

# State Commissions on Deafness

by Jerome D. Schein

**O**ne of the better kept secrets in Deafness is the recent growth of State Commissions on Deafness. Since 1971, when the Texas legislature established the first Commission for the Deaf in the United States, 16 States have followed its lead.

Despite these agencies' importance, they have had comparatively little attention from the Deaf Community. The National Association of the Deaf sponsored The First National Conference for State Commissions on Deafness in 1977, when only 10 States had them, but NAD has not sponsored a similar conference since that time. Subsequent meetings between Commission representatives have been informal and, interestingly, unpublicized. The average deaf citizen does not seem to have realized the great potential the Commissions have for improving conditions—economic, social, and vocational—in their States. Nor have most of the professionals who devote all or a major part of their practices to deaf people fully grasped the State Commissions' influence on the service delivery systems of those States that have them.

This paper will attempt to dispell the mystery that seems to enshroud this critical movement in deaf people's lives: Which States have Commissions? What do they do? How do they work? And it will explore some of the reasons for the seeming lack of interest in them.

## Method

The information on which this paper is based has been gathered by reading the individual State statutes and many publications by the State Commissions, and by direct correspondence with the Commissioners. I am deeply indebted to the State Commissioners for their cooperation, without which this research would not have been possible. Copies have been sent to each in advance of publication. However, any errors that remain in the publication are solely the responsibility of the author.

## Definition of State Commission

Deaf people already relate to a number of different State agencies, so some care in defining what is meant by a State Commission on Deafness is necessary to avoid confusion. The criteria set forth here are intended to eliminate ambiguity in the use of the term.

1. A State Commission must have a legislative base; that is, it must have been established by an act of the State's legislature not by an executive fiat or by a contract between a State agency and some outside group. This stipulation will eliminate from consideration advisory groups selected from time to time by State agencies and purely nominal bodies that lack any real authority to influence the lives of deaf people. It also excludes from our immediate concern agencies

like South Dakota's Communication Service for the Deaf, that have a contract with the State to provide specific services.

2. A State Commission is permanent, not temporary. As we will see, permanency is relative, since the legislature can revoke as well as establish agencies, particularly under the "sunset" rules that many State legislatures have adopted.

3. A State Commission has funds or a funding mechanism appropriated for its major fiscal needs. Without funding, the agency is merely a paper entity that is unlikely to significantly influence the lives of deaf people. The funds, however, must be provided by the legislature.

4. A State Commission is exclusively concerned with hearing-impaired people. This latter provision distinguished between State Commissions on Deafness and the many agencies that deal with all or most disabled people, such as the State's Vocational Rehabilitation agency.

State Commission, then, is defined as a *permanent State agency established and funded by the State legislature solely to promote the welfare of deaf people.*

The definition does not deal with the Commission's name. In this paper, we will only use the term "Commission," though we recognize that many other terms have equal appropriateness; for example, "Council" or "Bureau." We also do not distinguish between Commissions for "Deaf," "Deaf and Hard of Hearing," "Deaf and Hearing-Impaired," or "Hearing-Impaired." The particular name chosen for a Commission is largely a matter of taste and is not likely to determine its effectiveness.

In addition to the States that have Commissions, there are States that have active programs providing a broad range of services that do not meet the definition of a Commission. That fact should not reflect on the worth of such agencies. Rather, such States have made a choice, explicitly or implicitly, of how they wish to serve their deaf citizens. The important issue is not whether the State has a Commission but rather whether its deaf people are well or poorly served. A State Commission may or may not be desirable for a particular State. The decision is up to the State's deaf people and its government.

One other aspect of the definition should be discussed: it does not specify the programs that the State Commission might undertake. Aside from being too restrictive, such a criterion would not do justice to the broad range of services that existing Commissions already perform. That is why I have opted for the nondefinitive phrase "to promote the welfare" rather than trying to spell out any particular set of functions that a State Commission might have assigned to it by the legislature.

