



North Dakota House of Representatives

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Chairwoman Lee and members of the Senate Human Services Committee, my name is Kathy Frelich, and I have the great privilege of representing District 15. In a moment I am going to explain what this Bill entails but first I want to disclose to you that my regular employment is with the North Dakota School for the Deaf (NDSD) in Devils Lake. I work in the Adult Outreach Program. That being said, I will not benefit from the passage of this Bill, and I have not been asked to submit this Bill on behalf of NDSD. This Bill is born of my own frustration as I assist clients who navigate the system.

This Bill is made up of one Section. The first part indicates the focus of the Bill. This Bill is for a study to be done during the Interim and my hope is that it will assist us in learning ways to better serve our citizens who have a hearing loss. I've used three terms in the introduction.

Deaf: These are people who were born deaf or became deaf before oral language was developed. I am using this term to refer to people who learned American Sign Language (ASL) and use this as their main form of communication.

Hard of Hearing: This term encompasses a wide group of people, many who are older adults struggling with hearing loss as they age. This group may also include younger people who have hearing loss, related to medical causes. This type of hearing loss may be significant to the point that normal communication is impossible without the assistance of hearing aids or assistive devices. I think it is important to note that ND has a high incidence of hearing loss due to the number of farmers, hunters and veterans in the state. These people do not use ASL and English is their primary language.

Hearing Differences is a term used to encompass groups who do not fit into the other two categories. This may include those people who were born deaf but have no language ability. For example, a child may be born deaf in rural ND, but a family has decided not to send them to NDSD. They do not become fluent in ASL and often rely on "home signs" until they enter school and after that they will often receive a para to assist with communication and if they are lucky, they would have an interpreter with EIPA Certification. This is an interpreter who is eligible to work in the school system. ND only has about 20 licensed interpreters in the entire state. The term Hearing Differences could also include the population of people who have lost their hearing but made the decision to get a cochlear implant. They may have good English skills but without the use of the processor, they are legally deaf. They are fitting cochlear implants in children at a very young age, and for the most part, these children learn and speak the English language. They may or may not use ASL.

Subsections a, b and c, explain the meat of the study. Under the Americans with Disabilities Act (ADA) Title II entities which are state and local government services and programs, and title III entities which are businesses and non-profit organizations that serve the public, must provide accessible communication for people with communication disabilities. I've included a brief from the US Dept of Justice which provides an overview of the expectations of Effective Communication. It states, "The goal is to ensure that communication with people with these disabilities is equally effective as communication with people without disabilities".

To meet these requirements, I propose a study which will include people from various fields, including those who are currently dealing with communication concerns. I've also included people from the IT field, because I think we can make improvements simply by using existing technology.

A few scenarios to consider:

- 1) A deaf citizen whose primary language is ASL needs a ride from the rural transit system. He is unable to call, and they are unable to receive text or email.
- 2) A deaf citizen applies for benefits at the Social Service office. They are told they will receive a phone call to complete the application process. This citizen doesn't have access to Video Relay services, but no other options are provided.

- 3) An older citizen with severe hearing loss wants to attend an open meeting but is unable to hear the conversation of the committee members.

These are just a few scenarios I've picked out to share with you. In all three, I would say we've failed our goal of providing effective communication and yet technology exists to make these services so much more accessible.

Recall **Scenario 1**. Is it possible to have software that takes a text message and pops it up on a computer - like an instant message? **Scenario 2**: Video Relay Services or VRS has been around for years. This is when a client makes a phone call through video, an interpreter picks up and voices the call to the person receiving the call. You may be curious about TTY services. TTY was remarkable for its time. A true advancement for those who are deaf. In fact, I would consider it a very early/primitive form of texting, but now it is nearly obsolete. It is rarely used but you'll find a TTY number listed on most state brochures. The same kind of direct line could be used for videophone calls. **Scenario 3**: People may have severe hearing loss but still have excellent English reading skills. They may benefit from using speech dictation apps so they can read what people are saying. There are many free apps, and both Android and iOS generally have these pre-installed on devices.

I share these scenarios and solutions with you only to clarify that I don't believe we would be looking at a large fiscal note to solve these problems. We may not even need a Bill after the completion of this Study. I believe we just need the information and the know-how.

Finally, let me explain why I am bringing this before you as a study rather than a Bill. I have had 2 years now to contemplate how I could draft a Bill that would encompass all the different scenarios I've mentioned today. And quite frankly I cannot pretend to know all the different challenges this community of citizens faces on an average day. Also, the law already exists at the federal level under the Americans with Disabilities Act which was passed in 1990 and signed into law by President George Bush. I've submitted the Dept. of Justice overview of the ADA and Effective Communication as testimony.

North Dakota has an opportunity to move mountains for this group of people, but today I ask only that you advance the pebble. I also realize that deafness is only one barrier to the services we provide, and I hope this will lead us down a path of accessibility for all, where every individual has a chance to thrive.

Thank you