

A-Engrossed
Senate Bill 449

Ordered by the Senate March 30
Including Senate Amendments dated March 30

Sponsored by Senator MONNES ANDERSON, Representative GOMBERG; Senators BOQUIST, STEINER HAYWARD, Representatives FREDERICK, SMITH WARNER (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Creates Office for Deaf, Deaf-Blind and Hard of Hearing Services in Department of Human Services. Transfers Oregon Deaf and Hard-of-Hearing Services Program to office. [*Requires principal office to be located in Portland, Oregon, with satellite offices in other regions of state.*] Requires [office] **Director of Human Services** to appoint advisory committee and specifies membership of committee. Specifies duties and functions of office.

A BILL FOR AN ACT

1
2 Relating to services for individuals with disabilities; creating new provisions; and amending ORS
3 185.110, 185.225, 185.230 and 410.740.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 410.740 is amended to read:

6 410.740. (1) **As used in this section and section 2 of this 2015 Act, "deaf-blind" means**
7 **having severe combined hearing loss and vision loss.**

8 [(1)] (2) The [*Oregon Deaf and Hard-of-Hearing Services Program*] **Office for Deaf, Deaf-Blind**
9 **and Hard of Hearing Services** is created in the Department of Human Services. [*The purpose of the*
10 *program is to assist members of the public and state agencies in making agency programs available*
11 *and accessible to individuals who are deaf or hard of hearing.*]

12 [(2)] *The program may also provide the following:*

13 [(a)] *Identification and publicity of the needs and concerns of individuals who are deaf or hard of*
14 *hearing as their needs and concerns relate to the full achievement of economic, social, legal and poli-*
15 *tical equity.*]

16 [(b)] *Advice to the Department of Human Services, the Governor, the Legislative Assembly and ap-*
17 *propriate state agency administrators on how state services for individuals who are deaf or hard of*
18 *hearing might be improved or better coordinated to meet the needs of these individuals.*]

19 [(c)] *Information to individuals who are deaf or hard of hearing about where they may obtain as-*
20 *sistance in rehabilitation and employment and about laws prohibiting discrimination in employment as*
21 *a result of disability.*]

22 [(d)] *Cooperation with and assistance to interest groups in rehabilitation and employment of indi-*
23 *viduals who are deaf or hard of hearing and encouragement of public and private employers to*
24 *undertake affirmative action to ensure equitable employment of individuals who are deaf or hard of*
25 *hearing.*]

26 [(e)] *Promotion of a continuous program of information and education to employers and the general*

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 public to increase awareness of and sensitivity to the needs of individuals who are deaf or hard of
2 hearing for equitable education and training that will ensure for these individuals their full vocational
3 potential.]

4 [(f) Promotion of a continuous information program for placement of individuals who are deaf or
5 hard of hearing in suitable employment.]

6 [(3)(a) The Director of Human Services shall appoint an advisory committee to advise the director
7 regarding the program. The director shall consult with the advisory committee regarding the services
8 described in this section.]

9 [(b) The director shall appoint to the advisory committee 12 individuals who have experience in
10 issues that affect individuals who are deaf or hard of hearing.]

11 **(3) The office is under the supervision of a program manager appointed by the Director**
12 **of Human Services. The program manager must be fluent in American Sign Language. Sub-**
13 **ject to the approval of the director, the program manager may organize and reorganize the**
14 **office as the program manager considers necessary to properly conduct the work of the of-**
15 **fice. The program manager may contract with entities to perform any functions of the office**
16 **including, but not limited to, advocacy, peer support counseling and case management.**

17 **(4)(a) The director shall appoint a 12-member advisory committee to advise, and to re-**
18 **view, evaluate and make recommendations to, the director and the office on:**

19 **(A) Services that must be provided by the office based on the statewide and community**
20 **needs assessments described in section 2 of this 2015 Act;**

21 **(B) Coordination and delivery of the services to best meet the needs of individuals who**
22 **are deaf, deaf-blind or hard of hearing;**

23 **(C) Contracts entered into by the department for services provided to individuals who are**
24 **deaf, deaf-blind or hard of hearing; and**

