

The logo for the Texas Sunset Advisory Commission is a semi-circle with a thick black border. Inside the semi-circle, the words "Texas", "Sunset", "Advisory", and "Commission" are stacked vertically in a bold, white, sans-serif font.

**Texas
Sunset
Advisory
Commission**

STAFF EVALUATION

Texas Commission for the Deaf

**A Staff Report
to the
Sunset Advisory Commission**

1986

TEXAS COMMISSION FOR THE DEAF

October 1986

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SUMMARY OF STAFF REPORT

The Texas Commission for the Deaf (TCD) was created in 1979 to replace the short-lived State Commission for the Deaf. The governor appoints the nine part-time members of the commission for staggered six-year terms. Currently, an executive director and seven other staff members carry out the operations of the commission with state funds totaling \$744,861 in fiscal year 1986.

The TCD is responsible for providing direct services to deaf and hearing impaired persons, placing telecommunication devices for the deaf in state agencies and emergency response centers, and developing a catalogue of resources for deaf persons. It is also responsible for training, certifying and developing a directory of qualified interpreters for the deaf, as well as recommending a fee schedule for their payment.

The need for each of the commission's functions was analyzed and it was determined that there is a continued need for state involvement in these areas. However, it was determined that the Texas Rehabilitation Commission could provide the same services more cost effectively. If the functions of the agency are continued, a number of changes should be made to improve the efficiency and effectiveness of their implementation. These changes are summarized as follows.

RECOMMENDATIONS

REORGANIZE THE TEXAS COMMISSION FOR THE DEAF AS THE TEXAS COUNCIL FOR THE DEAF AND TRANSFER THE FUNCTIONS OF THE AGENCY TO THE TEXAS REHABILITATION COMMISSION:

POLICY-MAKING STRUCTURE AND OVERALL ADMINISTRATION

Changes in the Agency's Administrative and Policy-Making Structure

1. Strengthen services to deaf persons by moving the programs of the Texas Commission for the Deaf to the Texas Rehabilitation Commission (TRC) and establishing the Texas Council for the Deaf as an advisory body to the TRC. (Statutory) (p. 34)

The Texas Council for the Deaf would be structured similarly to other entities now administered by the TRC, i.e., the Texas Planning Council for Developmental

Disabilities, the Texas Advisory Board of Occupational Therapy and the Governor's Committee for Disabled Persons. These entities are appointed by the governor to advocate and plan for services for special constituent groups. Several benefits could be obtained if the TCD programs were restructured in a similar fashion under the administration of TRC, including: 1) more statewide coverage for the delivery of services to deaf persons; 2) increased potential for accessing federal funds; 3) increased coordination of deaf services; 4) availability of additional administrative resources; and 5) administrative cost savings.

- 2. The Texas Council for the Deaf should be composed of nine members appointed by the governor. Membership should consist of three deaf persons, two parents of deaf persons, two professionals serving deaf individuals, one professional interpreter for deaf individuals, and one member of the general public. (Statutory) (p. 34)**

The current Commission for the Deaf is made up of nine members: three deaf persons, two parents of deaf persons, two professionals in deaf services, and two representatives of the general public. This recommendation maintains a similar composition for the Texas Council for the Deaf, but with one professional interpreter position added and one public member position deleted.

The change in the composition of the policy-making body is recommended to allow the council to assume the responsibilities currently carried out by the Board for Evaluation of Interpreters. The current members of the Texas Commission for the Deaf would continue to serve until their terms expire. The interpreter position, not currently a part of the commission membership, would be appointed as a vacancy occurred.

- 3. The Texas Council for the Deaf should be responsible for advising the commissioner of the TRC on all matters relating to deafness, developing a program of advocacy for deaf individuals, planning for future services to deaf people, certifying interpreters, and establishing a registry of interpreters for the deaf. (Statutory) (p. 37)**

The Texas Council for the Deaf would advise the commissioner of the TRC on all services provided to deaf individuals by the TRC, including vocational rehabilitation services. Because of the specific expertise needed in the area of interpreter certification, the Texas Council for the Deaf would develop the certification policies and the fee schedule for interpreters, subject to the review and approval of

the TRC commissioner. Other deaf program policies would be developed by the TRC with the advice of the Texas Council for the Deaf. This recommendation also adds planning for future services as a duty of the council, a responsibility not currently part of the TCD mandate.

4. The TRC and the Texas Council for the Deaf should develop a written management agreement. (Statutory) (p. 37)

In order to clarify their respective duties and responsibilities for the deaf program administration, the TRC and the Texas Council for the Deaf should jointly develop a management agreement and review the agreement at least annually. The management agreement should summarize working relationships between the TRC and the council, and provide a clear understanding of the TRC's role in giving administrative support to the council.

5. Current employees of the Texas Commission for the Deaf should have the first right of refusal for employment with the program under the TRC. (Statutory) (p. 37)

To ensure continuity in services and to allow the state to benefit from the expertise of the current staff of the TCD, provisions should be made to encourage their transfer to the TRC.

6. Deaf program activities currently carried out by the Texas Commission for the Deaf and the TRC's deaf-blind program should be under TRC's deputy commissioner for programs. (Management Directive) (p. 37)

Within the TRC's current organizational structure, the deaf-blind program is administered by the deputy commissioner for programs under the special programs division. To prevent fragmentation of services for deaf and hearing impaired persons within the TRC organizational structure, the deaf-blind program and the current TCD programs should be administered under the same organizational division. The TRC should consider combining the administration of these two programs after an initial adjustment period.

7. Staff of the deaf program should be employees of the TRC. (Statutory) (p. 38)

Since the TRC would be ultimately responsible for the deaf program's appropriation and for the day to day program administration, program staff should be TRC employees. The program would be headed by a program director whose position should be exempt and should be clearly visible in the TRC's appropriation bill

pattern. The Texas Council for the Deaf would advise the TRC commissioner in the selection of the program director.

- 8. The program for the deaf should be assured visibility within the TRC and direct accessibility to the commissioner. (Management Directive) (p. 38)**

To ensure that the deaf program is not buried in the TRC organizational structure, steps should be taken to give it visibility within the TRC organizational framework. These steps should include, but not be limited to, a separate line item in the TRC budget for the deaf program, and direct access to the TRC commissioner and the TRC board by the chairperson of the Texas Council for the Deaf.

- 9. The TRC, with the advice of the Texas Council for the Deaf, should develop memoranda of understanding (MOUs) with other state agencies that deliver services to deaf people. (Statutory) (p. 39)**

To date, no formal mechanism has been developed to coordinate services delivered to the deaf population by various state agencies. The development of MOUs between the TRC and other agencies involved with service delivery to deaf individuals could help identify service gaps, reduce or eliminate any gaps identified, and reduce duplication of services delivered. Agencies required to develop MOUs for deaf services should include, but not be limited to the Texas Department of Mental Health and Mental Retardation, the Texas Department of Human Services, the Texas Employment Commission, the Texas Department of Health, the Texas College and University System Coordinating Board, the Texas Education Agency, and the Texas School for the Deaf. The Council for the Deaf, in addition to advising the TRC in the development of the MOUs, should monitor the implementation of the MOUs and report the results to the TRC commissioner.

- 10. The statutory 25 percent salary limitation should be removed. (Statutory) (p. 39)**

The statute currently limits the salaries of staff to 25 percent of the TCD's total appropriation. Although the appropriation bill authorizes 13 employees, the 25 percent requirement currently limits the TCD to eight employees. The statutory salary limitations were applied to the TCD because of legislative concern about the agency's ability to keep down its administrative costs and to maximize funds available for direct services. The limitation would not be necessary if the agency were reorganized under the TRC, since administrative costs would be reduced through the provision of administrative support services and oversight by TRC.

11. **Members of the Texas Council for the Deaf should continue to be eligible for appointment to the Council on Disabilities, the Texas Planning Council for Developmental Disabilities and the Health and Human Services Coordinating Council. (Statutory) (p. 40)**

This recommendation ensures that representatives of the current Commission for the Deaf would continue to be statutorily eligible for appointment as members of these other councils, and could continue to represent the deaf community in these forums.

12. **The Board for Evaluation of Interpreters should be abolished and its duties should be performed by a subcommittee of the Texas Council for the Deaf. (Statutory) (p. 40)**

The TCD's interpreter certification function is currently administered by a five member statutorily authorized Board for Evaluation of Interpreters (BEI). The BEI, subject to the approval of the commission, prescribes qualifications for levels of certification and conducts certification evaluations. Having both the BEI and the TCD policy-making bodies under the TRC would create unnecessary bureaucratic layers and confuse the lines of authority. Therefore, it is recommended that the BEI functions be carried out by a subcommittee of the Texas Council for the Deaf consisting of one deaf person, one professional interpreter for deaf people, and one professional serving deaf individuals. A full-time staff member should also be assigned the primary responsibility of working with the certification activity.

13. **The number of interpreter evaluations should not be limited. (Statutory) (p. 41)**

Currently, a rider to the agency's appropriation limits the number of interpreter evaluations to three per year. To accommodate the number of individuals applying for certification, these evaluations normally take place over a six-day period. By removing the limit on the number of evaluations, fewer applicants could be tested at each evaluation and the workload could be more evenly distributed throughout the year. The three member council subcommittee could then more easily assume the duties of the current BEI.

14. **The TRC should choose the method of service delivery that will best provide services to deaf people and ensure the availability of these services statewide. (Statutory) (p. 41)**

One of the benefits to restructuring the agency under the TRC is the availability of greater statewide coverage for the delivery of services. The TRC would have the choice of providing direct services through any one of its 109 field offices located

throughout the state or contracting with other community organizations, such as the deaf councils, for the delivery of services. The Texas Council for the Deaf would be involved in the contract decision. The council would develop RFPs and review, prioritize, and recommended the proposals to the TRC commissioner for final approval.

15. **The TRC, with the advice of the Texas Council for the Deaf, should develop policies and procedures to guide TRC field office personnel in directing deaf people to appropriate services. (Statutory) (p. 41)**

Regardless of whether the TRC provides direct services through its existing service delivery system or contracts for those services, the TRC field office personnel should help connect deaf individuals with needed services. Even if a particular field office provides only limited services for deaf individuals, e.g., vocational rehabilitation services, the staff in the office should direct deaf individuals needing other types of services to the nearest, appropriate service provider. The TRC should develop policies and procedures outlining the responsibilities of field officers in directing deaf individuals to appropriate services.

16. **The TRC vocational rehabilitation counselors who work with deaf clients should be certified interpreters by September 1, 1988. (Statutory) (p. 42)**

There are currently 55 TRC vocational rehabilitation counselors, located in field offices throughout the state, with caseloads of 15 or more deaf clients. In order to ensure that counselors who work with deaf clients can communicate adequately with this population and translate their needs to others, the counselors should be required to receive Level I TCD interpreter certification or other comparable certification.

Contract Authority

17. **Statutory language prohibiting the agency from contracting with former employees should be modified to include a two-year time limit. (Statutory) (p. 42)**

Currently, the Texas Commission for the Deaf is prohibited from awarding contracts or grants to former employees. Since the community of deaf people is relatively small, there are limited professional resources available to the commission. The TCD statute should be modified, consistent with other state agency statutes, to prohibit the commission from contracting with former employees during the first two years after termination of employment. This modification

would prevent the agency from contracting with recent employees, while at the same time allowing agency administration access to valuable professional resources and expertise.

EVALUATION OF PROGRAMS

DIRECT SERVICES

Fees

- 18. The TCD should charge fees for some or all of its publications to recover publication costs. (Statutory) (p. 46)**

The commission is directed by statute to publish an annual directory of services available for deaf persons and an annual registry of available and qualified interpreters for the deaf. Although the agency currently sets a fee for these publications, all TCD publications are provided free to deaf individuals, contracting councils and state and local government entities. This leaves very few people who would be interested in purchasing the publications. By requiring a fee for publications, the prices of TCD publications can be reduced and the fees collected could cover the publication costs. However, the statute should clearly state that a deaf person would not be denied access to a TCD publication because of inability to pay.

- 19. The TCD and its contractors should use a sliding fee scale developed by the agency for interpreter services in non-governmental settings. (Statutory) (p. 47)**

Interpreter services are the major service provided by the TCD and are perhaps the most important service to deaf persons, especially those whose only language is American Sign Language. These services are currently provided free of charge to any deaf individual, regardless of income. The funds available for this program are limited and can not satisfy the demand for interpreter services. Collecting fees for interpreter services from those that can afford to pay would increase the funds available to provide more services to more deaf persons. Excluding interpreter services in governmental settings from the fee requirement ensures deaf people's access to state and local governments.

TELECOMMUNICATION DEVICES FOR THE DEAF

Placements

20. **The statute should be amended to clarify that no new Telecommunication Devices for the Deaf (TDDs) are to be purchased by the TCD and that reassignments of unused units may be made, but only to public, non-federal entities or to private entities that contract with the TCD to provide services to deaf persons. (Statutory) (p. 48)**

The TCD was directed by S.B. 384 to monitor the usage of TDD units and reassign those that were not used in any six month period to a new location. The agency was not appropriated any funds for purchasing new TDDs in fiscal year 1986. The statutory language concerning reassignment of TDDs is vague and needs to state clearly that while the agency is not to purchase any new TDDs, it may re-assign the TDDs it already owns to a new location. In addition, the statute should clarify that these pieces of state property are to be placed only in public, non-federal entities or in private entities that contract with the TCD to provide services.

