

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

STUDY RESPONSIBILITY

Section 14 of Senate Bill No. 2013 directs a study of the provision of services to children and adults who are deaf or hearing-impaired, including the role of the North Dakota School for the Deaf in the provision of educational and rehabilitative services, the short-term and long-term viability of existing state facilities, and alternative approaches that might enhance the scope and breadth of service availability. The study is to include the feasibility of combining the administration and delivery of services of the School for the Deaf with other area school districts, education associations governed by joint powers agreements, special education units, and North Dakota Vision Services - School for the Blind. The study is also to examine alternative uses for the buildings on the School for the Deaf campus beyond the scope of the school's present mission. A copy of Section 14 is attached as [Appendix A](#).

BACKGROUND

The School for the Deaf, established in 1890 by the North Dakota Constitution and located in Devils Lake, is under the direction, control, and management of the Department of Public Instruction. The school is

an educational institution for the education of children with severe to profound hearing loss that are not able to be served in their local school district. To be eligible for enrollment, children must be between the ages of 0 and 21 and must be residents of North Dakota. Out-of-state students are accepted on a tuition basis. Pursuant to North Dakota Century Code (NDCC) Section 27-07-12, the school may collaborate with public and private entities for the provision of services to adult individuals who are deaf or hearing-impaired. The following is a summary of legislative appropriations and authorized full-time equivalent (FTE) positions for the school for the bienniums 1997-99 through 2007-09:

| Biennium | FTE Positions | General Fund | Special Funds | Total Funds |
|-----------|---------------|--------------|---------------|-------------|
| 1997-99 | 53.93 | \$4,571,465 | \$531,878 | \$5,103,343 |
| 1999-2001 | 53.93 | \$4,701,654 | \$721,856 | \$5,423,510 |
| 2001-03 | 53.10 | \$5,070,479 | \$1,095,624 | \$6,166,103 |
| 2003-05 | 51.85 | \$5,073,242 | \$871,449 | \$5,944,691 |
| 2005-07 | 49.19 | \$5,365,097 | \$1,327,265 | \$6,692,362 |
| 2007-09 | 43.94 | \$5,390,438 | \$1,039,018 | \$6,429,456 |

The following is a summary of the authorized FTE positions by category for the school for the bienniums 1997-99 through 2007-09:

| | 1997-99 | 1999-2001 | 2001-03 | 2003-05 | 2005-07 | 2007-09 |
|----------------------------|--------------|--------------|--------------|--------------|--------------|--------------|
| Teachers | 12.00 | 12.00 | 12.00 | 11.25 | 9.75 | 9.00 |
| Interpreters | 4.05 | 4.05 | 4.05 | 3.93 | 4.69 | 3.94 |
| Outreach | 4.24 | 4.24 | 3.41 | 3.41 | 4.15 | 4.15 |
| Deafblind Services Project | 0.00 | 1.00 | 1.00 | 1.00 | 1.44 | 1.44 |
| Support staff | 1.66 | 1.66 | 2.66 | 2.83 | 2.00 | 2.00 |
| Teacher technicians | 1.56 | 1.56 | 1.56 | 1.53 | 1.53 | 1.53 |
| Resident living | 8.47 | 8.47 | 8.47 | 8.50 | 7.75 | 4.75 |
| Health services | 1.51 | 1.51 | 1.51 | 1.51 | 1.51 | 1.51 |
| Administration | 8.00 | 7.00 | 6.00 | 5.83 | 4.56 | 4.56 |
| Other | 12.44 | 12.44 | 12.44 | 12.06 | 11.81 | 11.06 |
| Total | 53.93 | 53.93 | 53.10 | 51.85 | 49.19 | 43.94 |

Programs and Services

The School for the Deaf provides comprehensive educational programming that covers a broad range of disciplines, including traditional academics, vocational education, special studies, physical education, and art, to students using signed or oral communications. The school is fully accredited by the Department of Public Instruction, North Central Accreditation, and the Conference of Educational Administrators Serving the Deaf.