25 **(D) Other duties and functions of the office.**

26 **(b) The advisory committee must include:**

27 **(A) Six members who are deaf, deaf-blind or hard of hearing;**

28 **(B) Three members who specialize in providing adaptive or communication services to**
29 **individuals who are deaf, deaf-blind or hard of hearing; and**

30 **(C) Three members who are certified or licensed to practice in the areas of clinical psy-**
31 **chology, mental health or rehabilitation counseling.**

32 **(c) The office shall provide support to the advisory committee.**

33 **(d) The office may consult the members of the advisory committee on the recruitment**
34 **and retention of personnel who understand the needs and concerns of the deaf, deaf-blind**
35 **and hard of hearing communities.**

36 **(5) The director shall seek out all sources of funds, in addition to General Fund appro-**
37 **priations, that may be available to support the duties and functions of the office.**

38 **SECTION 2. (1) The duties and functions of the Office for Deaf, Deaf-Blind and Hard of**
39 **Hearing Services created in ORS 410.740 include all of the following:**

40 **(a) Employing at least one individual who is proficient in American Sign Language, in**
41 **order to effectively fulfill the responsibilities of the office.**

42 **(b) Conducting statewide and community needs assessments for all geographic regions**
43 **of this state no less frequently than every five years and no more frequently than every two**
44 **years. The office shall formally measure and document the results of the needs assessments**
45 **in order to assess changes over time.**

1 (c) Consulting with applicable offices of the Department of Human Services to promote
2 compliance with the requirements of the Americans with Disabilities Act and section 504 of
3 the Rehabilitation Act of 1973.

4 (d) Establishing a system for tracking state agency compliance with the requirements
5 of the Americans with Disabilities Act and section 504 of the Rehabilitation Act of 1973 in
6 order to enable:

7 (A) Employees of the department, and employees of the entities that contract with the
8 department, who are deaf, deaf-blind or hard of hearing to perform the essential functions
9 of their employment; and

10 (B) Consumers of the department's services who are deaf, deaf-blind or hard of hearing
11 to access those services.

12 (e) Advising the department, the Governor, the Legislative Assembly and other state
13 agency administrators on how state services for individuals who are deaf, deaf-blind or hard
14 of hearing may be improved or better coordinated to meet the needs of such individuals.

15 (f) Advising and training state agencies and other public and private entities on the re-
16 quirements of the Americans with Disabilities Act, section 504 of the Rehabilitation Act of
17 1973 and other laws prohibiting discrimination based on disability.

18 (g) Collecting and disseminating information and providing technical assistance regard-
19 ing:

20 (A) The issues and concerns of individuals who are deaf, deaf-blind or hard of hearing;

21 (B) How individuals who are deaf, deaf-blind or hard of hearing can obtain assistance in
22 rehabilitation and employment; and

23 (C) Laws that prohibit discrimination in employment based on disability.

24 (h) Contracting with state agencies to provide services to the agencies' employees, and
25 to consumers of the agencies' services, who are deaf, deaf-blind or hard of hearing.

26 (i) Cooperating with and assisting groups interested in the rehabilitation and employment
27 of individuals who are deaf, deaf-blind or hard of hearing.

28 (j) Increasing public awareness of and sensitivity to the needs of individuals who are deaf,
29 deaf-blind or hard of hearing.

30 (k) Encouraging public and private employers to take affirmative steps toward ensuring
31 equal treatment in hiring and employment practices for individuals who are deaf, deaf-blind
32 or hard of hearing.

33 (L) Providing assistance to individuals who are deaf, deaf-blind or hard of hearing in se-
34 curing suitable training, employment and the realization of their full vocational potential.

35 (m) Coordinating deaf, deaf-blind and hard of hearing interpretation services for all state
36 agencies and establishing the rates paid to the interpreters with whom state agencies con-
37 tract.

38 (2)(a) The statewide and community needs assessments described in subsection (1)(b) of
39 this section may be conducted by employees of the office, as well as by contracted entities,
40 who have experience in understanding the issues surrounding the deaf, deaf-blind and hard
41 of hearing communities. The office is encouraged to consult with residents in different re-
42 gions of this state who are deaf, deaf-blind and hard of hearing to assess and understand the
43 differing regional needs that may exist.

