



State of Tennessee

PUBLIC CHAPTER NO. 455

SENATE BILL NO. 1392

By Kelsey

Substituted for: House Bill No. 1049

By Coley

AN ACT to amend Tennessee Code Annotated, Title 71, Chapter 4, Part 21, relative to the council for the deaf and hard of hearing.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 71, Chapter 4, Part 21, is amended by deleting the part in its entirety and substituting instead the following:

71-4-2101.

(1) A "deaf person" is defined as one whose hearing is totally impaired or one whose hearing, with or without amplification, is so seriously impaired that the primary means of receiving spoken language is through visual input such as, but not limited to, speechreading, sign language, finger spelling, or writing.

(2) A "Deaf-Blind person" means the same as an "individual who is deaf-blind" and both mean any individual:

(A)(i) Who has a central visual acuity of 20/200 or less in the better eye with corrective lenses, or a field defect such that the peripheral diameter of visual field subtends an angular distance no greater than 20 degrees, or a progressive visual loss having a prognosis leading to one or both these conditions;

(ii) Who has a chronic hearing impairment so severe that most speech cannot be understood with optimum amplification, or a progressive hearing loss having a prognosis leading to this condition; and

(iii) For whom the combination of impairments described in clauses (i) and (ii) cause extreme difficulty in attaining independence in daily life activities, achieving psychosocial adjustment, or obtaining a vocation;

(B) Who despite the inability to be measured accurately for hearing and vision loss due to cognitive or behavioral constraints, or both, can be determined through functional and performance assessment to have severe hearing and visual disabilities that cause extreme difficulty in attaining independence in daily life activities, achieving psychosocial adjustment, or obtaining vocational objectives; or

(C) Meets such other requirements as the Secretary may prescribe by regulation; and

(3) "Secretary" means the United States Secretary of Education.

71-4-2102.

(a) Effective July 1, 2013, there is hereby created the Tennessee Council for the Deaf, Deaf-Blind, and Hard of Hearing, which has the duty to:

(1) Advocate services affecting people who are deaf, deaf-blind, and hard of hearing in the areas of public services, health care, education,

vocational training, employment opportunity, emergency services, resource sharing and communication;

(2) Act as a bureau of information for people who are deaf, deaf-blind, and hard of hearing to state agencies and public institutions providing health care, employment, vocational, educational services, resource sharing, and emergency services to the Deaf, Deaf-Blind, and Hard of Hearing, and to local agencies and programs;

(3) Collect facts and statistics and other special studies of conditions affecting the health and welfare of people who are Deaf, Deaf-Blind, and Hard of Hearing in this state;

(4) Provide for a mutual exchange of ideas and information on the national, state, and local levels;

(5) Encourage and assist local governments and agencies in the development of programs for people who are deaf, deaf-blind, and hard of hearing;

(6) Cooperate with public and private agencies and units of local, state, and federal governments in promoting coordination in programs for the deaf, deaf-blind, and hard of hearing;

(7) Authorize the executive director to prepare an annual report and needs assessment to the council that reviews the status of state services for the deaf, deaf-blind, and hard of hearing. The council shall submit the approved report and needs assessment to the Governor, Lt. Governor, and Speaker of the House of Representatives and make this report available to organizations serving the deaf, deaf-blind, and hard of hearing; and

(8) Make recommendations for needed improvements and to serve as an advisory body in regard to new legislation affecting the deaf, deaf-blind, and hard of hearing.

71-4-2103.

(a) The council for the deaf, deaf-blind, and hard of hearing shall consist of eighteen (18) members and shall be composed as follows: the commissioners of education, human services, health, mental health and substance abuse, and safety or their designees, the assistant commissioner of rehabilitation services or the assistant commissioner's designee, a representative of the Tennessee Regulatory Authority, a representative of the Tennessee Emergency Management Agency, the President of the Tennessee Association of the Deaf, two (2) deaf consumer representatives appointed by the governor, one (1) President of a Hearing Loss Association of America Chapter, two (2) hard of hearing consumer representatives appointed by the governor, the President of the Tennessee Registry of Interpreters for the Deaf, the President of the Tennessee Hands & Voices, one (1) deaf-blind representative who may be appointed by the governor from lists of qualified persons submitted by interested deaf-blind groups including, but not limited to, the Tennessee Organization of the Deaf-Blind and the TN Deaf-Blind Association, and one (1) minority representative who may be appointed by the governor from lists of qualified persons submitted by interested minority deaf advocate groups including, but not limited to chapters of the Tennessee Black Deaf Advocates. In appointing the deaf-blind representative and the minority representative to the council as provided in this subsection, the governor shall consult with interested deaf-blind and minority deaf advocate groups to determine qualified persons to fill the positions.

(b) The deaf, deaf-blind and hard of hearing representatives shall serve terms of three (3) years, except that to ensure staggered terms, the Governor shall designate that two (2) of the six (6) members initially appointed to serve a one (1) year term, two (2) to serve two (2) year terms, and two (2) to serve three (3) year terms. Any position that becomes vacant prior to the expiration of a full term shall be filled only for the period of the unexpired term. In making appointments to the council for the deaf, deaf-blind, and hard of hearing, the Governor shall strive to ensure that at least one (1) person appointed to serve on the council is sixty (60) years of age or older.

