

# NORTH DAKOTA LEGISLATIVE COUNCIL

## Minutes of the

### HIGHER EDUCATION COMMITTEE

Wednesday, August 20, 2008  
Roughrider Room, State Capitol  
Bismarck, North Dakota

Representative Ken Svedjan, Chairman, called the meeting to order at 9:00 a.m.

**Members present:** Representatives Ken Svedjan, Lois Delmore, Kathy Hawken, RaeAnn G. Kelsch, Matthew M. Klein, Jasper Schneider, Bob Skarphol, John D. Wall, Clark Williams; Senators Ray Holmberg, Karen K. Krebsbach, Elroy N. Lindaas, Dave Nething, Dave Oehlke, Tracy Potter, Larry J. Robinson

**Member absent:** Representative Bob Martinson

**Others present:** David Monson, State Representative, Osnabrock

Steve Zaiser, State Representative, Fargo

See attached [appendix](#) for additional persons present.

**It was moved by Senator Robinson, seconded by Representative Kelsch, and carried on a voice vote that the minutes of the July 30, 2008, meeting be approved as distributed.**

#### STUDY OF THE PROVISION OF SERVICES TO CHILDREN AND ADULTS WHO ARE DEAF OR HEARING-IMPAIRED

The Legislative Council staff presented a memorandum entitled [Organizations Providing Services for Deaf or Hearing-Impaired Persons](#). The memorandum provides information on organizations in the state that provide services to deaf or hearing-impaired persons.

The Legislative Council staff presented a memorandum entitled [Other States' Educational Facilities and Services for Students Who Are Deaf or Hearing-Impaired](#). The memorandum provides information regarding education services provided to deaf and hearing-impaired students through state-operated schools, private schools, and local school districts.

The Legislative Council staff said 43 states operate a school for deaf and hearing-impaired students. The majority of states also provide educational

programming for deaf and hearing-impaired students in local school districts.

Senator Nething suggested the committee receive information regarding the governance structure of other states' schools for deaf and hearing-impaired persons. Chairman Svedjan asked the Legislative Council staff to provide the information to the committee at a future meeting.

Representative Skarphol suggested the committee receive information regarding the per student cost of educating students at other state's schools for deaf and hearing-impaired persons. Chairman Svedjan asked the Legislative Council staff to provide the information to the committee at a future meeting.

Representative Monson suggested the committee receive information regarding states that provide funding to local school districts for educating deaf and hearing-impaired students. Chairman Svedjan asked the Legislative Council staff to provide this information to the committee at a future meeting.

Mr. Bob Rutten, Director of Special Education, Department of Public Instruction, provided information to the committee regarding the education of deaf and hearing-impaired students in the state. He said the federal Individuals With Disabilities Education Act (IDEA) ensures all children with disabilities receive a free and appropriate education. He said part of the Act requires students with disabilities to receive an individualized education program to accommodate the specialized needs of the student.

In response to a question from Representative Wall, Mr. Rutten said even though overall school enrollment in the state is decreasing, the number of students receiving special education is increasing.

Mr. Rutten said 8 students in the state between the ages of 3 and 21 are classified as deaf and blind. He said 109 students between the ages of 3 and 21 are deaf or hearing-impaired. He presented the following schedule detailing the age of students in the state who are deaf or hearing-impaired:

Age	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
Number of deaf or hearing-impaired students	2	5	8	2	10	5	7	10	5	7	14	5	7	8	6	7	1

Mr. Rutten said the National Center on Severe and Sensory Disabilities at the University of Northern Colorado conducted a study on the educational trends of deaf and hearing-impaired students. He said the study found there is a national decline in the number

of students enrolled at schools for the deaf because of an emphasis on hearing-impaired education in local school districts. He said increased placement of deaf and hearing-impaired students in local schools has

caused an increase in the per student costs at deaf schools.

Mr. Rutten said the following schedule included in the study report provides information on the proportion of deaf and hearing-impaired students between the ages of 6 and 21 who are educated in a regular classroom setting:

Year	National Average	North Dakota Average
2003-04	86.3	79.9
2004-05	86.5	77.1
2005-06	86.5	76.2
2006-07	86.4	79.6

Mr. Rutten said the study conducted by the National Center on Severe and Sensory Disabilities provided five primary options for deaf and hearing-impaired education in North Dakota:

1. Maintain current services.
2. Reconfigure the School for the Deaf by eliminating the residential program but keeping either a day program only, an outreach program only, or only utilize regional centers.
3. Create a center for technology that makes the delivery of services possible statewide and reconfigure the current campus to serve as the base.
4. Collaborate with other state departments of education to serve students who are deaf or hard-of-hearing, either on the North Dakota campus or in a virtual environment.
5. Close the School for the Deaf and rely on local education agencies to deliver education and services to North Dakota residents who are deaf or hard-of-hearing.

