

## Testimony to House Ed Committee about Deaf, Hard of Hearing, DeafBlind Legislative Report

03 14 2025, 11 am – 12 pm

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- Thank you, Will, and thanks for the opportunity to speak to the House Education Committee so I can address the Council's Legislative Recommendations.
- My name is Dr Sharon Henry and I have been a parent member of the DHHDB Council since it was formed in 2016 (by statute [33 VSA CH 16 § 1602](#)). I have also co-chaired the School Age Subcommittee since that time along with Sherry Sousa, Superintendent of MVSU.
- Also, prior to the Council, I was involved in the Hearing Advisory Council at the State Health Dept (birth to 3) starting in about 2004/ 2005.
- I have a hearing loss, and my son has a progressive hearing loss which presented at birth; I am also the daughter, the sister, the aunt and the great aunt of members of my family who are deaf or hard of hearing.
- As you may know, the Austine School closed 2014. The school (and its Vermont Center) provided a single point of entry where services were coordinated over time; losing the School and the Center has had a lasting negative impact for our community.
- In response to that closure, you helped us by establishing this Council so THANK YOU; and we need your Legislative help once again to improve the situation because things have not gone well for our students since the closure of Nine East in 2020, the entity that took over services when the Austine school and the Vermont Center closed in 2014;
- I would like to use my time before this committee to ask for your help in supporting the following **4 legislative action steps, which are outlined on page 6 of the Report under Recommendations.**

**1) Require/mandate the AOE to share the entire year-end report to the Council in a timely and HIPPA-compliant manner one month following the grant closure (typically by June 30) without having to go through public records requests. The Council is requesting that the language in the statute or rule be changed appropriately.**

- The legislative mandate that you gave us is to “assess the services, resources, and opportunities available to children in the State who are Deaf, Hard of Hearing, or DeafBlind.” In order to assess, we need both information (ie, reports) and data about educational, literacy and language outcomes.
- Fall 2024- email from Cassie Santo, now the State Director of Special Ed, the AOE representative to the Council and member of the School Age Subcommittee, sent an email to the Council indicating that a public records request should be completed to request information needed to complete our legislative mandate.
- It is unclear why this extra step is needed when data are being shared in a HIPPA compliant manner and when we are supposed to be collaborating.
- Under (c) Powers and Duties, the statute ([33 VSA CH 16 § 1602](#)) reads: “(1F) appropriate data collection and reporting requirements concerning students with disabilities. To fulfill its legislative mandate, the Council needs to have data about:

- Who is being served?
  - What are the students' needs, are their needs being adequately met, and what are their unmet needs?
  - What are the students' academic outcomes? Their academic progress, communicative competence and functional performance.
- On May 13, 2024, a letter was sent, with the majority support of Council members, to Secretary Saunders recommending this data standardization. No response was received by the Council.
  - On November 14, 2024, this issue was brought to the attention of the Steering Committee of the Commission for the Future of Public Education in Vermont and the Council's letter was shared. Our goals seemed to align with the data framework that they were working on. Secretary Saunders, who was in attendance, indicated that she would look into this.
  - Thus, the Council is requesting that the language in the statute or rule be changed appropriately to facilitate the Council's duties: we need the report and we need the data on educational, literacy and language outcomes.

**2) Require that the appropriate state agencies review the federal reporting requirements and data reporting systems at the AOE to rectify the data disparities for D/HH/DB school age population as well as any other low incidence special needs population that are likely also incorrect.**

- In order to assess, we need to know who is being served; this information also guides things such as work force, resource allocation, etc. Of the data available and included in your legislative report on **page 4**, in AY 22-23, there were 220 children on IEPs and 151 children on 504s for that academic year.
- The AOE is required by federal law to report annually the number of students with a primary disability of DHH who are on IEPs to the [OSEP](#) website (Office of Special Education Programs). For that same academic year (AY 22-23), the AOE reported 61 students with a primary disability of DHH. In looking at previous and subsequent years, the AOE has similarly under reported the student count; this is a serious under representation of the DHH population.
- There are a number of factors that can contribute to the underreporting; for example, the student may have another disability, and that disability is reported as the primary disability. But I have to wonder if these inaccuracies are specific to the DHH population or are these discrepancies found in other disability categories as well.
- In addition, does this inaccurate reporting impact federal funding in any way? Thus, for the second Recommendation, the Council is requesting that the legislature require an audit into this reporting issue.

**3) The Full Council, along with the School Age Subcommittee, continues to bear witness to the lack of accountability required in the Request for Proposals (issued annually by the AOE) for the D/HH/DB grant. The Legislature should require that appropriate steps are taken to review and ensure that this accountability is clearly defined, implemented, and enforced.**