(c) The commissioner of education shall call the first meeting of the council, at which time, and annually thereafter, the members shall elect a chair. Thereafter, the council shall meet at the call of the chair, but at least quarterly.

(d) Members of the council shall receive no compensation for their services other than reimbursement for traveling and other expenses incurred in the performance of their official duties. All reimbursement for travel expenses shall be in accordance with the comprehensive travel regulations as promulgated by the department of finance and administration and approved by the attorney general and reporter.

71-4-2104.

(a) The council for the deaf, deaf-blind, and hard of hearing shall recommend to the Governor an executive director and shall fix the executive director's duties and responsibilities. The executive director shall serve as executive officer and secretary to the council and shall be a full-time employee of the council. Compensation for the executive director shall be established by the council with the approval of the commissioner of human resources. All reimbursement for travel expenses shall be in accordance with the comprehensive travel regulations as promulgated by the department of finance and administration and approved by the attorney general and reporter.

(b) The executive director, with the advice and consent of the council, may, to the extent of available funds, plan and oversee the establishment of service centers for the deaf, deaf-blind, and hard of hearing, as well as, or in addition to, support and coordinate the activities of the existing centers in cooperation with the local board of directors.

(c) The executive director, with the advice and consent of the council, shall:

(1) Promote accessibility of all governmental services to deaf, deaf-blind, and hard of hearing citizens in Tennessee;

(2) Identify agencies, both public and private that provide community services, evaluate the extent to which they make services available to Deaf, Deaf-Blind, and Hard of Hearing people, and cooperate with the agencies in coordinating and extending these services;

(3) Encourage the mutual exchange of ideas and information on services for deaf, deaf-blind, and hard of hearing people between federal, state and local governmental agencies, and private organizations and individuals;

(4) Survey the needs of people who are deaf, deaf-blind, and hard of hearing in Tennessee, and assist the council in the preparation of its report to the Governor, Lt. Governor, and Speaker of the House of Representatives;

(5) Develop a strategy to create minimum standards for all sign language interpreters in Tennessee and make recommendations on how to implement these strategies to appropriate state departments, the Governor, Lt. Governor, Speaker of the House of Representatives and General Assembly;

(6) Promote the training of interpreters for the deaf, deaf-blind, and hard of hearing; and

(7) Perform such other duties as may be required by law.

(d) In selecting an executive director, the council shall select an individual who is fluent in the American sign language of the deaf and otherwise qualified.

(e) The executive director is authorized to arrange for such clerical or other assistance as may be required and as approved by the council.

71-4-2105.

The council for the deaf, deaf-blind, and hard of hearing may request and shall receive from any department, division, board, bureau, commission, or agency of the state or

of any political subdivision of the state such data as might be needed to enable it to properly carry out its activities under this part.

71-4-2106.

The council shall ensure that long range planning is conducted, which shall include a description of the locations and geographic service areas for community service centers, as well as a determination of personnel needs and strategies for coordinating service providers at state and local levels.

71-4-2107.

The purposes of community service centers for the deaf, deaf-blind, and hard of hearing shall be to:

(1) Inform deaf, deaf-blind, and hard of hearing persons and their families of their rights to services offered locally and to coordinate their referral to the appropriate organization;

(2) Coordinate communication between deaf, deaf-blind, and hard of hearing persons and the desired agency or organization, and promote the accessibility of community services to deaf, deaf-blind, and hard of hearing persons;

(3) Coordinate the provision of instruction in sign language to persons in community agencies;

(4) Inform interested staff of community and professional organizations about the nature of deafness, deaf-blindness and hearing loss and the capabilities of people experiencing it;

(5) Provide services as outlined by this part to employers of deaf, deaf-blind, and hard of hearing persons and related members of the family that may be involved;

(6) Provide the specified services to the deaf, deaf-blind, and hard of hearing persons qualified under this part without cost;

(7) Serve as an advocate for the rights and needs of people who are deaf, deaf-blind, and hard of hearing; and

(8) Help deaf, deaf-blind, and hard of hearing citizens to become self-sufficient in meeting their needs in the community.

71-4-2108.

The council for the deaf, deaf-blind, and hard of hearing is authorized to pursue and receive monies from any source, including appropriate federal funds, gifts, grants, and bequests, which shall be expended for the purposes designated in this part.

71-4-2109.

The Governor is authorized to designate existing departments of state government, or divisions of state government, to provide statewide services to the deaf, deaf-blind, and hard of hearing as specified in this part.

SECTION 2. For purposes of making appointments to the council for the deaf, deaf-blind, and hard of hearing, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect on July 1, 2013, the public welfare requiring it.

SENATE BILL NO. 1392

PASSED: April 18, 2013



RON RAMSEY
SPEAKER OF THE SENATE



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 20th day of May 2013



BILL HASLAM, GOVERNOR