Repairs

21. **The TCD's statute should be amended to allow TCD to bill for the costs incurred in repairing TDDs. (Statutory) (p. 49)**

Currently the TCD is responsible for the repair and maintenance of all TDDs in its inventory. Parts and labor for the maintenance and repair of these units cost approximately \$17,000 in fiscal year 1986. Billing other state agencies and public entities for the parts and labor costs of the TDD units placed with them will spread out the costs of this program. In addition, it is hoped that by paying for the cost of TDD repairs, the units will become more valued by the entities which receive them.

INTERPRETER REGISTRY AND DEVELOPMENT

Certification Fees

22. **Interpreter certification fees should be raised and include an examination fee to recover the cost of the certification program. (Statutory) (p. 51)**

The TCD currently charges a certification application fee of \$10 or \$15, depending on the level applied for. It also charges an annual renewal fee of \$10. Unlike other state certifying/licensing agencies, the TCD does not assess an examination fee. The examination of interpreters is a costly and time consuming process because each applicant must be evaluated individually. The Board for Evaluation of

Interpreters and the certification program's current budget could be self-supporting if the TCD were to charge a certification/application fee of \$14, an examination fee of \$14 or \$21, depending on the level applied for, and annual renewal fees of \$7.

Interpreter Training

23. **The commission should discontinue the interpreter training program and establish a course approval system in its place. (Statutory) (p. 52)**

The TCD is authorized to conduct interpreter training workshops designed to qualify interpreters for state certification. The agency contracted with individuals to conduct nine workshops in fiscal year 1986. The review found three problems with this program as currently conducted. First, with the limited funds available to it, workshops are not being conducted in sufficient numbers to effectively train interpreters for certification. Second, workshop subjects have not focused on certification preparation but instead have gotten into consumer education and interpreter career development. Third, there is a lack of accountability for course content and desired outcomes. A more appropriate, more common, and less costly way to conduct this function would be for the TCD to establish a course approval system. Training funds currently appropriated for the training activity should be appropriated for direct services or the certification process in future bienniums.

Registry of Interpreters

24. **The registry of interpreters published by the TCD should list the name, city of residence, and phone number of all certified interpreters in the state. This list should include TCD certified as well as RID and TSID certified interpreters. (Management Directive) (p. 54)**

The TCD is directed by statute to annually compile a list of qualified interpreters available for assignment and disseminate it to state agencies, courts, political subdivisions and the general public. For the first time, TCD's 1986 Directory of Interpreters does not list individual interpreter names. Instead, readers of the directory are instructed to contact one of the 16 local councils for the deaf or a statewide 24-hour emergency number. By listing only the councils for the deaf in the interpreter directory, interpreter placements must now be made through a middleman which increases the cost and time to locate an interpreter, eliminates any "free market" for interpreters and could inevitably result in decreased use of interpreters.

Interpreter Reimbursement Rates

- 25. The commission's recommended reimbursement rates should not discriminate between those certified by the TCD and those certified by the state association or national registry. (Statutory) (p. 56)**

The TCD recommends hourly fees for the payment of interpreters certified by TCD, as well as those certified by the state association (TSID) and the national registry (RID). For purposes of TCD certification, the commission has determined that certain RID and TSID certificates are comparable to certain levels of TCD certification. However, the hourly fee recommended by TCD for comparable RID and TSID certified interpreters may be as much as one dollar less than that recommended for TCD certified interpreters. If, by rule, the TCD designates certain certification equivalencies, the rates of pay recommended should also be equivalent.

Examination Site

- 26. The statute should be amended to authorize the TCD to use other state agency space for interpreter certification examinations, if the space can be obtained free of charge. (Statutory) (p. 56)**

Currently, a rider attached to the commission's appropriation requires that the BEI conduct interpreter examinations in Austin at the TCD office. Since the rider also limits examinations to three per year, at least 100 interpreters are scheduled for testing during each of the six-day testing periods. Requiring that the examinations be held in Austin helps keep down the staff travel costs, but the agency should not be precluded from using other state agency space for interpreter certification examinations, if the space can be obtained free of charge.

AGENCY EVALUATION

The review of the current operations of an agency is based on several criteria contained in the Sunset Act. The analysis made under these criteria is intended to give answers to the following basic questions:

1. Does the policy-making structure of the agency fairly reflect the interests served by the agency?
 2. Does the agency operate efficiently?
 3. Has the agency been effective in meeting its statutory requirements?
 4. Do the agency's programs overlap or duplicate programs of other agencies to a degree that presents serious problems?
 5. Is the agency carrying out only those programs authorized by the legislature?
 6. If the agency is abolished, could the state reasonably expect federal intervention or a substantial loss of federal funds?
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AGENCY BACKGROUND

Creation and Powers

The Texas Commission for the Deaf (TCD) was created in 1979 to replace the short-lived State Commission for the Deaf. The original State Commission for the Deaf was created in 1971 to help deaf and hearing impaired persons overcome the communication barriers they encountered in attempting to get services from state agencies. In 1977, the legislature, dissatisfied with the quality and availability of educational services to deaf people, created a Joint Advisory Committee on Educational Services to the Deaf (the "1880" Committee). As part of this committee's work, the operations of the State Commission for the Deaf were examined. The committee recommended that changes be made in the composition of the commission and that its statutory mandates be broadened to ensure a continuity of general and educational services to deaf persons. These recommendations were adopted by the 66th Legislature in 1979 when the Texas Commission for the Deaf was created.

The Texas Commission for the Deaf underwent review by the Sunset Advisory Commission in 1984. As a result of the final sunset legislation (S.B. 384, 69th Legislature) several changes were made to the TCD and it was continued for two years. The changes made to the commission included limiting the amount of the agency's appropriation that can be used for salaries to 25 percent, requiring an annual public meeting, prohibiting the placement of additional telecommunication devices for the deaf (TDDs), and requiring the commission to reassign TDDs to maximize the benefit received from their use by deaf persons. In addition, the bill appropriated \$38,000 in fiscal years 1986 and 1987 to fund an outdoor training program for deaf children and transferred the deaf-blind program to the Texas Rehabilitation Commission.

Current responsibilities of the agency include the provision of direct services to deaf individuals, the training and certification of interpreters for the deaf, and the development of a directory of interpreters and a recommended fee schedule for the payment of these interpreters. The agency is also active in the placement and maintenance of telecommunication devices for the deaf in state agencies, emergency response centers, local councils for the deaf, and other entities.

Board Structure

The Texas Commission for the Deaf is composed of nine members appointed by the governor for staggered, six-year terms. At least three members of the commission must be hearing impaired, two must be parents of deaf persons, two must be professionals serving deaf individuals, and two must be persons representing the general public. The chairman of the commission is appointed by the governor. Other officers are elected by the commission members.

Funding and Organization

Currently, an executive director and seven other staff members carry out the operations of the commission with state funds totaling \$744,861 in fiscal year 1986. The commission voluntarily reduced its use of state funds in fiscal year 1986 by eight percent or approximately \$61,000. The only other funds the commission receives are fees collected for interpreter certification and training. These amounted to approximately \$7,500 in fiscal year 1986. Exhibit 1 sets out the organizational structure of the agency.

Programs and Functions

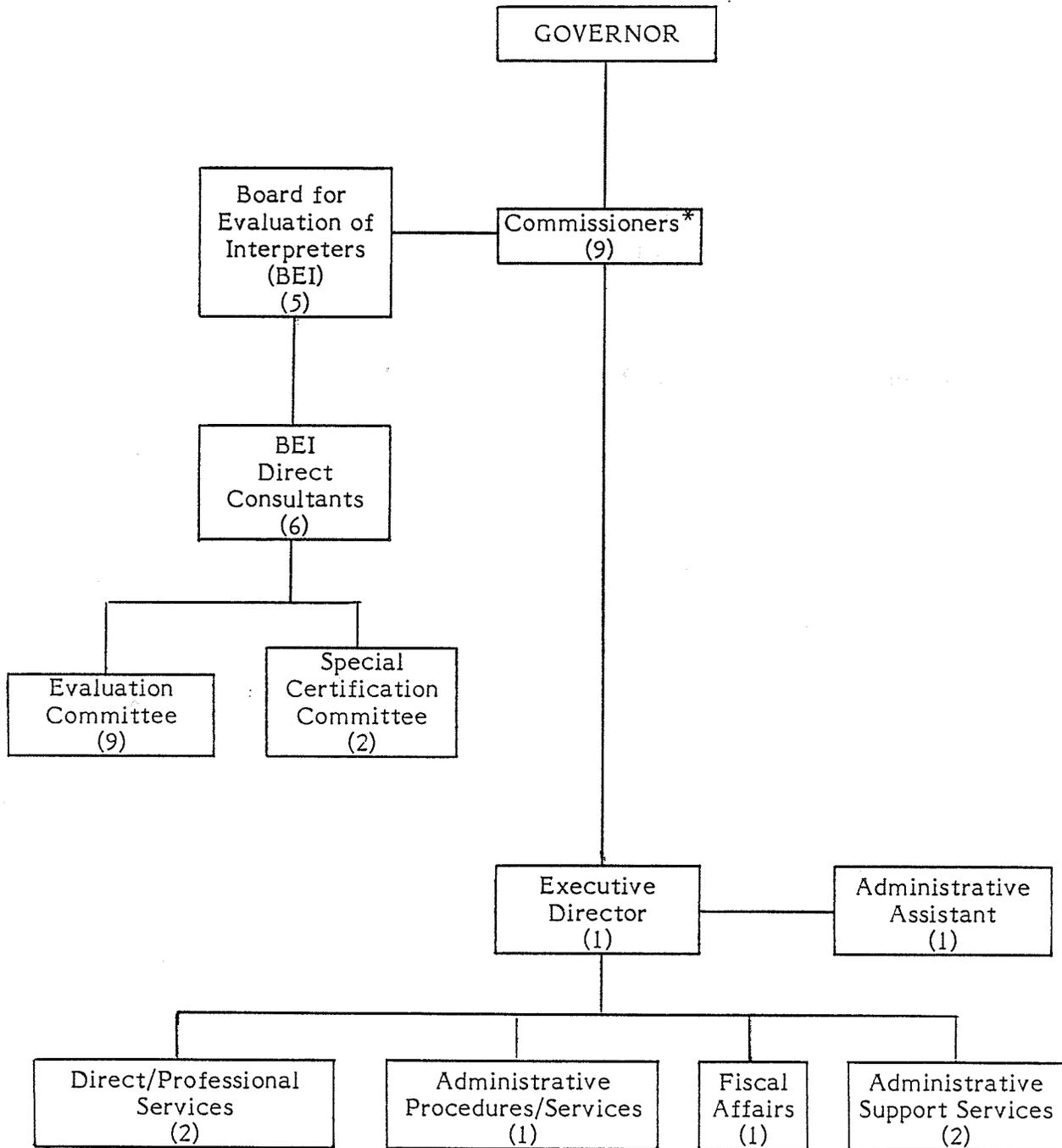
An estimated 122,000 deaf people live in Texas. In addition, an estimated 960,000 individuals, most of them elderly, have suffered a hearing loss that interferes with normal conversation. The agency serves the deaf and hearing impaired population through three main program areas: 1) local contract services, 2) interpreter registry and development, and 3) special services. A description of these programs follows.

Local Contract Services

To maximize the dollars appropriated to the agency for the provision of services to deaf people, the TCD contracts with other entities for the actual delivery of certain services. These services are interpreter, message relay, information and referral, and services for the elderly deaf. In fiscal year 1986, TCD allocated approximately \$300,000 to 16 non-profit councils for the deaf for these local contract services. Exhibit 2 lists the councils with whom TCD contracted in fiscal year 1986 and Exhibit 3 shows where these contractors are located in the state.

