



**Texas  
Sunset  
Advisory  
Commission**

---

**STAFF EVALUATION**

---

*Office of the State Forester  
Office of the State Entomologist  
State Soil and Water Conservation Board  
Texas Department on Aging  
Texas Commission for the Deaf  
Texas Advisory Board of Occupational Therapy*

---

---

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

**1984**

**TEXAS COMMISSION FOR THE DEAF**

**March 1984**

## TABLE OF CONTENTS

	<u>Page</u>
Summary .....	1
Agency Evaluation .....	7
Evaluation of Other Sunset Criteria .....	29
Alternatives .....	37
Other Policy Considerations .....	43
Appendix .....	53
Across-The-Board Recommendations .....	59

## SUMMARY

The Texas Commission for the Deaf, created in 1979 to replace the short-lived State Commission for the Deaf, is currently active. It is responsible for providing direct services and training to deaf and hearing-impaired persons, developing pilot programs for deaf-blind individuals, placing telecommunication devices for the deaf in state agencies and emergency response centers, and developing a directory of organizations that provide services to deaf people. The agency 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. To accomplish these activities, the agency performs the following functions: contract services, technical assistance, direct services, certification, and information services.

The need for each of the commission's functions was analyzed and the review indicated that there is a continuing need for state involvement in these areas. In regard to the current operations, the review determined that while the agency is generally operated in an efficient and effective manner, there are changes which should be made in the event the legislature decides to continue the agency. An analysis of alternatives to the current practices of the agency revealed that one change could result in substantial benefits. Five issues were identified that could offer potential benefits but would also require major changes in current state policy and could involve potential disadvantages.

The changes which should be made if the agency is continued and a discussion of the alternative and additional policy issues are set out below.

### Approaches for Sunset Commission Consideration

#### **I. MAINTAIN THE COMMISSION WITH MODIFICATIONS**

##### **A. Policy-making structure**

- 1. The statute should be amended to require that the commission composition reflect representation of the major geographical areas of the state.**

The board composition does reflect a proper balance of deaf interests, but does not reflect an equitable geographical distribution. The statute should be changed to provide for a better balance.

2. **The statute should be amended to require that the governor appoint the commission chair.**

Currently the commission chair is elected from the membership. The general practice is for the governor to appoint. There is no reason that the general practice should not be followed here.

3. **The statute should be amended to require that the commission's Technical Advisory Council for Planning and Operations be abolished and its duties transferred to the Council on Disabilities.**

The above named advisory council's duties can be carried out by the newly created Council on Disabilities (68th Legislature). The statute should be amended to eliminate the agency's advisory council and integrate its responsibilities into the Council on Disabilities. The Council on Disabilities' membership should be modified to facilitate the assumption of these responsibilities.

B. Overall Administration

1. **The statute should be amended to provide authority for the agency to collect fees.**

The agency currently collects fees for interpreter training. It has no statutory authority to make such collections. The fees are appropriate and the statute should be amended to give the agency this authority.

C. Evaluation of Programs

1. Technical Assistance
  - a. **Modify and improve the agency's efforts to provide technical assistance to councils for the deaf. (management improvement - non-statutory)**

The agency has created an advisory committee for the purpose of being able to pay travel costs of its members to come to Austin for training. The training is needed and travel costs can be paid without going through the fiction of an advisory committee. Further improvements in this area of agency operation can be gained by modifying its training evaluation efforts and by providing assistance in the expansion of the agency's current "Manual of

Operations" for deaf council activities. The agency should discontinue the advisory committee and modify its training efforts as noted above.

2. Contract Services

- a. **The statute should be amended to require more competition in the process the agency uses to award council for the deaf contracts.**

The agency currently restricts its contracting for certain services to local councils for the deaf. There are other entities which could also provide these services. The agency should request proposals from all available service providers and award the contracts on a competitive basis.

D. Open Records/Open Meetings

1. **Require the commission to use the same interpreter(s) for its executive sessions as well as its open meetings. (management improvement - non-statutory)**

Currently, the commission uses different interpreters for its executive sessions and its open meetings. The interpreter frequently used for its executive sessions is the president of one of the councils the agency contracts with to provide services to the deaf. To avoid any appearance of allowing such an interested party access to otherwise confidential discussions, the commission should use the interpreter(s) it has on hand for the regular open meetings.

2. **The statute should be amended to require that records held by the agency containing client information be made confidential.**

The agency has begun acquiring information regarding deaf clients and the families of deaf-blind individuals that is normally held confidential by other agencies. The agency's statute should be modified to allow the TCD to hold this information confidential.

E. Public Participation

1. **Require the agency to adhere to provisions of the Administrative Procedures Act regarding the development and**

**availability of rules concerning its operations. (management improvement - non-statutory)**

Currently, the agency's rules concerning its formal procedures are not up to date and some are conflicting. Further, public access to the rules is hampered by the agency's methods used to compile and maintain these rules. The agency should take immediate steps to repeal obsolete and conflicting rules and maintain the revised rules in a manner easily accessed and understood by the public.

F. Conflict of Interest

1. **The agency should stop providing office space for the Texas Association of the Deaf unless it is provided as a part of a contract for services. (management improvement - non-statutory)**

For the last 15 months, the agency has been providing office space to the Texas Association of the Deaf without charge. This violates provisions of the state constitution and should either be stopped or continued only through development, by the agency and the association, of a contract for services of which space could be a component.

**II. ALTERNATIVES**

1. **The agency could develop a central message relay service to provide deaf people with better telephone accessibility to state agencies.**

Since 1981, the agency has been placing TDDs (Telecommunication Devices for the Deaf) in state agencies. Agency records indicate that barely half of the units in place for six months or longer have been used. It appears the money appropriated to continue this program in fiscal year 1985 could better be used in developing a central message relay service at the agency Austin office and distributing the unused TDDs to locations throughout the state where they can be utilized for local message relay centers.

**III. OTHER POLICY CONSIDERATIONS**

1. **Should the agency be authorized to establish field offices.**

The service needs of deaf persons are increasing and the capabilities of the councils for the deaf to reach all areas of the state are limited.

The agency indicates that it needs to establish field offices to cover the state properly and requested \$1.6 million for the 1984-85 biennium to establish ten field offices. The Legislative Budget Board recommended the establishment of three regional offices in fiscal year 1984 and an additional three in fiscal year 1985. However, the 68th Legislature did not appropriate any funds for these offices.

**2. Should the pilot program status for services to deaf-blind persons be deleted.**

In 1981, the TCD gained authority to establish a maximum of four pilot programs to help deaf-blind persons attain self-sufficiency. In 1983, the agency received authority to develop counseling programs for parents of deaf-blind persons and to provide a camping experience for deaf-blind individuals. All of the programs are on "pilot" status and are scheduled to be abolished in September 1987. The agency indicates that the abolition date is not needed and the programs should be expanded.

**3. Should TCD responsibilities be transferred to the Texas Rehabilitation Commission.**

Currently the TRC provides services to the deaf. In the past these services were restricted to vocational rehabilitation efforts. The 68th Legislature broadened TRC's statute so that it could provide all services currently being provided by the Commission for the Deaf.

**4. Should the agency be authorized to deliver a better coordinated system of services to the deaf.**

A confusing array of state services are available to deaf persons. To improve access to these services, all efforts to serve deaf people could be made by the TCD. Another approach is to provide case management services to deaf persons seeking state government assistance.

**5. Should the state provide Telecommunication Devices for the Deaf (TDDs) to deaf and hearing-impaired individuals.**

Deaf persons do not have ready access to a primary method of communication in our society, the telephone. Devices known as TDDs can be used to assist deaf people in gaining access to the telephone system. These devices are relatively expensive and not easily

affordable for many deaf persons. Four states have passed legislation which assists deaf persons in obtaining the TDDs. Similar legislation failed to pass the Texas Legislature during its 68th session.

## 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?
- 
-

## BACKGROUND

### Organization and Objectives

The Texas Commission for the Deaf, created in 1979 to replace the short-lived State Commission for the Deaf, is currently active. It is composed of nine members appointed by the governor, with the consent of the senate, for staggered six-year terms. Three members of the commission must be deaf persons, two must be parents of deaf persons, two must be professionals serving deaf individuals, and two must be persons representing the general public. Operations of the commission are carried out by a staff of 23 and an appropriation from state funds of \$1,155,039 in fiscal year 1984.

The Technical Advisory Council for Planning and Operations was created by the legislature in 1979 to provide advice and guidance concerning priorities in serving the deaf population of the state. The council is composed of nine ex-officio members who are directors of major state health and human service agencies and three public members involved in educating or serving deaf people.

