

1 TO THE HONORABLE SENATE:

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

7 Sec. 1. FINDINGS

8 The General Assembly finds that:

9 (1) Development of early and effective language and communication is  
10 fundamental to the educational growth of all children. Language and  
11 communication skills are essential to literacy, academic success, workforce  
12 productivity, and civic contribution.

13 (2) Nationally, an academic achievement gap persists between children  
14 who are deaf, DeafBlind, or hard of hearing and their peers who are not deaf,  
15 DeafBlind, or hard of hearing.

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

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

3           (B) Children who are deaf, DeafBlind, or hard of hearing 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, and family decisions about communication  
7           for a child may be fluid during the course of the child’s development.

8           (C) Children who are deaf, DeafBlind, or hard of hearing may be at  
9           risk of social isolation both at school and in their communities. Most children  
10           who are deaf, DeafBlind, or hard of hearing in the United States are born to  
11           parents who are not deaf, DeafBlind, or hard of hearing. Because of the small  
12           number of children who are deaf, DeafBlind, or hard of hearing, a child may be  
13           the only child who is deaf, DeafBlind, or hard of hearing at his or her school.

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

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

1 addressed these concerns in a variety of ways, including by developing  
2 communication plans and state plans and by passing bills of rights for children  
3 who are deaf, DeafBlind, or hard of hearing.

4 (5) The Vermont Center for the Deaf and Hard of Hearing closed in  
5 September 2014. Prior to its closing, the Center provided comprehensive and  
6 statewide educational, social, and support services to children, youth, and  
7 adults who are deaf, DeafBlind, or hard of hearing. These services included  
8 the Austine School for the Deaf, which closed in June 2014; several regional  
9 classrooms; consultant services for mainstreamed students; a parent-infant  
10 program; a family mentoring program; adult services; and numerous other  
11 support options. While efforts are underway to replace at least some of the  
12 discontinued services, it remains unclear whether the educational needs of  
13 children and other persons in the State who are deaf, DeafBlind, or hard of  
14 hearing are currently being met.

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

16 CHAPTER 16. TASK FORCE ON PERSONS WHO ARE DEAF,  
17 DEAFBLIND, OR HARD OF HEARING

18 § 1601. DEFINITIONS

19 As used in this chapter:

20 (1) “Communication or language mode” means one or a combination of  
21 the following systems or methods of communication available to children who

1 are deaf, DeafBlind, or hard of hearing: American Sign Language;  
2 English-based manual or sign systems; oral, aural, speech-based training;  
3 spoken and written English, including speech reading or lip reading; and  
4 communication with an assistive technology device to facilitate language and  
5 learning.

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

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

11 (4) “Hard of hearing” means having some absence of auditory  
12 sensitivity with residual hearing, whether permanent or fluctuating.

13 § 1602. TASK FORCE ON PERSONS WHO ARE DEAF, DEAFBLIND, OR  
14 HARD OF HEARING

15 (a) Creation; purpose. There is created a Task Force on Persons Who are  
16 Deaf, DeafBlind, or Hard of Hearing to assess and make recommendations  
17 concerning educational services, resources, and opportunities for children  
18 within the State who are deaf, DeafBlind, or hard of hearing and their families  
19 and to provide advice and oversight on matters of policy and administration of  
20 programs for persons who deaf, DeafBlind, or hard of hearing.

21 (b) Membership. The Task Force shall consist of the following members:

1           (1) nine members of the public, appointed by the Governor in a manner  
2           that ensures geographically diverse membership while recognizing the  
3           concentration of persons who are deaf, DeafBlind, or hard of hearing residing  
4           near the former Vermont Center for the Deaf and Hard of Hearing, including:

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

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

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

14                   (D) one member recommended by the Vermont Association for the  
15          Deaf;

16           (2) the Senior Counselor for the Deaf and Hard of Hearing in the  
17          Department of Disabilities, Aging and Independent Living's Division of  
18          Vocational Rehabilitation or designee;

19                   (3) the Secretary of Education or designee;

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

1           (5) a professional Deaf education specialist who understands all  
2           communication and language modes, appointed by the Governor;

3           (6) a superintendent, selected by the Vermont Superintendents  
4           Association; and

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

7           (c) Powers and duties.

8           (1) The Task Force shall assess the educational services, resources, and  
9           opportunities for children in the State who are deaf, DeafBlind, or hard of  
10           hearing. It shall make recommendations to the General Assembly, the  
11           Governor, and the Agencies of Education and of Human Services with the goal  
12           of ensuring that each child is afforded:

13           (A) the same educational rights as children who are not deaf,  
14           DeafBlind, or hard of hearing, including full communication and language  
15           access in all educational environments and provision of qualified teachers,  
16           interpreters, and paraprofessionals;

17           (B) appropriate and ongoing educational opportunities that recognize  
18           each child's unique learning needs, provide access to a sufficient number of  
19           communication or language mode peers, and include exposure to adult role  
20           models who are deaf, DeafBlind, or hard of hearing; and

1           (C) adequate family supports that promote both early development of  
2           communication skills and informed participation by parents and guardians in  
3           the education of their children.