The School for the Deaf provides residential dormitory services from Sunday night through Friday morning during the school year. Students live in two dormitory areas and some of the older students have opportunities for independent living experience in apartments on campus. Day students also have opportunities to participate in dormitory activities after

school and in the evenings. Students are transported home for weekends and school vacations. The following is a summary of on-campus students for the school years 1997-98 through 2006-07:

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| 1997-98 | 46 |
| 1998-99 | 43 |
| 1999-2000 | 41 |
| 2000-01 | 35 |
| 2001-02 | 35 |
| 2002-03 | 33 |
| 2003-04 | 28 |
| 2004-05 | 30 |
| 2005-06 | 29 |
| 2006-07 | 26 |

Pursuant to NDCC Section 27-07-12, the School for the Deaf has also expanded its mission to include that of a resource center on hearing loss with the

responsibility to serve all citizens in North Dakota who are deaf and hearing-impaired. The school has outreach offices in Devils Lake, Fargo, Bismarck, and Minot. The following is a summary of outreach services provided:

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| Audiological services | Direct comprehensive audiological services are available to all students aged 0 to 21. Education is also provided by the audiologist in meeting the audiological needs of individuals who are deaf and hearing-impaired. |
| Communications services | The school provides a variety of communications services, including interpreter, tutoring, note-taking, closed-caption encoding, and sign language instruction. |
| Library and media center | The library and media center contains a variety of resources, including books, videotapes, captioned films and videos, and magazines on deafness, deaf culture, and sign language. |
| Parent infant program | A home-based program for young deaf and hearing-impaired children ages birth to three years and their families. The program is family-centered and is individualized to the family's needs and the child's learning style through an individual family service plan. Information is shared with the family on how to encourage listening skills, communication, language, and speech development through natural daily activities. Parents are also invited to attend community and statewide workshops and family learning vacations. |

Additional information regarding educational and outreach services is attached as [Appendix B](#).

Facilities

The School for the Deaf maintains a 30-acre campus and over 130,000 square feet of buildings. A map of the campus is attached as [Appendix C](#). The following is a summary of the buildings:

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| A. R. Spear School Building | The first and second floors house the Early Explorers Headstart program. The basement houses more of the Early Explorers Headstart program along with a regional office for the Protection and Advocacy agency. In the basement, the school also maintains a closed-caption center, an interpreter's office, a classroom, the physical education instructor's office, locker rooms, the Bulldog Parlor, gymnasium, and swimming pool. |
| Resource Center | This building houses the library, a computer lab, a smartboard unit room, high school classrooms, the technology coordinator's office, and a videoconference room. |

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| Barn | This is a historical building used by the school in the past when the school served as a farming operation. |
| Blackhurst Dormitory | This building includes sleeping rooms on the east and west sides with a family-like center room dividing each side. |
| Cabin | This facility is currently used for social events and school picnics. |
| Carl F. Smith Building | The main floor of this building houses the superintendent's office, business office, health services office, food services, outreach services, Deafblind Services Project coordinator's office, audiology, and the preschool, kindergarten, and elementary classrooms. Middle school classrooms are located on the second floor, and the basement houses the director of buildings and grounds office, a videoconference room, the communications coordinator's office, and a playroom used by the Early Explorers Headstart program and the school. |
| Vocational and Trades Building | The main floor of this building houses the woodworking shop which no longer is being utilized and an old print shop which has been converted into a museum. The school is seeking to rent space pending building improvements. |

STATUTORY PROVISIONS

Article IX, Section 12, of the Constitution of North Dakota and NDCC Section 25-07-01 provide that the School for the Deaf must be maintained at Devils Lake in Ramsey County. The following is a summary of other statutory provisions in Chapter 25-07 relating to the School for the Deaf:

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| 25-07-01.1 | Provides that the superintendent of the School for the Deaf is appointed by and reports to the Superintendent of Public Instruction. The School for the Deaf must have a separate budget and separate staff from the Department of Public Instruction. |
| 25-07-02 | Provides that the superintendent of the School for the Deaf may also act as superintendent of the North Dakota Vision Services - School for the Blind. |
| 25-07-04 | Provides that a child who is a resident of North Dakota and who because of deafness or a hearing impairment is unable to receive an education in public schools is entitled to attend the School for the Deaf at the expense of the state. |
| 25-07-05 | Provides that a child who is not a resident of the state may be admitted to the School for the Deaf provided the annual cost of education is paid in advance of the child's admission. |

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| 25-07-06 | Provides that the superintendent of the School for the Deaf is to provide special education and related services designed to meet the unique needs of each child who is deaf or hearing-impaired in accordance with the child's individual education program. |
| 25-07-08 | Provides that the School for the Deaf shall provide clothing to a child who is enrolled in the school if the child does not have suitable clothing. |
| 25-07-10 | Provides that public school officials are to report to the School for the Deaf each person under age 21 who is deaf or hearing-impaired. |
| 25-07-11 | Provides that the School for the Deaf may provide a home intervention program for children who are under age 5 and who are deaf or hearing-impaired. |
| 25-07-12 | Provides that the School for the Deaf may collaborate with public and private entities for the provision of services to individuals who are deaf or hearing-impaired. The School for the Deaf may not compete with any public or private entity offering the same services within a region. |