The original State Commission for the Deaf, created in 1971, was established to help deaf and hearing impaired persons overcome the communication barriers encountered in attempting to get services from a multiplicity of state agencies. The commission was responsible for providing deaf persons with any service not delegated to another agency, conducting a census and preparing a registry of deaf people in Texas, and serving as a clearinghouse for information pertinent to deaf individuals. In 1977, the legislature, dissatisfied with the quality and overall availability of educational services to deaf people, created a Joint Advisory Committee on Educational Services to the Deaf. As part of this committee's work, the operations of the State Commission for the Deaf were examined. The examination resulted in recommendations that changes should be made in the composition of the commission and its statutory mandates. These recommendations were adopted by the 66th Legislature in 1979 and resulted in an increase in the number of board members of the commission and the elimination of the specific mandates discussed above. Broader mandates designed to ensure a continuity of general and educational services to deaf persons were adopted and form the basic statute under which the commission operates today.

Current responsibilities of the agency include the provision of direct services to deaf individuals, the development of a directory of interpreters for the deaf and

a directory of organizations and agencies providing services to deaf people in Texas, the training and certification of interpreters for the deaf, and the development of a recommended fee schedule for the payment of interpreters for the deaf. The agency is also active in the placement of telecommunication devices for the deaf in state agencies and emergency response centers, the development of pilot programs for deaf-blind individuals and their families, and the provision of an outdoor recreation program for deaf children. These are accomplished through an organizational framework consisting of four programs: 1) Direct Services, 2) Special Services, 3) Interpreter Development, and 4) Public Information. Although these programs are reflective of the agency's general categories of activity and the program structure developed for state appropriations, the sunset evaluation of the agency was structured around an analysis of the actual functions of the agency. In reviewing the performance of the Texas Commission for the Deaf the following five functions were identified and analyzed: 1) contract services, 2) technical assistance, 3) direct services, 4) certification, and 5) information services. A description of these functions and how they are carried out by the agency follow.

Contract Services. To maximize the usefulness of 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. The agency currently contracts with 17 nonprofit councils for deaf and hearing-impaired persons for the delivery of three basic services. These services are interpreter, message relay and information and referral services and are paid for by the agency on a reimbursement basis. For providing interpreter services in fiscal year 1983, the councils were reimbursed \$115,264 for provision of 9,466.5 hours of interpreter services to 4,412 deaf or hearing-impaired persons in medical, legal, economic and government related situations. Message relay services are provided to allow people with telecommunication devices for the deaf (TDDs) to contact people that don't have a TDD. For example, a deaf person with a TDD can call a council, which has a TDD, and ask that a message be relayed to an employer or a doctor. Since few people have TDDs, this type of communication between the deaf person and others would not be possible without someone providing the message relay service. 26,850 units of the message relay service were provided by the councils in fiscal year 1983, and they were reimbursed \$11,640. 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 1983, the councils had 7,774 information and referral contacts, and were reimbursed \$2,746.

TCD currently contracts with eight of the 17 councils to provide Services to Older Hearing-Impaired Texans (SOHIT). The primary objective of this effort 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 situation of the elderly deaf is particularly difficult since many of these persons have had hearing capabilities for most of their lives. As hearing difficulties develop late in life, they become increasingly isolated and unable to function in the "hearing" world. The councils try to lessen this isolation by determining the needs of older hearing-impaired clients and then finding agencies that can provide the necessary services. In fiscal year 1983, this effort assisted 8,509 clients at a cost of \$19,350.

Four councils were contracted with in fiscal year 1983 to provide training for 203 deaf persons in basic living skills and job-seeking skills at a cost of \$9,745. Basic skills training focuses on helping deaf individuals with aspects of daily living such as budgeting, nutrition and food preparation, consumer information, appropriate use of interpreters, knowledge of insurance programs, basic legal transactions, and community involvement. Job-seeking skills training is designed to assist "job-ready" deaf and hearing-impaired individuals obtain employment. It includes training in resume preparation, interviewing techniques, submission of applications, seeking assistance from the Texas Employment Commission, and reading and understanding newspaper "want ads".

TCD has allocated \$232,928 for contracts with the councils in fiscal year 1984. The appendix to this report includes Exhibit I which shows the councils with whom TCD has contracted; the amounts allocated by council for provision of interpreter service, message relay, information and referral, and SOHIT; and the total contract amount for each council.

The Direct Services Program staff is responsible for the contracts with the councils, but the staff of the Special Services Program also have contracting responsibilities. These include contracts for two camps and a contract for a pilot program for deaf-blind individuals. This is the third fiscal year that the Commission for the Deaf has been responsible for providing deaf children with an outdoor skill training and recreational program. The agency has concluded that camping opportunities for deaf children are limited and that the camping

experience offers deaf and hearing-impaired children an opportunity to develop or improve their social interaction, communication, personal care, leadership, and motor skills in a healthy, controlled environment. Since the program began in 1982, TCD has contracted with two facilities, Camp Lone Star in Athens, Texas in fiscal year 1982 and Camp Stewart in Hunt, Texas in fiscal year 1983. A total of 211 children have attended the sponsored camps to date. In fiscal year 1984, Camp Stewart will provide the services for approximately 150 deaf and hearing-impaired persons between the ages of 8 and 17 at a cost of \$30,700.

In 1983, the 68th Legislature transferred the authority for a summer outdoor training program for deaf-blind individuals from the Texas Education Agency to TCD. This camp has been held at Camp Soroptomist in Dallas for the last seven years and will be held there in fiscal year 1984 for approximately 50 individuals at a cost of \$16,000.

The Special Services Program is also in the process of developing a pilot program to provide deaf-blind individuals with an independent living program. The \$50,000 contract would cover the cost of residential services with day-time training obtained in the community. This contract service is still in the planning stage but is expected to be initiated in fiscal year 1984.

Technical Assistance. The staff of the Commission for the Deaf functions as a "technical adviser" by providing technical information and assistance to organizations and persons serving deaf and hearing-impaired individuals. Two of the agency's programs are active in this function. The Direct Services Program staff offer technical assistance to the councils with whom they contract and the staff of the Interpreter Development Program present workshops to improve the skills of interpreters for the deaf. They also assist post-secondary institutions in the development of interpreter training programs.

Many of the councils for the deaf with whom TCD contracts are staffed by volunteers. The provision of technical assistance to volunteers is important for two reasons: 1) to improve the quality of service offered to deaf and hearing-impaired people, and 2) to ensure that each council correctly accounts for the expenditure of state dollars. Technical assistance is provided in three ways. First, TCD annually conducts a contractor's training workshop which focuses on 1) how to complete the necessary accounting forms so the agency can reimburse the council for services provided, and 2) a thorough discussion of what services are reimbursable. In addition, TCD staff visit each council at least once annually to

provide technical assistance related to specific problems of that council. Finally, agency staff provides some technical assistance through phone calls and correspondence with the councils. This occurs at the request of the council or when TCD has identified a problem while reviewing the monthly logs submitted by the contractors.

The Interpreter Development Program also offers technical assistance to interpreters for the deaf and to post-secondary institutions with interpreter training programs. These activities are a result of recommendations made to the 66th Legislature in 1979 by the Joint Advisory Committee on Educational Services to the Deaf. At that time there were no interpreter training programs in the state of Texas and the deaf community was not satisfied with the quality of interpreter services available. To address these problems TCD formed the Sign Language and Interpreter Training Advisory Committee. This committee has worked with TCD and a representative of the Texas Education Agency to develop a model curriculum and plan for an interpreter training program on the post-secondary level. This type of training is now available at El Paso Community College, McLennan Community College in Waco, Southwest Collegiate Institute for the Deaf in Big Spring, and Lee College in Baytown.

The commission offers technical assistance to individual interpreters in the form of continuing education workshops. These are conducted by staff and consultants hired by TCD. Topics include ethical behavior of interpreters, sign to voice interpreting, structural differences in American Sign Language and English, and oral interpreting. The commission scheduled 16 workshops in seven cities in fiscal year 1983 and has scheduled 14 workshops in 11 cities for fiscal year 1984.

Direct Services. An agency provides a "direct service" when it, through the delivery of the service by its own staff, attempts to improve or prevent the deterioration of the life situation of a person or a group of persons. Two activities of the commission, although very different in nature, fit into this functional category. The first is the provision of counseling to family members of deaf-blind individuals. The second is the placement of telecommunication devices for the deaf in state agencies and emergency response centers operated by units of local government. Both activities are performed by the staff of the Special Services Program.

The counseling service performed by the agency offers a means by which the family of a deaf-blind person can be helped in caring for the person's needs. It has

been estimated that there are approximately 1,200 Texans that are both deaf and blind and their needs are far greater than a person who is either deaf or blind. Three other agencies provide specific services to this client group. The Texas Education Agency has responsibility to provide educational services to deaf-blind persons up to age 21. The Texas Commission for the Blind and the Texas Rehabilitation Commission provide vocational services for deaf-blind individuals with the potential for employment. However, these services do not deal with all the needs of deaf-blind persons and TCD offers counseling to identify client needs and match these needs with available services.