### How Many State Commissions?

To date, 17 Commissions have been established, and all are still functioning. The entries in Table 1 are arranged by the year the State adopted a Commission. The 17 Commissions' dates are scattered over the last 13 years. 1977 and 1979 are the banner years; three Commissions emerged in each of the two years. Otherwise, none or only one or two per year have been established in the other years. With so few cases, no discernible trends have emerged.

Some of the individual stories behind particular State actions can not be guessed from the tabular presentation. Michigan's legislature voted to establish a State Commission in 1976, but it was vetoed by the governor. It finally came into being in 1979. However, the Commission's director notes that it functions very much as it was originally envisioned in legislation passed in 1937!

While Wisconsin is not shown in Table 1 as having become a State Commission until 1979, it may actually be the first State to have funds allocated specifically for services to deaf people. The original arrangement did not, however, establish a Commission. The Wisconsin State Service Bureau was managed under a contract to the Wisconsin Association of the Deaf. The present arrangement, passed by the Wisconsin State legislature in 1979, now meets the criteria for a State Commission. [The same situation that prevailed years ago for Wisconsin is presently the case in Rhode Island and South Dakota. These States only have contracted services, rather than status as State agencies] New York had a temporary commission on deafness from 1969 to 1975. It had no other function, however, except to gather information for the legislature on the problems of deaf people.

The Illinois and Rhode Island efforts to get Commissions both failed. The Illinois governor vetoed the bill; the Rhode Island bill died in the legislature. In 1979, Rhode Island tried again, and was successful in receiving a contract to set up a Commission, albeit one lacking statutory financing. Other

**Table 1**  
**State Commissions on Deafness, by Year of Establishment**

Name of Commission	Year Established
Texas Commission for the Deaf	1971
Oklahoma Commission on Deaf & Hearing Impaired	1972
Virginia Council for the Deaf	1972
Connecticut Commission on Deaf and Hard of Hearing	1974
Massachusetts Office of Deafness	1974
Deaf Services of Iowa	1975
Maryland Commission for the Hearing Impaired	1976
Arizona Council for the Deaf	1977
New Jersey Division of the Deaf	1977
North Carolina Council for Hearing Impaired	1977
Tennessee Council for the Hearing Impaired	1978
Michigan Division of Deaf and Deafened	1979
Nebraska Commission for the Hearing Impaired	1979
Wisconsin Bureau for the Hearing Impaired	1979
Louisiana Commission for the Hearing Impaired	1981
Kansas Commission for the Hearing Impaired	1982
Kentucky Commission on the Deaf and Hearing Impaired	1982



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State legislatures have pending legislation. At this writing, Ohio and Florida have some activity that may lead to State Commissions.

**Purpose and Purview**

The scope of the Commissions differs greatly from State to State. Some Commissions have fairly narrow purviews, others very broad. A tentative attempt has been made to portray these differences in Table 2. The functions shown are those specifically mandated by the legislation establishing the commissions. Other persons reading the same State laws may interpret their provisions differently than has been done here. The summary in Table 2 only attempts a preliminary overview for purposes of making comparisons between the States and with the actual operations that are shown in Table 3.

As noted in Table 2, no single function has been assigned by all of the legislatures so far to all of the Commissions. Advocacy comes closest to being a 'universal' mandate. Only Arizona's legislation does not indicate that its Commission is to undertake that function. Most States want their Commissions on Deafness to coordinate services, to eliminate duplication and to assure that essential services are not being overlooked. Four States, however, do not have such a role to play in their States: Nebraska, North Carolina, Texas, and

