

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) Appropriate and timely diagnosis of hearing loss is fundamental to  
13 the health and well-being of all individuals, including adults and elders.

14 (3) Development of early and effective language and communication is  
15 fundamental to the educational growth of all children. Language and  
16 communication skills are essential to literacy, academic success, workforce  
17 productivity, and civic contribution. The identification of children 0–3 years  
18 of age who are Deaf, Hard of Hearing, or DeafBlind is critically important to  
19 their development.

20 (4) Nationally, an academic achievement gap persists between children  
21 who are Deaf, Hard of Hearing, or DeafBlind and those who are not.

1           (5) Although children who are Deaf, Hard of Hearing, or DeafBlind  
2           represent approximately one percent of U.S. students with disabilities, and a  
3           smaller percentage of U.S. children overall, the needs of these children are  
4           unique and diverse, as evidenced by the following:

5                   (A) Children who are Deaf, Hard of Hearing, or DeafBlind have  
6                   varying degrees of hearing loss that may be identified at birth or much later.

7                   (B) Children who are Deaf, Hard of Hearing, or DeafBlind use a  
8                   variety of communication and language modes alone or in combination. The  
9                   preferred mode or modes of a given child do not necessarily correspond with  
10                  his or her degree of hearing loss. Family decisions about communication for a  
11                  child may be fluid during the course of the child’s development.

12                  (C) Children who are Deaf, Hard of Hearing, or DeafBlind may be at  
13                  risk of social isolation both at school and in their communities. Most children  
14                  who are Deaf, Hard of Hearing, or DeafBlind in the United States are born to  
15                  parents who are hearing. Because of the small number of children who are  
16                  Deaf, Hard of Hearing, or DeafBlind, a child may be the only child who is  
17                  Deaf, Hard of Hearing, or DeafBlind at his or her school.

18                  (D) Some children who are Deaf, Hard of Hearing, or DeafBlind  
19                  have secondary or coexisting conditions that impact their educational needs.

20                  (6) Although federal law requires that schools consider the language and  
21                  communication needs of children who are Deaf, Hard of Hearing, or DeafBlind

1 who qualify for individualized education programs (IEPs) or 504 Plans, states  
2 are generally responsible for ensuring that federal requirements are carried out  
3 and otherwise ensuring that the unique language and communication needs of  
4 children who are Deaf, Hard of Hearing, or DeafBlind are met.

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

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

17 CHAPTER 16. VERMONT DEAF, HARD OF HEARING, AND

18 DEAFBLIND ADVISORY COUNCIL

19 § 1601. DEFINITIONS

20 As used in this chapter:

1           (1) “Communication or language mode” means verbal or nonverbal  
2           communication that includes listening, speaking, American Sign Language  
3           (ASL), Signed English, Signed Support, reading, and writing in all domains of  
4           a language. Reference to the communication mode of individuals who are  
5           Deaf, Hard of Hearing, or DeafBlind distinguishes between modality and  
6           language. Systems that assist individuals using a particular modality or  
7           language include ASL, spoken English, signed English, sign-supported speech,  
8           speech or lip reading, cued speech, and assistive technology.

9           (2) “Deaf” means having a severe or complete absence of auditory  
10           sensitivity that impairs processing of linguistic information through hearing,  
11           with or without amplification or cochlear implants. Typically, people who  
12           identify as Deaf use ASL and are involved with the Deaf community.

13           (3) “DeafBlind” means having concomitant hearing and visual  
14           impairments.

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

17           (5) “Hard of Hearing” means a reduced level of functional hearing and  
18           reliance on residual hearing and technology, including hearing aids, cochlear  
19           implants, FM listening systems, and other types of assistive listening devices  
20           to communicate via verbal language. Typically, people who identify as hard of  
21           hearing do not use ASL and are not involved in the Deaf community.

1     § 1602. VERMONT DEAF, HARD OF HEARING, AND DEAFBLIND

2             ADVISORY COUNCIL

3             (a) Creation; purpose. There is created a Vermont Deaf, Hard of Hearing,  
4             and DeafBlind Advisory Council to promote diversity, equality, awareness,  
5             and access among individuals who are Deaf, Hard of Hearing, or DeafBlind.

6             (b) Membership. The Advisory Council shall consist of the following  
7             members:

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

10                     (A) nine or fewer members who are Deaf, Hard of Hearing, or  
11                     DeafBlind provided each population is represented and that if a member  
12                     represents an organization for persons who are Deaf, Hard of Hearing, or  
13                     DeafBlind no other member on the Advisory Council shall also represent that  
14                     organization;

15                     (B) two members who are each a parent or guardian of a child who is  
16                     Deaf, Hard of Hearing, or DeafBlind;

17                     (C) two members who serve persons who are Deaf, Hard of Hearing,  
18                     or DeafBlind in a professional capacity, provided that these members do not  
19                     represent the same organization;

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

1           (E) a professional interpreter; and

2           (F) an audiologist or hard-of-hearing education specialist;

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

5           (3) the Secretary of Education or designee;

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

7           (5) the director of the Department for Children and Families' Children's  
8 Integrated Services or designee;

9           (6) a representative of the Vermont Association of the Deaf;

10          (7) a superintendent, selected by the Vermont Superintendents  
11 Association; and

12          (8) a special education administrator, selected by the Vermont Council  
13 of Special Education Administrators.

