given the accommodations they need to participate equally to other able-bodied people.

Please vote yes for HB22-1143 to allow CCDHHDB to manage the auxiliary services.

Thank you,
Terri Shirley
2449 Barela Dr
Berthoud, CO 80513

House Public & Behavioral Health & Human Services
 02/18/2022 Upon Adjournment
 HB22-1143 State Auxiliary Services Program
 Typed Text of Testimony Submitted

Name, Position, Representing	Typed Text of Testimony
Julie Reiskin For Colorado Cross-Disability Coalition	<p>The Colorado Cross-Disability Coalition strongly supports HB 1143 which will place the Commission for the Deaf, Hard of Hearing, and Deaf/Blind as the coordinator for interpreting and auxiliary services for the entire state government. The commission is very tuned into the affected communities and has done a stellar job coordinating services through the rural interpreter program and legal interpreter program. When they coordinate we do not have the problems with confusion or no one showing up. They have a good communication system. In the many state agencies we often have people not knowing how to arrange for an interpreter or understanding that this is different than language interpretation. While the Legislative branch has done a great job, we often have problems with other agencies, not out of malice but out of ignorance. Just this interim there was a commission meeting and the staff did not know how to do this. Fortunately, one of our members was on the commission and we were able to provide this education, but that this happened after we ran a bill about effective communication in 2021 (HB 21-1110) tells me that this is sorely needed. This will assure that D/deaf people and others with verbal communication needs have an effective, streamlined way to obtain qualified interpreter and other services. It will also protect the state by reducing state liability for failure to provide these services. As you know, the ADA passed in 1990, requires the state to provide these services for employees, members of the public seeking to participate, and people using services. For all of these reasons we urge a STRONG yes vote on HB 1143,</p>
Staci Nichols For Northwest Colorado Center for Independence	<p>Hello! My name is Staci Nichols. I am Deaf and work for NorthWest Colorado Center for Independence. I vouch for this bill because I have firsthand experience of being rejected at getting jobs, even at Wal-Mart due to communication barriers. I have college degrees and that is overlooked, with the longest time span of being out of work being at approximately 8 years. Also, I have seen many people of different disabilities be rejected for similar reasons and they are far more than capable to work at such places where their education and experiences line up at. Once this bill passes and is put in place, it will increase our opportunities on getting a great job and retaining it, giving us all actual chances on having a decent lives of our dreams. This is America and we all deserve equity and equal chances to chase after our American Dreams. Please consider this bill and let us all have an actual fighting chance. Thank you VERY much for this golden opportunity to speak up for this bill.</p>

The Independence Center

Issue Brief: State Auxiliary Services Legislation

December 2021

Purpose and history

This legislation will create efficient, seamless access to auxiliary services with a centralized fund for State of Colorado state agencies within the executive branch. It was built upon the Pilot for State Auxiliary Services (PSAS) that was conducted in 2019 with five programs across five state agencies, as mandated by House Bill 18-1108 and outlined in the 2020 PSAS report, by the Colorado Commission for the Deaf, Hard of Hearing, and DeafBlind (CCDHHDB) of the Colorado Department of Human Services (CDHS).

What are auxiliary services?

According to section 21-106-3 (1), C.R.S. (definition of auxiliary services in the CCDHHDB statute), “auxiliary services” means those aids and services that assist in effective communication with a person who is d/Deaf, hard of hearing, or deafblind, including but not limited to:

- a) The services of a qualified interpreter as defined by section 13-90-202 (8), C.R.S.;
- b) The provision of a qualified Communication Access Realtime Translation (CART) reporter;
- c) The provision of an assistive listening device; or
- d) The acquisition or modification of equipment or devices to assist in effective communication with a person who is d/Deaf, hard of hearing, or deafblind.

Problem statement

The majority of the State of Colorado’s employees are not d/Deaf, hard of hearing, or deafblind (DHHDB). When interacting with DHHDB people, auxiliary services are often required to facilitate effective communication. Contrary to popular perception, auxiliary services are not just for DHHDB individuals. Rather, they are also for non-d/Deaf individuals who need support ensuring effective communication with DHHDB individuals. In other words, they are needed for both DHHDB and non-d/Deaf parties.

