

CONFIDENTIAL
LEGISLATIVE BILL REVIEW FORM: 2015

Bill Number: S.66 **Name of Bill:** An act relating to persons who are deaf or hard of hearing

Agency/ Dept: AHS/DAIL **Author of Bill Review:** Stuart Schurr and Bill Hudson, DAIL, in consultation with Linda Hazard, VDH

Date of Bill Review: 3/17/15 **Related Bills and Key Players** H.140; Senators Pollina, Balint, Cummings, McCormack, and White

Status of Bill: (check one): ☒ Upon Introduction ☐ As passed by 1st body ☐ As passed by both

Recommended Position:

☐ Support ☒ Oppose ☐ Remain Neutral ☐ Support with modifications identified in #8 below

Analysis of Bill

1. Summary of bill and issue it addresses.

The bill proposes to establish a bill of rights for children who are deaf or hard of hearing and to create, within the Department of Disabilities, Aging and Independent Living (DAIL), a Commission for Persons Who are Deaf or Hard of Hearing. The Commission would assess and make recommendations concerning educational services, resources and opportunities for children within the State who are deaf or hard of hearing and their families and to provide advice and oversight on matters of policy and administration of programs for persons who are deaf or hard of hearing. The Commission would consist of nine members, appointed by the Governor, including a Senior Counselor for the Deaf and Hard of Hearing in DAIL's Division of Vocational Rehabilitation, as well as the [Secretary] of Health. In addition to overseeing and monitoring the implementation of the Bill of Rights for Children Who are Deaf or Hard of Hearing, the Commission would be empowered to conduct studies, evaluate the adequacy of existing services, review legislation and rules and advise the Governor, the General Assembly, AOE and AHS, and would oversee and monitor the qualification of interpreters. The Commission would have the administrative, technical and legal support of DAIL.

In addition to submitting an annual report to the Governor and the committees of jurisdiction as to its findings concerning the above-mentioned powers and duties, on or before January 15, 2016, the Commission would be required to submit a report to the Governor and these committees of jurisdiction to include the following: an assessment of educational services and resources; the identification of losses or reductions in services arising from the closures of the Austine School and the Vermont Center for the Deaf and Hard of Hearing (VCDHH); and evaluation of the adequacy of existing services and resources; and a proposal to restore and expand educational opportunities, including a plan for establishing a centralized school for children who are deaf or hard of hearing. Notably, the bill would further authorize the Commission to develop a proposal for expanding its powers and duties.

Please return this bill review as a Microsoft Word document to laura.gray@state.vt.us and jessica.mishaan@state.vt.us

2. Is there a need for this bill?

Unknown. Presumably, this legislation has been introduced in response to the closure of the Austine School and the Vermont Center for the Deaf and Hard of Hearing in 2014. The collaboration between the Agencies of Education and Human Services, both prior to and after these closures, as well as the ongoing work being done by state staff and Nine East Network, raises questions as to the need for the creation of this Commission.

For example, the Vermont Early Hearing Detection and Intervention (VTEHDI) Program at the Vermont Department of Health (VDH), the goals of which are to provide the following:

- tracking and surveillance of hearing screening, diagnosis of hearing loss and entrance into early intervention services for populations from birth to age 3
- monitoring of children with high risk factors for developing hearing loss through age 5
- support families in their various options and communication choices
- supports early intervention financially and programmatically through an agreement with Nine East Network.

On average Vermont identifies 7 to 8 infants/year with hearing loss, of which 1 or 2 are identified with severe to profound hearing loss. Over the last 6 years, 11 infants have been diagnosed with deafness and the families of 10 of those children have opted for cochlear implants. There are approximately 24 deaf children in Vermont birth to age 22 who are mainstreamed. VTEHDI, in collaboration with Maine and New Hampshire, has received funding to identify professional needs in the state regarding the parent journey, to provide education and training to parents, and to explore teletherapy. One of the primary reasons for the uncertainty surrounding the need for the proposed Commission is the existence of VDH's longstanding and successful Hearing Advisory Council. VTEHDI has been communicating with the deaf and hard of hearing community about joining the Council and expanding the role of the Council to examine adult issues. As such, the Council may be able to provide the necessary framework to examine and address the challenges of both children and adults who are deaf or hard of hearing.