**Table 2  
Functions of State Commissions on Deafness  
Mandated by Legislatures**

Function	States
Advocacy	All, except Arizona
Information Gathering/Dissemination	All, except Connecticut
Interagency Coordination	All, except Nebraska, North Carolina, Texas, and Virginia
Job Development/Placement	Connecticut, New Jersey, Texas
Monitoring Other Agencies	Massachusetts, Nebraska and North Carolina
Interpreting Services	Connecticut, Iowa, Kentucky, Louisiana, Massachusetts, Nebraska, Texas, Virginia, and Wisconsin
Statewide Planning	Louisiana, Nebraska, North Carolina, Oklahoma and Tennessee
Other Services and Functions (e.g., counseling, telecommunications, and transportation)	Arizona, Iowa, Louisiana, Massachusetts, Nebraska, New Jersey, Oklahoma, Texas, and Wisconsin

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Virginia. They may, nevertheless, be providing this important service, even though it is not specified in their legislation.

Table 3, by contrast, displays the services which Commissions actually perform. The legislation setting up the Commissions typically allows them considerable latitude in determining their operations. As a comparison between Tables 2 and 3 shows, State Commissions do go beyond the particulars of their charters. Iowa, for instance, does not have statewide planning specified in its charter, yet the Commission has recently developed a statewide plan for mental health services for deaf people. All Commissions have some involvement in the provision of interpreting services, though only a few have that function spelled out in their enabling acts. All of the Commissions provide some advocacy and engage in information gathering and dissemination as part of their actual functions. Only Texas has legislation for telecommunications, but seven other State Commissions are active in this area. Some services are as yet untouched by most of the Commissions. Only New Jersey and Texas have been involved with transportation problems. Only Texas has been specifically engaged in serving elderly deaf people, a growing segment of the deaf population and one badly in need of assistance. Oklahoma, however, will soon have programs tailored for deaf senior citizens. Texas recently received pioneering authority to serve deaf-blind adults, who are traditionally assigned to Commissions for the Blind in most States. The precedent will bear watching by other States.

This overview of State Commissions' aims and efforts is greatly simplified, sacrificing detail in an attempt to grasp a broader picture. The loss of detail may obscure incipient trends presaging developments that will be critical to the Deaf Community's welfare. These data warrant further intensive study beyond this paper's intent, particularly examining why some services are chosen and others ignored.

**Table 3**  
**Activities Engaged in by State Commissions on Deafness<sup>a</sup>**

Activities	States
Advocacy, Information Gathering/Dissemination	All
Interagency Coordination	All but Nebraska, Texas, Virginia, and Wisconsin
Job Development/Placement	Connecticut, New Jersey
Agency Monitoring	North Carolina, Oklahoma, Massachusetts, Connecticut
Interpreting Services	All
Statewide Planning	Arizona, Connecticut, North Carolina, Oklahoma, Tennessee, Massachusetts
Health Care	Arizona, Connecticut, Nebraska, and Texas
Telecommunications	Arizona, Connecticut, Kansas, Nebraska, New Jersey, North Carolina, Tennessee, Texas, and Wisconsin
Transportation	New Jersey and Texas
Other Activities and Services	All but Iowa, Massachusetts, New Jersey, Oklahoma, and Virginia

<sup>a</sup> Does not include Kentucky and Louisiana

**Table 4**  
**Composition of State Commissions on Deafness's Boards, by Number and Type of Members**

State	Number of Type of Member <sup>a</sup>												
	All	A	B	C	D	E	F	G	H	I	J	K	L
Arizona	12	1	1	1	1	0	1	1	1	1	1	3	0
Connecticut	19 <sup>b</sup>	0	1	0	7	0	0	1	0	3	0	7 <sup>c</sup>	0
Iowa	7	0	0	0	0	0	0	0	0	0	0	4	3
Kansas	16	1	1	1	5	0	2	1	1	1	1	2	0
Kentucky	11	0	1	0	0	2	0	0	0	1	1	3	2
Louisiana	15	1	1	1	2	2	-	2	-	2	1	3	0
Massachusetts	12	0	0	0	0	0	0	1	0	2	0	9	0
Nebraska	9	0	0	0	0	0	0	0	0	0	0	6	3
New Jersey	14	1	2	1	3	0	0	0	0	0	0	5	2
North Carolina	18	1	1	1	5	2	0	0	0	1	1	6	0
Oklahoma	9	0	0	0	0	0	0	0	0	0	0	2	7
Tennessee	11	1	1	0	2	2	0	0	0	0	1	4	0
Texas	9	0	0	0	0	0	-	2	-	2	0	3	2
Virginia	14	1	1	2	3	0	1	1	0	0	0	5	0
Wisconsin	9	0	0	0	0	0	0	0	0	0	0	0	9