Historically, the DHHDB population in Colorado has been overlooked and underserved. The lack of centralized auxiliary services for state agencies within the executive branch creates multiple layered barriers, i.e., expertise in DHHDB, auxiliary services fees, laws, policies, standards and practices, and infrastructure (funding, staffing, auxiliary services contracts, scheduling, invoicing, etc.) for DHHDB individuals who are members of the public, state employees, and/or recipients of emergency communications.

According to the National Institute on Deafness and Other Communication Disorders (NIDCD), one in eight people in the United States (13 percent) aged 12 or older has a hearing loss in both ears based on standard hearing examinations (NIDCD, 2021). If Colorado’s population in 2019 was 5,758,736 (U.S. Census, 2019), that means an estimated 758,636 Coloradans are d/Deaf or hard of hearing. This statistic does not include those who are identified as deafblind. Estimating the number of deafblind people is difficult due to how data is collected nationwide.

The National Deaf Center shows that in 2017, only 31 percent of deafblind people and 56 percent of d/Deaf people were employed in Colorado compared to 77 percent of hearing people (Garberoglio et al., 2017). The same report states that 8.6 percent of d/Deaf people aged 25-64 in Colorado receive Supplemental Security Income (SSI) benefits, which are monthly payments to adults and children who

have low income and resources, and who are blind or disabled. The State of Colorado Workforce Report for FY 2019-20 states that there were 29,112 classified employees for the State of Colorado that year. However, currently, the number of DHHDB individuals who work for the State is unknown.

Proposed solution

To help rectify this situation, in their 2021 annual report to the governor and general assembly, CDHS proposed that the State Auxiliary Services (SAS) program be created and housed under CCDHHDB that would provide centralized auxiliary services for the executive branch of the Colorado State government (23 state departments plus entirety of the Governor's Office).

This initiative would allow members of the DHHDB communities, including prospective employees, employees, consumers, and stakeholders, to be included in the everyday functions of the state 24 hours a day and seven days a week.

After successfully conducting PSAS, CCDHHDB is prepared to operate a permanent State Auxiliary Services (SAS) program beginning July 1, 2022, with a six-year implementation period. SAS would centralize auxiliary services for all State agencies and the Governor's Office to include scheduling, invoicing, and payments.

CCDHHDB also has experience in developing, implementing, and operating centralized state programs dedicated to the provision of auxiliary services to Colorado state court and state administrative proceedings, including probation and court-ordered treatment and other services ordered by the courts, and rural areas with its Rural Auxiliary Services program.

Funding

A total of \$370,487 for three full-time equivalent (FTE) positions and costs of auxiliary services to support the first-year implementation of SAS for CDHS and the Governor's Office's press conferences would be made available for FY 2022-23 by the Telephone Users with Disabilities Fund (TUDF) due to the precedent that has been established. SAS will gradually include all state agencies in the next five years. CCDHHDB and its associated auxiliary services programs are funded mainly by the TUDF. This funding enables CCDHHDB to provide auxiliary services at no cost to the courts, probation, treatment providers, and rural providers.

TUDF is funded through an adjustable monthly surcharge per telephone access line for all landline, mobile wireless, and voice-over-internet-protocol (VOIP) customers. TUDF was established as a funding mechanism to ensure those with disabilities have access to telecommunication relay services. Based on current expenses and revenues of the TUDF, the TRS Administrator projects that an additional expense of \$370,487, the amount anticipated for funding the first year of the SAS, would not require a surcharge adjustment.

The information in this issue brief was modified from:

<https://ccdhhdb.com/wp-content/uploads/2021/10/CCDHHDB-Leg-Report-for-9.1.21-Final-2.pdf>

<https://ccdhhdb.com/wp-content/uploads/2020/11/2020-CCDHHDB-Annual-Report-FINAL.pdf>