14          (c) Powers and duties.

15          (1) The Advisory Council shall assess the services, resources, and  
16 opportunities available to children in the State who are Deaf, Hard of Hearing,  
17 or DeafBlind. It may consider and make recommendations to the General  
18 Assembly and the Governor on the following:

19               (A) the educational rights of children who are Deaf, Hard of Hearing,  
20 or DeafBlind, including full communication and language access in all

1 educational environments and accessibility of qualified teachers, interpreters,  
2 and paraprofessionals;

3 (B) appropriate and ongoing educational opportunities that recognize  
4 each child’s unique learning needs, including access to a sufficient number of  
5 communication or language mode peers and exposure to adult role models who  
6 are Deaf, Hard of Hearing, or DeafBlind;

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

10 (D) identification of all losses of or reductions in services arising  
11 from the closures of the Austine School for the Deaf and the Vermont Center  
12 for the Deaf and Hard of Hearing and evaluation of the adequacy of existing  
13 services and resources, as well as identification of those resources not currently  
14 available, adequate, or accessible to children;

15 (E) opportunities to restore and expand educational opportunities to  
16 children in the State who are Deaf, Hard of Hearing, or DeafBlind and their  
17 families; and

18 (F) appropriate data collection and reporting requirements concerning  
19 students with disabilities.

20 (2) The Advisory Council shall assess the services, resources, and  
21 opportunities available to adults and elders in the State who are Deaf, Hard of

1 Hearing, or DeafBlind. It may consider and make recommendations to the  
2 General Assembly and the Governor on the following:

3 (A) the needs of and opportunities for adults and elders within the  
4 State who are Deaf, Hard of Hearing, or DeafBlind and their families;

5 (B) the adequacy and systemic coordination of existing services and  
6 resources for adults and elders throughout the State who are Deaf, Hard of  
7 Hearing, or DeafBlind and their families;

8 (C) proposed legislation and administrative rules pertaining to adults  
9 and elders who are Deaf, Hard of Hearing, or DeafBlind; and

10 (D) delivery models in other states as a point of comparison for the  
11 adequacy and systemic coordination of Vermont's existing services and  
12 resources for adults and elders who are Deaf, Hard of Hearing, or DeafBlind.

13 (d) Assistance. The Advisory Council shall have the administrative,  
14 technical, and legal assistance of the Agencies of Education and of Human  
15 Services. The Advisory Council and Department may consult with national  
16 experts on education of persons who are Deaf, Hard of Hearing, or DeafBlind  
17 as necessary to fulfill their obligations under this section.

18 (e) Reports. On or before January 15 of each year, notwithstanding  
19 2 V.S.A. § 20(d), the Advisory Council shall submit a written report to the  
20 Senate and House Committees on Education, the Senate Committee on Health  
21 and Welfare, the House Committee on Human Services, and the Governor with

1 any findings and recommendations. A reading of each report shall be video  
2 recorded using ASL to ensure accessibility.

3 (f) Appointments; meetings.

4 (1) The Commissioner of Disabilities, Aging, and Independent Living  
5 shall convene the first meeting of the Advisory Council on or before July 1,  
6 2016 and shall select interpreting services, computer assisted captioning in real  
7 time (CART), or FM listening system for the meeting if a member so requests.

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

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

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

15 (5) The Advisory Council may organize its members into  
16 subcommittees to carry out the purposes of this section, including  
17 subcommittees designed to address specific age groups within the Deaf, Hard  
18 of Hearing, and DeafBlind population.

19 (g) Reimbursement.

20 (1) Members of the Advisory Council who are not State employees or  
21 otherwise compensated or reimbursed for their attendance shall be entitled to

1 per diem compensation and reimbursement of expenses pursuant to 32 V.S.A.  
2 § 1010, payable by the Department.

3 (2) The Agency of Human Services shall pay for interpreting services,  
4 CART, or FM listening systems necessary to conduct all Advisory Council  
5 meetings.

6 (3) The Agency of Education, Department of Health, and Department of  
7 Disabilities, Aging and Independent Living shall share costs for interpreting  
8 services, CART, or FM listening systems necessary to conduct all Advisory  
9 Council subcommittee meetings.

10 Sec. 3. INTERPRETERS; PROFESSIONAL REGULATION

11 On or before January 15, 2017, the Vermont Deaf, Hard of Hearing, and  
12 DeafBlind Advisory Council shall submit a report to the House Committees on  
13 Government Operations and on Human Services and to the Senate Committees  
14 on Government Operations and on Health and Welfare regarding its findings  
15 and recommendations for legislative action pertaining to the regulation of  
16 interpreters by the Secretary of State’s Office of Professional Regulation.

17 Sec. 4. EFFECTIVE DATE

18 This act shall take effect on passage.

19 (Committee vote: \_\_\_\_\_)

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\_\_\_\_\_

2

Representative \_\_\_\_\_

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FOR THE COMMITTEE