

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Human Services to which was referred Senate Bill No.
3 66 entitled “An act relating to persons who are deaf, DeafBlind, or hard of
4 hearing” respectfully reports that it has considered the same and recommends
5 that the House propose to the Senate that the bill be amended by striking out all
6 after the enacting clause and inserting in lieu thereof the following:

7 Sec. 1. FINDINGS

8 The General Assembly finds that:

9 (1) It is estimated that well over 10 percent of all Americans experience
10 some type of hearing loss. In Vermont that amounts to over 70,000 individuals
11 who are deaf, hard of hearing, DeafBlind, or late deafened.

12 (2) Development of early and effective language and communication is
13 fundamental to the educational growth of all children. Language and
14 communication skills are essential to literacy, academic success, workforce
15 productivity, and civic contribution.

16 (3) Nationally, an academic achievement gap persists between children
17 who are deaf, hard of hearing, or DeafBlind and those who are not.

18 (4) Although children who are deaf, hard of hearing, or DeafBlind
19 represent approximately one percent of U.S. students with disabilities, and a
20 smaller percentage of U.S. children overall, the needs of these children are
21 unique and diverse, as evidenced by the following:

1 (A) Children who are deaf, hard of hearing, or DeafBlind have
2 varying degrees of hearing loss that may be identified at birth or much later.

3 (B) Children who are deaf, hard of hearing, or DeafBlind use a
4 variety of communication and language modes alone or in combination. The
5 preferred mode or modes of a given child do not necessarily correspond with
6 his or her degree of hearing loss. Family decisions about communication for a
7 child may be fluid during the course of the child’s development.

8 (C) Children who are deaf, hard of hearing, or DeafBlind may be at
9 risk of social isolation both at school and in their communities. Most children
10 who are deaf, hard of hearing, or DeafBlind in the United States are born to
11 parents who are hearing. Because of the small number of children who are
12 deaf, hard of hearing, or DeafBlind, a child may be the only child who is deaf,
13 hard of hearing, or DeafBlind at his or her school.

14 (D) Some children who are deaf, hard of hearing, or DeafBlind have
15 secondary or coexisting conditions that impact their educational needs.

16 (5) Although federal law requires that schools consider the language and
17 communication needs of children who are deaf, hard of hearing, or DeafBlind
18 who qualify for individualized education programs (IEPs) or 504 Plans, states
19 are generally responsible for ensuring that federal requirements are carried out
20 and otherwise ensuring that the unique language and communication needs of
21 children who are deaf, hard of hearing, or DeafBlind are met.

1 (6) The Vermont Center for the Deaf and Hard of Hearing closed in
2 September 2014. Prior to its closing, the Center provided comprehensive and
3 statewide educational, social, and support services to children, youth, and
4 adults who are deaf, hard of hearing, or DeafBlind. These services included
5 the Austine School for the Deaf, which closed in June 2014; several regional
6 classrooms; consultant services for mainstreamed students; a parent-infant
7 program; a family mentoring program; adult services; and numerous other
8 support options. While efforts are underway to replace at least some of the
9 discontinued services, it remains clear that the needs of individuals who are
10 deaf, hard of hearing, or DeafBlind are complex and must be addressed in a
11 manner specially-tailored to each age group.

12 Sec. 2. 33 V.S.A. chapter 16 is added to read:

13 CHAPTER 16. VERMONT DEAF, HARD OF HEARING, AND
14 DEAFBLIND ADVISORY COUNCIL

15 § 1601. DEFINITIONS

16 As used in this chapter:

17 (1) “Communication or language mode” means verbal or nonverbal
18 communication that includes listening, speaking, gesturing, reading, and
19 writing in all domains of a language. Reference to the communication mode of
20 individuals who are deaf, hard of hearing, or DeafBlind distinguishes between
21 modality and language. Systems that assist individuals using a particular

1 modality or language, include signed English, sign-supported speech, speech
2 or lip reading, cued speech, and assistive technology.

3 (2) “Deaf” means having a severe or complete absence of auditory
4 sensitivity that impairs processing of linguistic information through hearing,
5 with or without amplification.

6 (3) “DeafBlind” means having concomitant hearing and visual
7 impairments.

8 (4) “Department” means the Department of Disabilities, Aging, and
9 Independent Living.

10 (5) “Hard of hearing” means a reduced level of functional hearing and
11 reliance on residual hearing and technology, including hearing aids, FM
12 listening systems, and other types of assistive listening devices to communicate
13 via verbal language.

14 § 1602. VERMONT DEAF, HARD OF HEARING, AND DEAFBLIND

15 ADVISORY COUNCIL

16 (a) Creation; purpose. There is created a Vermont Deaf, Hard of Hearing,
17 and DeafBlind Advisory Council to promote diversity, equality, awareness,
18 and access among individuals who are deaf, hard of hearing, or DeafBlind.