In response to a question from Representative Delmore, Mr. Rutten said the number of nonresident students who would enroll in the School for the Deaf is dependent on several factors, including the distance from a student's home to the school.

Mr. Rutten said the study provided the following recommendations for North Dakota:

1. Explore relationships between available placements and postsecondary outcomes for citizens who are deaf and hard-of-hearing in North Dakota.
2. Conduct a cost efficiency study to determine the costs of educating deaf and hard-of-hearing students through various education delivery methods.
3. Consider a model of service delivery for North Dakota deaf citizens that is similar to the one used by North Dakota Vision Services - School for the Blind.
4. Open a dialogue with stakeholders to discuss the issues raised in the study.
5. Utilize the Council of Chief State School Officers to broker a conversation among superintendents in states contiguous to North Dakota to explore collaborative approaches.

A copy of the information presented is on file in the Legislative Council office.

Representative Kelsch said some students being served at the School for the Deaf have other disabilities in addition to being deaf or hearing-impaired.

Senator Oehlke said it is important for deaf and hearing-impaired students to be in an educational setting with other students that have the same disability. He said the provision of deaf services can be used as a tool for growth in the state.

Representative Svedjan said operational costs need to be considered when reviewing potential options.

Representative Monson said even though the School for the Deaf has a high per student cost, the education of deaf and hearing-impaired students needs to be the primary focus.

Representative Skarphol said technology may be used to provide services to deaf and hearing-impaired students across the state. He suggested the committee receive information regarding a model deaf and hearing-impaired education system.

Senator Holmberg suggested the committee receive information regarding the transition from a residential to day program at North Dakota Vision Services - School for the Blind.

In response to a question from Senator Krebsbach, Mr. Rutten said the School for the Deaf and North Dakota Vision Services - School for the Blind offer short-term residential programs to individuals during the summer months.

Representative Kelsch suggested the committee receive information regarding the ability of regional education associations to provide services to deaf or hearing-impaired students.

Mr. Michael Ahmann, Director of Special Education, Bismarck Public School District, provided information to the committee regarding the education of deaf and hearing-impaired students in local school districts. He said the Bismarck Public School District provides direct services to 19 students who are hearing-impaired. He said some of the direct services provided include monitoring of hearing aids, speech and language development, auditory training, and academic instruction.

A copy of the information presented is on file in the Legislative Council office.

In response to a question from Senator Robinson, Mr. Ahmann said educating all deaf and hearing-impaired students in local school districts would require additional staff, including more sign language interpreters.

Mr. Ahmann said the Bismarck Public School District has an annual budget of \$375,000 for its hearing-impaired program. He said the school district does not receive any additional funding from the state for educating deaf and hearing-impaired students.

In response to a question from Senator Potter, Mr. Ahmann said technology is utilized in the education of hearing-impaired students. He said

amplifiers can be used by hearing-impaired persons in classroom settings.

In response to a question from Representative Kelsch, Mr. Ahmann said it may be more difficult for rural school districts to provide services to deaf and hearing-impaired students. He said appropriate resources may not be available in every district.

The committee recessed for lunch at 12:00 noon and reconvened at 12:45 p.m.

Ms. Linda Wright, Director, Aging Services Division, Department of Human Services, presented information to the committee regarding services provided by the Department of Human Services to persons who are deaf or hearing-impaired. She said the department has a contract with the Interagency Program for Assistive Technology to provide telecommunications equipment distribution service. She said approximately 30 persons per month receive the service.

Ms. Wright said the Department of Human Services Vocational Rehabilitation program provides services to persons with disabilities to aid in obtaining and continuing employment. She said the program also provides assistance for the purchase of hearing aids and assistive technology devices.

A copy of the information presented is on file in the Legislative Council office.

The Legislative Council staff presented a memorandum entitled [Renovation of School for the Deaf Building by Private Entity](#). The memorandum provides information regarding the ability of a private entity to lease and renovate a state-owned building on the School for the Deaf campus.