Further, upon learning of the closure of VCDHH, the Agency of Education (AOE) responded promptly to ensure the continuity of services. Nine East Network was selected due to its proven track record of serving students with disabilities, and, as 12 of the 13 consultants who had worked for the VCDHH moved to Nine East Network, services to students resumed shortly thereafter. Interagency discussion and collaboration continues as to how to best serve this population through a single point of contact and ensure smooth transitions from early school age services to adult life.

Finally, the Division of Vocational Rehabilitation (DVR) serves deaf, hard of hearing and late-deafed adults through its four Regional Counselors for the Deaf. These counselors provide a wide range of services for this population, including: knowledge of various types of hearing loss and their impacts on employment and independence; sign language experience; work with audiologists; employment services; information about support groups and clubs; and technical assistance around the ADA. DVR maintains a registry of Certified ASL interpreters, and DAIL partners with the Vermont Center for Independent Living (VCIL) to provide additional services to support independent living.

3. What are likely to be the fiscal and programmatic implications of this bill for this Department?

DAIL would be responsible to provide administrative, technical, and legal support to the Commission, as well as per diem compensation and reimbursement of expenses for members of the Commission who are not state employees or otherwise reimbursed or compensated for their attendance. Without additional staff and resources, DAIL would be unable to perform the extensive work called for in this bill. Finally, the Senior Counselor for the Deaf and Hard of Hearing in DAIL's Division of Vocational Rehabilitation would likely be tasked with a prominent role on the Commission, as well as significant responsibilities in the preparation of the annual reports described above.

4. What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it?

As members of the Commission, the following individuals/entities would be impacted programmatically and, depending upon the scope of the work performed by the Commission and the time commitment involved, fiscally, as well: the Secretary of Education or designee; the [Secretary] of Health or designee; and the Commissioner of Labor or designee. Without a clear demonstration as to the need for this bill, it is likely that these departments/agencies would oppose this legislation.

Further, the Commission's report, as set forth in Sec. 6, would include an evaluation of 16 V.S.A. § 3823 (the Austine Schhool; financing) that assesses whether the General Assembly should waive or otherwise alter the Vermont Center for the Deaf and Hard of Hearing's obligation under this section to repay capital appropriations made to or for the benefit of the Austine School from the proceeds of certain sales of the Center's real property.

5. What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it?

This bill could have a fiscal and programmic impact on several agencies in the fields of mental health and other healthcare needs, as well as in the areas of housing, adult technical programs, schools, community parks and recreation departments, employment opportunities, and communication accessibility.

6. Other Stakeholders:

6.1 Who else is likely to support the proposal and why?

Vermonters who are deaf and hard-of-hearing will likely support this bill. This population has been voicing its desire for more services related to communication access in education, enhanced interpreter services, etc. Sign language interpreters/others who work to serve this population and family members of persons who are deaf or hard of hearing will likely support this proposal, as well.

6.2 Who else is likely to oppose the proposal and why?

It is likely that that some school district administrators will oppose this bill due to the possibility of increased costs associated with providing communication access to deaf and hard-of-hearing students.

7. Rationale for recommendation: See #2 and #3 above.

Please return this bill review as a Microsoft Word document to laura.gray@state.vt.us and jessica.mishaan@state.vt.us

8. Specific modifications that would be needed to recommend support of this bill:

First, it will be necessary to demonstrate the need for this legislation and, more specically, whether the extant Hearing Advisory Council within VDH could be expanded to obviate the necessity for the proposed Commission. Even if the Commission were deemed necessary, DAIL could not support this legislation without additional human resources and funding to properly perform the enumerated duties and responsibilities.

9. Gubernatorial appointments to board or commission?

Yes. Nine members of the public, along with the Senior Counselor for the Deaf and Hard of Hearing in DAIL, the Secretary of Education or designee, the [Secretary] of Health or designee, and the Commissioner of Labor or designee would be appointed to the Commission by the Governor.

Secretary/Commissioner has reviewed this document: _____ ***Date:*** _____