

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

8 CHAPTER 16. VERMONT DEAF, HARD OF HEARING, AND
9 DEAFBLIND ADVISORY COUNCIL

10 § 1601. DEFINITIONS

11 As used in this chapter:

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

20 (2) “Deaf” means having a severe or complete absence of auditory
21 sensitivity that impairs processing of linguistic information through hearing,

1 with or without amplification or cochlear implants. Typically, people who
2 identify as Deaf use ASL and are involved with the Deaf community.

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

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

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

12 § 1602. VERMONT DEAF, HARD OF HEARING, AND DEAFBLIND

13 ADVISORY COUNCIL

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

17 (b) Membership. The Advisory Council shall consist of the following
18 members:

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

- 1 (A) nine or fewer members who are Deaf, Hard of Hearing, or
2 DeafBlind provided each population is represented and that if a member
3 represents an organization for persons who are Deaf, Hard of Hearing, or
4 DeafBlind no other member on the Advisory Council shall also represent that
5 organization;
- 6 (B) two members who are each a parent or guardian of a child who is
7 Deaf, Hard of Hearing, or DeafBlind;
- 8 (C) two members who serve persons who are Deaf, Hard of Hearing,
9 or DeafBlind in a professional capacity, provided that these members do not
10 represent the same organization;
- 11 (D) a professional deaf-education specialist who understands all
12 communication and language modes;
- 13 (E) a professional interpreter; and
- 14 (F) 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) the director of the Department for Children and Families’ Children’s
20 Integrated Services or designee;
- 21 (6) the director of the Vermont Early Detection and Intervention Project;

1 (7) a representative of the Vermont Association of the Deaf;

2 (8) a superintendent, selected by the Vermont Superintendents

3 Association; and

4 (9) a special education administrator, selected by the Vermont Council

5 of Special Education Administrators.

6 (c) Powers and duties.

7 (1) The Advisory Council shall assess the services, resources, and
8 opportunities available to children in the State who are Deaf, Hard of Hearing,

9 or DeafBlind. It may consider and make recommendations to the General
10 Assembly and the Governor on the following:

11 (A) the educational rights of children who are Deaf, Hard of Hearing,
12 or DeafBlind, including full communication and language access in all
13 educational environments and accessibility of qualified teachers, interpreters,
14 and paraprofessionals;

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

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

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

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

9 (F) appropriate data collection and reporting requirements concerning
10 students with disabilities.

11 (2) The Advisory Council shall assess the services, resources, and
12 opportunities available to adults and elders in the State who are Deaf, Hard of
13 Hearing, or DeafBlind. It may consider and make recommendations to the
14 General Assembly and the Governor on the following:

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

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

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

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

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

9 (e) Reports. On or before January 15 of each year, notwithstanding
10 2 V.S.A. § 20(d), the Advisory Council shall submit a written report to the
11 Senate and House Committees on Education, the Senate Committee on Health
12 and Welfare, the House Committee on Human Services, and the Governor with
13 any findings and recommendations. A reading of each report shall be video
14 recorded using ASL to ensure accessibility.

15 (f) Appointments; meetings.

16 (1) The Commissioner of Disabilities, Aging, and Independent Living
17 shall convene the first meeting of the Advisory Council on or before July 1,
18 2016 and shall select interpreting services, computer assisted captioning in real
19 time (CART), or FM listening system for the meeting if a member so requests.

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

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

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

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

10 (g) Reimbursement.

11 (1) Members of the Advisory Council who are not State employees or
12 otherwise compensated or reimbursed for their attendance shall be entitled to
13 per diem compensation and reimbursement of expenses pursuant to 32 V.S.A.
14 § 1010, payable by the Department.

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

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