Interpreter services are provided to deaf persons to enable them to communicate in important situations such as legal and medical consultations and proceedings, job interviews, and important business transactions. State law mandates that interpreter services be provided to deaf individuals during legal administrative

**Exhibit 1
ORGANIZATIONAL STRUCTURE**

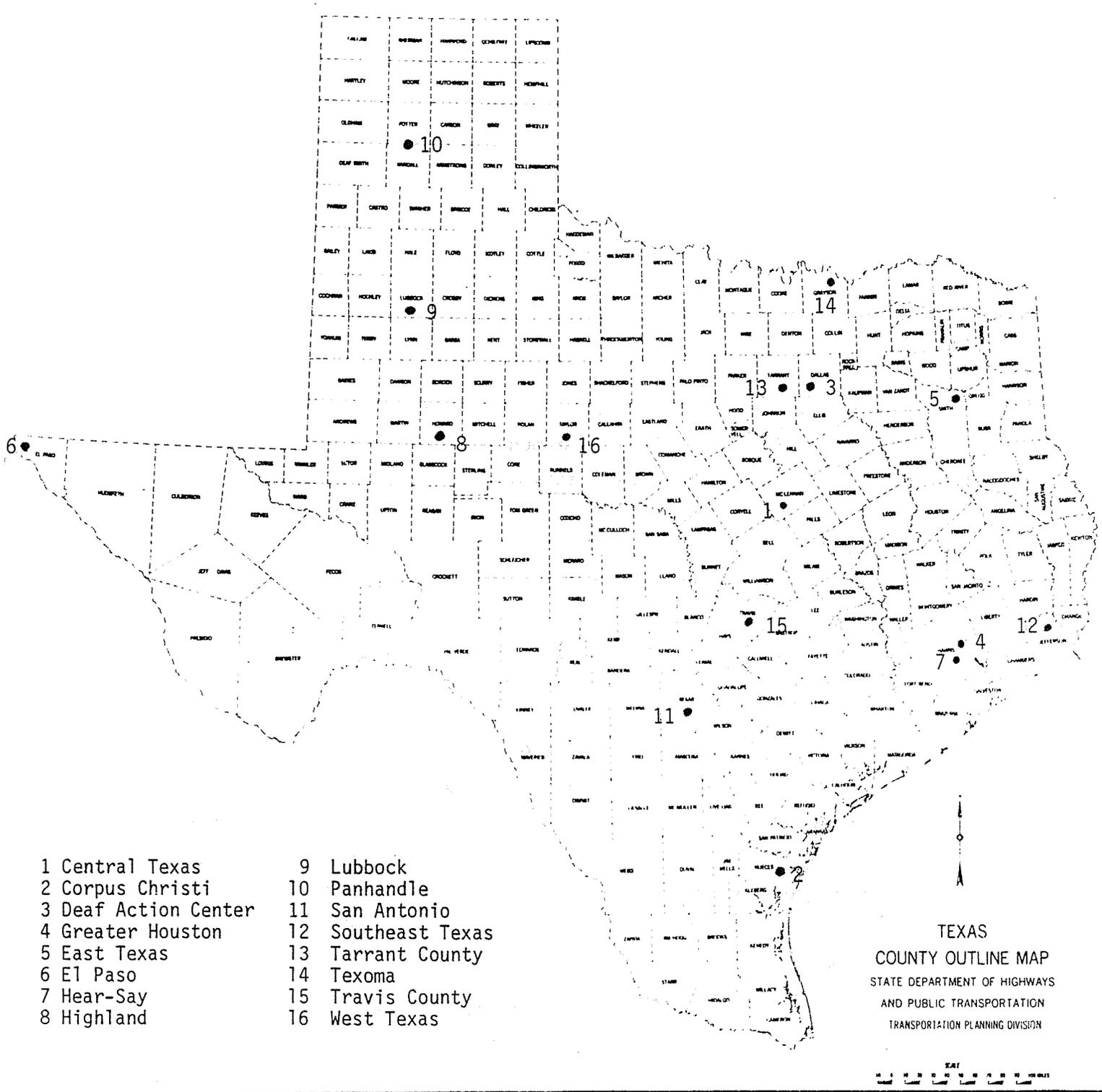


*Number of persons is indicated in parenthesis.

Exhibit 2
TEXAS COMMISSION FOR THE DEAF
COUNCILS CONTRACTING FOR PROVISION OF DIRECT SERVICES
Fiscal Year 1986

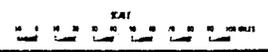
<u>NAME</u>	<u>LOCATION</u>	<u>ALLOCATION</u>
1. Central Texas Council for the Deaf	Waco	\$ 6,607
2. Corpus Christi Area Council for the Deaf	Corpus Christi	16,799
3. Deaf Action Center	Dallas	46,571
4. Deaf Council of Greater Houston	Houston	49,001
5. East Texas Deaf and Hearing Association	Tyler	3,354
6. El Paso Center of the Deaf	El Paso	22,950
7. Hear-Say	Houston	7,091
8. Highland Council for the Deaf	Big Spring	9,219
9. Lubbock Community Services for the Deaf	Lubbock	4,616
10. Panhandle Council for the Deaf	Amarillo	5,056
11. San Antonio Council for the Advancement of Services to the Deaf	San Antonio	20,479
12. Southeast Texas Council for the Hearing Impaired	Beaumont	9,075
13. Tarrant County Services for the Hearing Impaired	Ft. Worth	38,144
14. Texoma Council for the Deaf	Sherman	7,741
15. Travis County Council for the Deaf	Austin	51,723
16. West Texas Services for the Deaf	Abilene	<u>1,523</u>
		<u>\$ 299,949</u>

Exhibit 3
 LOCATION OF COUNCILS CONTRACTING
 FOR PROVISION OF DIRECT SERVICES



- | | |
|----------------------|--------------------|
| 1 Central Texas | 9 Lubbock |
| 2 Corpus Christi | 10 Panhandle |
| 3 Deaf Action Center | 11 San Antonio |
| 4 Greater Houston | 12 Southeast Texas |
| 5 East Texas | 13 Tarrant County |
| 6 El Paso | 14 Texoma |
| 7 Hear-Say | 15 Travis County |
| 8 Highland | 16 West Texas |

TEXAS
 COUNTY OUTLINE MAP
 STATE DEPARTMENT OF HIGHWAYS
 AND PUBLIC TRANSPORTATION
 TRANSPORTATION PLANNING DIVISION



proceedings, civil actions or criminal actions at a cost to the county general revenue fund. In addition, federal and state laws address the responsibilities of schools, employers, and health care facilities to provide necessary interpreters and other aids for their deaf students, employees, and patients. The TCD reimburses for medical, economic, legal, and governmental interpreter services not covered by other state and federal laws. In fiscal year 1986, the 16 contracting councils were reimbursed \$172,195 for 12,502 hours of interpreter services to 5,895 deaf or hearing impaired persons in medical, legal, economic and government related situations.

Message relay services are provided to allow deaf or hearing impaired people to contact hearing people through the use of a telecommunication device for the deaf (TDD). For example, a deaf person with a TDD can contact a message relay service provider, who also has a TDD, and ask that a message be relayed to an employer or a doctor. Deaf persons without TDDs can come in person to the service provider's office to have a message relayed. Since few people, either deaf or hearing, have TDDs, this type of communication between the deaf person and others would not be possible without the message relay service. All 16 of the contracting councils provide message relay services and they were reimbursed \$39,805 for 39,805 units relayed in fiscal year 1986.

Information and referral services include informing deaf people and their families of available services and providing information on deafness to the general public. In fiscal year 1986, the 16 councils were reimbursed \$6,027 for 8,036 information and referral contacts.

Currently, nine of the 16 councils contract with the commission to provide Services to Older Hearing Impaired Texans (SOHIT). The primary objective of this program is to help deaf or hearing impaired persons who are 60 years of age or older maintain their self-sufficiency and reduce their need for placement in a long-term care facility. The services provided under this program are primarily caseworker services. In fiscal year 1986, the councils were reimbursed \$64,227 for 27,769 contacts made with SOHIT clients. Approximately 2,000 clients are served regularly under this program.

Interpreter Registry and Development

The TCD currently carries out four main activities related to the development of qualified interpreters for the deaf in Texas. These activities are the certification of interpreters, the training and education of interpreters, the

development of a suggested fee schedule for interpreters, and the publication of a directory of interpreters.

In 1979, the Texas Commission for the Deaf was authorized to establish a program of voluntary certification for interpreters for the deaf. This program was authorized to address complaints brought before the Joint Advisory Committee on Educational Services to the Deaf. Deaf people complained about the quality of interpreter services available to them. At that time, deaf people relied on the national certification board, the Registry of Interpreters for the Deaf (RID), for assurance of competency of their interpreters. The testimony indicated that although RID has numerous levels of certification, possession of a certificate at one level did not consistently indicate a certain level of skills.

The TCD's certification program is administered by a statutorily mandated five-member Board for Evaluation of Interpreters (BEI), whose members are appointed by the commission. The BEI has developed rules for a certification program which recognize the certification programs offered by two private groups, the national Registry of Interpreters for the Deaf (RID) and the Texas Society of Interpreters for the Deaf (TSID). The agency conducts examinations and issues certificates for five levels of interpreter proficiency. However, at the present time the agency will grant an automatic certification for four of its five levels if the applicant is certified by either RID or TSID. For the fifth level an examination is required. The TCD currently has certified a total of 663 interpreters: 396 at Level I; 88 at Level II; 111 at Level III; 52 at Level IV; and 16 at Level V. Five hundred and fifty-six of these interpreters were evaluated by the BEI. One hundred and six were granted automatic certification by virtue of having a RID or TSID certificate and one was certified through reciprocity with another state.

In addition to certifying interpreters for the deaf, the TCD has offered training to improve the skills of interpreters. Nine interpreter training workshops were conducted in seven cities in fiscal year 1986 by consultants hired by TCD for that purpose.

By statute, TCD is required to promulgate a suggested fee schedule for interpreters at varied levels of skill. The fee schedule is recommended for the payment of interpreters by state agencies, courts, and political subdivisions. It is reviewed annually, but has remained the same since it went into effect on October 1, 1982. The current fee schedule is shown as Exhibit 4.

The TCD is also directed by statute to compile a list of qualified interpreters who are available for assignment by a state agency, court, or political subdivision

Exhibit 4
CURRENT FEE SCHEDULE FOR INTERPRETERS

TYPE OF CERTIFICATION	RECOMMENDED HOURLY FEE
<u>Texas Commission for the Deaf:</u>	
Level V	\$ 16.00
Level IV	\$ 14.00
Level III	\$ 12.00
Level II	\$ 9.00
Level I	\$ 7.00
<u>National Registry of Interpreters for the Deaf:</u>	
Specialist Certificate: Legal (SC:L)	\$ 13.00
Masters Comprehensive Skills Certificate (MCSC)	\$ 13.00
Comprehensive Skills Certification (CSC)	\$ 11.00
Reverse Skills Certificate (RSC) - Deaf Person	\$ 11.00
Oral Interpreter Certificate: Comprehensive (OIC:C)	\$ 11.00
Reverse Skills Certificate (RSC) - Hearing Person	\$ 8.50
Transliteration Certificate (TC)	\$ 8.50
Interpretation Certificate (IC)	\$ 8.50
Transliteration Certificate/Interpretation Certificate/Reverse Skills Certificate (TC/IC/RSC or any combination)	\$ 8.50
Oral Interpreter Certificate Spoken to Visible (OIC:S/V)	\$ 8.50
Oral Interpreter Certificate Visible to Spoken (OIC:V/S)	\$ 8.50
RID Provisional Permit (PP)	\$ 5.00
<u>Texas Society of Interpreters for the Deaf:</u>	
General Interpreting Skills Certificate (GISC)	\$ 6.50
Basic Communication Skills Certificate (BCSC)	\$ 5.00
Beginning Interpreting Skills Certificate (BISC)	\$ 5.00
<u>Non-Certified Interpreters:</u>	
	\$ 5.00

to interpret proceedings for deaf persons. This registry must include recommendations on the appropriate selection and utilization of interpreters for the deaf with various skill levels. The registry is updated annually and distributed to agencies, courts, political subdivisions, and the general public.

Special Services

The commission administers a program for the use of telecommunication devices for the deaf (TDDs) in selected state agencies and in emergency dispatch communication centers in selected units of local government. The statute also allows for placement of TDDs in entities other than state agencies and units of local government at the commission's discretion to maximize the benefit to deaf persons from the increased accessibility of these units. The commission has placed TDDs in such other entities as state legislators' offices, local councils for the deaf, and other community services such as counseling services. The commission currently maintains an inventory of approximately 800 TDDs, monitors usage of them, and contracts for the repair of all units. The TCD is not authorized to purchase any new TDDs and funds have not been appropriated for that purpose since fiscal year 1985.

The TCD also provides an annual camp program for deaf children. For five years the commission has provided deaf children with this outdoor skill training and recreational program. The camping facilities are provided by contract. Camp Lone Star in Athens, Texas provided the services the first year, but since that time the camp has been held at Camp Stewart in Hunt, Texas. In August, 1986, approximately 130 deaf children attended the camp and the cost of the program was \$38,000.

REVIEW OF OPERATIONS

Focus of the Sunset Review

The Texas Commission for the Deaf underwent sunset review in 1984 prior to the 69th Legislative Session. Major changes were made to the agency as the result of the final sunset legislation, perhaps the most significant of these being the transfer of the TCD's deaf-blind program to the Texas Rehabilitation Commission and language limiting the amount of the TCD's appropriation that can be used for salaries to 25 percent. During the current review, the agency's performance since the last regular session, as well as all major program areas and activities, were examined. Overview discussions were held with TCD personnel to determine how well the agency had implemented legislative changes and how effectively and efficiently program operations were currently being performed. A survey of the agency's contractors was conducted. Reports and studies regarding the agency were also reviewed. These activities resulted in the identification of several problems with current agency operations. In the administrative area, the dramatic decrease in the number of staff budgeted to carry out program mandates led to concerns about the accountability of the agency's contractors, the effectiveness of the current organizational framework and the future of services to deaf persons in Texas.