PREVIOUS STUDIES

Organizational Status Study (1998)

In 1998 the Department of Public Instruction commissioned Roger Worner Associates, Inc., Sartell, Minnesota, to complete an organizational status study of the School for the Deaf. The study was to create a profile of the School for the Deaf's status in order to enhance the organization's effectiveness, efficiency, and cost-effectiveness in the delivery of programs and services to the state's deaf and hearing-impaired student population. Roger Worner Associates, Inc., made the following conclusions regarding the School for the Deaf:

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| Enrollment | The School for the Deaf is a small critical student mass educational enterprise with a declining student enrollment. |
| Finances | Expenditures for the School for the Deaf are high for the number of students served despite the special needs focus of the school. |
| Programs and services | High school students at the School for the Deaf do participate in mainstreaming opportunities at Devils Lake High School and the Lake Area Vo-Tech Center; however, mainstreaming participation is at an average to below average level. Expanded usage of such opportunities should be pursued and promoted by the School for the Deaf. The school's class sizes are small, and the school's pupil-to-professional staff ratios are low. The school should examine alternative staffing models to reduce the high instructional cost per pupil. |

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| Staffing | The School for the Deaf is staffed with high-quality, dedicated, enthusiastic, specialized personnel; however, the school has excess staff personnel. The school should consider implementing staff reductions to reduce expenditure levels. |
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Roger Worner Associates, Inc., identified the following alternatives for consideration by the Department of Public Instruction and the School for the Deaf:

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| Alternative 1 | The School for the Deaf continue to operate the school in its current qualitative yet cost ineffective fashion, market the school's services more intensively in an attempt to strengthen enrollment, and anticipate the level of funding from the Legislative Assembly will continue to increase or remain constant. |
| Alternative 2 | The School for the Deaf institute strategic planning mechanisms to increase cost-effectiveness through cost economization measures, including staff reductions through attrition and reorganization, intensive marketing efforts to strengthen enrollment, greater outreach services, and anticipate the level of funding from the Legislative Assembly will decline in the future. |

Roger Worner Associates, Inc., identified the following recommendations for the School for the Deaf:

1. Reexamine the school's strategic plan and develop plans of action for increasing organizational cost-effectiveness.
2. Undertake restructuring and downsizing of departments as staff attrition occurs.
3. Prepare outreach information to increase general awareness of the organization and market the organization's services to prospective students and their parents.
4. Increase cost-effectiveness through consolidating superintendent and director of instruction positions.
5. Increase cost-effectiveness through restructuring business services to accommodate the loss of the director of business administration position.
6. Modify instructional program/service delivery to multiage level, team taught programming rather than self-contained structure, and reduce staff through attrition.
7. Increase cost-effectiveness through consolidating health service personnel functions to accommodate the loss of the licensed practical nurse position.
8. Consolidate dormitory housing to increase cost-effectiveness and reduce staff through attrition.
9. Increase revenue through the lease of available space to interested nonprofit organizations.

10. Examine consolidation of custodial and grounds programs.
11. Increase usage of telecommunications and collaborative programming with Devils Lake Public School District.
12. Reduce expenditures through closing and demolishing marginally usable excess space.
13. Commission an external analysis of the business office to reallocate priorities and responsibilities and eliminate duplications in light of recommended staff reduction through attrition.
14. Examine cost-effectiveness of current delivery model for outreach services and the parent infant program.
15. Reduce dramatically overtime and temporary employee expenditures.

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| Collaboration and cooperation | The School for the Deaf has developed and maintained quality collaborative and cooperative relationships with the city of Devils Lake, Lake Region State College, Devils Lake Public School District, Ramsey County, North Dakota Vision Services - School for the Blind, the state of North Dakota, and numerous North Dakota school districts, civic organizations, and families. Future focuses of multi-institutional collaboration and cooperation involving the school may include instructional program and service delivery, administration, facility utilization, buildings and grounds maintenance, food service delivery, and staff training and development. |
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Followup Report to the Organizational Status Study (2002)

In 2002 the Department of Public Instruction commissioned Roger Worner Associates, Inc., to complete a followup report to the organizational status study of the school conducted in 1998. Roger Worner Associates, Inc., derived the following conclusions regarding the School for the Deaf:

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| Enrollment and enrollment trends | The School for the Deaf is a small critical student mass educational organization. The school experienced staggering enrollment decline over the five-year period from 1997-98 to 2002-03 and is projected to continue to experience enrollment declines resulting in continued cost ineffectiveness. |
| Finances | The legislative appropriations for the School for the Deaf have displayed a consistent increased trend over the 10-year period from 1991-93 through 2001-03. The school's cost ineffectiveness will continue and worsen in the future unless drastic, countervailing measures are instituted. |
| Programs, services, and staffing | The School for the Deaf's students have direct or indirect access to a wealth of secondary-level credit course offerings. The school makes every effort to accommodate the extracurricular, cocurricular, and activity interests of its students. The school has significantly and substantially improved its technology holdings and capabilities between 1997-98 and 2002-03. |
| Facilities | With continual declining enrollment projected, the School for the Deaf's facility inefficiencies will continue to spiral higher with the passage of time. It is essential for the school to identify mechanisms for closing all or portions of existing facilities and expanding the external lease of closed and vacated buildings. |

Roger Worner Associates, Inc., identified the following alternatives for consideration by the Department of Public Instruction and the School for the Deaf:

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|---------------|---|
| Alternative 1 | The School for the Deaf continue to operate the school in its current qualitative yet cost ineffective fashion, market the school's services more intensively in an attempt to strengthen enrollment, and anticipate the level of funding from the Legislative Assembly will continue to increase or remain constant. |
| Alternative 2 | The School for the Deaf explore serious options for collaboration and cooperation with other Devils Lake governmental entities to reduce organizational costs, reduce cost per student expenditures, reduce facility holdings, increase facility lease revenues, and reduce staff through attrition. The school also institute aggressive marketing of its outreach services. |
| Alternative 3 | The School for the Deaf convert its program and service delivery model to that which is employed by the North Dakota Vision Services - School for the Blind by focusing on regular outreach and service functions and Devils Lake-based, short-duration, skills-training programs and services for students and families during the regular school year and summer. Full-time programming for deaf and hearing-impaired students in Devils Lake be carried out by the Devils Lake Public School District. |

Roger Worner Associates, Inc., identified the following recommendations for the School for the Deaf:

1. Commission a blue ribbon task force comprised of representatives of the School for the Deaf, the deaf community, Devils Lake Public School District, Lake Region State College, the city of Devils Lake, and Ramsey County to review the organizational status followup study and prepare recommendations on methodologies for increasing the

- cost-effectiveness of the School for the Deaf while maintaining a continuous presence of the school in its current or an alternative form in the city of Devils Lake.
2. Instruct the blue ribbon task force to identify means and methodologies for increasing the level of collaboration and cooperation between the School for the Deaf, the city of Devils Lake, Ramsey County, Devils Lake Public School District, and Lake Region State College.
 3. Examine means and methodologies for expanding outreach services, including the parent infant program, to service a broader base of North Dakota school districts and deaf and hearing-impaired individuals.
 4. Institute measures to reduce staff through attrition.
 5. Explore collaboration and cooperation ventures with other public entities to reduce expenditures for administration, buildings and grounds maintenance, food service, resident living, and instructional program and service delivery.
 6. Reduce instructional staff through attrition.
 7. Restructure administrative staff and realign buildings and grounds, food service, and all fiscal services under the position of director of business administration.
 8. Consolidate student life dormitories to achieve increased cost-effectiveness.
 9. Institute measures to lease excess facilities to public nonprofit entities whose missions are not incompatible with those of the school.
 10. Encourage expanded usage by school students of the programs and services available at and offered by the Devils Lake Public School District and Lake Region State College.
 11. Expand staff development and training opportunities with and through the Devils Lake Public School District and Lake Region State College.

School for the Deaf Blue Ribbon Task Force (2004)

In response to the recommendations included in the followup report to the organizational status study conducted by Roger Worner Associates, Inc., the School for the Deaf established a blue ribbon task force consisting of 30 members from the community, state agencies who have a vested interest in the school, and staff from the school. The task force was to achieve consensus from the deaf community, Devils Lake community, and the School for the Deaf staff on how to provide legislatively or constitutionally mandated services in a cost-effective manner and to identify expanded services and propose legislation. The task force provided the following two proposed statutory changes to the Superintendent of Public

Instruction aimed at increasing the school's short-term and long-term cost-effectiveness:

1. Expand the mission of the School for the Deaf to permit the future delivery of nonduplicatory programs and services to deaf and hearing-impaired adults over age 21.
2. Initiate discussion with the Legislative Assembly about the possibility of school district purchase of direct services from the School for the Deaf as warranted.