<sup>a</sup> Key to abbreviations: A=Rehabilitation, B=Education, C=School for Deaf, D=Other State Agency, E=Legislature, F=Audiology, G=Medicine, H=Hearing-Aid Dealer, I=Parent, J=Interpreter, K=Deaf People, L=General Public

<sup>b</sup> Law specified 4 ex-officio, nonvoting members in addition to the 19.

<sup>c</sup> One deaf member must also be a parent of a deaf child.

## Governance

The State Commissions are under the direction of boards that range in size from seven to 19 members, with the median number of members between 11 and 12. The States' governors are generally responsible for selecting board members. The laws require particular groups in the States to be represented. Table 4 summarizes the *mandated* composition of boards in 15 of the States. All State Commissions, except Wisconsin, are required to have deaf people on their boards. The proportions of the memberships that must be deaf vary widely, from none (Wisconsin) to 75 percent (Massachusetts). Of course, the actual number of deaf people may greatly exceed the legally set minimum, and governors may follow unwritten laws (precedents) to appoint a specified number of deaf members. Here, however, we are only reflecting what has been enacted by the legislation.

While 10 States do require that State governments be represented on their boards, five do not. Six States specify professional members; seven require parent representatives, and five make interpreter representatives mandatory. Eight State Commissions must have board members who represent the general public. Kansas and Kentucky require that one at-large member be from an agency serving deaf people. Wisconsin's entire board is left to the governor's discretion.

<sup>1</sup> Connecticut's statute calls for 23 members; Table 4 shows 19, because four of the 23 (three superintendents of State schools for deaf students and a representative of the State Department of Education) are nonvoting members. The ar-

range reflects the legislative desire to have wide community influence on the commission's policies, with built-in close cooperation from educators. Careful study of the composition of each of the boards provides one clue of the State legislators' ambitions for the Commissions.

## Funding

Calculating the sizes of budgets for the State Commissions presents some problems. The appropriated sums alone, while meaningful, do not tell the entire story about the Commissions' resources. For instance, some Commissions are given space, without direct charge, in government quarters; others must pay rent from their allocations. Similarly, some essential services may be provided to a Commission in addition to the appropriated sum. The analysis shown in Table 5 does not take into account all of these considerations, limiting the value of this direct comparison between the States.

Budgets were available for all State Commissions. These sums, in some instances, include funds from other than legislated portions. Where the source of such other funding is known, the entries in Table 5 so indicate. The longest-established State Commission, Texas, has the largest legislated budget \$841,130. The size of its appropriation is less related to its size than to the leadership it has recently acquired. The Texas Commission estimates that its budget will increase to \$4 million in the near future. Connecticut is a special case. It has statutory authority to charge other agencies for interpreter services; thus, it derives part of its revenues from reimbursements for these services. This arrangement gives Con-

**Table 5**  
**Budgets of State Commissions on Deafness for**  
**Recent Years**

State	Amount (In Dollars)	Fiscal Year
Arizona	92,200	1983
Connecticut	816,980 <sup>a</sup>	1982
Iowa	214,365	1983
Kansas	19,720	1973
Kentucky	155,000 <sup>b</sup>	1983
Louisiana	88,306	1983
Massachusetts	183,067	1983
Michigan	158,500	1983
Nebraska	277,604	1983
New Jersey	531,150 <sup>c</sup>	1982
North Carolina	299,993 <sup>d</sup>	1983
Oklahoma	135,000 <sup>e</sup>	1983
Tennessee	299,500 <sup>f</sup>	1983
Texas	841,130	1983
Virginia	246,400 <sup>g</sup>	1983
Wisconsin	333,640	1982

<sup>a</sup> 370,468 State appropriation, 242,968 reimbursements, 203,544 other.