The Texas Sunset Act mandates that the sunset staff and commission consider "the extent to which the programs administered by the agency can be consolidated with programs of other state agencies" (Article 5429k, V.A.C.S.). The review of the Texas Commission for the Deaf did identify a consolidation which could provide certain benefits to the state as well as deaf persons. The review also found that improvements could be made in the process to certify interpreters and in the placement of telecommunication devices for the deaf (TDDs). In addition, two recommendations were made which could increase dollars for services for deaf people by requiring fees for certain services. These recommendations are presented in the material that follows.

POLICY-MAKING STRUCTURE AND OVERALL ADMINISTRATION

The evaluation of the policy-making structure was designed to determine if the agency's statute promotes accountability for the actions of the policy-making body, a proper balance of interests within the body, an effective means of selecting and removing members, and an adequate framework for conducting business. The overall agency administration was reviewed to determine whether the administrative structure, the management policies and procedures, and the monitoring of management practices were adequate and appropriate for the internal management of time, personnel, and funds.

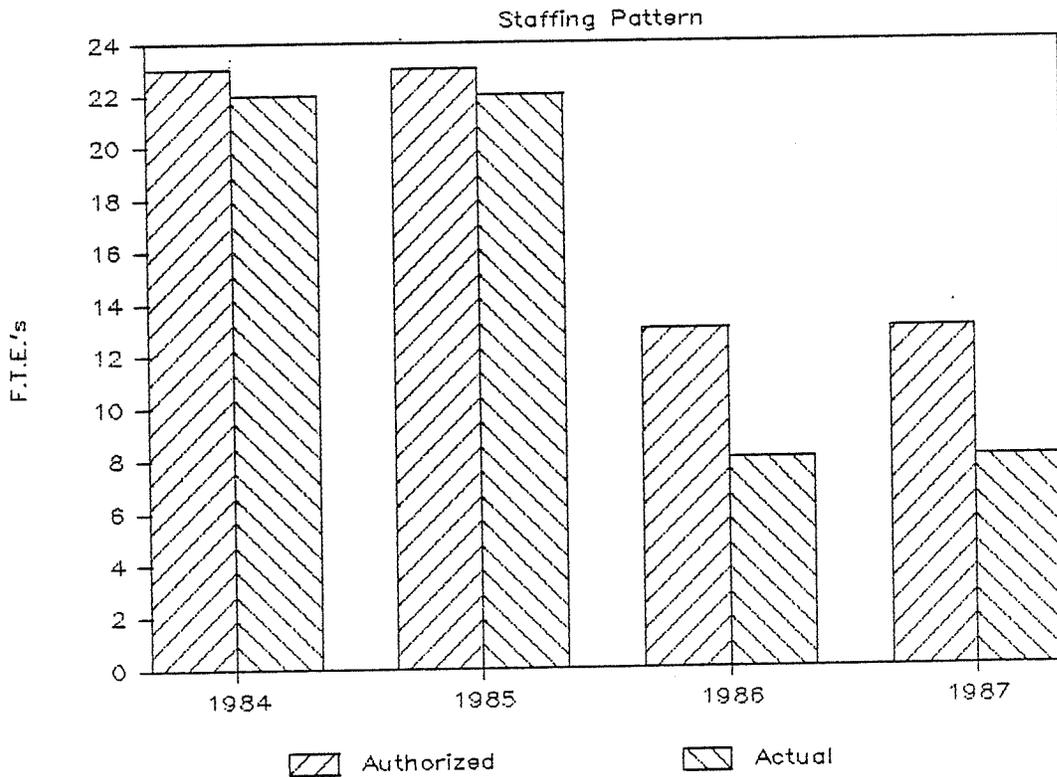
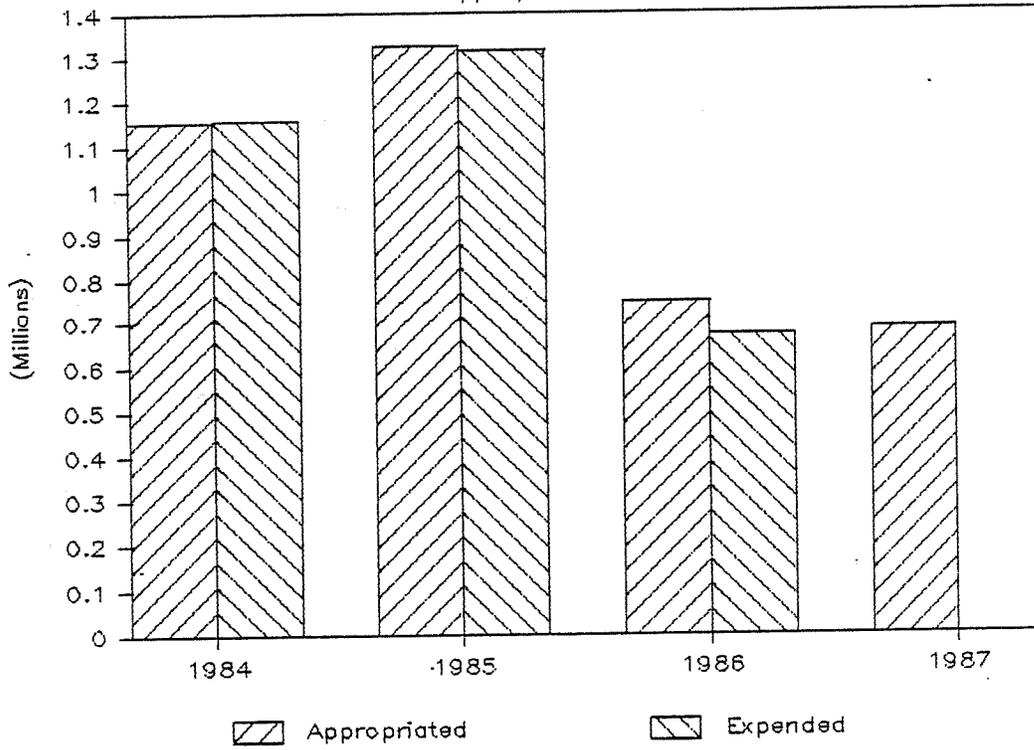
Currently, the Texas Commission for the Deaf is composed of nine members appointed by the governor for staggered, six-year terms. At least three members must be hearing impaired, two must be parents of deaf persons, two must be professionals in deaf services, and two must represent the general public. The commission chairman is appointed by the governor. Services provided by the commission are administered through a central office in Austin staffed by eight full-time employees.

The review of the agency's policy-making body and the administrative structure through which its policies are implemented identified a way to improve the provision of services to deaf persons in Texas and to improve the efficiency of agency management. To accomplish this, the administrative structure of the agency and the composition of the policy-making body should be modified. Results of the review also indicated that the statute should be modified to allow the agency to contract with former TCD employees. Recommendations to make these improvements are set out below.

Changes in the Agency's Administrative and Policy-Making Structure Could Improve Services to Deaf Persons.

As outlined in Exhibit 5, the agency has experienced a significant decrease in funds and personnel since the last legislative session. While the agency has implemented legislative changes and is working diligently to fulfill statutory mandates, the small staff has had difficulty keeping up with all the administrative tasks consistent with sound management practices. One particular area of difficulty for the agency is the monitoring of contractor accountability. Since TCD contracts with other entities for the actual delivery of certain services, it is important that the agency have an active compliance system in place to monitor

Exhibit 5
Texas Commission for the Deaf
Appropriated Funds *



*Appropriation totals for FY 84-87 include rider appropriations.

and account for the use of state funds. A consistent and thorough compliance system helps ensure that state funds distributed at the local level are spent for the intended purposes. Also, information gained during compliance reviews can be used by agency management to improve the administration of programs, to determine if program objectives are being met, and to set goals for the future.

The review indicated that while TCD does have a compliance system in place, the shortage of staff has prevented the agency from carrying out all of the compliance activities. In fiscal year 1986, funding and staffing limitations prevented staff from conducting any on-site monitoring visits of the agency's 16 contractors. Monitoring activities were confined to a desk review of the summary reports of services which are submitted by the contractors each month. While the desk review of the monthly reports is useful, without on-site visits the agency has no way to compare these reports with actual case files or to otherwise verify that state appropriations are being appropriately expended.

Staffing limitations have also impaired the agency's ability to effectively monitor and track the use of the telecommunication devices for the deaf (TDDs) placed by TCD. The agency's statute requires it to remove TDDs from state agencies that have not been used in any six-month period. The Texas Commission for the Deaf may then reassign a TDD to maximize its use. Keeping track of the use of approximately 800 TDDs currently assigned to various entities across the state is a time consuming task; one that the current staff of the agency have not been able to do. A statistical report on 653 TDDs placed by the commission indicates that 382 or 58 percent of these devices were not used in 1986. It cannot be determined, since the TCD staff have not been able to track TDD usage, whether these TDDs were actually not used, whether the receiving agencies have simply not filled out their monthly TDD usage reports, or whether the TDDs are lost or unaccounted for.

In addition to accountability problems, staff reductions and budget cuts have resulted in the decrease or discontinuance of other agency activities including technical assistance to post-secondary institutions to develop interpreter training programs, on-site training for TDD usage, completion of an annual public information survey, publication of a bimonthly newsletter, in-house personnel training, publication of a new TDD directory, and provision of technical information and assistance to organizations and persons serving the deaf population.

The primary reason for the TCD's operating difficulties is the limited number of employees it has to accomplish its basic responsibilities. The legislature placed

a restriction or cap on TCD's salaries because the agency's administrative costs were considered excessive. Administrative costs can easily escalate when an agency is administering relatively small sums of money. The two pie charts in Exhibit 6 show the TCD's operating budget for fiscal years 1985 and 1986. The 25 percent cap on TCD salaries went into effect in fiscal year 1986. The charts show that without the 25 percent limit, salaries accounted for a large proportion of the agency budget (31 percent in 1985), and that even with the cap, total administrative or "overhead" costs amount to 48 percent of the agency's appropriation in 1986.

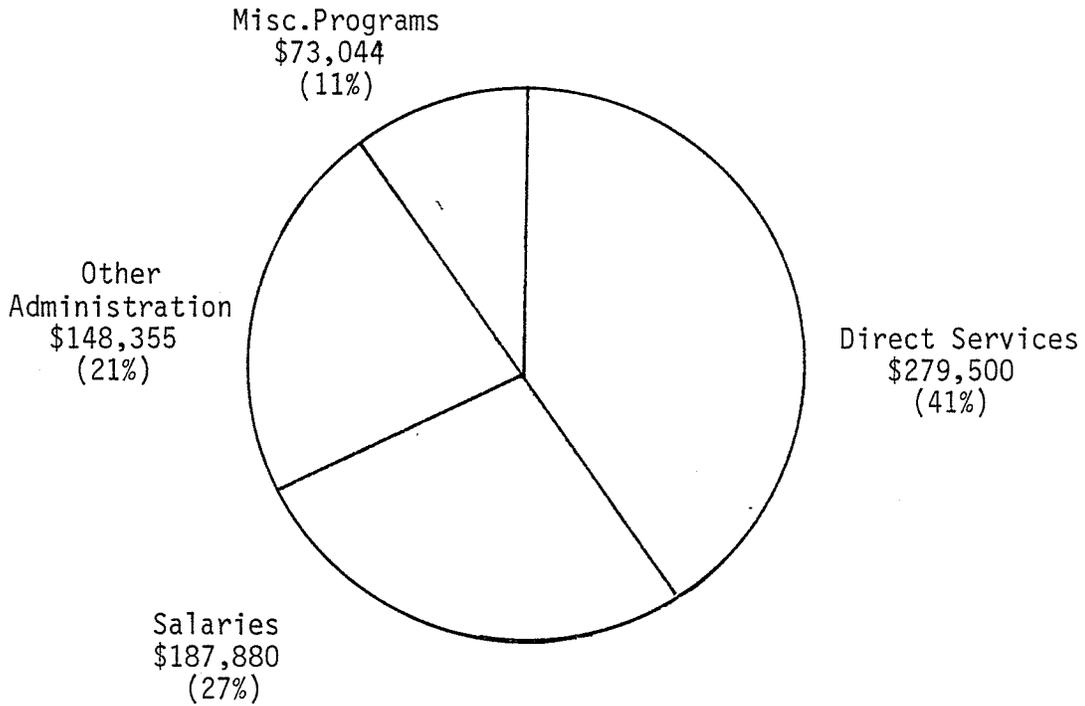
Certain fixed administrative costs are incurred in the operation of any state agency. These costs are not directly related to the amount of services the agency provides and include the rent, utilities, telephone and similar items in addition to the basic staff requirements of a director, fiscal officer, program personnel, auditors, receptionists and clerical support. Since the current structure of providing services to deaf persons has a very high administrative cost compared to the benefits provided to deaf persons, alternative ways of providing these services were examined. The Texas Rehabilitation Commission (TRC) was identified as an appropriate alternative that could provide these same programs to deaf people more cost effectively.

The Texas Rehabilitation Commission is second only to the Texas Commission for the Deaf in the number of deaf people served by state agencies in Texas. Exhibit 7 shows the programs within the TRC that provide services to deaf and hearing impaired persons and the numbers served by each of the programs. As shown in the exhibit, a large number of deaf individuals are served through TRC's vocational rehabilitation program. The agency currently has 55 vocational rehabilitation counselors located throughout the state with caseloads of 15 or more deaf clients. Also, the state's deaf-blind program is now operated by the TRC.