4           (2) The Task Force shall advise the General Assembly, the Governor,  
5           and the Agencies of Education and of Human Services with respect to policy  
6           development and program administration for persons who are deaf, DeafBlind,  
7           or hard of hearing. In furtherance of this duty, the Task Force may:

8           (A) conduct studies concerning the needs of and opportunities for  
9           persons within the State who are deaf, DeafBlind, or hard of hearing and their  
10          families;

11          (B) evaluate the adequacy and systemic coordination of existing  
12          services and resources for persons throughout the State who are deaf,  
13          DeafBlind, or hard of hearing and their families;

14          (C) review existing and proposed legislation and rules pertaining to  
15          persons who are deaf, DeafBlind, or hard of hearing and advise the General  
16          Assembly, the Governor, and the Agencies of Education and of Human  
17          Services regarding revisions, coordination, services, and appropriations;

18          (D) examine delivery models in other states in order to evaluate the  
19          adequacy and systemic coordination of existing services and resources for  
20          persons throughout the State who are deaf, DeafBlind, or hard of hearing;

1           (E) encourage and foster local community action on behalf of persons  
2           who are deaf, DeafBlind, or hard of hearing;

3           (F) publicize its findings; and

4           (G) carry out specific projects assigned by the General Assembly or  
5           Governor.

6           (3) The Task Force shall oversee and monitor the qualification of  
7           interpreters for persons who are deaf, DeafBlind, or hard of hearing practicing  
8           in the State, including the certification of sign language interpreters.

9           (d) Assistance. The Task Force shall have the administrative, technical,  
10          and legal assistance of the Department of Disabilities, Aging and Independent  
11          Living (DAIL). The Task Force and DAIL may consult with the Agency of  
12          Education and with national experts on education of persons who are deaf,  
13          DeafBlind, or hard of hearing as necessary to fulfill their obligations under this  
14          section.

15          (e) Reports. On or before January 15 of each year, notwithstanding  
16          2 V.S.A. § 20(d), the Task Force shall submit a written report to the Senate and  
17          House Committees on Education, the Senate Committee on Health and  
18          Welfare, the House Committee on Human Services, the Governor, and the  
19          Agencies of Education and of Human Services with its findings pursuant to  
20          activities carried out under subsection (c) of this section and recommendations  
21          for administrative and legislative action.

1        (f) Appointments; meetings.

2            (1) The Senior Counselor for the Deaf and Hard of Hearing in DAIL's  
3        Division of Vocational Rehabilitation or designee shall convene the first  
4        meeting of the Task Force on or before July 1, 2015 and shall select  
5        interpretive services for the meeting if a member so requests.

6            (2) At its first meeting, the Task Force shall elect a chair and vice chair.

7            (3) The Chair shall select interpretive services for any Task Force  
8        meeting if a member so requests.

9        (g) Reimbursement.

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

14           (2) DAIL shall pay for interpretive services necessary to conduct all  
15        Task Force meetings.

16        Sec. 3. REPORT; ADDITIONAL POWERS AND DUTIES OF THE

17                TASK FORCE ON PERSONS WHO ARE DEAF, DEAFBLIND, OR  
18                HARD OF HEARING

19            On or before January 15, 2016, the Task Force on Persons Who are Deaf,  
20        DeafBlind, or Hard of Hearing shall submit a written report to the Senate and  
21        House Committees on Education, the Senate Committee on Health and

1 Welfare, the House Committee on Human Services, the Governor, and the  
2 Agencies of Education and of Human Services. The report shall include the  
3 following:

4 (1) A comprehensive assessment of the educational services and  
5 resources presently available to children in the State who are deaf, DeafBlind,  
6 or hard of hearing and their families, including:

7 (A) identification of all losses of or reductions in services and  
8 resources arising from the closures of the Austine School for the Deaf and the  
9 Vermont Center for the Deaf and Hard of Hearing;

10 (B) evaluation of the adequacy of existing services and resources,  
11 including, if appropriate, determination of whether these services and resources  
12 are accessible statewide, offer adequate family supports, and provide adequate  
13 opportunities for direct contact with communication or language mode  
14 peers; and

15 (C) evaluation of the need for services and resources not currently  
16 available, adequate, or accessible.

17 (2) A proposal to restore and expand educational opportunities for  
18 children in the State who are deaf, DeafBlind, or hard of hearing and their  
19 families that:

1           (A) ensures that the quality of services available prior to the closings  
2           of the Austine School for the Deaf and the Vermont Center for the Deaf and  
3           Hard of Hearing is maintained;

4           (B) assesses the risks and benefits of educating children who are deaf,  
5           DeafBlind, or hard of hearing at a mainstream school, including impacts on  
6           academic achievement, extracurricular involvement, and social integration;

7           (C) addresses the desirability and feasibility of establishing a  
8           centralized school for children who are deaf, DeafBlind, or hard of  
9           hearing; and

10          (D) recommends alternative methods of ensuring that children in the  
11          State who are deaf, DeafBlind, or hard of hearing are not socially isolated and  
12          have adequate opportunities for direct contact with language or communication  
13          mode peers.

