

Senate Committee on Government Operations**S.55 Open Meeting Law****Disability Rights Vermont Testimony****Lindsey Owen, Executive Director****March 30, 2023**

Thank you for inviting me to speak with you today about the proposed changes to Open Meeting Law in Vermont. My name is Lindsey Owen, and I am the Executive Director at Disability Rights Vermont. I have been with the organization for over ten years. I started as an intern doing a semester in practice from Vermont Law School, and was hired on a part time basis while I finished law school the following semester. I worked as an advocate until I was sworn in to the Vermont Bar in November 2013. I served as a staff attorney for the next 8 years or so and have served as the Executive Director in May 2021.

Disability Rights Vermont is the Protection and Advocacy agency for the State of Vermont. The Protection and Advocacy system was established after much attention in the media of horrific treatment of people with disabilities at a place named Willowbrook that was supposed to be providing care to these individuals. The abuse and neglect was profound and shocking. As a result, P&As across the country receive a variety of federal grants to investigate and remedy abuse, neglect and serious rights violations impacting individuals with disabilities and perpetrated by state actors, facilities, caregivers, employers and others. DRVT represents victims of crime who have disabilities, we administer the Vermont Communication and Support Project which provides communication specialists in administrative or judicial proceedings to individuals whose disabilities impact their ability to communicate. DRVT also engages in a lot of advocacy work to increase and improve access to the electoral process.

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Permeating through all of this important work that we do, is the theme of “voice.” Individuals with disabilities should enjoy equal access to every part of our communities, to school, hospital care, movie theaters, voting, and of course to public meetings in Vermont.

The Declaration of public policy, 1 V.S.A. §311 states: § 311(a): “In enacting this subchapter, the legislature finds and declares that public commissions, boards, and councils and other public agencies in this State *exist to aid in the conduct of the people’s business and are accountable to them* pursuant to Chapter I, Article VI of the Vermont Constitution.” (emphasis added).

1 V.S.A. §312(h) further states: “At an open meeting, the public shall be given a reasonable opportunity to express its opinion on matters considered by the public body during the meeting, as long as order is maintained.”

The entire world has experienced a significant trauma, COVID-19, and now states and communities are eager to try to move on. The huge increase and awareness of the ability to connect and communicate over the internet via a variety of platforms was an incredible tool during the height of the pandemic to try to keep some processes and some connections still going. However, just because it worked for a lot of people and offers a number of benefits, it didn’t benefit everyone and continues not to be an accessible option for many Vermonters.

As this Committee is aware, Vermont is a very rural state. There are serious broadband issues leaving many without reliable or any internet services. Many Vermonters struggle even to have sufficient phone services, and that is assuming our members of the public can afford these luxury items. This amendment makes a number of assumptions: 1) everyone has access to a computer and the internet, or 2) everyone has access to a

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phone (but if materials are distributed or shared on a screen for someone on the phone, this person is not getting equal and full access); 3) everyone can read and understand the recordings or the minutes published after the fact. For many people, those assumptions are wrong. For example, people experiencing homelessness may not have access to a phone or to a computer to access the internet, and the number of people in Vermont without housing continues to grow¹. Additionally, while only 10.4% of Vermonters under the age of 65 has a disability², nearly 40% of the people experiencing homelessness has a disability³. These voices deserve to be heard, to be apprised of issues impacting their communities and to be able to participate in the solutions.

The proposed amendment would take away the ability of individuals in the greatest need, and who are the most vulnerable, to access their communities and to be heard on the issues that matter to them. I'd encourage the committee to think about the purpose behind this amendment and the impact that it would have, keeping in mind the declaration I read at the beginning. What is the goal of this amendment? It should be to provide the most accessible and inclusive public meetings as possible, so that the residents of Vermont can truly hold these public entities accountable. Getting rid of the ability to attend a public meeting in a designated public space seems to conflict with this goal. There may be other goals, Perhaps that is not the goal, but DRVT hopes that maximizing the convenience of public entities is not paramount.

¹<https://legislature.vermont.gov/Documents/2024/WorkGroups/House%20General/Housing/W~Maryellen%20Griffin~Housing%20Legislative%20Briefing%20-%20VT%20Legal%20Aid~3-1-2023.pdf>

² [most recent U.S. Census](#)

³<https://legislature.vermont.gov/Documents/2024/WorkGroups/House%20General/Housing/W~Maryellen%20Griffin~Housing%20Legislative%20Briefing%20-%20VT%20Legal%20Aid~3-1-2023.pdf>

At the same time, remote options have made meetings more accessible for some people with disabilities for whom travel is a barrier to access, or who struggle with the sensory input in large groups of people at public meetings. So, while we do not support doing away with public meetings have designated locations, we do support continuing to require a virtual option and the right to participate, not simply observe, when participating virtually.

Thank you,

Lindsey Owen