At the present time, TCD's counseling program is in a developmental stage and only one person is assigned to the effort. It is anticipated that, when contacted by the family of a deaf-blind person, the staff will assess their needs and respond by providing them with information about services available in the state or methods of working with the deaf-blind person to help him reach his maximum potential.

The other aspect of direct services provided by the agency is the purchase and placement of telecommunication devices for the deaf in state agencies and emergency response centers of local governmental units. This activity was established in response to the request by numerous deaf individuals for improved telephone accessibility to local offices of state agencies and emergency centers operated by cities or counties. The placement of these devices would free deaf persons from having to rely on hearing people to conduct their business for them or to help them get assistance in life-threatening situations.

During fiscal year 1981, TCD assessed the need for these devices and purchased 274 instruments during fiscal year 1982 and 1983 at a cost of \$203,046. These were placed in the local offices of six state agencies: the Texas Employment Commission, the Department of Human Resources, the Texas Rehabilitation Commission, the Department of Public Safety, the Texas Department of Mental Health and Mental Retardation, and the Texas Department of Health. TCD was also given statutory authority to place TDDs in emergency response centers. The agency has worked with 17 councils for the deaf to determine the best locations for these TDDs. The agency anticipates placing approximately 25 TDDs in emergency response centers by the end of 1984, at a cost of \$11,000.

Certification. During the hearings conducted by the Joint Advisory Committee on Educational Services to the Deaf, deaf people complained about the quality

of interpreter services for the deaf in Texas. 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. In response to this testimony, the Texas Commission for the Deaf was authorized, in 1979, to establish a program of voluntary certification for interpreters for the deaf. This program is administered by a statutory five-member Board for Evaluation of Interpreters (BEI) appointed by the commission. The composition of the board is set in the rules of the agency as is the authorization for reimbursement of the members.

The BEI has developed rules for a certification program which fits in with 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 issues certificates for five levels of interpreter proficiency. At the present time the agency will grant an automatic certification for four of its levels if the applicant is certified by either RID or TSID. For the fifth level an examination is required. At the present time, BEI has certified a total of 169 interpreters: 32 at Level I, 41 at Level II, 65 at Level III, 26 at Level IV, and five at Level V. The BEI is in the process of developing other examinations so that an interpreter would have the choice of being certified by an agency examination or by maintaining their RID or TSID certification.

By statute TCD is required to promulgate a suggested fee schedule for interpreters. The fee schedule is updated annually. To update the fee schedule, the agency contacts people on a state, regional and national level to determine what are equitable hourly rates for interpreters with varying skill levels. The current fee schedule, effective on 10/1/82, is shown in the appendix as Exhibit II.

Information Services. The final function performed by the Texas Commission for the Deaf is the acquisition and dispersal of information related to deafness and services provided to deaf and hearing-impaired persons. The Public Information Program has primary responsibility for this function, but the Interpreter Development Program is responsible for one activity in this area.

The Public Information Program conducts an annual survey using questions which are developed: 1) to identify areas where more information is needed by deaf or hearing-impaired persons and the professionals in this field; 2) to obtain feedback on TCD programs; and 3) to determine the demographic make-up of the

people responding to the survey. TCD staff also obtain information from other state agencies, national organizations, and universities about services, legislation, and research of concern to deaf and hearing-impaired persons.

This information is provided to the public in various forms. The Commission for the Deaf publishes a newsletter, the Guide Post, which is mailed six times a year to approximately 13,000 people. The agency disseminates other information through brochures, press releases, the activities of Deaf Awareness Week, public service announcements, and appearances on radio and television talk shows. In addition, the staff respond to specific requests for information and publish a Directory of Services for Deaf Persons. The directory lists approximately 300 agencies and programs in the state that serve deaf and hearing-impaired persons.

The other activity within this function is the compilation of the Directory of Interpreters for the Deaf by the staff of the Interpreter Development Program. The agency is mandated to compile a list of qualified interpreters who are available for assignment by a state agency, court, or political subdivision 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. It is updated annually and disseminated to agencies, courts, political subdivisions, and the general public.

## REVIEW OF OPERATIONS

The evaluation of the operations of the commission is divided into general areas which deal with: 1) a review and analysis of the policy-making body to determine if it is structured so that it fairly reflects the interests served by the agency; and 2) a review and analysis of the activities of the agency to determine if there are areas where the efficiency and effectiveness can be improved both in terms of the overall administration of the agency and in the operations of specific agency programs.

### Policy-making Structure

In general, the structure of a policy-making body should have as basic statutory components, specifications regarding the composition of the body and the qualifications, method of selection, and grounds for removal of the members. These should provide executive and legislative control over the organization of the body and should ensure that members are competent to perform required duties, that the composition represents a proper balance of interests affected by the agency's activities, and that the viability of the body is maintained through an effective selection and removal process.

The Texas Commission for the Deaf is composed of nine members appointed by the governor, with the consent of the senate, for staggered six-year terms. The agency's statute requires that three members be deaf individuals, two be parents of deaf persons, two be professionals in the field of deafness, and two represent the general public. The intent of this structure is to obtain input from representatives of the people who are most directly affected by the agency's activities with a balance being provided by the public members.

The review focused on whether the agency's policy-making structure and its advisory committees provided the necessary expertise and geographical representation to respond to the needs of deaf and hearing-impaired Texans and to the policy issues relating to the agency's operations. In addition, the rules which govern the policy-making body were examined. Although the operation of the agency's policy-making body appears to be structured in a generally appropriate fashion regarding the areas examined, the following changes should be made to improve the focus of the agency.

**Commission composition should ensure representation of major geographical areas of the state.**

TCD's statutory requirements for commissioners represent a proper balance of interests affected by the agency's programs, but the review indicated that a geographical balance was not required and did not exist. Seventy-eight percent (seven of nine) of the current commissioners are from the major metropolitan areas of the state and west Texas lacks any representation.

Since deaf and hearing-impaired persons are found throughout the state, the statute should be amended to provide that one member be appointed from each of the following geographic areas of the state: the Gulf Coast, the Trans-Pecos, Central Texas, North-east Texas, and the Panhandle-South Plains. The remaining four members should be selected from the state at large to ensure that areas with larger concentrations of deaf persons are adequately represented.

**Continuity of executive branch policy direction should be ensured by changing method of chairperson selection.**

TCD commissioners currently elect the chairperson from their membership for a term of one year. The procedure in many state agencies is for the governor to select the chair. This encourages and helps ensure a continuity of policy from the state's chief executive down to the various agencies providing services to the state's citizenry. A review of the policy issues relating to TCD's operations does not indicate any reason to deviate from this practice. Therefore, it is recommended that the agency's statute be amended to provide for selection of the chairperson by the governor and to delete the reference to a one-year term.

**Technical Advisory Council for Planning and Operations should be abolished and its duties carried out by the Council on Disabilities.**

Many deaf and hearing-impaired persons are eligible for services from a multiplicity of state agencies. Due to the number of agencies which provide services of use to deaf persons, a confusing array of options are available to them. In 1979, the legislature recognized this problem and attempted to simplify the acquisition process for deaf services by creating the Technical Advisory Council for Planning and Operations. This body is composed of the executive director or

commissioner of the Texas Education Agency, Department of Human Resources, Texas Department of Mental Health and Mental Retardation, Texas Rehabilitation Commission, Texas School for the Deaf, State Commission for the Blind, Texas Employment Commission, Department of Aging, and the Department of Health, or a designee of each. In addition, TCD's executive director is mandated to appoint a college or university faculty member who specializes in training for the deaf and two representatives of nonprofit organizations serving deaf persons.

The purpose of this advisory body is to provide interagency coordination of services to deaf individuals, to help TCD resolve any differences that arise among state agencies that serve deaf people, and to assist TCD in determining which agency is responsible for serving a multiply handicapped deaf child. The usefulness of this type of interagency interaction appears to be ongoing. However, a meeting of this body has not occurred in over two years.