Another reason the TRC was identified as the appropriate agency to administer the state's program for deaf persons is the experience it has administering similarly structured programs such as the Texas Advisory Board of Occupational Therapy, the Texas Planning Council for Developmental Disabilities and the Governor's Committee for Disabled Persons. These entities are appointed by the governor to advocate and plan for services for special constituent groups. The way these entities are structured allows for easy identification and access by respective client groups while at the same time providing the economic advantages of being administered by a large agency.

Exhibit 6
TCD OPERATING BUDGETS

Fiscal Year 1986
Total Budget = \$688,779



Fiscal Year 1985
Total Budget = \$1,413,356

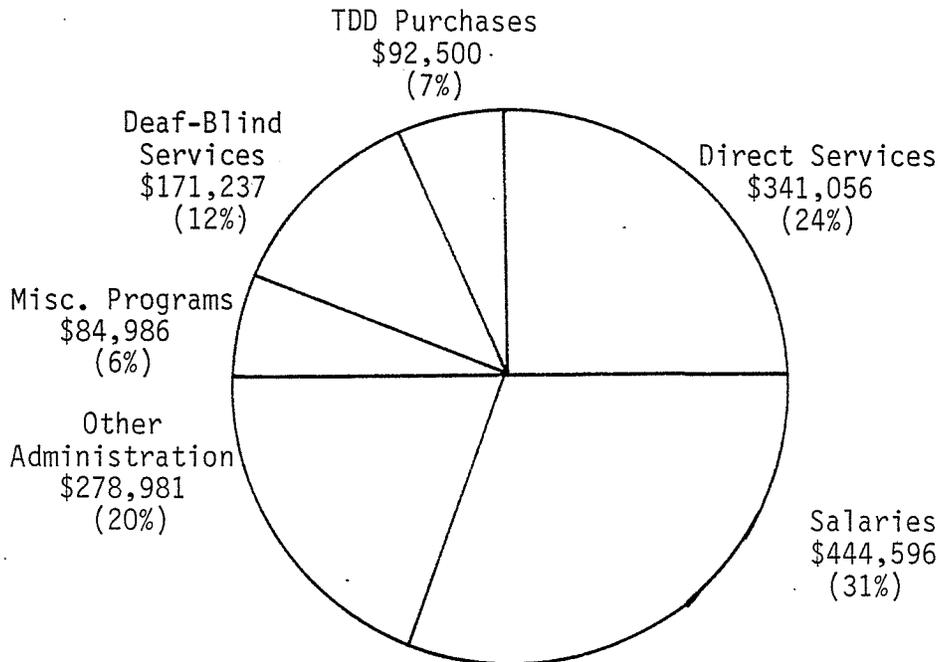


Exhibit 7
**DEAF AND HEARING IMPAIRED CLIENTS SERVED BY THE
 TEXAS REHABILITATION COMMISSION PROGRAMS**
 FY 1985

PROGRAM	NUMBER OF CLIENTS SERVED
Vocational Rehabilitation	3,652
Independent Living Services	315
Extended Rehabilitation Services*	43
Deaf-Blind**	<u>61</u>
TOTAL	<u>4,071</u>

*An additional 17 deaf-blind clients were served through the extended rehabilitation services program.

**An additional 50 parents of deaf-blind children were served through the deaf-blind program.

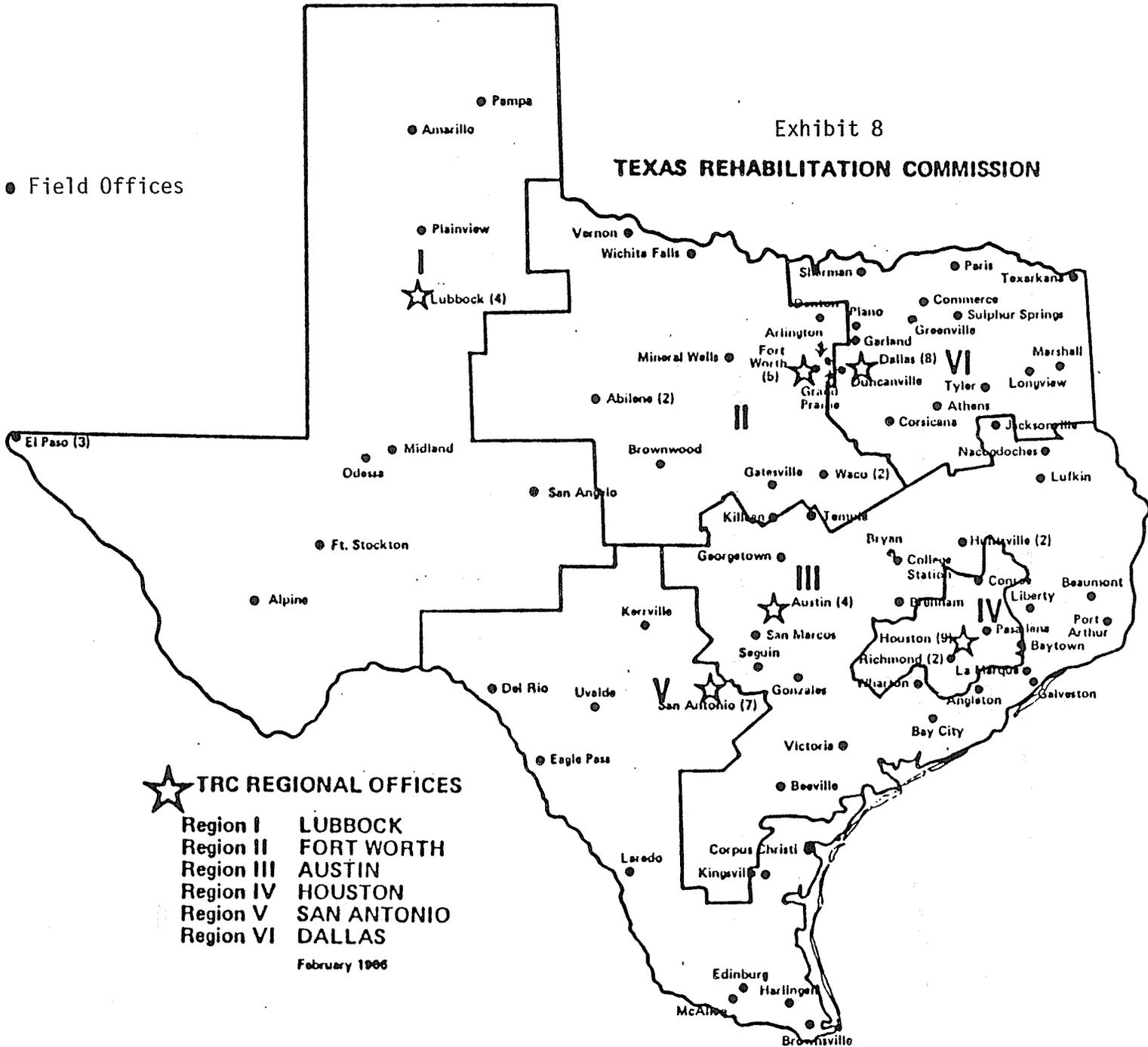
Several benefits could be obtained if the TCD programs were restructured in a similar fashion under the administration of the TRC. These benefits include: 1) more statewide coverage for the delivery of services to deaf persons; 2) increased potential for accessing federal funds; 3) increased coordination of deaf services; 4) availability of additional administrative resources; and 5) administrative cost savings. A more detailed discussion of the potential benefits follows.

First, direct services for deaf persons funded through the Commission for the Deaf are currently provided by 16 non-profit deaf service organizations in 15 Texas cities. By contrast, the Texas Rehabilitation Commission provides services through six regional offices and 109 field offices located all over the state. The location of these offices is presented as Exhibit 8. If the deaf program was administered through the TRC, services for deaf people could be expanded to areas of the state currently not covered by the Texas Commission for the Deaf.

Second, moving the deaf programs to the TRC increases the state's potential for accessing federal funds. The TRC has strong federal ties. For fiscal year 1986, approximately \$96 million of the agency's \$125.5 million total appropriation, or 76 percent, were from federal funds. The TRC's federal funding is funneled through the federal Rehabilitation Services Administration (RSA), so the TRC must work closely with the RSA. This gives the TRC access to knowledge about potential federal funding sources. This access has increased the amount of dollars and services to Texans in the past. For example, the TRC has increased dollars and services to deaf-blind individuals by obtaining federal funds. The deaf-blind program was appropriated \$163,500 from general revenue for fiscal year 1986. This was supplemented by a \$46,550 federal grant to develop a system for providing deaf-blind independent living services. The TRC also recently received confirmation it will receive a \$200,000 federal RSA grant to extend independent living services to the elderly deaf-blind population. With receipt of the \$200,000 federal grant, the TRC has more than doubled the state appropriation for the deaf-blind program and greatly increased the service potential of that program. Access to federal funds could similarly benefit the deaf program.

Third, the shift of programs from the TCD to the TRC should increase coordination of deaf services. As mentioned previously, the TRC is the second largest service provider to deaf individuals among state agencies. The TRC currently serves deaf and hearing impaired individuals through four of its programs: the vocational rehabilitation program, the extended rehabilitation services program, the independent living services program, and the deaf-blind program.

TEXAS REHABILITATION COMMISSION



Moving the programs now operated by the TCD to the TRC would bring all of the state's major programs for deaf persons under one administration and would increase the coordination of these services.

A fourth important benefit of moving the deaf program to the TRC would be access to the administrative resources a larger agency like the TRC has to offer. Since the current size of the TCD does not allow for strong program administration, access to the TRC's in-house legal services, management audit services, and planning and public information divisions would offer important resources not currently available to the TCD. Because monitoring contractor accountability has been such a problem for the TCD, the TRC's ability to strengthen the monitoring and auditing functions is perhaps the most important benefit that could be achieved through a transfer. The TRC has a strong management audit division responsible for monitoring program activities, including the activities of agency contractors.

The fifth benefit of moving the deaf program is the administrative cost savings that would result from such a move. Moving the TCD program under the administration of the TRC would save approximately \$78,000 per year by eliminating two positions and consolidating office space. The proposed deaf program would have six staff positions associated with it. An executive director position would direct the new program. This position would be commensurate with the executive director positions of other programs administered by the TRC. Other staff positions that would be added to the TRC for the deaf program would be a grants management specialist (group 17), a program coordinator (group 15), and a management auditor (group 15). Administrative and interpreting support would be provided by an administrative technician II (group 11) and an administrative technician I (group 8). These five positions are equivalent to existing positions at the TCD, thus no additional costs or savings to the state are involved. However, two current TCD positions would no longer be needed because their duties could be assumed by existing TRC staff. These include an accountant (group 16) and an accounting clerk (group 8).

The TCD currently rents 6,164 square feet of office space, which is 770.5 square feet per employee. The deaf program under the TRC would not need this much space because it would utilize existing TRC common areas. Also, a separate commissioner's meeting room would no longer be needed.

There may be other possible administrative cost savings associated with the TRC's administration of the TCD's programs. For example, the TCD currently purchases its computer time from the State Purchasing and General Services

Commission. It may be more cost-effective to convert the TCD's data files to TRC's computers. It was not possible to develop a specific estimate of these savings and other economies of scale which might result from TRC administration of the TCD program.

The five benefits described above indicate that the interests of both the state and deaf consumers could best be served if the deaf program was administered by TRC. When the TRC transfer option was discussed during the last sunset review, deaf consumers and TCD supporters expressed concern that the deaf program would get lost in a larger bureaucratic structure. The recommendations which follow set up a framework for administering the deaf program through the TRC while maintaining its organizational identity. In addition, exhibit 9 summarizes the proposed framework for the deaf program under the TRC as compared with current TCD activities.

- **Strengthen services to deaf persons by moving the programs of the Texas Commission for the Deaf to the Texas Rehabilitation Commission (TRC) and establishing the Texas Council for the Deaf as an advisory body to the TRC.**

The Texas Council for the Deaf would be structured similarly to other entities now administered by the TRC, i.e., the Texas Planning Council for Developmental Disabilities, the Texas Advisory Board of Occupational Therapy and the Governor's Committee for Disabled Persons.

- **The Texas Council for the Deaf should be composed of nine members appointed by the governor. Membership should consist of three deaf persons, two parents of deaf persons, two professionals serving deaf individuals, one professional interpreter for deaf individuals, and one member of the general public.**

The change in the composition of the policy-making body is recommended to allow the council to assume the responsibilities currently carried out by the Board for Evaluation of Interpreters. The current members of the Texas Commission for the Deaf would continue to serve until their terms expire. The interpreter position, not currently a part of the commission membership, would be appointed as a vacancy occurred.

