

Senate Bill 449

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 **as introduced**.

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

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

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

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

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

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

24 [(e) *Promotion of a continuous program of information and education to employers and the general*
25 *public to increase awareness of and sensitivity to the needs of individuals who are deaf or hard of*
26 *hearing for equitable education and training that will ensure for these individuals their full vocational*
27 *potential.*]

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

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

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

6 **(2) The office is under the supervision of a program manager appointed by the Director**
 7 **of Human Services. The program manager must be fluent in American Sign Language. Sub-**
 8 **ject to the approval of the director, the program manager may organize and reorganize the**
 9 **office as the program manager considers necessary to properly conduct the work of the of-**
 10 **fice.**

11 **(3) The office's principal location shall be Portland, Oregon, with satellite offices in areas**
 12 **of this state with a demonstrated need for the office's services, including, but not limited to,**
 13 **Medford, Salem, Bend and Pendleton. Each satellite office must have the staffing to provide**
 14 **the full range of services described in section 2 of this 2015 Act. The program manager may**
 15 **contract with nonprofit entities to perform some of the functions of the satellite offices,**
 16 **such as advocacy, peer support counseling and case management.**

17 **(4) The principal location of the office shall include all of the following staff, appointed**
 18 **by the program manager and subject to the director's approval:**

19 **(a) Program trainers.**

20 **(b) An administrative assistant to the program manager.**

21 **(c) A coordinator of interpreter services.**

22 **(d) An administrative assistant to the coordinator of interpreter services.**

23 **(e) A technical assistance coordinator.**

24 **(f) An administrator to monitor the compliance of service providers with laws prohibiting**
 25 **discrimination based on disability.**

26 **(g) A team of individuals with expertise in access requirements under the Americans**
 27 **with Disabilities Act that includes:**

28 **(A) Accredited interpreters qualified to provide services under ORS 45.285 for individuals**
 29 **who are deaf or who have a physical hearing impairment.**

30 **(B) An individual with expertise in auxiliary aids and services for individuals who are**
 31 **deaf, deaf-blind or hard of hearing.**

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

34 **(A) Services that must be provided by the office based on the biannual statewide and**
 35 **community needs assessment;**

36 **(B) The coordination and delivery of the services to best meet the needs of individuals**
 37 **who are deaf, deaf-blind or hard of hearing;**

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

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

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

42 **(A) Two individuals who are deaf;**

43 **(B) Two individuals who are hard of hearing;**

44 **(C) One individual who is deaf and blind;**

45 **(D) One individual who is an interpreter qualified to provide services under ORS 45.285**

1 for individuals who are deaf or who have a physical hearing impairment;

2 (E) One individual who specializes in audiology and who has expertise in cochlear implant
3 evaluation and mapping;

4 (F) One individual who specializes in assistive telecommunication technology for individ-
5 uals who are deaf or hard of hearing;

6 (G) One person who specializes in real-time captioning or Communication Access
7 Realtime Translation services;

8 (H) One member who has experience with issues that affect individuals who are deaf,
9 deaf-blind or hard of hearing;

10 (I) One nationally certified rehabilitation counselor who has experience with issues that
11 affect individuals who are deaf, deaf-blind or hard of hearing; and

12 (J) One individual licensed by the Oregon Board of Licensed Professional Counselors and
13 Therapists who has experience with issues that affect individuals who are deaf, deaf-blind or
14 hard of hearing.

15 (c) The director shall appoint an administrative assistant to provide staff support to the
16 advisory committee. The administrative assistant must be deaf, deaf-blind or hard of hearing.

17 (d) Some members of the advisory committee must participate in hiring and training
18 employees of the office.

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

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

23 (a) Conducting a biannual statewide and community needs assessment for all geographic
24 regions of this state.

25 (b) Monitoring the compliance by the Department of Human Services, and entities that
26 contract with the department, with the requirements under the Americans with Disabilities
27 Act and section 504 of the Rehabilitation Act of 1973 to make reasonable accommodations
28 and modifications in order to enable:

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

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

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

37 (d) Advising and training state agencies and other public and private entities on the re-
38 quirements of the Americans with Disabilities Act, section 504 of the Rehabilitation Act of
39 1973 and other laws prohibiting discrimination based on disability.

40 (e) Collecting and disseminating information and providing technical assistance regard-
41 ing:

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

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

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

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

3 (g) Cooperating with and assisting groups interested in the rehabilitation and employ-
 4 ment of individuals who are deaf, deaf-blind or hard of hearing.

5 (h) Increasing public awareness of and sensitivity to the needs of individuals who are
 6 deaf, deaf-blind or hard of hearing.

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

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

12 (2)(a) The statewide and community needs assessment described in subsection (1)(a) of
 13 this section must be conducted by employees of the office, who may be assisted by employees
 14 of nonprofit entities under contract with the office and who are located in the satellite of-
 15 fices. Conduct of the assessment in a specific geographic region must be overseen by an
 16 employee of the office who resides in that region or in the nearest service area.

17 (b) The statewide and community needs assessment must identify and publicize the needs
 18 and concerns of individuals who are deaf, deaf-blind or hard of hearing and must make rec-
 19 ommendations for:

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

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

22 (c) The office shall report the findings and recommendations of the statewide and com-
 23 munity needs assessment to the department, the Governor and the Legislative Assembly.

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

28 (2) The Director of Human Services shall:

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

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

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

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

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

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

45 185.225. The State Board of Education shall adopt by rule standards for sign language inter-

1 preters for persons in the public schools who are deaf or hard of hearing. In developing the stan-
 2 dards, the state board shall consult with the advisory committee created under ORS 410.740 and the
 3 [Director of Human Services] **program manager of the Office for Deaf, Deaf-Blind and Hard of**
 4 **Hearing Services.**

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

6 185.230. (1) Any public agency may contract with the **Office for Deaf, Deaf-Blind and Hard**
 7 **of Hearing Services in the** Department of Human Services for the coordination and provision of
 8 sign language interpreter services.

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

13 **SECTION 6. Notwithstanding any other provision of law, ORS 185.225 and 185.230 shall**
 14 **not be considered to have been added to or made a part of ORS 185.110 to 185.230 for the**
 15 **purpose of statutory compilation or for the application of definitions, penalties or adminis-**
 16 **trative provisions applicable to statute sections in that series.**

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

18 185.110. As used in ORS 185.110 to 185.230, unless the context requires otherwise:

19 (1) “Advocate self-help group” means any organized group of individuals with disabilities who
 20 have joined together for purposes of informing the public of their needs and obtaining resources,
 21 services and benefits for their membership.

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

25 (3) “Individual with a disability” means anyone who:

26 (a) Has a physical or mental impairment which substantially limits one or more of the
 27 individual’s major life activities;

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

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

30 [(4) “Sign language interpreter” means a person who is readily able to communicate with a person
 31 who is hard of hearing, translate proceedings or conversations and accurately repeat and translate the
 32 statements of a person who is hard of hearing.]