The Legislative Council staff said North Dakota Century Code Section 15.1-02-07 authorizes the Superintendent of Public Instruction to lease surplus portions of real property, including buildings owned by the state for use by the School for the Deaf. Further, there does not appear to be any provision of law that would preclude the Superintendent from including a lease provision that would require the lessee to pay the cost of any improvement necessary.

Mr. Dennis Fogelson, Superintendent, School for the Deaf, presented information regarding buildings on the campus of the School for the Deaf. He said the Vocational and Trades Building could potentially be renovated and leased to a private entity. He said due to safety issues, the infirmary building needs to be removed from campus.

Mr. Fogelson presented a schedule detailing the replacement value and square footage of buildings on campus. He said the total replacement value of all buildings on campus is \$14,265,810.

Mr. Fogelson said a School for the Deaf heritage center has been proposed for vacant land on campus. Additionally, he said, residents from Devils Lake have formed a committee to review the feasibility of constructing an activities center adjacent to the school's swimming pool and gymnasium. He said the proposed activities center will affect future site plans for the campus.

A copy of the information presented is on file in the Legislative Council office.

Senator Oehlke said the proposed activities center would require a contractual agreement to allow the city of Devils Lake to lease land from the state. He said legislative approval would be needed only if the state sells land to the city for the activities center.

In response to a question from Representative Monson, Mr. Fogelson said the Vocational and Trades Building could be leased for \$7 to \$9 per square foot. He said the lease amount would include the school providing utilities.

In response to a question from Representative Svedjan, Mr. Fogelson said the Department of Human Services and North Valley Homes, Inc., have expressed interest in leasing the Vocational and Trades Building.

In response to a question from Representative Monson, Mr. Fogelson said the basement of the Vocational and Trades Building is used for storage by the School for the Deaf and Devils Lake Public Schools.

Representative Skarphol commended school officials for work done to maintain the campus.

Mr. Wayne Kutzer, Director, Department of Career and Technical Education, presented information regarding vocational training options for persons who are deaf or hearing-impaired. He said deaf and hearing-impaired persons can enroll in all Career and Technical Education courses. He said the Lake Area Career and Technology Center has enrolled School for the Deaf students in various programs.

Ms. Deb Glennen, Disability Services for Students, University of North Dakota, presented information to the committee regarding services provided to deaf or hearing-impaired students enrolled in a higher education institution. She said students receive support through adaptive technologies and interpreting services.

In response to a question from Representative Svedjan, Ms. Glennen said 3 percent to 4 percent of students at the University of North Dakota receive services for disabilities. She said 10 percent of all disabled students at the university have a hearing impairment.

In response to a question from Representative Svedjan, Ms. Glennen said each higher education institution is responsible for the costs incurred in assisting disabled students on its campus.

In response to a question from Senator Oehlke, Ms. Glennen said classroom services are a priority when serving disabled students. She said services may also be provided at other university activities if they are available.

In response to a question from Representative Skarphol, Ms. Glennen said student disability information can be retained in the ConnectND computer system.

Ms. Laura Glatt, Vice Chancellor for Administrative Affairs, North Dakota University System, said each campus includes an amount in its budget for disabled

student services. She said in previous budgets, the State Board of Higher Education was appropriated discretionary funding that could be used for additional disabled student services.

Mr. Fogelson presented information regarding faculty and staff at the School for the Deaf. He said the school currently employs 48 full-time equivalent positions. He said in calendar year 2008, half of the school's employees were aged 50 or older. He said retaining qualified staff is becoming increasingly difficult.

In response to a question from Senator Robinson, Ms. Carol Lybeck, Outreach Coordinator, School for the Deaf, said eight positions have been filled at the school since the end of the 2007-08 school year, including one teaching position.

In response to a question from Representative Skarphol, Ms. Lybeck said there are colleges in the state that provide the training necessary to teach at the School for the Deaf. However, she said, the teachers who complete the program seek employment outside the state due to higher wages that can be earned out of state.

Ms. Lybeck presented information regarding the school's vision for expanding its outreach program. She said the following goals have been established for the program:

1. Provide early intervention services for children who are deaf or hard-of-hearing ages birth to five.
2. Develop and support quality programs for individuals who are deaf or hard-of-hearing to promote opportunities to acquire effective communication skills and equal access.
3. Provide access to current and emerging technologies.
4. Develop and maintain a coordinated statewide communication network.
5. Provide parents and consumers with necessary support and training.
6. Ensure that all staff are qualified and appropriately trained.