Exhibit 9

SUMMARY OF PROPOSED TRANSFER OF TCD
PROGRAMS TO TRC ADMINISTRATION

CURRENT TCD ACTIVITY	PROPOSAL
<u>Texas Commission for the Deaf</u>	<u>Texas Council for the Deaf</u>
Nine members appointed by the governor.	Same, but with one professional interpreter added and one public member position deleted.
Sets agency policy for services to the deaf.	Advises the TRC board on policies for services for the deaf.
Hires an executive director to administer the agency and implement policies.	Advises the TRC commissioner on the hiring of an executive director of the deaf program.
<u>Board for Evaluation of Interpreters</u>	
Five members appointed by the commission.	Current TCD composition would be changed to include a professional interpreter so that a subcommittee of the council could assume BEI responsibilities.
The BEI proposes rules for interpreter certification to the TCD to adopt.	The Texas Council for the Deaf proposes rules for interpreter certification to the TRC board.
The BEI evaluates interpreters and makes recommendations to the TCD for certification.	The subcommittee of the council evaluates interpreters and makes recommendations to the Council for the Deaf to issue certificates.
Volunteer evaluators are reimbursed for expenses.	Same
Little to no staff support.	Program specialist position.
Three evaluations per year in Austin.	No limit, in Austin.
<u>Suggested Fee Schedule for Interpreters</u>	
Promulgated by TCD.	Promulgated by Texas Council for the Deaf.

Exhibit 9

SUMMARY OF PROPOSED TRANSFER OF TCD
PROGRAMS TO TRC ADMINISTRATION
(Cont.)

CURRENT TCD ACTIVITY	PROPOSAL
<u>Texas Commission for the Deaf</u>	<u>Texas Council for the Deaf</u>
<u>Direct Services</u>	
TCD contracts for interpreter, message relay, information and referral and SOHIT services with 16 councils for the deaf.	The council develops RFPs for the same programs and reviews, prioritizes, and recommends the proposals to TRC commissioner for final approval.
No on-site monitoring.	A TRC management auditor monitors the contracts.
<u>Special Programs</u>	
TCD contracts for a children's summer camp program.	The council advises the TRC on a contract for the summer camp program.
TDD placements, monitoring and repairs.	Deaf program staff will continue this program under TRC administration.
<u>Administration and Funds</u>	
TCD has a separate general revenue appropriation.	The Texas Council for the Deaf will have a separate line item within the TRC budget.
The chairman of TCD is ultimately responsible for use of state funds and the executive director is accountable for the day to day operations.	The chairman of the TRC board and the TRC commissioner are accountable for the use and management of state funds for the deaf program.
Twenty-five percent cap on salaries.	No cap on salaries.
	A management agreement is established between the TRC and the Council for the Deaf that defines the services TRC will provide and the responsibilities for all parties.
	Deaf program staff are employees of the TRC and must follow TRC operating policies and procedures.

- **The Texas Council for the Deaf should be responsible for advising the commissioner of the TRC on all matters relating to deafness, developing a program of advocacy for deaf individuals, planning for future services to deaf people, certifying interpreters, and establishing a registry of interpreters for the deaf.**

The Texas Council for the Deaf would advise the commissioner of the TRC on all services provided to deaf individuals by the TRC, including vocational rehabilitation services. Because of the specific expertise needed in the area of interpreter certification, the Texas Council for the Deaf would develop the certification policies and the fee schedule for interpreters, subject to the review and approval of the TRC commissioner. Other deaf program policies would be developed by the TRC with the advice of the Texas Council for the Deaf. This recommendation also adds planning for future services as a duty of the council, a responsibility not currently part of the TCD mandate.

- **The TRC and the Texas Council for the Deaf should develop a written management agreement.**

In order to clarify their respective duties and responsibilities for the deaf program administration, the TRC and the Texas Council for the Deaf should jointly develop a management agreement and review the agreement at least annually. The management agreement should summarize working relationships between the TRC and the council, and provide a clear understanding of the TRC's role in giving administrative support to the council.

- **Current employees of the Texas Commission for the Deaf should have the first right of refusal for employment with the program under the TRC.**

To ensure continuity in services and to allow the state to benefit from the expertise of the current staff of the TCD, provisions should be made to encourage their transfer to the TRC.

- **Deaf program activities currently carried out by the Texas Commission for the Deaf and the TRC's deaf-blind program should be under TRC's deputy commissioner for programs.**

Within the TRC's current organizational structure, the deaf-blind program is administered by the deputy commissioner for programs under the special programs division. To prevent fragmentation of services for deaf and hearing impaired persons within the TRC organi-

zational structure, the deaf-blind program and the current TCD programs should be administered under the same organizational division. The TRC should consider combining the administration of these two programs after an initial adjustment period.

- **Staff of the deaf program should be employees of the TRC.**

Since the TRC would be ultimately responsible for the deaf program's appropriation and for the day to day program administration, program staff should be TRC employees. The program would be headed by a program director whose position should be exempt and should be clearly visible in the TRC's appropriation bill pattern. The Texas Council for the Deaf would advise the TRC commissioner in the selection of program directors.

Staff of the program would include two program specialists and an administrative technician who would carry out the duties of the interpreter certification program, the special camp, and the TDD programs. They would also develop and review requests for proposals for direct service contracts. A management auditor would be responsible for contract monitoring and would report directly to TRC's management audit unit. Other administrative support functions such as accounting, computer services, legal services, printing, etc. would be provided to the deaf program by TRC as per the management agreement between the TRC and the Council for the Deaf.

- **The program for the deaf should be assured visibility within the TRC and direct accessibility to the commissioner.**

To ensure that the deaf program is not buried in the TRC organizational structure, steps should be taken to give it visibility within the TRC organizational framework. These steps should include, but not be limited to, a separate line item in the TRC budget for the deaf program and direct access to the TRC commissioner and the TRC board by the chairperson of the Texas Council for the Deaf.

- **The TRC, with the advice of the Texas Council for the Deaf, should develop memoranda of understanding (MOUs) with other state agencies that deliver services to deaf people.**

To date, no formal mechanism has been developed to coordinate services delivered to the deaf population by various state agencies. The development of MOUs between the TRC and other agencies involved with service delivery to deaf individuals could help identify service gaps, reduce or eliminate any gaps identified, and reduce duplication of services delivered. The Council for the Deaf, in addition to advising the TRC in the development of the MOUs, should monitor the implementation of the MOUs and report the results to the TRC commissioner. Agencies required to develop MOUs for deaf services should include, but not be limited to the Texas Department of Mental Health and Mental Retardation, the Texas Department of Human Services, the Texas Employment Commission, the Texas Department of Health, the Texas College and University System Coordinating Board, the Texas Education Agency, and the Texas School for the Deaf.

- **The statutory 25 percent salary limitation should be removed.**

The statute currently limits the salaries of staff to 25 percent of the TCD's total appropriation. Although the appropriation bill authorizes 13 employees, the 25 percent requirement currently limits the TCD to eight employees. As discussed earlier in this report, having a small number of staff has added to the agency's problems in administering mandated activities.

The statutory salary limitations were applied to the TCD because of legislative concern about the agency's ability to keep down its administrative costs and to maximize funds available for direct services. The limitation would not be necessary if the agency were reorganized under the TRC, since administrative costs would be reduced through the provision of administrative support services and oversight by TRC. The 25 percent salary limitation should therefore be removed when the agency functions are transferred to the TRC.

- **Members of the Texas Council for the Deaf should continue to be eligible for appointment to the Council on Disabilities, the Texas Planning Council for Developmental Disabilities and the Health and Human Services Coordinating Council.**

This recommendation ensures that representatives of the current Commission for the Deaf would continue to be statutorily eligible for appointment as members of these other councils, and could continue to represent the deaf community in these forums.

- **The Board for Evaluation of Interpreters should be abolished and its duties should be performed by a subcommittee of the Texas Council for the Deaf.**

The TCD's interpreter certification function is currently administered by a five member statutorily authorized Board for Evaluation of Interpreters (BEI). The BEI, subject to the approval of the commission, prescribes qualifications for levels of certification and conducts certification evaluations. Initially, the BEI was very involved in the development of rules and the content of the interpreter evaluations. Since the rules and evaluation materials have now largely been developed, most of the BEI's activities center around the actual testing and certification process. Having both the BEI and the TCD policy-making bodies under the TRC would create unnecessary bureaucratic layers and confuse the lines of authority. Therefore, it is recommended that the BEI functions be carried out by a subcommittee of the Texas Council for the Deaf consisting of one deaf person, one professional interpreter for deaf people, and one professional serving deaf individuals. The subcommittee would serve as the policy-making body for the certification of interpreters in Texas. Having the members of the council responsible for the certification function is consistent with the practice of other certification/licensing agencies in the state.

The BEI's task is made more difficult because interpreters must be tested individually. Most licensing/certification agencies can test in large groups. Currently, the BEI receives help with the time-consuming certification process from volunteer evaluators. The TCD reimburses the volunteer evaluators for actual expenses incurred in their evaluation duties. The process of recruiting and reimbursing volunteer evaluators could continue if the TCD were reorganized under the TRC.

A full-time staff member should also be assigned the primary responsibility of working with the certification activity.

- **The number of interpreter evaluations should not be limited.**

Currently, a rider to the agency's appropriation limits the number of interpreter evaluations to three per year. To accommodate the number of individuals applying for certification, these evaluations normally take place over a six-day period. By removing the limit on the number of evaluations, fewer applicants could be tested at each evaluation and the workload could be more evenly distributed throughout the year. The three member council subcommittee could then more easily assume the duties of the current BEI.

- **The TRC should choose the method of service delivery that will best provide services to deaf people and ensure the availability of these services statewide.**

One of the benefits to restructuring the agency under the TRC is the availability of greater statewide coverage for the delivery of services. The TRC would have the choice of providing direct services through any one of its 109 field offices located throughout the state or contracting with other community organizations, such as the deaf councils, for the delivery of services. The TRC commissioner would make contract decisions after receiving input from the council. The council would develop RFPs and review, prioritize, and recommend the proposals to the TRC commissioner for final approval.

- **The TRC, with the advice of the Texas Council for the Deaf, should develop policies and procedures to guide TRC field office personnel in directing deaf people to appropriate services.**

Regardless of whether the TRC provides direct services through its existing service delivery system or contracts for those services, the TRC field office personnel should help connect deaf individuals with needed services. Even if a particular field office provides only limited services for deaf individuals, e.g., vocational rehabilitation services, the staff in the office should direct deaf individuals needing other types of services to the nearest, appropriate service provider. The TRC should develop policies and procedures outlining the responsibilities of field officers in directing deaf individuals to appropriate services.

- **The TRC vocational rehabilitation counselors who work with deaf clients should be certified interpreters by September 1, 1988.**

There are currently 55 TRC vocational rehabilitation counselors, located in field offices throughout the state, with caseloads of 15 or more deaf clients. In order to ensure that counselors who work with deaf clients can communicate adequately with this population and translate their needs to others, the counselors should be required to receive Level I TCD interpreter certification or other comparable certification.

Contract Authority Should be Expanded.

Currently, the Texas Commission for the Deaf is prohibited from awarding contracts or grants to former employees. Since the community of deaf people is relatively small, there are limited professional resources available to the commission. In the past, agency administrators have known of individuals who could provide a valuable administrative service to the commission, but who could not receive a contract because they also happened to be former employees. While contracts with former employees should be restricted initially, a blanket prohibition against contracting with any former employee seems overly restrictive. A recommendation to expand the commission's contracting authority is presented below.

- **Statutory language prohibiting the agency from contracting with former employees should be modified to include a two-year time limit.**

The legislature has placed a two-year time limit on the relationships between other state agencies and their former employees. This time limit serves to discourage certain conflicts of interest. The TCD statute should be modified, consistent with other state agency statutes, to prohibit the commission from contracting with former employees during the first two years after termination of employment. This modification would prevent the agency from contracting with recent employees, while at the same time allowing agency administration access to valuable professional resources and expertise.

EVALUATION OF PROGRAMS

The review of the commission's operations centered on issues related to the following areas: direct services, telecommunication devices for the deaf, and interpreter registry and development. Some problems were identified in these areas and recommendations made to address them which do not require expenditure of additional funds. Several recommendations, if adopted, should result in a cost savings to the state.

DIRECT SERVICES

An agency provides a "direct service" when it attempts to improve the life situation of a person or group of persons. Most direct services funded by the TCD are provided through contracts with local councils for the deaf. The commission does, however, publish and distribute various materials to benefit deaf individuals, deaf service providers and other interested persons. The review of the TCD identified areas of direct service where the collection of fees could offset the costs and expand service provision. Recommendations regarding fee collection are discussed below.

Fees Should be Increased.

The review of the TCD's fee collection policies was designed to identify areas where fees could be collected to help offset the costs of providing services and to extend the commission's limited funds, thereby providing more services to deaf persons. This review identified three areas where fees should be increased or expanded. Two of these areas are discussed below. The third area, which relates to the interpreter certification program, is discussed on page 49.

The first area relates to fees for commission publications. The commission is currently required by statute to publish an annual directory of services available for deaf persons and an annual registry of available and qualified interpreters for the deaf. The service directory is to be made available to any interested person. The interpreter registry is required by statute to be distributed to state agencies, courts and political subdivisions in addition to the general public. The commission has assigned sale prices of \$9 to the service directory and \$1.50 to the interpreter registry. In fiscal year 1985 the TCD received \$910.50 from the sale of 88 directories and 79 interpreter registries. The commission's appropriation for fiscal

year 1986 estimated \$1,000 in receipts from the sale of these publications that were to be applied to direct services. Actual receipts from the sale of publications in fiscal year 1986 amounted to \$27.