- DHH services are funded by an annual grant from the AOE; the AOE solicits applications through a Request for Proposals in the spring. The awardee submits a Monitoring Report the following June.
- Nov/Dec 2024 – a fellow Council member completed such a public records request for 2021 – 2025; what was provided was beyond the 3-10 day window required by law, was incomplete and documents were mislabeled (grant applications were labeled at year end monitoring reports)
- Jan 29, 2025 – in consultation with Stuart Schurr, General Counsel for DAIL, he made a request to Emily Simmons (GC for the AOE) for the same set of records. Again, what was provided was beyond the 3-10 day window required by law, was incomplete and documents were mislabeled.
- Importantly, in reading some of the Year End Reports ('Monitoring Reports') submitted by the grantee, it was clear that the grantee had not consistently fulfilled the expectations outlined in the Request for Proposals across the academic years 21- 24. For example, listed in the RFPs are guidelines for best practice that are mentioned repeatedly (ie, the NASDESE Guidelines for Optimizing Educational Outcomes for Students who are DHH). One of principles of the NASDSE Guidelines specifies collection of academic, literacy and language levels.
  - Critical to the Council legislative duties 'to assess' are the reporting of academic, literacy and language levels. On page 4 of the Legislative Report where the '22-'23 academic year data were reported, the outcomes indicate that **nearly 50% of the DHH students are 2 or more years behind academically, an increase from the 2021-2022 where it was about 38% - 44%.**
  - UVMCMC ESP did not report any academic, language or literacy outcomes for that year.
  - the services and/or the service delivery model currently appear not to be meeting the unique educational needs of this population.
  - We do not know if the situation has improved, stayed the same or gotten worse. Other states have done this tracking over time and I can share exemplars, if helpful.
  - Data is obviously needed for accountability....and the grantees are not collecting these data adequately and consistently, and the data are not being shared appropriately with the Council.
  - Thus, the request of the Council is for the Legislature to require that appropriate steps are taken to audit, review and monitor that the AOE as well as the grantee's accountability is clearly defined, implemented, and enforced. The grantees should also be audited to see where these grant dollars are being spent across the last 5 years.
  - In support of the request for an audit is Appendix C of the Legislative Report; the section reads as though the two grantees (UVM CARES and UVMCMC ESP) work in parallel rather than collaborate to the benefit of the students. I know that the two Directors (Linda Hazard and Pam Hoover) have made a few steps toward a more effective administrative collaboration, but it appears that this does not bear out at the working surface where

children and their families are served. In fact, neither of these Directors attended the Council meeting on December 19 to discuss and vote on the Legislative Report. Consequently, they did not respond to the multitude of comments provided by Council members about their section (Appendix C) of the report. As you know, collaboration is necessary for successful outcomes, especially when resources are thin.

- Through a public records request, the mid-year report (Jan 2025) submitted by UVMCARES is available. The report does not reflect a genuine collaboration for the benefit of our children who are DHH or the expenditure of our tax dollars. The report barely mentions UVMC ESP and how the two entities are working together.
- On a personal note, it appears to me that the educational services for students are much different, watered down, and inconsistent compared to the services that my son who is Hard of Hearing received (1999-2017). Examples given.

**4) The Full Council, along with the School Age Subcommittee, has observed the lack of willingness of the AOE to support and/or implement the use the Vermont Quality Indicator Assessment TOOL and CHECKLIST by its vendors.**

- Hearing loss is known as the invisible disability, and is not a disability that is highlighted in special educator or regular classroom teacher training. Thus, access to specialists in the field (Teachers of the Deaf) who are familiar with best practice is imperative for helping school teams to understand the unique challenges that these children face every day in the classroom. In response to the chaos in the field when Nine East closed, the School Age Subcommittee created some resources to guide professionals and school teams based on the published best practice guidelines. We then offered educational sessions about these resources (between May 2023 and March 2024).
- Recommendations to both the Governor Phil Scott's Office and to the AOE (Interim Secretary Heather Bouchey) about these resources were made in August 2023; no response was received from either Office.
- The Council is recommending that the Legislature require that the AOE and the Board of Education (BOE) adopt the TOOL and CHECKLIST to be used by all school districts and providers serving this population regardless of their AOE Grant funding status.

**To summarize,** the Council is requesting 4 legislative action steps on:

- Changing the language of the statute to improve information sharing from the AOE and grantee;
- Requiring that the appropriate state agencies review the federal reporting requirements;
- Conducting an audit of the AOE and grantees from 2021 – to the present to review and ensure that accountability is clearly defined, implemented, and enforced;
- require that the AOE and the Board of Education (BOE) adopt the resources (TOOL and CHECKLIST) to be used by all school districts and providers serving this population regardless of their AOE Grant funding status

- 5) Last year the Bill of Rights for D/HH/DB Students was introduced in the Senate, S.172. While this bill was taken up by the Senate Education committee, the bill never made it out of committee. Hopefully the information that I have shared has made it clear that the bill needs to be re-introduced and be given the proper time for consideration and discussion, and ultimately passed. It is one way to show that Vermont is taking Education services for D/HH/DB seriously. The bill can be found here: <https://legislature.vermont.gov/bill/status/2024/S.172>

My colleague Will Pendlebury, Chair of the DHHDB Council, can address the last two Recommendations in the Legislative Report.

#### **Additional Education Recommendations outside of the Education Subcommittee**

- 1) Elimination of the competitive grant process for selecting vendors to provide D/HH/DB education services in VT. Instead, this money should be reallocated and distributed directly to school districts to use and contract with the necessary and preferred vendors to serve the needs of their students who are D/HH/DB. Historically the AOE has explained that the ability to do this is not possible, however in discussions with other State Agencies it is implied that this is not necessarily the case. As such a robust discussion needs to occur about how money can and cannot flow for these services. Absent of this, then the grant should be issued on 2- or 3-year
- 2) Begin a dialogue around the feasibility of creating regional day programs for D/HH/DB Students. This can be more easily done given that Act 168 “An Act relating to improving access to high quality education through community collaboration” was passed and enacted last year. Now that school districts are allowed to share resources making it easier to partner in shared resource agreements to allow for the provision of services for all students that require specialized services. The council has started beginning stage discussions of regional day programs during its meetings, but no formal work or strategic thinking has been undertaken regarding this topic. In-depth planning will likely require outside consultation and funding.