Discussions with the TCD staff regarding the reasons for the failure of the committee to meet revealed that the heads of member agencies rarely attended and the designees that were sent could not make decisions having agency-wide consequences. Although the committee's goal of interagency coordination is important, it is unlikely that the heads of the member agencies will ever have sufficient time to meet on a regular basis to discuss the service coordination problems of only one group of disabled persons. Recognizing that the problems of coordination are common for all groups of disabled persons served by state health and human service agencies, the 68th Legislature (1983) created the Council on Disabilities. The duties of this council include a mandate to "promote the development and coordination of effective and efficient statewide public and private policies, programs, and services for persons with disabilities" (Section 132.005(a)(2), Human Resources Code). Although broader in focus, this mandate is very similar to the responsibilities of the Technical Advisory Council for Planning and Operations. To determine if the Council on Disabilities might be able to carry out more effectively the duties of the TCD's inactive Technical Advisory Council for Planning and Operations a comparison of the two entities was made. Both bodies are currently inactive. However, plans are currently underway to activate the newly created Disabilities Council in fiscal year 1984. The mandates of the two councils are very similar and the more focused mandate of TCD's advisory council can be accomplished through the Disabilities Council's broader mandate to improve coordination between agencies serving all disabled persons. The composi-

tion of the bodies is also very similar but differences in two areas do exist: 1) the Council on Disabilities does not have agency representatives from the Texas Employment Commission and the School for the Deaf; and 2) the Council on Disabilities does not have a university faculty member knowledgeable in deaf training and two representatives of nonprofit organizations serving the deaf. The first difference in composition can and should be addressed by adding representatives from the two agencies to the Disabilities Council. The Texas Employment Commission is active in assisting many persons in the state, with and without disabilities, in obtaining employment. The School for the Deaf, although active in providing educational services only to deaf students, is an important element in the state's health and education structure. Both these agencies can provide useful input in addressing service coordination problems for deaf persons as well as other disabled groups. The second difference in composition does not appear to be of special significance. The intent of having three individuals with university or service experience in working with the deaf on the TCD's Technical Advisory Council was to ensure that professionals with specific knowledge and experience about training or providing services for deaf people had a voice in the council's deliberations. Since the Disabilities Council's goal of coordination encompasses services to all disabled persons, not just deaf people, adding these three representatives would too heavily weigh the council's membership concerning deaf interests.

In summary, to accomplish the goal of improved coordination of services for deaf people it is recommended that: 1) the TCD's Technical Advisory Council for Planning and Operations be abolished; and 2) the composition of the Council on Disabilities be modified to include representatives of the Texas Employment Commission and the School for the Deaf. It is felt that these changes will provide for the timely and ongoing consideration of service coordination problems for all disabled persons including the deaf and avoid past problems encountered in getting representatives from many agencies to deliberate on the coordination problems of only one disability group.

#### **Overall Administration**

The evaluation of the overall agency administration focused on determining 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. The review also examined

whether TCD had satisfied all applicable state reporting requirements. The results of the evaluation indicated that the agency's administrative operations generally function adequately. However, the following recommendation is made to improve their overall performance.

**The agency should have statutory authority to collect fees.**

The agency has statutory authority to provide training for interpreters for the deaf. This is being done and a minimal fee of \$5 is being charged each person attending the training. The training of interpreters appears to be fundamental in improving services that deaf persons need. However, the practice of charging a fee for a service delivered by a state agency requires statutory authority. Attorney General Opinion H-443 held that only fees expressly authorized by statute may be collected by state agencies. It does appear appropriate that a fee be charged to help defray the cost of the needed service provided by the agency, and the statute should be amended to permit the current practice.

**Evaluation of Programs**

For purposes of the evaluation the activities of the agency were divided into five functions: contract services, technical assistance, direct services, certification, and information services. Major areas of concern resulting from the evaluation are set out below.

**Technical Assistance**

**Efforts to provide technical assistance to the councils should be improved.**

As stated previously, many of the councils for the deaf that contract with TCD are staffed by volunteers. Since many volunteers have not received training which ensures effective operation of a council, it is important that they receive pertinent technical assistance or training in council operation methods. Currently the TCD provides technical assistance to the councils in three ways: an annual contractor's training workshop, visits to the councils by TCD staff, and phone calls and correspondence between councils and TCD staff. The review indicated that two of the three technical assistance efforts are carried out in an appropriate manner and benefit the councils. One effort, the training workshop held for the

contractors, however, is carried out in an inappropriate manner and should be restructured to improve its usefulness.

The agency carries out all of its technical assistance responsibilities to the councils using three professional staff members of the Direct Services Program. Discussions with the staff members indicate that two of the three also have contract monitoring duties which significantly reduce the amount of time they are able to devote to the provision of technical assistance. To maximize the limited time available to the staff, the agency holds an annual contractor's training workshop. Those present at the workshop include the 17 council presidents, 17 service providers and seven SOHIT coordinators. The general purpose of the workshop is to ensure that these persons, integral in the delivery of agency sponsored services to the deaf, understand the terms of the contracts and what services can be reimbursed by TCD. They also receive training on how to complete the necessary "log books" to obtain reimbursement.

The provision of this training appears appropriate in that it brings the key council service personnel together for the learning of TCD procedures and sharing of ideas. It also minimizes agency staff travel costs and time. Further, a survey of service providers made during the review indicates that the training workshop is beneficial to their operations. However, two separate problems with the workshop process have been identified. First, the agency has chosen to call the group which gathers for the workshop the "Direct Services Advisory Committee". In reviewing the activities of the committee it does not appear that it serves the standard functions of advisory committees in state government. First, the members basically receive training. Second, the committee has no specific mission to accomplish in advising the commission or its staff and has produced no reports or tangible products since its inception. Whatever advice the agency receives from this group concerning services to deaf persons appears to be transmitted in informal discussions which occur in conjunction with the training workshops. Discussions with agency personnel indicated that the purpose of naming the group an "advisory committee" was to develop a means of reimbursing the members for the cost of coming to Austin since the TCD statute allows for travel cost reimbursement to advisory committee members. This reimbursement, they indicate, ensures good attendance at the training workshops. Although attendance by the key council executives and service providers is needed, another method of reimbursing the participants for their travel costs can be arranged. This method,

suggested by the State Comptroller's Office, would modify the contracts between the TCD and the councils to require that these key persons attend the workshop and that their travel expenses be reimbursed by the agency. Since the purpose of gathering the members of the Direct Services Advisory Committee is to train them rather than have them advise the TCD or its staff and another method for reimbursing the trainees can be developed, it appears the Direct Services Advisory Committee should be dissolved.

The second problem encountered in the operation of the training workshop concerns the absence of a system to provide feedback to the agency staff conducting the training. It is common for training efforts to conclude with a request of the participants to evaluate the training and to make suggestions on how to improve its content and effectiveness. To date, the training workshops include no such evaluation or feedback effort. To improve the training effort made by the TCD staff a concise evaluation form should be developed to be filled out by the workshop participants concerning the workshop sessions.

One final concern identified relates to the lack of technical assistance provided by TCD on how to develop, operate and improve the performance of a council for the deaf. As mentioned earlier, the TCD uses the councils as a primary method of service delivery and many of the councils are staffed by volunteers who may or may not be trained or experienced in developing and effectively operating council functions. A generally accepted method of providing this type of information when service providers are scattered throughout the state is through the development and dissemination of a manual of operations. An example of this process is found at the Texas Department of Mental Health and Mental Retardation in their Operating Procedures Manual for state schools and in similar type manuals used by community-based programs funded by various state schools. TCD has recognized the need for this type of manual and has developed one that provides the councils with guidelines related to their contracts with the agency. However, the manual does not include information on how to establish, develop or improve the operations of a council for the deaf.

In reviewing how this type of information might be developed and disseminated it appears that the annual training workshop offers a good forum for the initiation and continuing development of this kind of expanded manual of council operations. Needs identified through the survey of service providers made during the review included skills development in administration and management of

council operations as well as methods on developing outside funding sources. Other ideas gained through discussions with council personnel include the need for information on how to develop television and radio "spots" concerning the needs of the deaf, how to develop business and industrial contacts and how to develop working relationships with other social service agencies. These and other useful training materials could be developed by the workshop participants during their annual sessions to assist each of the councils in initiating new and improving old methods of operation. Staff of the TCD could act as facilitators and collectors of the ideas generated and assist in the compilation of the material for the manual to be continually updated and expanded in future years.

To address the three concerns encountered in the review of the agency's training workshops and overall technical assistance the following steps should be taken by the agency: 1) the Direct Services Advisory Committee should be dissolved as it does not serve as an advisory body to the staff or the commission; 2) allowances for reimbursing the travel expenses of the persons required to attend the workshops should be included in the contracts the TCD executes with the councils for the deaf; 3) staff of the TCD should develop a simple, direct and written method for obtaining feedback from the annual training workshop participants on ways to improve its usefulness; and 4) time and TCD staff assistance should be provided during the annual training workshop sessions for the expansion of the "manual of operations" for councils for the deaf.

#### Contract Services

#### More competition is needed in contract awarding process.

The Texas Commission for the Deaf contracts with local, nonprofit councils for the deaf for the delivery of interpreter services, message relay, information and referral, and services to elderly deaf persons. In addition, the agency contracts for the provision of two camping programs, for training of deaf persons in basic skills and job-seeking skills, and is planning to contract for a pilot program providing residential services to deaf-blind individuals.