Several problems currently exist within the TCD regarding publications. First, while there are only two items which the TCD is statutorily required to publish, the commission has a broader mandate to implement a statewide program of advocacy and education for services to deaf persons and as part of that mandate provides direct information and referral services to deaf persons. This broader mandate entails additional information needs. In fact, prior to fiscal year 1986 when the commission's funds were greatly reduced, the TCD did publish other materials that benefitted the deaf community. These included an agency newsletter, a telephone directory of TDD numbers, and a sign language book. Another problem is that decreased funding and staff resources have greatly reduced both the scope of the two principle publications and the numbers of copies of each that is produced. For example, the new registry of interpreters lists only the phone numbers of the contracting councils that place interpreters instead of listing the individual interpreters. The third problem in this area is that all TCD publications are provided free to any deaf person, as well as to contracting councils and state and local government entities. This leaves very few people who would be interested in purchasing the publications.

Six hundred copies of the service directory and 6,000 copies of the interpreter guide are currently being published. By charging a smaller fee for all copies of even one publication, such as the service directory, the TCD could recover its printing costs and have funds to provide more services or more publications. For example, collecting \$5 for each of the 600 service directories would recover the materials, labor and postage costs of both the directory and the interpreter registry. In this way, the interpreter registry could still be provided free of charge to the courts and government agencies.

The second area where fees should be increased or expanded relates to direct services provided. The legislature addressed this issue by attaching two riders to the TCD's appropriation dealing with fees for services. The first rider directs the commission to determine the feasibility of establishing a mechanism to collect fees for services provided to deaf persons or their families. The second rider states that all funds received as reimbursement for services shall be used to expand the services of the program from which the fees were paid.

To date, however, no feasibility study has been conducted. Unlike most human service agencies which have income eligibility requirements or sliding scale fee structures, the TCD provides all direct services to deaf or hearing impaired persons free of charge, regardless of income level. The review identified one service area, interpreter services, where the agency could establish a sliding scale to collect fees from those deaf person who can afford to pay for all or a part of the service received.

Interpreter services is one of the direct services provided by the TCD's contracting councils free of charge to deaf persons. The TCD reimburses the councils for four main types of situations where a deaf person would use an interpreter. These include medical situations such as a visit to a private physician; legal, such as a conference with an attorney; economic, such as a job interview or major purchase; and governmental, such as the initial visit to a state agency. Other state and federal laws cover the courts', medical facilities', employers' and government agencies' responsibilities to provide interpreters for the deaf in other situations. The TCD reports that the majority of interpreter services it reimburses are related to medical services (56%). This is followed by economic (25%), legal (13%), and governmental (6%). The average reimbursement for each interpreter assignment was approximately \$29 in fiscal year 1986 and approximately 5,900 assignments were reimbursed through the TCD.

Sunset staff conducted a survey of the councils for the deaf that contract with the TCD to provide interpreter services. The survey revealed that the only eligibility criteria for receiving TCD reimbursed interpreter services are that the person is deaf and that the situation falls into one of the reimbursable categories. Persons are basically served on a first come, first served basis until funds run out. Survey results indicated that for fiscal year 1986, six councils ran out of funds before the year ended. Several of the councils indicated that when it became apparent that funds would run out before the end of the year, one or more of the following measures were taken. Council administrators either prioritized the requests for services, sent the lowest acceptable level of interpreter, reimbursed the interpreters for actual time rather than the customary two hour minimum charge, relied solely on those interpreters who would volunteer their services, attempted to get other donations or simply discontinued the services.

Interpreter services are perhaps the most important service provided to deaf individuals and are especially critical to those deaf persons whose only language is American Sign Language. These individuals cannot communicate in written English

and must have an interpreter to communicate with the hearing world. The importance of these services is reflected in the program's prominence within the TCD budget, consuming 60 percent of direct services. However, it is clear that the current level of TCD appropriations cannot possibly provide enough interpreter services to meet the demand. In view of this situation, the TCD and its contractors should take steps to ensure that those most in need of services receive them. Deafness is not limited to one segment of society, although many deaf individuals do earn low incomes because of their handicap. By establishing a sliding fee scale that would charge a fee to those individuals who can afford to pay some or all of the cost of an interpreter, revenues can be generated that would provide for increases in services. This would benefit more deaf persons than is currently possible because of the limited available funds.

The following recommendations address concerns relating to the current fees charged.

- **The TCD should charge fees for some or all of its publications to recover publication costs.**

By charging a moderate fee for one or more of its publications, it is estimated that the agency can recover all of its publication costs as well as possibly provide more publications and information and referral services. Charging the same fee to deaf persons as that charged to others reduces the individual prices of publications. In addition, paying for a publication makes it more valuable to the purchaser and prevents producing unwanted or unneeded publications. However, the statute should clearly state that a deaf person would not be denied access to any TCD publication because of inability to pay.

- **The TCD and its contractors should use a sliding fee scale developed by the agency for interpreter services in non-governmental settings.**

Collecting fees for interpreter services from those that can afford to pay increases the funds available to provide more services to more deaf persons. It is not the intent of this recommendation to deny or hamper in any way communication access for deaf people. No one should be denied this important service because of inability to pay. However, because current demand for the service is now exceeding the supply of funds, those who can afford it should make a contribution toward paying for services received. A sliding fee scale would increase the pool of

money and therefore increase, not decrease, accessibility to interpreter services for deaf individuals. Excluding interpreter services in governmental settings from the fee requirement ensures deaf people's access to state and local government.

TELECOMMUNICATION DEVICES FOR THE DEAF

Another major program of the TCD is the placement, monitoring and repairing of Telecommunication Devices for the Deaf (TDDs) in state agencies and units of local government. The sunset review of this program focused on how changes mandated by S.B. 384 were being carried out. These changes required the TCD to monitor the usage of TDD units and reassign units that were not used in any six month period to a new location where the greatest number of deaf persons would receive maximum benefits. Changes in the program's appropriation and statute also preclude any more purchases of TDDs by the commission and require the TCD to contract out the maintenance of the machines rather than hire a staff person for the repairs. The review identified two problems which are discussed below.

Statutory language regarding TDD placements is unclear.

The TDD program was authorized by the 67th Legislature in 1981 and went into effect in fiscal year 1982 when the agency began obtaining the first of the 801 units it now has in its property inventory lists. At first, TDDs were to be placed solely in state agencies and institutions. In 1983, the statute was amended to allow placements in emergency dispatch communication centers in selected units of local government such as counties or municipalities. The statute was again amended in 1985, requiring that the commission remove a TDD not used in any six-month period and that the unused unit be reassigned elsewhere. The commission is directed to base the reassignment determination primarily on where the greatest number of deaf and hearing impaired persons will receive maximum benefits. Additional language states that placements may be made in "entities other than state agencies and units of local government."

Two problems were identified with the TDD placement program. The problems were attributed to vagueness in the statutory language added in the 1985 amendments. The first problem is that the statute appears to prohibit placement of a TDD in any entity that has never had one before, instead of simply stating the legislative intent that no new units be purchased.

The second problem stems from the fact that statutory language which directs the placement of TDDs is not clear. The commission has begun to remove unused TDD units and reassign them, according to this statutory mandate, wherever the staff feel the TDDs will do the most good. This has led to placements which are inappropriate for state property. Examples of such inappropriate placements include private, for-profit hospitals, federal offices such as the IRS and post offices, individual's homes, and private businesses. The TCD has made other, more appropriate assignments of these units, such as to legislators' offices and to the councils for the deaf to provide message relay services. While all of the placements made might arguably benefit deaf persons, it is not the state's responsibility to provide federal offices, private businesses and individuals with this service. It could, however, be appropriate for the TCD to take a role in informing some of these entities of their duties and obligations under federal law to be accessible to deaf and hearing impaired individuals.

- **The statute should be amended to clarify that no new Telecommunication Devices for the Deaf (TDDs) are to be purchased by the TCD and that reassignments of unused units may be made, but only to public, non-federal entities or to private entities that contract with the TCD to provide services to deaf persons.**

Statutory clarification is needed to clarify legislative intent that no new TDD units be purchased, but that existing units may be assigned to new entities. The statute should also clarify that these pieces of state property are to be placed only in public agencies of the state, counties or municipalities or with private entities under contract with the TCD to provide services to deaf persons.

TDD Maintenance and Repair Costs Should be Billed.

Currently, the TCD is responsible for the "repair, upkeep, and proper functioning of all devices included in the commission's property inventory lists" (Section 81.011(c), Human Resources Code). This responsibility cost the commission approximately \$36,000 in fiscal year 1986, of which approximately \$17,000 were direct parts and labor costs for TDD repairs. While the TCD must retain ultimate responsibility for these units, it could bill other state agencies and public entities for the costs incurred in repairing them. Billing the other entities would have two benefits. First, these costs would no longer be concentrated in the TCD's budget but rather be spread among entities using the TDDs. Secondly, by paying for the repairs, other state agencies and public entities would become more aware

of the cost of this service and would take steps to ensure that the TDDs assigned to them are properly cared for by their staff.

- **The TCD's statute should be amended to allow TCD to bill for the costs incurred in repairing TDDs.**

Billing other state agencies and public entities for the repair parts and labor costs of the TDD units placed with them will spread out the costs of this program. In addition, it is hoped that by paying for a portion of this program, it will become more valued by the entities which receive TDD units.

INTERPRETER REGISTRY AND DEVELOPMENT

The Texas Commission for the Deaf's interpreter registry and development program is one of its most important programs. The goal of this program is to bring about a higher level of skill and professional behavior among the interpreters for the deaf. This program was initiated in direct response to numerous deaf consumers' complaints in the late 1970's regarding the poor quality of interpreters available to them. The main activities of the program include the evaluation and certification of interpreters, continuing education workshops for interpreters, the publishing and dissemination of a statewide registry of interpreters, and the establishment of a recommended fee scale for paying interpreters.

The review of the interpreter registry and development program focused on the implementation of the changes outlined in S.B. 384 and also examined how the program was being carried out with its reduced funds and staffing. The budget of this program was reduced by 49 percent from fiscal year 1985 to fiscal year 1986 and two staff positions were eliminated. The results of this analysis yielded recommendations that deal with the five problems discussed below.

Interpreter Certification Fees Are Too Low.

Like most state licensing or certifying bodies, the TCD charges a fee to applicants for interpreter certification to help defray the costs of carrying out the certification function. Currently, depending on the certification level applied for, the TCD charges a \$10 or \$15 application fee which covers the cost of the application, the examination and the certificate itself. The annual certification renewal fee is \$10. The national Registry for Interpreters of the Deaf (RID), by contrast, charges application fees of \$75 and the Texas Society for the Interpreters for the Deaf (TSID) charges an examination fee averaging \$40.

The evaluation of interpreters is a costly and time-consuming process. Unlike other professional certification testing processes, interpreters cannot be tested in a group using a standardized test that can be scored in bulk by a national computerized testing firm. Rather, each interpreter must be evaluated individually by two or three evaluators, depending on the certification level. The BEI has developed five different exams: three test American Sign Language interpreter skills, one tests oral interpreting and one tests the morphemic sign system. These exams take from 30 to 75 minutes to conduct in addition to 30 minutes of preparation time per individual. Currently, each applicant's performance is witnessed and scored by one evaluator while it is being videotaped by TCD staff and a paid video consultant during the testing period. The videotapes are then mailed to one or two more evaluators who also score the applicant's performance. The two or three evaluations of each individual are later combined.

Currently, interpreter certification and renewal fees collected by the TCD make up approximately 60 percent of the budgeted cost for the certification activity. The budget for this program is very low because no salaries are allocated to the program. However, TCD staff spend a good deal of time processing the applications, videotaping the exams during the exam periods, and generally assisting the BEI in carrying out its duties. Both the commission and the BEI have indicated that it is unreasonable to expect this certification program to continue with no paid staff allocated to it. The five BEI members and the other 17 evaluators are reimbursed for expenses only, but put in hundreds of hours as a group in carrying out their efforts.

Most other licensing and certifying bodies charge a licensing or certification fee, which is submitted with an application, and an additional examination fee for those applicants that must take an exam. This arrangement addresses the situation where some applicants are certified by virtue of possessing an equivalent certificate and for whom no exam is required. The current TCD situation charges the same fee to all applicants for certification, whether they take the exam or not. The BEI and the certification program's current budget could be self-supporting if the TCD were to charge a certification/application fee of \$14, an examination fee of \$14 or \$21, depending on the level applied for, and annual renewal fees of only \$7.

- **Interpreter certification fees should be raised and include an examination fee to recover the cost of the certification program.**

By increasing fees charged for interpreter certification and adding an examination fee, enough revenue can be generated to pay for the cost of this program.

The Interpreter Training Program Should be Discontinued.