In response to a question from Representative Svedjan, Ms. Lybeck said proposals

Total Graduates	Total Responses	Number of Respondents Who Attended or Are Attending College	Number of Respondents Who Are Working	Number of Respondents Who Are Living on Their Own or in a College Dormitory
26	23	9	18	14

In response to a question from Representative Svedjan, Ms. Lybeck said most School for the Deaf graduates stay and work in the state.

Representative Skarphol suggested the committee receive information regarding college completion rates of School for the Deaf graduates. Ms. Lybeck said she would provide the information to the committee at a future meeting.

In response to a question from Senator Robinson, Ms. Lybeck said the school currently employs 15 teachers. She said students who receive

for the outreach program will need to be evaluated to determine what resources are required for implementation.

In response to a question from Senator Robinson, Ms. Lybeck said funding for certain initiatives has been included in the school's 2009-11 budget request.

Mr. Fogelson presented the following schedule summarizing the number of persons served by School for the Deaf programs:

Service	2001-03	2003-05	2005-07	2007-09 <sup>1</sup>
Students served at School for the Deaf	67	59	57	27
Total served by outreach programs	4,301	6,055	8,943	4,000
Interpreter services	221	359	617	375
Deaf-blind services	78	74	80	43
Parent-infant program contacts	32	36	36	32
Outreach class attendance	295	300	965	95
Outreach school-age student contact	14	19	87	177

<sup>1</sup>Through May 20, 2008.

In response to a question from Senator Robinson, Ms. Lybeck said the total unduplicated number of persons served by school programs is approximately 1,000. She said she would provide more information regarding the number of persons served at a future meeting.

Ms. Lybeck presented information regarding the number of persons the school anticipates serving in the next 10 years. She said based on a hearing-impairment incidence rate of 2 infants to 3 infants per 1,000 births, the school expects to enroll between 3 new students and 5 new students annually.

Ms. Lybeck presented information regarding the careers available to graduates of the School for the Deaf. She said postsecondary institutions are required by federal law to make reasonable accommodations to any individual with a disability. She provided the following schedule summarizing a survey of students who graduated from the school between 2000 and 2008:

residential services during the school year spend the summer at their homes.

Mr. Fogelson presented information regarding revenue-generating services at the school. He said the school currently generates revenue from contracting sign language interpreter services to local school districts. He said revenue is also generated by leasing facilities on the School for the Deaf campus to other entities. He said the school is reviewing the feasibility of implementing a remote real-time online captioning service to provide interpreter services to local school districts.

Ms. Renae Bitner, Captioning Coordinator, School for the Deaf, presented information regarding the school's captioning program. She said local school districts are not currently charged for videotape captioning services. She said the School for the Deaf could potentially generate revenue by charging a fee for captioning services.

In response to a question from Representative Monson, Mr. Fogelson said the school's marketing plan will help increase awareness of captioning services. He said the demand for captioning services from local schools may decrease if a fee was charged for the service.

Representative Skarphol suggested the committee receive information regarding the cost of implementing additional revenue-generating services at the School for the Deaf.

Mr. Curt Sinness, Child Support Division, Department of Human Services, said the Department of Human Services is reviewing potential sites to relocate its Devils Lake Child Support Enforcement Unit. He said the Vocational and Trades Building on the School for the Deaf campus would provide adequate space and security if it would be renovated.

In response to a question from Representative Svedjan, Mr. Sinness said no other available locations in Devils Lake currently meet the space and security needs of the Child Support Enforcement Unit.

Mr. Jerry Balzer, Bismarck, provided comments to the committee regarding the School for the Deaf. He said residential services provided by the school allow students to learn social and communication skills.

Representative Monson suggested the School for the Deaf include proposed capital project improvements in its 2009-11 budget request.

Senator Potter suggested the committee receive information regarding the vision of the school to expand targeted areas.

Senator Oehlke said technology can be used to expand the services provided by the School for the Deaf. He said the retention of qualified teachers will be an important issue for the school.

The meeting was adjourned subject to the call of the chair at 4:35 p.m.

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Brady A. Larson  
Fiscal Analyst

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Allen H. Knudson  
Legislative Budget Analyst and Auditor

ATTACH:1