To evaluate the effectiveness of the agency's contracting function, the review focused on whether information about the availability of funds was accessible to potential service providers, whether a competitive application process was

used to identify potential contractors, and whether the selection of contractors was fair and unbiased. The review indicated that the process used to award contracts for the two camps and skills training programs met the criteria. However, problems did exist in the methods used to identify potential contractors for the deaf-blind pilot program and to award the contracts to the councils for the deaf for the provision of community-based services.

TCD identified three potential service providers that they thought could develop and initiate a residential pilot program for deaf-blind individuals in a relatively short time period because of their experience with similar programs. Only these three service providers were asked to submit to TCD a description of the way they would implement the program and an estimate of the costs.

Contracts for provision of interpreter, message relay, Services to Older Hearing Impaired Texans (SOHIT), and information and referral services are awarded only to a council for the deaf which is a nonprofit, community-based organization, representative of the area's deaf community, and governed by a board consisting primarily of deaf individuals or advised by a strong, functioning committee consisting primarily of deaf individuals which meets on a regular basis. The council must hold a minimum of six advertised meetings during a contract year. The decision to award a contract is based on TCD's evaluation of the council's performance during the previous year. The councils do not apply for funding.

The resources for services to deaf people are limited and the needs are expanding. According to the agency, an estimated two million deaf and hearing-impaired persons will reside in Texas by 1990. This almost doubles the current population of this group. These pressures, limited funds and an increasing population in need of service, establish the need to ensure that all avenues for expenditure of funds are explored to ensure that the most cost-effective alternative is chosen. A generally accepted method of ensuring that funds are well used in any contract process is that of "competitive bidding". This concept is found at work throughout state government, in large as well as small agencies. In the area of human or health services, an example of this process is found in the Texas Commission on Alcoholism in its awarding of grant money to local entities for the provision of alcoholism services. This agency awarded \$983,139 in grant money in 1983 through the announcement of "requests for proposals" or RFPs and selection of the best proposals for service on a competitive basis. It appears that a similar

process should also be followed by TCD in its awarding of contracts with the councils and other entities capable of providing the needed services.

The TCD's current process of limiting who can submit proposals for pilot projects and awarding continuation contracts on the basis of a council's past performance effectively eliminates the aspect of competition among councils and other groups to propose new, innovative and more cost-effective ways to deliver services to deaf and deaf-blind individuals. To improve the commission's contracting process it is recommended that its statute be amended to require that it develop a method to publicize the availability of contract funds and then receive, consider and award contracts to qualified applying entities only after the abilities of each applicant are examined and compared against each other. The process should, of course, be developed to meet the need for a more competitive contract process and at the same time be tailored to the capabilities of both the agency and the applicants to avoid overburdening the groups involved. The key elements of the process should address two basic concerns: 1) all potential contractors should be provided with reasonable access to information about the availability of funds and a fair opportunity to submit proposals, and 2) the agency should review all proposals and make a fair and unbiased selection based on clearly stated criteria related to the applicant's ability to fulfill the terms of the contract and the need for the services in a particular area.

## **EVALUATION OF OTHER SUNSET CRITERIA**

---

---

The review of the agency's efforts to comply with overall state policies concerning the manner in which the public is able to participate in the decisions of the agency and whether the agency is fair and impartial in dealing with its employees and the general public is based on criteria contained in the Sunset Act.

The analysis made under these criteria is intended to give answers to the following questions:

1. Does the agency have and use reasonable procedures to inform the public of its activities?
  2. Has the agency complied with applicable requirements of both state and federal law concerning equal employment and the rights and privacy of individuals?
  3. Has the agency and its officers complied with the regulations regarding conflict of interest?
  4. Has the agency complied with the provisions of the Open Meetings and Open Records Act?
- 
-

## EVALUATION OF OTHER SUNSET CRITERIA

The material presented in this section evaluates the agency's efforts to comply with the general state policies developed to ensure: 1) the awareness and understanding necessary to have effective participation by all persons affected by the activities of the agency; and 2) that agency personnel are fair and impartial in their dealings with persons affected by the agency and that the agency deals with its employees in a fair and impartial manner.

### Open Meetings/Open Records

The review of the agency's compliance with the Open Meetings Act indicated that the Texas Commission for the Deaf has filed notices of meetings with a specified agenda in a timely fashion. Notices are also sent to the presidents and service providers of the contracting councils for the deaf, the executive director of the Texas School for the Deaf, the presidents of the deaf clubs in Texas, and other interested parties.

#### Use of the same interpreter(s) for open or closed meetings would eliminate the appearance of bias.

The commission frequently exercises its authority to meet in executive session. The review indicated that the circumstances for "closing" the meetings were appropriate, but one area of concern was noted. TCD contracts with Travis County Council for the Deaf for the provision of interpreters for commission meetings. The names of the interpreters are properly noted in the minutes. However, the executive director of the agency selects another individual, usually someone from outside of Austin, to interpret during executive sessions. The minutes do not reflect this practice.

Discussions with the executive director indicate that this is done to avoid problems that might arise if the regular interpreter(s) used at the meetings does not maintain the confidentiality of items discussed in the executive session. Although this can be a valid concern, it appears to be without substance in this situation as the commission hires interpreters that must adhere to a code of ethics requiring them to keep all assignment-related information strictly confidential. Violation of the confidentiality requirement can result in decertification. Further,

the agency's practice has raised questions since, according to the agency, the interpreter frequently used during the executive sessions is the president of one of the councils which contract with TCD. Observers have questioned whether this person has access to information prior to the other councils and, therefore, has an advantage in securing contract funds from the commission.

The agency is in a position regarding executive sessions not experienced by other agencies. That is, board members of other agencies do not require interpreter services and can conduct their meetings with only the members present. At meetings of the Commission for the Deaf, at least three members will always be deaf and thus require the assistance of an outside party (an interpreter) to assist in the conduct of the meetings. To avoid any possible appearance of allowing one interested party (a council president) undue advantage in gaining access and knowledge of the commission's executive session discussions, it is recommended that the commission use for the executive sessions the interpreters hired for the open meetings.

**Records held by agency regarding client information should be closed.**

Review of the agency's compliance with the Open Records Act indicated that TCD has not denied any formal requests for information. Except for those records exempted by the Open Records Act, all agency files are currently open. The review indicated that TCD has begun to acquire in their client case files the type of information that has been classified as confidential in other human service agencies. This does not refer to the logs received from the contracting councils, but pertains to intake information on clients of the SOHIT (Services to Older Hearing-Impaired Texans) program and the case files of parents of deaf-blind individuals who are receiving counseling services through TCD. In order to protect the confidential information these records may contain, the agency's statute should be modified to authorize the closing of client case files.

**EEOC/Privacy**

An evaluation was conducted to determine the extent to which the agency has complied with applicable provisions of state and federal statutes relating to equality of employment opportunity and the rights and privacy of individual

employees. The agency does not have an affirmative action plan, but the review indicates that this is not required for this agency. TCD does have a written policy providing employees and applicants an equal opportunity for employment without regard to race, color, religion, sex, national origin, age or physical disability. There have not been any charges of discrimination or unfair employment practices filed against the agency with the Equal Employment Opportunity Commission. The results of the review indicated that the Texas Commission for the Deaf performs adequately in this area.

### **Public Participation**

The agency's Public Information Program has primary responsibility for developing methods of making the public aware of TCD's activities and policies. This is accomplished through the publication of a bi-monthly newsletter, distribution of informational brochures, development of public service announcements and news releases, coordination of state-wide activities during Deaf Awareness Week, and response to individual's requests for information. The review indicated that the public has adequate access to general information about the agency's programs. However, improvement can be made in the public's access to information regarding the agency's policies and the procedures for implementing these policies.

#### **Agency should comply with APA regarding the development and availability of its rules.**

The Administrative Procedures and Texas Register Act requires agencies to "adopt rules of practice setting forth the nature and requirements of all formal and informal procedures available" (Art. 6252-13a, Sec. 4(a)(i), V.A.C.S.). The Texas Commission for the Deaf does not have rules regarding their procedures for contracting for the provision of direct services or for identifying qualified interpreters who are available for assignment by a state agency, court, or political subdivision to interpret proceedings for deaf persons. Rules related to contracting for services were proposed on 4/7/80, but never adopted. Emergency rules regarding qualifications of interpreters were effective 5/1/80, but final rules were never adopted.