The blue ribbon task force also provided the following advisory recommendations to the Superintendent of Public Instruction:

1. The Superintendent of Public Instruction approve and authorize the following high-priority revenue generation methods identified by the blue ribbon task force for implementation by the School for the Deaf:
 - a. Devils Lake Head Start program space rental and food service sales.
 - b. Joint programming with Lake Region State College.
 - c. Sale of direct services.
 - d. Sale of closed-caption services.
 - e. Rental fees for the use of the swimming pool.
2. The Superintendent of Public Instruction approve and authorize the following high-priority expenditure reduction methods identified by the blue ribbon task force for implementation by the School for the Deaf:
 - a. Reducing staff through attrition and retirement incentives.
 - b. Staff reductions and economizations of business office services.
 - c. Eliminating contracted psychological services.
3. The Superintendent of Public Instruction approve and authorize the following high-priority collaboration methods identified by the blue ribbon task force for implementation by the School for the Deaf:
 - a. Devils Lake Head Start program future collaboration.
 - b. Lake Region State College collaboration.
 - c. Devils Lake Public School District and Lake Area Career and Technology Center collaboration.
4. The Superintendent of Public Instruction approve and authorize the following high-priority outreach and marketing methods identified by the blue ribbon task force for implementation by the School for the Deaf:
 - a. Marketing and public relations operating expenses.
 - b. Add outreach staff.
 - c. Promote and market direct services.
5. The Superintendent of Public Instruction recommend to the Legislative Assembly that select statutes be changed to permit the School for the Deaf to expand its mission to

include the delivery of nonduplicatory programs and services to deaf and hearing-impaired adults over age 21 in the state of North Dakota.

6. The Superintendent of Public Instruction direct the Superintendent of the School for the Deaf to immediately modify the organization's strategic plan to incorporate cost-effectiveness and economization measures recommended by the task force.
7. The Superintendent of Public Instruction direct the superintendent and the Strategic Planning Committee of the School for the Deaf to continue to identify and implement additional alternatives and methods for enhancing the organization's short-term and long-term cost-effectiveness.
8. The Superintendent of Public Instruction direct the superintendent of the School for the Deaf to reconvene the blue ribbon task force, project consultant, and facilitator at the conclusion of the 2004-05 organizational year to assess progress on the blue ribbon task force's advisory recommendations.

2007 RELATED LEGISLATION

Line Item Transfer Authority

Section 11 of Senate Bill No. 2013 allows the School for the Deaf to transfer up to \$240,000 from the salaries and wages line item to the operating expenses and capital assets line items for increased instructional costs and extraordinary repair needs.

Wind Energy Project Collaboration

Section 15 of Senate Bill No. 2013 provides that the School for the Deaf collaborate with Lake Region State College on the college's wind energy project and determine the feasibility of the school accessing any available energy, including identifying any related costs. The School for the Deaf is to report on the status of the collaboration to the Appropriations Committees during the 2009 legislative session.

Teacher Retirement Contributions

Senate Bill No. 2046 requires an additional .5 percent employer retirement contribution for Teachers' Fund for Retirement members beginning on July 1, 2008.

STUDY PLAN

The following is a proposed study outline for the committee's consideration in its study of the provision of services to children and adults who are deaf or hearing-impaired:

1. Receive information from the School for the Deaf regarding:
 - a. The school's mission and goals.
 - b. Programs and services, including outreach services and related staffing.
 - c. Current enrollment and enrollment projections.
 - d. Facilities, including the short-term and long-term viability of the facilities.
 - e. Collaborative efforts with the city of Devils Lake, Ramsey County, Devils Lake Public School District, Lake Region State College, and other entities.
 - f. Status of the blue ribbon task force recommendations.
2. Receive testimony from the School for the Deaf and other entities as appropriate regarding alternative approaches that might enhance the scope and breadth of service availability.
3. Receive testimony regarding the feasibility of combining the administration and delivery of services of the School for the Deaf with area school districts, regional education associations, special education units, and North Dakota Vision Services - School for the Blind.
4. Receive testimony regarding alternative uses for the buildings on the School for the Deaf campus beyond the scope of the school's present mission.
5. Receive testimony from other interested persons regarding the committee's study of the provision of services to children and adults who are deaf or hearing-impaired.
6. Develop recommendations and any bill drafts necessary to implement the recommendations.
7. Prepare a final report for submission to the Legislative Council.

ATTACH:3