14          (3) An evaluation of 16 V.S.A. § 3823 (the Austine School; financing)  
15          and 2013 Acts and Resolves No. 45 (an act relating to the Austine School) that:

16           (A) assesses whether the General Assembly should waive or  
17           otherwise alter the Vermont Center for the Deaf and Hard of Hearing's  
18           obligation under 16 V.S.A. § 3823(c), as modified by 2013 Acts and Resolves  
19           No. 45, to repay capital appropriations made to or for the benefit the Austine  
20           School from the proceeds of certain sales of the Center's real property; and

1           (B) evaluates the adequacy of the service plan developed by the  
2           Secretary of Education pursuant to 2013 Acts and Resolves No. 45.

3           (4) A recommendation regarding whether the General Assembly should  
4           adopt a Bill of Rights specific to persons who are deaf, DeafBlind, or hard of  
5           hearing.

6           (5) Recommendations regarding the need for and potential structure of a  
7           State agency division or other staffed entity responsible for overseeing  
8           concerns of persons who are deaf, DeafBlind, or hard of hearing and their  
9           families, including recommendations regarding what supports are necessary to  
10           ensure that this entity is fully functional.

11           (6) An assessment of whether paraprofessionals who provide  
12           instructional support in public schools to students who are deaf, DeafBlind, or  
13           hard of hearing are sufficiently qualified and receive adequate training.

14           (7) An assessment of and recommendations regarding the needs of  
15           persons in Vermont who are DeafBlind, including the needs of children who  
16           are DeafBlind.

17           Sec. 4. 16 V.S.A. § 2955a is added to read:

18           § 2955a. DATA REPORTING; STUDENTS WITH DISABILITIES

19           The Agency of Education shall post on its website the data it submits to the  
20           U.S. Secretary of Education pursuant to 20 U.S.C. § 1418 (data collection and  
21           reporting requirements concerning students with disabilities) within one month

1 of the date of submission. To the extent permitted under 20 U.S.C. § 1232g  
2 (family educational and privacy rights), and any regulations adopted  
3 thereunder, and in a manner that protects sensitive, personally identifiable, or  
4 confidential information, the Agency’s posting shall disaggregate all data  
5 pertaining to children who are deaf, DeafBlind, or hard of hearing.

6 Sec. 5. 1 V.S.A. chapter 5, subchapter 5 is amended to read:

7 Subchapter 5. Interpreters for Judicial, Administrative, and  
8 Legislative Proceedings

9 § 331. DEFINITIONS

10 As used in this subchapter:

11 (1) “Person who is deaf or hard of hearing” means any person, including  
12 a person who is DeafBlind, who has such difficulty hearing, even with  
13 amplification, that he or she cannot rely on hearing for communication.

14 (2) “Proceeding” means any judicial proceeding, contested case under  
15 3 V.S.A. chapter 25, or other hearing before an administrative agency not  
16 included under 3 V.S.A. chapter 25.

17 (3) “Qualified interpreter” means an interpreter for a person who is deaf  
18 or hard of hearing, including a person who is DeafBlind, who meets standards  
19 of competency established by the national or Vermont Registry of Interpreters  
20 for the Deaf as amended, by rule, by the ~~Vermont Commission of the Deaf and~~

1 ~~Hard of Hearing~~ Task Force on Persons Who are Deaf, DeafBlind, or Hard of  
2 Hearing.

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4 § 336. RULES; INFORMATION; LIST OF INTERPRETERS

5 (a) The ~~Vermont Commission of the Deaf and Hard of Hearing~~ shall Task  
6 Force on Persons Who are Deaf, DeafBlind, or Hard of Hearing may, by rule,  
7 establish factors to be considered by the presiding officer under section 333 of  
8 this title before appointing an interpreter who is not a qualified interpreter.  
9 Such factors shall encourage the widest availability of interpreters in Vermont  
10 while at the same time ensuring that the interpreter:

11 (1) is able to communicate readily with the person who is deaf,  
12 DeafBlind, or hard of hearing;

13 (2) is able to interpret accurately statements or communications by the  
14 person who is deaf, DeafBlind, or hard of hearing;

15 (3) is able to interpret the proceedings to the person who is deaf,  
16 DeafBlind, or hard of hearing;

17 (4) shall maintain confidentiality;

18 (5) shall be impartial with respect to the outcome of the proceeding;

19 (6) shall not exert any influence over the person who is deaf, DeafBlind,  
20 or hard of hearing; and

