

Testimony of:

Robert J. Cooper, Executive Director, KCDHH
Kansas Department for Children and Families

Testimony on:

House Bill 2219

Chairman Patton, Vice Chair Ralph, and Members of House Judiciary Committee:

My name is Robert Cooper and I am the Executive Director of the Kansas Commission for the Deaf and Hard of Hearing. The Kansas Commission for the Deaf and Hard of Hearing (KCDHH) is a state agency housed administratively within the Kansas Department for Children and Families (DCF) in its Rehabilitation Services Division. Based in Topeka, KCDHH works with agencies and organizations throughout Kansas to assure availability and coordination of services for people who are deaf and hard of hearing, including communication access. KCDHH also maintains a registry of qualified sign language interpreters in order to track interpreters' credentials, areas of expertise and geographic areas of practice of interpreters working in the State of Kansas.

The positions taken and expressed by the Commission do not necessarily represent the views or position of DCF.

This HB 2219 would require all bodies subject to KOMA to record their meeting proceedings and to post recordings within 24 hours. Of course, this would affect the KCDHH Commission as a public body, but it is not a concern. I am here to share KCDHH's general perspective regarding the accessibility aspect of audio and video recordings. Since the early 1980s, KCDHH Commission has always provided CART (computer-assisted real-time) captioning services at every Commission meeting, making the meeting accessible to all attendees, whether a request is made for such an accommodation. KCDHH would be able to provide a meeting transcript upon request, which would be an acceptable supplement to whichever recording to satisfy the accessibility requirement.

While KCDHH is supportive of the intent behind this bill, KCDHH is more concerned about accessibility of such recordings since there is no consideration about ensuring accessibility for the deaf and hard of hearing people in the bill. The State Office of Information Technology Services has a ITEC policy (1210) requiring accessibility of all such recordings if posted online on any official state website. Unfortunately, as of present time, there is no audio recordings from any public body in Kansas known to be accessible. There are a few state entities that make their livestream video accessible with live-captioning such as the Kansas Board of Regents, but the issue of their video recording is that it is not available for post-access following each meeting. Hopefully, this bill will change how things for the better and apply to all public bodies in this State.

Certainly, there would be significant costs involved, but that would happen regardless. We can look at Oklahoma as an example, whereby Oklahoma has faced a federal lawsuit on 1st Amendment grounds, which has created a ripple effect on other states to consider the same obligation ensuring accessibility of livestreams and/or recordings as well as to comply with Section 508 pertaining to web accessibility.

KCDHH considers this bill as an opportunity to raise awareness for the need of accessibility on all livestream sessions and their recordings, which Kansas could easily make them accessible. Accessibility would involve at least captioning, and there are several options which involve several different considerations to each.

I am not too concerned about the need to include sign language interpreters in this consideration, as I want to focus on the primary consideration of how to resolve the accessibility issue for all recordings, which captioning could be the best tool to enable what we would call **universal access** for everyone. This would not only be applicable to recordings themselves, but possibly include the accessibility needs of the meeting onsite. It would work for both needs at the same time.

If we are to achieve the posting of recordings within 24 hours, the best option of all is **live captioning** (just like how TV newscasts use and KBOR for example) since the coding would be embedded into the recording automatically, thus killing two birds with one stone. What is nice about this avenue is that everyone with mobiles or tablets (on Wi-Fi) could access the captioning while onsite. Additional benefits to consider, users (even legislators) in other meetings could still follow the other proceedings (while live) from anywhere without audio, thus not interfering with other meetings. Everyone could follow captioning without missing out on anything! In other words, you could attend two meetings at the same time and it would be a real breeze! Everyone would benefit from this, just like ramps and elevators.

If we are only concerned about the recordings themselves. There are plenty of post-event captioning service providers who could do the job fairly inexpensively, but it would take them about 2-3 business days to turnaround a finished product (or cost more if you want it sooner). An even cheaper alternative would be to have your staff type up a transcript, but I still suppose time required would be about the same unless that staff person's sole job duty is to do all transcripts. Almost anyone could do it, but this requires time.

What about accessibility at the meeting onsite? Unfortunately, none of these latter cheaper alternatives would help the person who needs/requested the accessibility during that meeting while in-person, you would still need to provide a separate accommodation. Other captioning options typically available onsite, are CART and RCC (Remote Conferencing Captioning, which is very similar to Live-Captioning) would be an additional cost, and a duplication to whatever solution the public body has set up for its recordings. Costs could add up quickly, thus becoming more **expensive than** had you gone "all-in" with live captioning, which would cancel out the need for a transcript or add-on captions afterwards.

What if the person still needs an interpreter? Of course, whichever captioning option is used, it would not help much for a deaf person who requires a sign language interpreter. It would be always an issue regardless. HOWEVER, the live-captioning would still cut down on the interpreting needs by half, especially if the deaf individual only comes to watch, as most would be able to

follow captioning (just like on TV), except for those who struggle with the English language (less than half). Of course, if a deaf person who signs wants to testify, you would still need an interpreter regardless.

Videoing the interpreter? When an interpreter is used and if the meeting has a video recording, this would be a good opportunity to provide a video box with the interpreter. If an individual requested an interpreter, I feel they could benefit from a video box on the recording and not actually be required attend the meeting. Major meetings or events (Governor's Inauguration or Opening of the Legislature, to name a couple) could include this video box giving accessibility to deaf persons who need an interpreter. The video box would be smart way to provide the interpreter on a video recording while still live-captioning the main video stream for everyone else to see.

Conclusion. I can already see a bigger benefit with live captioning. It would benefit everyone, just like ramps and elevators. Not only this, but it would surely would boost accessibility in scenarios that no one has considered. Take me as an example, like many deaf individuals, I cannot simply visit the Statehouse and observe any committee or meeting any time unless I request an interpreter or other accommodation, which I would be required to do so with enough notice to provide the accommodation. I am also unable to take advantage of the livestream due to no captions. If everything was live-captioned, I could easily go there anytime or access the meeting remotely when needed, except for when I would be required to attend in person. Therefore, I would not need an interpreter unless I plan to present or participate in the meeting.

In closing, live-captioning would allow everyone to have universal accessibility.

Thank you.