44 (b) The statewide and community needs assessments must identify and publicize the
45 needs and concerns of individuals who are deaf, deaf-blind or hard of hearing and must make

1 recommendations for:

2 (A) Addressing the identified needs and concerns; and

3 (B) Fully achieving economic, social, legal and political equality for such individuals.

4 (c) The office shall report the findings and recommendations of the statewide and com-
5 munity needs assessments to the department, the Governor and the Legislative Assembly
6 and may include recommendations for the most efficient and effective manner for state
7 agencies to administer programs and provide services to the deaf, deaf-blind and hard of
8 hearing communities in this state.

9 **SECTION 3.** (1) On the effective date of this 2015 Act, all of the duties, functions and
10 powers of the Department of Human Services with respect to the Oregon Deaf and Hard-of-
11 Hearing Services Program are vested in the Office for Deaf, Deaf-Blind and Hard of Hearing
12 Services.

13 (2) The Director of Human Services shall:

14 (a) Deliver to the program manager of the Office for Deaf, Deaf-Blind and Hard of
15 Hearing Services all records and property within the jurisdiction of the director that relate
16 to the duties, functions and powers transferred by subsection (1) of this section; and

17 (b) Transfer to the program manager those employees engaged primarily in the exercise
18 of the duties, functions and powers transferred by subsection (1) of this section.

19 (3) The program manager shall take possession of the records and property, and shall
20 take charge of the employees and employ them in the exercise of the duties, functions and
21 powers transferred by subsection (1) of this section, without reduction of compensation but
22 subject to change or termination of employment or compensation as provided by law.

23 (4) The transfer of duties, functions and powers by subsection (1) of this section does not
24 affect any action, proceeding or prosecution involving or with respect to such duties, func-
25 tions and powers begun before and pending at the time of the transfer.

26 (5) Nothing in this section relieves a person of a liability, duty or obligation accruing
27 under or with respect to the duties, functions and powers transferred by subsection (1) of
28 this section.

29 **SECTION 4.** ORS 185.225 is amended to read:

30 185.225. The State Board of Education shall adopt by rule standards for sign language inter-
31 preters for persons in the public schools who are deaf or hard of hearing. In developing the stan-
32 dards, the state board shall consult with the advisory committee created under ORS 410.740 and the
33 [*Director of Human Services*] **program manager of the Office for Deaf, Deaf-Blind and Hard of**
34 **Hearing Services.**

35 **SECTION 5.** ORS 185.230 is amended to read:

36 185.230. (1) Any public agency may contract with the **Office for Deaf, Deaf-Blind and Hard**
37 **of Hearing Services in the** Department of Human Services for the coordination and provision of
38 sign language interpreter services.

39 (2) From funds available under subsection (1) of this section, the [*department*] **office** shall con-
40 tract with certified sign language interpreters to provide, for a fee established by rule of the de-
41 partment, sign language interpretation services to public agencies with whom the [*department*] **office**
42 has a contract for such services.

43 **SECTION 6.** Notwithstanding any other provision of law, ORS 185.225 and 185.230 shall
44 not be considered to have been added to or made a part of ORS 185.110 to 185.230 for the
45 purpose of statutory compilation or for the application of definitions, penalties or adminis-

1 **trative provisions applicable to statute sections in that series.**

2 **SECTION 7.** ORS 185.110 is amended to read:

3 185.110. As used in ORS 185.110 to 185.230, unless the context requires otherwise:

4 (1) "Advocate self-help group" means any organized group of individuals with disabilities who
5 have joined together for purposes of informing the public of their needs and obtaining resources,
6 services and benefits for their membership.

7 (2) "Consumer" means an individual with a disability, or a parent or legal guardian, other than
8 the State of Oregon, of an individual with a disability, who utilizes the services made available by
9 public and private organizations which serve individuals with disabilities.

10 (3) "Individual with a disability" means anyone who:

11 (a) Has a physical or mental impairment which substantially limits one or more of the
12 individual's major life activities;

13 (b) Has a record of such impairment; or

14 (c) Is regarded as having such an impairment.

15 [(4) "*Sign language interpreter*" means a person who is readily able to communicate with a person
16 who is hard of hearing, translate proceedings or conversations and accurately repeat and translate the
17 statements of a person who is hard of hearing.]

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