In addition to certifying interpreters for the deaf, the TCD has been active in trying to improve the skills of interpreters and the appropriate use of interpreters by deaf persons. In fiscal year 1986, a total of 83 individuals attended six interpreter training workshops that were conducted in the Rio Grande Valley, Dallas, Houston, San Antonio, Corpus Christi and Sherman. In addition, two workshops on the deaf consumers' use of interpreters were conducted in Waco, and a workshop entitled "How to Become a Successful Self-Employed Interpreter for the Deaf" was conducted in Houston. These latter three workshops were attended by 83 participants also. The workshops were conducted by individuals through contracts with the TCD. A total of \$6,194.55 was expended on the nine workshops in fiscal year 1986 and approximately \$1,600 in fees were collected from participants. The commission is currently putting out requests for proposals to conduct 12 workshops in 1987 and estimates that each will cost \$750. It is also planning to raise the participant fee from \$10 to \$15.

The statute authorizes the commission to "conduct, in consultation with institutions of higher education, interpreter training workshops and institutes designed to qualify interpreters for state certification" (Section 81.006(a)(5), Human Resources Code). This authorization was given as a direct response to concerns raised in the late 1970's that there were not adequate training programs for interpreters for the deaf and/or that they were not offered in all parts of the state. However, the sunset review found three problems with this program as currently conducted. First, with the limited funds available to it, workshops are not being conducted in sufficient numbers to effectively train interpreters for certification. It is also clear that they are not being offered in all areas of the state. In addition, the workshop contents have veered away from their statutory mandate of preparing for certification into consumer education and interpreter career development seminars. The fees collected from the workshops also do not cover even half of their cost. The second problem with continuing this program is that another TCD activity has addressed the problem of higher education programs for interpreters, thereby reducing the need for the TCD to provide such training.

The Sign Language and Interpreter Training Advisory Committee (SLIT) was appointed by the TCD to advise the College Coordinating Board on the establishment of a standardized curriculum for interpreter training. This has been done and the committee has been disbanded. The third problem with the interpreter training program is its lack of accountability as to course content or desired outcomes. Because of concerns voiced to the TCD over a perceived conflict of interest in having an entity train interpreters for certification and then certify those interpreters, the interpreter training program has been completely separated from the Board for Evaluation of Interpreters. This has resulted in a situation where the commission contracts for the workshops but without any technical expertise to evaluate the worthiness of the training programs.

A more appropriate, more common, and less costly way to conduct this function would be for the commission, with the advice of qualified interpreter educators, to establish a course approval system. The TCD currently establishes in rules the number of continuing education hours required for re-certification. Under a course approval system, the TCD could also define what courses meet the continuing education requirements. It would then be up to each individual interpreter to obtain the required continuing education. Procedures should also be established in rules for retroactive course approvals. This is consistent with the practice of other professional licensing/certification agencies.

- **The commission should discontinue the interpreter training program and establish a course approval system in its place.**

A course approval system for continuing education requirements is more appropriate than providing direct training. Funds currently appropriated for the training activity should be appropriated for direct services or the certification process in future bienniums.

The Registry of Interpreters Should Include Interpreters' Names.

The TCD is directed by statute to "compile a list of qualified interpreters who are available for assignment by a state agency, a court, or a political subdivision to interpret proceedings for deaf persons." In addition, the commission is directed to "disseminate this list to the agencies, courts, political subdivisions, and the general public" (Section 81.0061 (a) Human Resources Code). Other statutory instructions regarding this list require the commission to update it annually, to prescribe the qualifications of those who will appear on the list, and in prescribing those qualifications, to consider those interpreters who are certified by

TSID and RID. In addition, a rider to the TCD's appropriation states that interpreters certified by the national Registry of Interpreters must be included in the registry.

However, for the first time, TCD's 1986 Directory of Interpreters does not list individual interpreter names. Nor does it list their telephone numbers, addresses, or level of certification as was the case in previous directories. Instead, the names and telephone numbers of the 16 local councils for the deaf are listed, along with a statewide 24-hour emergency number. Readers of the directory are instructed to call those numbers to locate an interpreter. The commission states that it deleted the names from this list of interpreters because courts were using the list to obtain unqualified interpreters. The commission feels that the individual councils are better able to assign an appropriate interpreter.

In the past, the TCD's directory of interpreters clearly stated which levels of certified interpreters are appropriate for various types of assignments such as legal, medical and social. In addition, courts are required to verify the qualifications of an interpreter and certified interpreters must conform to a code of ethics that calls for them to refuse assignments for which they are not qualified. Thus, many safeguards exist to prevent the use of an unqualified interpreter.

The sunset review identified three major problems with TCD's new interpreter directory. First, it clearly violates the statutory intent that a list of names be published. Second, the new directory forces all users of interpreters to go through a council to find an interpreter which results in higher costs to users. These councils charge finder's fees of \$7.50 to \$20 for each interpreter placement made. Costs are also increased to many areas of the state that now must make a long distance telephone call to one of the sixteen councils to find a qualified interpreter who may be located in the same town. The time to locate an interpreter may also be increased because a middle party must first be contacted who in turn must contact the interpreter. These increased costs and use of middlemen for obtaining an interpreter could inevitably result in decreased use of interpreters, to the ultimate detriment of deaf persons. The third major problem is that this situation effectively eliminates any "free market" for interpreters. Interpreters are now dependent on the councils for job placements and there is a potential for discrimination among interpreters for assignments. Clearly, the telephone numbers of the councils could be included in the directory in addition to the list of interpreters so that the councils could be contacted if anyone should wish to do so.

- **The registry of interpreters published by the TCD should list the name, city of residence, and phone number of all certified interpreters in the state. This list should include TCD certified as well as RID and TSID certified interpreters.**

Publishing a list of all certified interpreters is consistent with statutory intent, potentially lowers the user costs of interpreters, and allows for more of a free market for interpreters. Lower user costs and a free market benefit both deaf persons and interpreters by allowing more services to be provided and preventing discrimination in interpreter assignments.

Interpreter Reimbursement Rates Should Not be Discriminatory.

The Texas Commission for the Deaf is one of three organizations in Texas which issue certificates for varying levels of interpreter proficiency. Two private groups, the national Registry of Interpreters for the Deaf (RID) and the Texas Society of Interpreters for the Deaf (TSID) also offer a certification program for interpreters. The Board for Evaluation of Interpreters and the TCD recognize certain certificates from TSID and RID. An interpreter with certain TSID or RID certificates can mail in an application fee and receive certification without having to take the BEI examination. Exhibit 10 sets out the various levels of TCD certification and the TSID and RID certificates considered comparable for purposes of certification. Exhibit 11 displays the number of TCD interpreter certificates granted without examination through acceptance of comparable RID or TSID certification.

In addition to certifying interpreters, the commission also recommends hourly fees for the payment of interpreters certified by TCD, as well as RID and TSID. The recommended payment corresponds to a skill level achieved through certification. For example, the recommended hourly fee for an interpreter certified by the TCD at Level I is \$7, while the recommended fee for a TCD Level V interpreter is \$16 per hour. The review found that although the commission has determined that certain RID and TSID certificates are comparable to certain levels of TCD certification, the hourly fee recommended for comparable RID and TSID certified interpreters may be as much as one dollar less than that recommended for TCD certified interpreters. If, by rule, the TCD designates certain certification equivalencies, the rates of pay recommended should also be equivalent.

Exhibit 10
COMPARABLE CERTIFICATION

<u>TCD Certification</u>	<u>Comparable Certification</u>
Level V	None
Level IV	Registry of Interpreters for the Deaf (RID) Masters Comprehensive Skills Certificate Specialist Certificate: Legal
Level III	Registry of Interpreters for the Deaf (RID) Comprehensive Skills Certificate Reverse Skills Certificate (deaf person) Oral Interpreter Certificate: Comprehensive
Level II	Registry of Interpreters for the Deaf (RID) Transliteration Certificate Interpretation Certificate Reverse Skills Certificate (hearing person) or any combination of the above Oral Interpreter Certificate: Spoken to Visible Oral Interpreter Certificate: Visible to Spoken
Level I	Texas Society of Interpreters for the Deaf (TSID) General Interpreting Skills Certificate

Exhibit 11
NUMBER OF TCD CERTIFICATES GRANTED THROUGH
ACCEPTANCE OF COMPARABLE RID OR TSID CERTIFICATION
1982-86

<u>Year</u>	<u>Level I</u>	<u>Level II</u>	<u>Level III</u>	<u>Level IV</u>	<u>Level V</u>
1982	5	9	20	0	0
1983	4	2	4	1	0
1984	13	8	6	0	0
1985	11	2	9	0	0
1986	<u>7</u>	<u>4</u>	<u>1</u>	<u>0</u>	<u>0</u>
TOTALS:	<u>40</u>	<u>25</u>	<u>40</u>	<u>1</u>	<u>0</u>

- **The commission's recommended reimbursement rates should not discriminate between those certified by the TCD and those certified by the state association or national registry.**

An interpreter for the deaf should not be monetarily punished for choosing to maintain RID or TSID certification. Interpreters certified by the RID or TSID at levels designated by TCD rule as comparable to TCD certification should receive comparable pay.

Restrictions on the Interpreter Certification Examination Site Should be Eased.

Currently, a rider attached to the commission's appropriation requires that the BEI conduct interpreter examinations in Austin at the TCD office. The confinement of the examination to the TCD office has caused some problems. As pointed out earlier in this report, interpreters cannot be tested in groups but must be tested individually. Because the agency is limited to three examinations per year, at least 100 interpreters are scheduled for testing during each of the three examination periods. In order to test all the applicants within the three evaluation limit, each testing period now lasts six days. The constant influx of interpreters to the TCD office during the examination period can be disruptive to agency staff performing other duties. The problem is exacerbated by the fact that the TCD office space has been significantly decreased due to budget cuts. The agency currently lacks adequate space for the examinations.

Requiring that the examinations for interpreters be held in Austin helps keep down the staff travel costs. However, the review did not identify any reasons why other state agency space could not be used for the interpreter examinations, if that space could be obtained free of charge.

- **The statute should be amended to authorize the TCD to use other state agency space for interpreter certification examinations, if the space can be obtained free of charge.**

Authority for the TCD to use space in other state agencies for the certification examinations would ensure that the tests did not disrupt ongoing TCD activities and would provide for a more efficient examination process.

ACROSS-THE-BOARD RECOMMENDATIONS

From its inception, the Sunset Commission identified common agency problems. These problems have been addressed through standard statutory provisions incorporated into the legislation developed for agencies undergoing sunset review. Since these provisions are routinely applied to all agencies under review, the specific language is not repeated throughout the reports. The application to particular agencies are denoted in abbreviated chart form.

TEXAS COMMISSION FOR THE DEAF

Applied	Modified	Not Applied	Across-the-Board Recommendations
	X		A. GENERAL
		*	1. Require public membership on boards and commissions.
		*	2. Require specific provisions relating to conflicts of interest.
		*	3. Provide that a person registered as a lobbyist under Article 6252-9c, V.A.C.S., may not act as general counsel to the board or serve as a member of the board.
	X		4. Require that appointment to the board shall be made without regard to race, color, handicap, sex, religion, age, or national origin of the appointee.
		*	5. Specify grounds for removal of a board member.
		*	6. Require the board to make annual written reports to the governor, the auditor, and the legislature accounting for all receipts and disbursements made under its statute.
		*	7. Require the board to establish skill-oriented career ladders.
		*	8. Require a system of merit pay based on documented employee performance.
		*	9. Provide that the state auditor shall audit the financial transactions of the board at least once during each biennium.
		*	10. Provide for notification and information to the public concerning board activities.
		*	11. Place agency funds in the Treasury to ensure legislative review of agency expenditures through the appropriation process.
		*	12. Require files to be maintained on complaints.
		*	13. Require that all parties to formal complaints be periodically informed in writing as to the status of the complaint.
		*	14. (a) Authorize agencies to set fees.
		X	(b) Authorize agencies to set fees up to a certain limit.
		*	15. Require development of an E.E.O. policy.
		*	16. Require the agency to provide information on standards of conduct to board members and employees.
		*	17. Provide for public testimony at agency meetings.
		*	18. Require that the policy body of an agency develop and implement policies which clearly separate board and staff functions.

*Already in statute or required.

Texas Commission for the Deaf
(Continued)

Applied	Modified	Not Applied	Across-the-Board Recommendations
			B. LICENSING
		*	1. Require standard time frames for licensees who are delinquent in renewal of licenses.
		*	2. Provide for notice to a person taking an examination of the results of the exam within a reasonable time of the testing date.
		*	3. Provide an analysis, on request, to individuals failing the examination.
		*	4. Require licensing disqualifications to be: 1) easily determined, and 2) currently existing conditions.
		*	5. (a) Provide for licensing by endorsement rather than reciprocity.
		X	(b) Provide for licensing by reciprocity rather than endorsement.
		*	6. Authorize the staggered renewal of licenses.
		*	7. Authorize agencies to use a full range of penalties.
		*	8. Specify board hearing requirements.
		*	9. Revise restrictive rules or statutes to allow advertising and competitive bidding practices which are not deceptive or misleading.
		*	10. Authorize the board to adopt a system of voluntary continuing education.

*Already in statute or required.