Currently the agency has a single copy of the rules under which it operates. This is in the form of a notebook that includes all rules that have been submitted by TCD to the Texas Register and the actions taken. Since many of the rules adopted for the original commission have never been repealed, the notebook contains rules which are in conflict. It does not provide a clear picture of what the agency's rules are and it is not in a form that can be inexpensively reproduced for interested members of the general public.

These problems have been discussed with agency staff and efforts are being made to update their rules. These actions should continue. The agency should comply with the provisions of the Administrative Procedures and Texas Register Act so substantive procedures can be clearly understood by and made available to interested parties.

### **Conflict of Interest**

Board or commission members of "non-major state agencies" are required by law to file an affidavit with the secretary of state if they have a substantial interest in a business that is regulated by a state agency or that does business with any state agency (Art. 6252-9b, Sec. 5, V.A.C.S.). A review of the documents filed with the secretary of state's office indicated that two TCD commissioners have filed these disclosure affidavits. Discussion with the agency also indicated that procedures have been developed for making employees aware of their responsibilities under general conflict of interest statutes. Employees are required to read and sign a statement of applicable provisions of the Appropriations Act. In addition, the executive director has on file with the Office of Secretary of State the required financial statement. One concern was encountered, however, in the review of the agency's relationship with an association.

**Agency should stop providing office space to the Texas Association of the Deaf until it develops a contract concerning the space.**

Texas Commission for the Deaf has provided the Texas Association of the Deaf (TAD) with office space, furniture, and a telephone since July of 1982. This is the only public office space that TAD has and it is used to conduct routine association business. The lease cost of this space is approximately \$200 per month.

A professional services contract did exist between TCD and TAD from 7/1/82 to 10/31/82 which included provision of an office. Although agency staff state they are currently negotiating another contract with TAD, one has not existed for the last 15 months. During this time TCD has continued to provide the association with office space without reimbursement. This has resulted in a loss to the state of approximately \$3,000.

The actions of the agency appear to be violating the constitutional prohibition regarding the use of public money for a private purpose without reimbursement. However, the agency cannot sublease its space on a reimbursement basis unless it is given specific statutory authority like that found in the statute of the State Purchasing and General Services Commission dealing with the leasing of space in state-owned buildings to private individuals.

The resolution to this situation is for the agency to stop providing the association with office space. If the TCD determines it needs the services of TAD, steps should be taken immediately to develop and finalize a professional services contract between the two entities. The contract should clearly state the purposes and terms of the contract and limit the use of the office to those activities of the association specifically related to fulfilling the terms of the contract.



## ALTERNATIVES

---

---

The analysis of whether there are practical alternatives to either the functions or the organizational structure are based on criteria contained in the Sunset Act.

The analysis of alternatives is directed toward the answers to the following questions:

1. Are there other suitable ways to perform the functions which are less restrictive or which can deliver the same type of service?
  2. Are there other practical organizational approaches available through consolidation or reorganization?
- 
-

## ALTERNATIVES

As part of the review of this agency, the functions performed by the agency were evaluated to determine if alternatives to current practices were available. State agencies with functions similar to those performed by this agency were reviewed to determine if they had developed alternative practices which offered substantial benefits and which could be implemented in a practical fashion. In addition, the practices of other states were reviewed in a like fashion and it was determined that their practices were similar to those of Texas. It was concluded that a practical alternative to a current practice does exist, and it is discussed below.

The agency could change the method for providing deaf people with telephone accessibility to state agencies.

In 1981, the 67th Legislature passed H.B. 279 authorizing the Texas Commission for the Deaf to place TDDs (Telecommunication Devices for the Deaf) in state agencies. The overall purpose of the legislation was to help deaf persons gain access to state agencies without having to rely solely on hearing persons to contact the agencies for services.

By August of 1983, the Commission for the Deaf had placed 274 TDDs in six selected agencies: the Texas Department of Human Resources, the Texas Rehabilitation Commission, the Texas Employment Commission, the Texas Department of Public Safety, the Texas Department of Health, and the Texas Department of Mental Health and Mental Retardation. In addition to the placement of the TDDs, the commission has developed and provided training for the personnel of the agency where the TDDs are placed concerning the use and care of the TDD and the needs of deaf persons in relation to the services of the agency receiving the TDD. The commission has also developed and distributed approximately 2,500 directories to deaf persons, state agencies and councils for the deaf. These directories provide information similar to that found in traditional "telephone books" by detailing where the TDDs have been placed and the phone numbers of the TDDs. In addition, the directories provide a description of the services offered by the different agencies. The agency has also established a monitoring system to assess the usage of the TDDs. Monthly reporting forms or

"logs" are submitted to the commission indicating incoming or outgoing calls made using the TDDs as well as information regarding the nature of the calls.

As a part of the review, the monthly logs were examined to gauge the usage of the TDDs placed to date. The review focused on the usage of the 167 TDDs that had been in place for six to 16 months as of August 1983. The results indicated that only 87 (52 percent) of the units had ever been used, with 48 (29 percent) reporting no usage, and 32 (19 percent) not reporting. Assuming that some of the TDDs on which no reports had been filed were not used, approximately one-third of the TDDs in place for more than six months have not been used to place or receive a call. While it is felt that better placement within the receiving agencies and more publicity of this service would improve utilization, closer examination of the non-use problem indicates that the difficulty relates more to the original concept of the program than to poor implementation.

In order for a deaf person to benefit from placement of TDDs in state agencies, they must have access to a TDD on which to place the call. The system requires TDD equipment on both ends, one to send the call and the other to receive the call. The staff at TCD estimate that about 15 percent of the deaf and hearing-impaired population in the state currently have TDDs. As a result, placing TDDs in state agencies does not provide telephone accessibility to the deaf population as a whole, but only to the 15 percent with TDDs. The cost of a TDD is fairly high compared to a regular phone, averaging between \$250 to \$500, and current usage is limited to calling other persons with a TDD.

Due to this limitation, several states have proposed message relay systems as an integral part of any comprehensive plan to improve deaf people's access to the telephone system. Through a message relay service, a deaf person with a TDD can call the service, which has a TDD also, and relay a message to any agency, individual, or business with regular phone service. Once the message relay service is operating, TDDs become more useful for deaf individuals because they are no longer limited to calling other persons or locations having TDDs. Currently, TCD is providing some message relay through 17 councils for the deaf. The level of service varies widely across the state and many areas have no service at all.

As an alternative to continuing to place TDDs in state agencies where many are never utilized, it is proposed that these funds could be utilized to increase deaf

persons' overall accessibility to the telephone system through an expanded message relay service. The service could be established by taking the following steps:

- 1) discontinue the purchase of TDDs for placement in state agencies;
- 2) remove TDDs from state agencies where they are not being utilized, and use them in contracting for local message relay services;
- 3) expand local message relay services by contracting with deaf councils and/or councils of governments.
- 4) set up a statewide toll-free number for message relay in the TCD office staffed by one person during regular (8 am to 5 pm) office hours; and
- 5) conduct a statewide media campaign to notify deaf persons of the new program.

The funds allocated for placement of TDDs in state agencies in 1985 is approximately \$185,486 and can cover the costs to implement the program outlined above. Based on information gathered during the review, the costs of providing a statewide toll-free message relay service are estimated to be approximately \$54,100 for one year. This includes \$31,200 for the phone service; \$12,900 for one staff person to answer and relay calls; and \$10,000 for publicity aimed at informing the deaf community about this new service. Remaining surplus funds would be used to expand services by contracting with local councils for the deaf and councils of governments. Currently, TCD contracts with 17 councils for the deaf for message relay services at the rate of 75 cents per unit of relay (a unit of relay includes receiving the call from a deaf person, relaying his message, and recontacting the deaf person if needed). The maximum amount that TCD allocates to any one council is \$3,000, which pays for 4,000 units of relay a year, or approximately 15.2 units per day. Therefore, the remaining \$131,386 appropriated for this activity for fiscal year 1985 could be used to administer the program and contract for additional message relay systems at \$3,000 each. The TDDs placed in local councils or other locations could be provided from the unused 48 TDDs removed from various state agencies. These TDDs could be placed in areas that currently do not have a message relay system and in areas needing to expand their system due to the size of the local deaf community.

In changing the method for providing deaf people with telephone accessibility to state agencies, a number of benefits accrue without additional expenditure of

funds. Deaf persons with TDDs are provided not only with access to state agencies, but also with access to the overall telephone system. State monies are no longer being used to purchase TDDs that simply sit in state agencies never being used to make or receive a single call. These unused TDDs can be moved to local community relay centers where deaf people can utilize them more effectively.

One drawback of this program is that the costs would be recurring each year. In contrast, the original program was expected to require continued funding for a number of years to place TDDs in a wide range of state agencies, but it could be discontinued at any point without any disruption to the services in place. It appears, however, that the benefits that would accrue to deaf people by giving them access to the entire telephone system will outweigh the drawbacks discussed above.