<sup>b</sup> 310,000 appropriated for two years.

<sup>c</sup> 191,150 State appropriation, 340,000 CETA

<sup>d</sup> 258,813 State appropriation, 41,180 County match

<sup>e</sup> Estimated

<sup>f</sup> 54,500 State appropriation, 175,000 CETA

<sup>g</sup> 37,000 reimbursement from other agencies for interpreter services

necticut one of the largest sums to spend of the State Commissions, though less than half of it is provided directly by legislative appropriation. Virginia also is reimbursed by other State agencies for the interpreter services it provides to them, but its recoveries amount to only a small fraction of its gross revenues. Noteworthy in the budgets are the substantial amounts of money that New Jersey and Tennessee have from CETA funds. In both instances, the CETA monies are nearly double the legislated apportionment, placing these Commissions in precarious circumstances should CETA funds no longer be available. (We have subsequently learned that New Jersey lost its CETA allocation at the end of 1982, and the legislature has not made up the discrepancy.)

A thorough consideration of a Commission's budget should also take into account the size of the State's deaf population, its geographical dispersion, and the range of services provided. Such an analysis would be helpful to the States in evaluating the investments they are making in their Commissions and would enable the Commissions to better assess the relative support from their State legislatures.

### How the Commissions Operate

The Commissions have adopted a number of different operating modes. Some, like Texas, work largely through contracts to existing agencies within their States. Others like Connecticut, provide much of the services by acquiring staff. Most commissions have some combination of these modes, con-

tracting certain services and attempting to provide others by in-house staff. The particular operational style depends upon a large number of factors: funding, geography, legislative and administrative standards. However, it should be clear that a well-functioning Commission can perform its duties effectively by a variety of means. The choice of tactics should be made on the basis of local conditions.

### Further Issues

The smattering of data presented above should not obscure the trend in the changing fortunes of deaf people in our society that the State Commissions personify. Since the turn of the century, blind people in most States have had commissions to represent their interests before the State governments. The visibility that these commissions have given blind people has proved valuable in getting the legislation and services they desire, providing a focal point for all State efforts on their behalf, avoiding duplication, and giving some quality assurance. At the same time, these commissions have been a mixed blessing for blind people. They have often complained—with some justification—that their views have not been properly argued, because they have not had adequate representation on the Commissions. The Deaf Community should be alert to that criticism. Proper representation is essential to satisfactory progress. Simply having a guarantee that a large proportion of the policy-making body will be deaf does not assure that the representation will be satisfactory. For example, members might be selected who, though deaf, have no roots in the Deaf Community. Maintaining good input into the management of the Commission can be accomplished by having forceful, dedicated deaf representatives rather than a large proportion of the board's membership. As one of the State Commissioners noted in response to an earlier draft of this article, "It takes more than being deaf to be an effective member of any Council."

Deaf people should also beware of *token* Commissions. A Commission that has little authority to develop services, that lacks personnel to operate and lacks funds with which to conduct its business, and that has no visible role in the State's administrative hierarchy can, in the long run, do more harm than good. Legislators are apt to point to the paper entity as proof that they are adequately serving the Deaf Community. Thus relieved of their obligations, the legislators can deny reasonable requests from the Deaf Community with the argument that they have already done enough for it. An ineffectual Commission can become merely an excuse for not providing services.

In studying the various aspects of the existing Commissions, it becomes apparent that they can be very helpful to those States now contemplating the establishment of a State Commission. It would be useful to have a model law drafted for the Deaf Community in its efforts to forward this movement. Such a model would save time in working with legislators and would enable the remaining States to profit from the experiences of those who have pioneered in this movement.

