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Human Services Committee

House Bill 1164 - January 14, 2025

Testimony of Brenda Ruehl, Director Program Services

Greetings Chairman Ruby and members of the Human Services Committee. My name is Brenda Ruehl and I am a Program Services Director at the North Dakota Protection and Advocacy Project (P&A). P&A is an independent state agency established in 1977 to assert and advance the human, civil, and legal rights of people with disabilities. The agency's programs and services seek to make positive changes for people with disabilities where we live, learn, work and play.

Protection & Advocacy supports the language in this bill that changes the disability category of Emotional Disturbance to Emotional Disability.

Protection and Advocacy does request that amendments be made to this bill to ensure alignment with existing federal definitions. The Individuals with Disabilities Education Act (IDEA), the federal law, groups disabilities into 13 categories; while NDCC 15.1-32-01 groups disabilities into 11 categories.

Federal Law:

1. Intellectual disability
2. Hearing impairment
3. Deafness
4. Deaf-blindness
5. Speech or language impairment
6. Visual impairment
7. Emotional disturbance
8. Orthopedic impairment
9. Autism
10. Traumatic brain injury
11. Other health impairment
12. Specific learning disability
13. Multiple disabilities

State Law:

1. An intellectual disability
2. A hearing impairment, including deafness
3. Deaf-blindness
4. A speech or language impairment
5. A visual impairment, including blindness
6. An emotional disturbance
7. An orthopedic impairment
8. Autism
9. A traumatic brain injury
10. Other health impairment
11. A specific learning disability

NDCC includes deafness with hearing impairment into one category, which would reduce the group to 12 categories. Multiple Disabilities is excluded from the NDCC list and is a category required under IDEA.

IDEA also requires children aged three through nine experiencing developmental delays to be evaluated for special education and related services. A child with a disability aged three through nine who is experiencing developmental delays, as defined by the State, and as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas: physical development, cognitive development, communication development, social or emotional development, or adaptive development; and by reason thereof, needs special education and related services.

P&A requests that the bill be amended to include categories of Multiple Disabilities and Developmental Delay to ensure all children aged 3 through 21 with disabilities receive special education and related services for which they qualify.

Thank you for your time and consideration.

Brenda Ruehl
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