## OTHER POLICY CONSIDERATIONS



## OTHER POLICY CONSIDERATIONS

This section covers that part of the evaluation which identifies major policy issues surrounding the agency under review. For the purpose of this report, major policy issues are given the working definition of being issues, the resolution of which, could involve substantial change in current state policy. Further, a major policy issue is one which has had strong arguments developed, both pro and con, concerning the proposed change. The material in this section structures the major question of state policy raised by the issue and identifies the major elements of the arguments for and against the proposal.

### Should the agency be authorized to establish field offices.

The state has recognized the importance of helping deaf and hearing-impaired persons bridge the communication gap they face because of their loss of hearing. To accomplish this, services need to be provided equitably throughout the state in a cost-effective manner. There appear to be two basic alternatives for accomplishing this: 1) contracting for services or 2) establishing a system of field offices with staff to provide the service.

Currently, the Texas Commission for the Deaf uses a network of nonprofit, community-based councils for the deaf, many of which use volunteers to staff or to supplement the paid staff of a council. Although proponents of this system recognize the need for paid professional staff, they argue that it is more cost-effective to funnel this money to the councils through the contracts. Staff can then be hired and placed in an already existing system without increasing administrative costs. In support of this idea, it is argued that establishing field offices would increase bureaucracy, inefficiency, and cost. In addition, it is felt that the local councils are more aware of their local needs and are, therefore, better suited to deliver services in a more sensitive, client-oriented manner.

On the other hand, it can be argued that the responsibilities of the commission and the number of deaf and hearing-impaired persons needing services are now so great that TCD can no longer depend on contractors using volunteers. It is felt that the councils have reached their limit in terms of the type and amount of services they can provide through TCD contracts. The establishment of field offices would supplement the councils' activities and provide those services they

are not currently capable of providing. The commission feels it must have trained professional field staff if it is to provide meaningful services on a statewide basis to the deaf and hearing-impaired population. To accomplish the establishment of this kind of system, the agency requested \$1.6 million for the 1984-85 biennium to develop regional offices in ten areas of the state. The Legislative Budget Board recommended the establishment of three field offices in fiscal year 1984 and an additional three in fiscal year 1985. However, this recommendation was not adopted by the 68th Legislature.

**Should the pilot program status for services to deaf-blind persons be deleted.**

In 1981, the legislature authorized TCD to establish not more than four pilot programs to help deaf-blind individuals attain self-sufficiency and independent living. The agency received funding for this and their authority was expanded in 1983 to include counseling for parents of deaf-blind individuals and a camp for deaf-blind persons. TCD is mandated to determine the need for related future services and the most efficient and effective method of delivering the future services. Unless continued by the 70th Legislature, the programs are to be abolished as of 9/1/87. It has been suggested by TCD that the pilot program status be deleted, as well as the language abolishing the programs.

The question to be answered is whether the programs established by the agency for deaf-blind persons are at a point where the legislature can determine that these programs should be implemented on a broader and more permanent basis. The agency argues that it is difficult to evaluate these programs because, for most deaf-blind individuals, improvement in their capabilities occurs slowly. The four year limit on the programs may be insufficient time to "prove" anything, but the needs of this population are so great that the scope should be increased, not diminished.

In addition, it could be argued that the current programs are well established or are being provided by experienced providers. The camp for deaf-blind individuals will be conducted by Camp Soroptomist staff who provided this camping experience for seven years when the program was operated by the Texas Education Agency. There are plans to contract for a residential program for deaf-blind persons and the service provider will be an organization with experience in providing community residential services to people with other physical limitations.

Finally, the parent counseling program is being conducted by a person with 4.5 years of experience in serving deaf-blind individuals and a total of 7.5 years serving people with various physical and mental handicaps.

From another point of view, the purpose of the pilot program designation is to allow the agency sufficient time to develop appropriate services for deaf-blind individuals and develop recommendations for delivering related services in an efficient, effective manner. This philosophy is especially important in developing services for this population because they have so many special needs which are costly to fulfill. It can be argued that this approach, although initially slower, results in the development of a better service delivery system which can be replicated to provide quality services statewide to deaf-blind individuals. Since funding for services to deaf-blind persons was not appropriated until September 1983, proponents of maintaining the pilot program designation argue that the agency has not had sufficient time to develop appropriate services, determine what other services are needed, and decide how these can be most efficiently and effectively provided. Therefore, it can be argued that the pilot program status should remain to allow the legislature an opportunity to re-examine the situation in 1987.

**Should TCD responsibilities be transferred to the Texas Rehabilitation Commission.**

In considering methods to more efficiently utilize state funds for services to deaf persons, attention has been given to transferring the responsibilities of TCD to the Texas Rehabilitation Commission (TRC). Traditionally TRC has been limited to providing only services necessary to help handicapped individuals toward gainful employment. However, the 68th Legislature substantially broadened TRC's authority to provide rehabilitation services to a wider spectrum of handicapped individuals. Section 111.002 of the Human Resources Code originally restricted services to individuals whose disability was "of a nature that rehabilitation services may reasonably be expected to enable the individual to engage in a gainful occupation". Senate Bill 33, 68th Legislature, amended this section of the code and expanded this definition to include services to "enable the individual to achieve a greater level of self-care and independent living".

This change means TRC could greatly expand their services to deaf people, thereby encompassing many of the responsibilities with which TCD is currently charged. Administrative costs would be reduced by the elimination of an

independent agency for the deaf. If total federal funding is increased for TRC, which is not likely, additional funds could be generated for services to the deaf. A number of auxiliary benefits would also be available simply from becoming part of an existing agency the size of TRC; for example, a regional staff network throughout the state, staff training programs and volunteer assistance.

Arguments against this change cite the loss of visibility and autonomy offered by having an independent agency for the deaf. If TCD did not exist, deaf people might be uncertain about whom to contact for services and information. Another concern is that since TRC is primarily set up to do vocational rehabilitation, the other needs of the deaf population would be secondary and go unmet. Currently, there are 16 states with independent state agencies for the deaf, and there are two other states which are considering the establishment of similar independent agencies. It has been argued that this is the only way to assure that the needs of deaf people are recognized and not lost in the maze of competing interests within vocational rehabilitation.

**Should the agency be authorized to deliver a better coordinated system of services to the deaf.**

A general policy of state government is that all eligible persons should have reasonable access to services offered by any state agency. This is often complicated by the complex and sometimes fragmented system that has developed for the delivery of health and human services. The situation is made more difficult if one is deaf or has a hearing impairment that inhibits communication with the majority of persons in the "hearing world". Two alternative resolutions to this problem have been proposed. One would be to give a single agency control over all services to deaf people and the other option is the development of a case management system.

The Texas Commission for the Deaf argues that a more planned, systematic approach for delivering a comprehensive range of services to deaf people is needed. According to the agency, many deaf individuals need an opportunity to work with a single agency to define their needs, set specific goals and determine what services will help them meet those goals. To implement this approach, a single agency, such as TCD, could be authorized to provide all services needed by deaf people. The argument for this approach is that the agency providing the services is staffed by people knowledgeable about the special needs of this population and with the

necessary skills to communicate with deaf people. Also, the single agency approach eliminates any confusion deaf people might have about where to go for services. Opponents of the central agency for the deaf concept assert that one agency does not have the expertise to provide the variety of services needed. Also, it is felt that to do this would result in unnecessary duplication of services and related administrative structures which means an increase in the cost for the services.

Another method for assuring that deaf people have reasonable access to services is the development of a case management system. This system is not meant to provide all the services needed by deaf people. Instead, a case management system is meant to help an individual identify his needs and assist him in meeting those needs by placing him in contact with agencies which offer the needed services. To effectively accomplish this, an agency needs skilled personnel who can accurately evaluate an individual's needs, make appropriate referrals, and follow-up to determine if the service has been obtained and the problem resolved.

Three approaches for establishing a case management system have been discussed. The following information describes these alternatives and the advantages and disadvantages of each one. The first approach was part of TCD's request for expanded authority during the 68th Legislature. It would give TCD authority to provide case management services for deaf and hearing-impaired persons. To ensure this population is aware of the availability of this service, the agency would need to conduct a state-wide advertising campaign. Proponents of this approach assert that TCD is the appropriate agency to provide this service because of staff expertise in the field of deafness. Also, this approach assumes that once the deaf community is aware of the availability of this service, a deaf person will be able to seek help if needed.