19 (b) Membership. The Advisory Council shall consist of the following
20 members:

1 (1) ten members of the public, appointed by the Governor in a manner
2 that ensures geographically diverse membership, including:

3 (A) four members who are deaf, hard of hearing, or DeafBlind
4 provided that if a member represents an organization for persons who are deaf,
5 hard of hearing, or DeafBlind no other member on the Advisory Council shall
6 also represent that organization;

7 (B) two members who are each a parent or guardian of a child who is
8 deaf, hard of hearing, or DeafBlind;

9 (C) two members who serve persons who are deaf, hard of hearing, or
10 DeafBlind in a professional capacity, provided that these members do not
11 represent the same organization;

12 (D) a professional deaf-education specialist who understands all
13 communication and language modes; and

14 (E) an audiologist or hard-of-hearing education specialist;

15 (2) the Senior Counselor for the Deaf and Hard of Hearing in the
16 Department's Division of Vocational Rehabilitation or designee;

17 (3) the Secretary of Education or designee;

18 (4) the Secretary of Human Services or designee;

19 (5) a representative of the Vermont Association for the Deaf;

20 (6) a superintendent, selected by the Vermont Superintendents
21 Association; and

1 (7) a special education administrator, selected by the Vermont Council
2 of Special Education Administrators.

3 (c) Powers and duties.

4 (1) The Advisory Council shall assess the services, resources, and
5 opportunities available to children in the State who are deaf, hard of hearing, or
6 DeafBlind. It may consider and make recommendations to the General
7 Assembly and the Governor on the following:

8 (A) the educational rights of children who are deaf, hard of hearing,
9 or DeafBlind, including full communication and language access in all
10 educational environments and accessibility of qualified teachers, interpreters,
11 and paraprofessionals;

12 (B) appropriate and ongoing educational opportunities that recognize
13 each child's unique learning needs, including access to a sufficient number of
14 communication or language mode peers and exposure to adult role models who
15 are deaf, hard of hearing, or DeafBlind;

16 (C) adequate family supports that promote both early development of
17 communication skills and informed participation by parents and guardians in
18 the education of their children;

19 (D) identification of all losses of or reductions in services arising
20 from the closures of the Austine School for the Deaf and the Vermont Center
21 for the Deaf and Hard of Hearing and evaluation of the adequacy of existing

1 services and resource as well as identification of those resources not currently
2 available, adequate, or accessible to children;

3 (E) opportunities to restore and expand educational opportunities to
4 children in the State who are deaf, hard of hearing, or DeafBlind and their
5 families; and

6 (F) appropriate data collection and reporting requirements concerning
7 students with disabilities.

8 (2) The Advisory Council shall assess the services, resources, and
9 opportunities available to adults and elders in the State who are deaf, hard of
10 hearing, or DeafBlind. It may consider and make recommendations to the
11 General Assembly and the Governor on the following:

12 (A) the needs of and opportunities for adults and elders within the
13 State who are deaf, hard of hearing, or DeafBlind and their families;

14 (B) the adequacy and systemic coordination of existing services and
15 resources for adults and elders throughout the State who are deaf, hard of
16 hearing, or DeafBlind and their families;

17 (C) proposed legislation and administrative rules pertaining to adults
18 and elders who are deaf, hard of hearing, or DeafBlind; and

19 (D) delivery models in other states as a point of comparison for the
20 adequacy and systemic coordination of Vermont's existing services and
21 resources for adults and elders who are deaf, hard of hearing, or DeafBlind.

1 (d) Assistance. The Advisory Council shall have the administrative,
2 technical, and legal assistance of the Agencies of Education and of Human
3 Services. The Advisory Council and Department may consult with national
4 experts on education of persons who are deaf, hard of hearing, or DeafBlind as
5 necessary to fulfill their obligations under this section.

6 (e) Reports. On or before January 15 of each year, notwithstanding
7 2 V.S.A. § 20(d), the Advisory Council shall submit a written report to the
8 Senate and House Committees on Education, the Senate Committee on Health
9 and Welfare, the House Committee on Human Services, and the Governor with
10 any findings and recommendations.

11 (f) Appointments; meetings.

12 (1) The Commissioner of Disabilities, Aging, and Independent Living
13 shall convene the first meeting of the Advisory Council on or before July 1,
14 2016 and shall select interpretive services, computer assisted captioning in real
15 time (CART), or FM listening system for the meeting if a member so requests.

16 (2) At its first meeting, the Advisory Council shall elect a chair and
17 vice chair.

18 (3) The Chair shall select interpretive services, CART, or FM listening
19 system for any Advisory Council meeting if a member so requests.

1 (4) The Advisory Council may meet up to eight times each year to
2 perform its functions under this section. The Secretaries of Education and of
3 Human Services may jointly authorize additional meetings.

4 (5) The Advisory Council may organize its members into
5 subcommittees to carry out the purposes of this section, including
6 subcommittees designed to address specific age groups within the deaf, hard of
7 hearing, and DeafBlind population.

8 (g) Reimbursement.

9 (1) Members of the Advisory Council who are not State employees or
10 otherwise compensated or reimbursed for their attendance shall be entitled to
11 per diem compensation and reimbursement of expenses pursuant to 32 V.S.A.
12 § 1010, payable by the Department.

13 (2) The Agency of Human Services shall pay for interpretive services,
14 CART, or FM listening systems necessary to conduct all Advisory Council
15 meetings.

16 Sec. 3. INTERPRETERS; PROFESSIONAL REGULATION

17 On or before January 15, 2017, the Vermont Deaf, Hard of Hearing, and
18 DeafBlind Advisory Council shall submit a report to the House Committees on
19 Government Operations and on Human Services and to the Senate Committees
20 on Government Operations and on Health and Welfare regarding its findings

1 and recommendations for legislative action pertaining to the regulation of
2 interpreters by the Secretary of State’s Office of Professional Responsibility.

3 Sec. 4. EFFECTIVE DATE

4 This act shall take effect on passage.

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7 (Committee vote: _____)

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Representative _____

FOR THE COMMITTEE

