



To: Senate Committee on Education

From: Jay Nichols, Executive Director

Date: February 1, 2024

Subject: S. 172 - An act relating to the Education Bill of Rights for Children Who Are Deaf, Hard of Hearing, or DeafBlind

For the record, Jay Nichols, Executive Director the Vermont Principals' Association.

Let me start by explaining that this is not an area of expertise for me or for the vast majority of school leaders. However, principals are the individuals who on a day-to-day basis make sure, through leadership oversight, that students are provided with services that they are entitled to. In preparation for this testimony, I talked to several principals who have experienced the navigation of providing appropriate programming to students who are deaf or hard of hearing. There are different protocols for students who fail a hearing test administered by the school and those who already have a diagnosis of hearing impairment or deafness.

A typical scenario unfolds as follows for a student not passing a school screener: A student does not successfully pass a hearing screening administered by the school, prompting the parents to receive a detailed report outlining the screening results. Subsequently, parents, facilitated by school personnel, particularly the school nurse, arrange a consultation with an audiologist. Depending on the extent of the hearing impairment or concern, a referral is frequently directed to the UVM Medical Center's DHHDB Educational Services program. A collaborative team, consisting of school personnel, the student's family, and medical professionals, typically collaborates to formulate a 504 plan for the student.

Perhaps more frequently, a student will move to a new school and will come with a 504 or Individualized Education Plan already in place due to their diagnosis or severity of hearing loss

or deafness. The school will work with the family, the previous school, and appropriate medical personnel to have a plan up and running for the student as soon as they can. Many times, specialized services are contracted on an as needed basis. This could look like something as unobtrusive as an expert working directly with staff to provide accommodations to a student, to an individual with the student part of the day providing direct instruction, or in some cases, an individual actually with the child for the entire school day providing support, sign language and interpreter services and even transcribing classroom notes. Each student who is hard of hearing or deaf will have varying services based on their needs. A few points to consider (but not limited to) when a new student who is deaf arrives:

What are their communication needs and preferences?

What assistive technology is required?

What classroom accommodations will they need?

Do they need interpreter services?

Do they need specific education for the deaf and/or ASL instruction?

What emergency protocols, awareness training for peers and staff members, and professional development on inclusive practices may be necessary?

One major concern that was brought up by some school leaders is the lack of qualified professionals available in Vermont to meet the needs of these students. This can be especially difficult in rural communities where it is already much harder to hire qualified teachers and other personnel for all positions, much less positions that are very specialized. Passing a law and providing more requirements for schools to hire additional staffing during the current workforce shortage and fiscal climate is not likely to be possible in many communities. Furthermore, requiring additional training for personnel at the school building level to become experts is also cost prohibitive. Having a more centralized approach with state level experts to provide the necessary training or assist with contracting the appropriate providers seems like a more sustainable approach.

The VPA is not sure why a separate bill of rights for children who are Deaf, Hard of Hearing, or Deafblind is necessary? We believe that the federal government already protects students through the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973. We are always a little concerned about carving out specialized legislation for individual groups as the intent of federal and Vermont law already exists to insure these (and all) public school students receive a Free and Appropriate Public Education. Having a bill of rights for one class of disability and not others doesn't seem like thoughtful public policy. Again, all public school students are already provided much if not all of what this bill proposal is requesting.

A few specific comments related to the bill as it was introduced:

- The bill calls for students to be placed in the least restrictive educational environment. This is already required by federal law.
- The bill calls for specific training for educators and other service providers so they can, “communicate spontaneously and fluently with these children.” There will need to be resources available for schools to utilize and training will need to be provided. Having this managed at the state level is preferable to leaving each school district out on their own so state oversight of this will be important as well as the AOE having the resources and expertise necessary to actually assist schools in this regard.
- Exposure to role models will be very difficult for schools in many circumstances to provide. This is another area in which centralized support will be necessary.
- The bill states that parents and advocates shall be “given the opportunity to be involved in determining the extent, content, and purpose of educational programs for their children.” Again, this right is already protected by federal law.

As I already mentioned, existing legal frameworks, such as the Individuals with Disabilities Education Act already provide both accommodations and protections for students with disabilities. Creating additional bills of rights for specific groups of students would appear to be redundant. Additionally, we need to be careful that we are not through legislative action elevating one class of disability over others. Should we have a bill of rights for every disability category? We should be very clear as to what the problem is that we are trying to solve and make sure the solution is appropriate to the issue.

Finally, the Vermont Principals’ Association again asserts we are not experts in this area. However, we are experts in the daily operations of schools that support students with a wide variety of needs. If there are specific problems that experts believe need to be addressed to better enable us to serve these children in our schools, our principals and their teams welcome the opportunity to work with those individuals on a student by student basis and our organization welcomes that same opportunity on a statewide systematic basis. Lastly, we believe that the Vermont Council for Special Education Administrators (VCSEA) are the most expert members of education leadership from the public school system and would rely heavily on their expertise and experience.