The opposing side argues that the burden should not be placed solely on the deaf person. It can be argued that although TCD should be given the authority to provide case management services and be able to respond to direct requests from deaf people, this is not enough. To ensure deaf people are receiving needed services, an alternative case management system has been proposed. Under this second system, if a deaf person received services from any state agency, that agency would ask if other services were needed. If so, the agency would request permission to send the client's name and other identifying information to TCD. It would then be TCD's responsibility to contact the deaf person and help him develop

an individual plan of service. This approach assumes that if an individual needs help in one area, he is incapable of handling the other aspects of his life and opponents argue that this alternative infringes upon an individual's privacy.

The final approach to a case management system is the most comprehensive. It would require all health and human service agencies to determine for each client if any other agency has developed a comprehensive plan of service. If not, that agency would be required to fulfill this function. Proponents for this approach argue that this is the most "normalizing" system because it does not categorize people according to a particular disabling condition, but according to specific needs for service. In addition, it is a system currently being utilized by certain programs operated by three major state agencies: Texas Department of Mental Health and Mental Retardation, Department of Human Resources, and Texas Department of Health. Opponents argue that this system is less effective than either of the TCD case management systems because 1) deaf people may not know where to find that initial entry into the service system and 2) the staff of the agencies trying to provide this service may not have the knowledge or training needed to communicate with deaf people and understand their special needs.

Should the state provide TDDs to deaf and hearing-impaired individuals.

A significant problem affecting deaf individuals is the lack of communication they experience due to their inability to access normal telephone service. The technology is available to provide this service to deaf individuals through the use of a TDD, or a telecommunication device for the deaf. The cost of the equipment ranges from approximately \$250 to \$500, which is in addition to the regular costs of phone service. According to the National Census of the Deaf by Schein and Delk (1974), it is estimated that the average income of deaf people in America is 60 percent of the national median income. Therefore, it is not surprising that, according to the staff of TCD, only 15 percent of the deaf and hearing-impaired persons in Texas currently have TDDs. This results in the majority of deaf individuals being limited in their access to emergency services, medical services, employment opportunities, and other communication functions accessible by phone to most hearing people.

One approach to solving this problem is for the state to provide the TDDs to deaf or hearing-impaired persons. To date, only four states have passed legislation

related to the provision of TDDs to deaf and hearing-impaired individuals. California, Connecticut, Michigan and Rhode Island have, in the last five years, passed legislation which in various ways either directly provides the TDDs to deaf people or makes easier their acquisition. Wisconsin and Arizona are currently considering such legislation and Northwestern Bell of Minnesota has voluntarily developed a method to make loans available to deaf and hearing-impaired persons for the acquisition of TDDs.

The Texas Legislature considered related legislation (H.B. 1002) during its 68th Session (1983). The bill would have provided TDDs to deaf, hearing-impaired and speech-impaired individuals in the state and was to be funded through a monthly surcharge on all individual and business phone bills, along with a user fee to be paid by the recipient. The purchase and distribution of TDDs would have been handled by the Texas Commission for the Deaf. Since the bill did not pass and activity in other states indicate that the topic will likely come to the Texas Legislature's attention again, the arguments for and against the state providing TDDs to deaf and hearing-impaired individuals are set out below.

In support of the state providing deaf persons with TDDs, proponents argue that the average income of deaf people is only 60 percent of the national median income. This makes the purchase of the comparatively expensive TDD equipment financially beyond the means of many deaf persons. Further, deaf people are already cut off from all standard, non-written forms of mass communication without the use of an interpreter. Providing them with access to phone service would give them more ready access to emergency services such as fire, police, and ambulances; medical services and employment opportunities; not to mention access to anyone with a regular phone, if and when relay service is available in their community. Many of the barriers which now work to keep deaf people isolated from the "hearing" community could be bridged if they had greater access to a now fundamental communication device in our society, the telephone.

The opponents to the state providing TDDs to deaf persons argue that the basic approach used in other states to require telephone companies, or their ratepayers in general, to assume the burden of providing special equipment to this one group of handicapped individuals is unreasonable. With the rising costs of phone service, even a minimal surcharge has been opposed by many consumers. The phone companies are already required by the Public Utility Commission to provide reduced long distance rates to residential TDD users and to provide at

"direct cost" some special equipment needed by deaf people to use the phone system. This would include such things as flashing lights and amplifiers, but not TDDs. With these elements in place, the opponents argue, deaf and hearing-impaired persons already receive certain benefits not available to others. Due to the increasing costs of telephone service in general and the uncertainties surrounding the breakup of the nation's major phone service, AT&T, opponents argue that the efforts to provide additional benefits to deaf persons in this area should be postponed.

## APPENDIX



**EXHIBIT I**  
**SUMMARY OF CONTRACTED SERVICES PROVIDED BY COUNCILS FOR FISCAL YEAR 1984**

<u>COUNCILS FOR THE DEAF</u>	<u>INTERPRETER SERVICE</u>	<u>MESSAGE RELAY</u>	<u>INFORMATION AND REFERRAL</u>	<u>SOHIT*</u>	<u>TOTAL CONTRACT</u>
Central Texas (Waco)	\$ 5,246	\$ 240	\$ 270	\$ -0-	\$ 5,756
Corpus Christi	3,984	360	390	3,200	7,934
Deaf Action Center (Dallas)	29,926	3,000	810	6,940	40,676
Houston	14,641	3,000	390	3,200	21,231
East Texas (Tyler)	1,094	120	-0-	-0-	1,214
El Paso	13,536	1,500	390	6,500	21,926
HEAR-SAY (Houston)	500	120	390	3,200	4,210
Highland (Big Spring)	3,920	900	-0-	-0-	4,820
Lubbock	1,094	240	-0-	-0-	1,334
Panhandle (Amarillo)	2,678	720	-0-	-0-	3,398
San Antonio	7,646	480	-0-	-0-	8,126
San Jacinto (Baytown)	3,920	480	-0-	-0-	4,400
Southeast Texas (Beaumont)	6,794	180	-0-	-0-	6,974
Tarrant County (Ft. Worth)	18,504	1,800	810	3,000	24,114
Texoma (Sherman)	5,328	150	270	3,300	9,048
Travis County (Austin)	31,740	2,700	810	5,760	41,010
West Texas (Abilene)	2,264	120	-0-	-0-	2,384
Open Contracts	<u>2,208</u>	<u>565</u>	<u>300</u>	<u>3,200</u>	<u>6,273</u>
TOTALS	<u>\$155,023</u>	<u>\$16,675</u>	<u>\$4,830</u>	<u>\$38,300</u>	<u>\$214,828</u>

\*SOHIT = Service to Older Hearing Impaired Texans  
 \*\*Contracts have not yet been awarded for the operation of a skills training program, but the deadline for submitting a proposal to TCD was 1/27/84.

**NOTE:** Total Contract Balance \$214,828  
 Total Skills Training 18,100\*\*  
 GRAND TOTAL for FY 84  
 Contract Services \$232,928



**EXHIBIT II**  
**RECOMMENDED FEES FOR INTERPRETERS FOR THE DEAF**

<b>TCD Certification Level</b>	<b>Recommended Hourly Fee</b>
Level V	\$16
Level IV	\$14
Level III	\$12
Level II	\$ 9
Level I	\$ 7
 <b>RID Certification Level</b>	
Specialist Certificate: Legal (SC:L)	\$13
Masters Comprehensive Skills Certificate (MCSC)	\$13
Comprehensive Skills Certificate (CSC)	\$11
Reverse Skills Certificate (RSC) - Deaf Person	\$11
Oral Interpreter Certificate: Comprehensive (OIC:C)	\$11
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

**Recommended Fees for Interpreters for the Deaf**

(cont.)

<b>TSID Certification Level</b>	<b>Recommended Hourly Fee</b>
General Interpreting Skills Certificate (GISC)	\$ 6.50
TSID Basic Communication Skills Certificate (BCSC)	\$ 5
TSID Beginning Interpreting Skills Certificate (BISC)	\$ 5
<b>Non-Certified</b>	
Non-Certified Interpreters (NC)	\$ 5

**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
			<b>A. GENERAL</b>
X		*	1. Require public membership on boards and commissions.
X			2. Require specific provisions relating to conflicts of interest.
X			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, creed, sex, religion, or national origin of the appointee.
X			5. Specify grounds for removal of a board member.
X			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.
X			7. Require the board to establish skill oriented career ladders.
X			8. Require a system of merit pay based on documented employee performance.
X			9. Provide that the state auditor shall audit the financial transactions of the board at least once during each biennium.
X			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.
X			12. Require files to be maintained on complaints.
X			13. Require that all parties to formal complaints be periodically informed in writing as to the status of the complaint.
X		X	14. (a) Authorize agencies to set fees. (b) Authorize agencies to set fees up to a certain limit.
**			15. Require development of an E.E.O. plan.
**			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 separates board and staff functions.

**Texas Commission for the Deaf**  
(Continued)

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

\*Already in statute or required.  
\*\*Not approved for application.