Communication between the State Commissions would also be highly beneficial to them. Since Commissions for deaf people are relatively recent developments, there is not a backlog of experienced personnel from which to draw their leadership. Most Commissioners are new to their posts. By sharing their experiences, they can improve their own Commissions while contributing to the improvement of others. In

presenting reports to their State legislatures, the Commissions would be aided by knowing of the successes and failures of their neighbors. Citing examples from other States can be useful (though it requires tact in submitting such evidence to occasionally jealous State officials). If for no better reason than that knowledge is always valuable, the State Commissions should join forces. Ample precedents exist for such an organization (e.g., Council of State Administrators of Vocational Rehabilitation (CSAVR) and in Special Education (NASDSE). It would strengthen the Deaf Community greatly to have such a vehicle in its relations with governments at all levels.

### Deaf Community Involvement

Let us turn now to a question that occupied us at the outset. Why has this movement received so little attention from the Deaf Community? First, let us investigate the lack of attention. From my observations, I would conclude that the Deaf Community has little interest in State Commissions. Aside from the fact that most State associations of deaf people are not seeking Commissions for their States, the very idea of such a development has received little attention in the Deaf Community.

A startling instance of the lack of attention to a State Commission concerns Maryland. Its Commission had an inauspi-

icious beginning. For its first year, it operated without a budget. It lacks any full-time personnel. It does not seem to have been in close touch with the deaf citizens of that State (only two of its 15 members were deaf, though both were prominent members of the Maryland Association of the Deaf). By the end of three years, it produced a list of recommendations. What happened to that report? A letter I saw from the Director of the State Office for Coordination of Services to the Handicapped began, "At long last, I have acquired the 1979 report of the Commission on the Hearing Impaired." The letter was written in 1982! So far as I could determine, deaf people also had difficulty getting the report—if any were aware of it.

We now turn to speculation as to why there appears to be a lack of interest in the Deaf Community about State Commissions. The answer may be found in one of several directions. Perhaps the work of the State Commissions are inadequately publicized in the Deaf Community. I say this, despite the fact that most of the Commissions periodically mail out thousand of copies of their newsletters and pamphlets. Most of the Commissions also have an acute public-relations sensitivity. Thus, the State Commissions may have captured the attention of a large segment of their State's deaf population, without developing any consciousness of a movement—of a network of State Commissions that has national implications.


Another possibility is that Commissions are not providing benefits that the Deaf Community appreciates. Maybe the connections between improved services and Commission actions are too subtle for most deaf people to notice. Or maybe, like Maryland, some State Commissions have not performed well enough to merit deaf people's attention. Though remote, such arguments should be investigated.

What about the professional community? Its lack of interest is surprising. Individual deaf person's problems may involve them so thoroughly that they overlook mechanisms like State Commissions. Professionals, on the other hand, ought to be aware of this potentially valuable ally in the struggle to improve services. Is there a "turf" problem? Do some professionals look upon the State Commission as a possible competitor? It would be sad were that the explanation for their apparent lack of involvement in this movement. The State Commission can be a strong lever to pry loose substantial resources from the legislature and can provide a firm platform from which deaf citizens can address their fellow citizens. To ignore its feasible achievements on such grounds as territorial rights would be unfortunate.

Perhaps the ignorance of the State Commission concept is more apparent than real. That would be a far more hopeful view of service delivery at this time. If it is real, if the inattention of the Deaf Community, including its professional members, is a fact—as it seems to be—then it deserves careful study. The matter is not only critical for those States that have Commissions, but also for those that might want to obtain them, if they saw in them the possibilities for achieving long-term benefits. Then again, perhaps it is only a matter of time before deaf people and their supporters awaken to the latent energy in the State Commission and demand increased authority and support for those that do exist and establishment for those not yet in existence. ■


*(Dr. Schein is the director of the Deafness Research and Training Center at New York University.)*

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