

By Mr. Coury of New Bedford, petition of Edward P. Coury and others for legislation to establish a Massachusetts commission for the deaf. Social Welfare.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Three.

AN ACT CREATING A COMMISSION FOR THE DEAF.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 There is hereby established a Massachusetts Commission for
2 the Deaf, hereinafter in this Chapter referred to as the Com-
3 mission.

4 The Commission shall be composed of eleven (11) members
5 appointed by the Governor for terms of four (4) years as follows:

6 One representative from the Department of Public Health;

7 One representative from the Department of Mental Health;

8 One representative from the Department of Education;

9 One representative from the Mass. Rehabilitation Commis-
10 sion;

11 Three members who shall be representatives of the pro-
12 fessions.

13 Community agencies or organizations concerned with the
14 health, education, rehabilitation and welfare of the deaf
15 and hearing impaired.

16 Four members who shall be deaf or hearing impaired
17 persons appointed from a list of not less than seven
18 submitted to the Governor by the Mass. Council of
19 Organizations Serving the Deaf or its successor.

20 No person shall be eligible to serve more than two successive
21 terms except that a person appointed to fill a vacancy may serve
22 two additional successive terms. The Commission shall meet at
23 the call of the Chairman who shall be selected by the
24 Commission from among its membership but no less than four
25 (4) times a year.

26 The Commission, with the consent of the Massachusetts
 27 Council of Organizations Serving the Deaf, shall appoint an
 28 Executive Secretary who shall be the executive officer of the
 29 Commission and may appoint other such employees as are
 30 necessary and fix their compensation within the limits of the
 31 annual appropriation but no person so appointed shall be a
 32 member of the Commission. The Executive Secretary may be
 33 either a deaf person or one with normal hearing, but shall be a
 34 trained professional who is experienced in the problems of the
 35 deaf and skilled in the use of Total Communication (a combina-
 36 tion of finger spelling and sign language used simultaneously with
 37 normal speech).

38 (a) The Executive Secretary's duties shall include, but not be
 39 limited to establishing contact and working together in develop-
 40 ing programs to further the training and employment of deaf and
 41 hearing impaired persons with the Massachusetts Rehabilitation
 42 Commission, the Division of Employment Security, the Depart-
 43 ment of Veterans Services, the Division of Labor and Industries
 44 and whatever other agencies, Federal, State or private, as may be
 45 necessary and beneficial to attain the desired goals of rehabili-
 46 tation and employment of the deaf and hearing impaired.

47 (b) The duties of the Executive Secretary shall include but
 48 not be limited to securing and/or preparing literature and
 49 printing material for distribution to business firms, private
 50 individuals and agencies as he deems beneficial in the interest of
 51 promoting the hiring, training, and employment of deaf and
 52 hearing impaired persons.

53 (c) In working with the Department of Labor and Industries
 54 he shall conduct investigations to determine where unfair labor
 55 practices might be employed to the detriment of deaf and
 56 hearing impaired persons. Where such practices might be in
 57 violation of Massachusetts Labor Statutes and/or regulations, he
 58 may initiate and pursue whatever legal action may be necessary
 59 to eliminate the offensive practice or condition.

60 For the purposes of this Chapter, deaf persons are defined as
 61 those in whom the sense of hearing is nonfunctional for the
 62 ordinary purposes of life, including two distinct classes based on
 63 the time of the loss of hearing: (1) the congenital deaf – those
 64 who were born deaf; and (2) the adventitiously deaf – those who

65 were born with normal hearing but in whom the sense of hearing
66 becomes nonfunctional later through illness or accident.

67 The Commission shall act as a bureau of information to the
68 deaf, to State agencies and institutions providing services for the
69 deaf, local agencies of government and other public or private
70 community agencies and programs. In this respect the Com-
71 mission shall:

72 (a) Inform the deaf of the availability of the provisions of the
73 Massachusetts Commission for the Deaf and other such services
74 available for the deaf at all levels of government;

75 (b) Establish a framework for the consultations and coopera-
76 tion among the State agencies and institutions represented on the
77 Commission;

78 (c) Assist the several agencies and institutions represented on
79 the Commission concerning the administration of, preparation of
80 regulations for and operation of their programs;

81 (d) Continuously study the handicapping problems of deaf of
82 all ages, review the administration and operation of the various
83 programs for the deaf in the Commonwealth and make recom-
84 mendations with respect thereto to the several agencies and
85 institutions represented on the Commission as the Commission
86 deems necessary and proper;

87 (e) Make and submit to the Governor and the Legislature
88 annual reports of its findings and recommendations;

89 (f) Conduct independent evaluations of programs for the deaf
90 in the Commonwealth and publish and distribute the results
91 thereof;

92 (g) The Commission may obtain the services of such pro-
93 fessional, technical and clerical personnel as may be necessary to
94 enable them to carry out its function under this section and to
95 contract for such services as may be necessary to carry out its
96 evaluation functions;

97 (h) The Commission shall cooperate with the schools for the
98 deaf insofar as may be practicable.

99 (a) The Department of Public Health shall prepare and
100 maintain a complete register of the deaf in the Commonwealth
101 which shall describe the condition or cause of deafness and such
102 other factors as may be of value. Each physician or other person
103 who, upon examination of the hearing of any person, determines

104 that such person is deaf shall immediately report the name and
105 address of such person to the Department of Public Health.

106 (b) The Department of Public Health shall make inquiries
107 concerning the cause of deafness, ascertain what portion of such
108 cases are preventable and adopt and enforce proper preventative
109 measures.

110 (c) The Department of Public Health shall make information
111 contained on the register available to the several agencies and
112 institutions directly connected with the administration of pro-
113 grams providing services to the deaf; or for research purposes
114 may make the information available to an organization or
115 individual engaged only for the purposes directly connected with
116 the administration of programs relating to the deaf, including
117 research for the development of new knowledge or techniques,
118 which would be useful in the administration of the programs, but
119 only if the organization or the individual furnishes satisfactory
120 assurance that the information will be used solely for the purpose
121 for which it is provided; that it shall not be released to persons
122 not connected with the study; and that the final product of the
123 research will not reveal any information that may serve to
124 identify any person about whom information has been obtained
125 without the written consent of such person and the Department
126 of Public Health.

127 (d) The Commission shall initiate and carry out a program of
128 public information which shall include but not be limited to the
129 development of programs available to the deaf and hearing
130 impaired. Emphasis should be placed wherever possible on the
131 conditions in both social and economic situations which affect
132 the deaf and hearing impaired. For these purposes ALL public
133 media should be used as extensively as possible, including where
134 such information lends itself to visual portrayal, to exhibits and
135 displays at fairs, shows and other locations where in the public
136 interest space may be provided for such efforts.

137 The members of the Commission shall receive no compensa-
138 tion for their services but may be paid their necessary expenses
139 incurred in the performance of their official duties.

140 The Commission is authorized to receive such gifts and
141 donations, either from public or private sources, as may be
142 offered unconditionally or under such conditions as in the

143 judgement of the Commission are proper and consistent with this
144 Chapter. All monies received as gifts or donations or State
145 appropriations shall be deposited in the State treasury to be used
146 by the Commission to defray expenses in performing its duties. A
147 full report of all gifts and donations accepted, together with the
148 names of the donors and the respective amounts contributed by
149 each, and all disbursements therefrom, shall be submitted
150 annually to the Governor and the Legislature by the Commission.

