

2009 HOUSE EDUCATION

HB 1078

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1078

House Education Committee

☐ Check here for Conference Committee

Hearing Date: January 13, 2009

Recorder Job Number: 6878

Committee Clerk Signature

Carmen Hart

Minutes:

The Chair noted that a quorum was present.

Teresa Monicken, Regional Coordinator, Dept. of Public Instruction in the Office of Special Education, appeared and presented the attached testimony. **(Attachment 1)**

Vice Chair Lisa Meier: How many students do you currently serve?

Teresa Monicken: We don't have an exact number because what we are just developing is the collaboration with ND School for the Blind. They have actually in the schools right now we have approximately 46 students deaf or blind or 14 who fall within the blind F1 category. However, when you add that reading disability, we have over 4,000 students who are in the public schools who have a specific learning disability. Within that category there are some students that would qualify. We hope to track that exact number soon.

The question that **Rep. Phillip Mueller** was going to ask was cancelled when told this bill relates to the School for the Blind.

Chairman Kelsch: I am curious. This appropriation is not in the DPI budget—this is a request outside the budget?

Teresa Monicken: Yes, this is outside the budget that is existing, because it would actually be appropriation that would be assigned to the ND School Vision Services for the Blind.

There was no opposition to HB 1078 and the hearing was closed.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1078

House Education Committee

☐ Check here for Conference Committee

Hearing Date: February 3, 2009

Recorder Job Number: 8543

Committee Clerk Signature

Carmen Hart

Minutes:

The cost is \$52,362.

Rep. David Rust: That is not included in the Governor's budget?

Chairman Kelsch: No.

Rep. Phillip Mueller: Additionally, the \$52,362 we have a .5 FTE. Do we know what that might be in terms of money?

Chairman Kelsch: I am assuming because there isn't any money for it, that the salaries and wages are \$47,808. I have a real difficult time trying to figure out why the half FTE is in there. They recognize that this would add to the existing workload of the ND Vision Services School for the Blind. The department is requesting that an appropriation of funds be provided to the ND Vision Services School for the Blind to support an additional half FTE. I really don't know the necessity of having a half FTE.

Rep. David Rust: One of the things that I am looking through is when having this clearinghouse, any one of us in a school could have a student come into our building in any given time that could be visually impaired. This might be the cheapest \$52,000 we would ever spend.

Rep. Lee Myxter: If a student has an IEP, we have to provide them anyway, do we not?

Chairman Kelsch: That's correct.

Chairman Kelsch clarified to **Rep. Phillip Mueller** that this was in reference to the School for the Blind, not the School for the Deaf.

Rep. Lee Myxter moved for a **Do Pass**. **Rep. Corey Mock** seconded the motion.

DO PASS AND REREFERRED TO APPROPRIATIONS, 11 YEAS, 3 NAYS. **Rep. Lee**

Myxter is the carrier of the bill.

Date: 2-3-09
Roll Call Vote #: _____

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1078

House Education

Committee _____

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken ☒ Do Pass ☐ Do Not Pass ☐ Amended

Motion Made By Rep Myxter Seconded By Rep Mock

Representatives	Yes	No	Representatives	Yes	No
Chairman RaeAnn Kelsch	✓		Rep. Lyle Hanson	✓	
Vice Chairman Lisa Meier	✓		Rep. Bob Hunsakor	✓	
Rep. Brenda Heller	✓		Rep. Jerry Kelsh	✓	
Rep. Dennis Johnson		✓	Rep. Corey Mock	✓	
Rep. Karen Karls	✓		Rep. Phillip Mueller		✓
Rep. Mike Schatz		✓	Rep. Lee Myxter	✓	
Rep. John D. Wall	✓				
Rep. David Rust	✓				

Total (Yes) 11 No 3

Absent 0

Floor Assignment Rep Myxter

If the vote is on an amendment, briefly indicate intent:

Referred to approp.

REPORT OF STANDING COMMITTEE

HB 1078: Education Committee (Rep. R. Kelsch, Chairman) recommends DO PASS and BE REREFERRED to the Appropriations Committee (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1078 was rereferred to the Appropriations Committee.

2009 HOUSE APPROPRIATIONS

HB 1078

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1078

House Appropriations Committee
Education and Environment Division

☐ Check here for Conference Committee

Hearing Date: February 10, 2009

Recorder Job Number: 9058

Committee Clerk Signature

Shirley Branning

Minutes:

Chairman Skarphol: Called the Committee to order to discuss amendments to HB 1078 by calling on Rep. Dennis Johnson.

Rep. Johnson, District 15, member of the Education Committee: It was brought to the Education Committee because of print accessibility for visually impaired students. There is a federal law which mandates back to the states the critical difficulty providing accessible textbooks for students with print disabilities, using a digital format called National Instructional materials accessibility standard through the IDEA act. We have to have a designated accesser. The Department of Public Instruction has put it upon the School for the Blind, Vision Impaired to be the accesser for North Dakota. The state will have access and they can reproduce it or get it whatever they're set up for. After they access this, they need a one-half time FTE at an appropriation of \$52,362.

Rep. Klein: this full time FTE, would he be at DPI or the School for the Deaf?

Joe Morrisette, OMB Staff: I believe it was their intent to have it at the School for the Blind.

Rep. Johnson: The equipment would be at the School for the Blind.

Chairman Skarphol: In their budget they do not request an additional FTE or anything, so were they unaware of this need? It did not get included in their budget.

Rep. Johnson: I've got letters from DPI and they've got a letter of support from the School for the Blind supporting the need for a half-time FTE.

Chairman Skarphol: It is a federal requirement that you have an individual to access this information.

Rep. Johnson: They have to have the ability to access this information. They have to have an access center in our state to access national material. If there is one access point, our schools can access the School for the Blind to get this material.

Chairman Skarphol: What would happen if we pass the bill without the appropriation? They'd have the ability to access the information, they'd be the designated access point and they'd have to find the personnel within their budget. Is that not correct?

Rep. Johnson: That'd be my understanding; they'd have someone at the facility now to be the access person. Their concern was that they didn't have the personnel to run this program.

Chairman Skarphol: Committee members, we've got an appropriation of \$52,000, just barely over.

Rep. Klein: I would think they could utilize an existing person to do this job. I think the job is realistic and required but I don't think we need to put any more people in there. I can't recall the total FTEs.

Chairman Skarphol: Twenty-eight.

Rep. Wald: Do we want to strike Section # 4

Rep. Kroeber: Are we talking about striking the FTE or the whole appropriation?

Chairman Skarphol: If we strike Section # 4, it would be both.

Rep. Kroeber: Is that what we wanna do? We say they can absorb it, we say the person there can do it. That is a little different than not putting in the \$52,000. Or take out \$2,363 and then they don't have to send it to us, probably.

Chairman Skarphol: The FTE is the lion's share of the appropriation. What are the Committee's wishes?

Rep. Wald: I would move that we remove the salaries and wages, leave the operating expenses and give it a **Do Pass**.

Rep. Klein: Second.

Chairman Skarphol: We can always add the FTE back in after cross-over if so needed. We haven't had an opportunity to ask the people at Vision Services if they need a person.

We'll take a roll call vote to remove the appropriation for salaries and wages and the half FTE and give HB 1078 a **Do Pass**. Leave the operating expenses. Roll call vote.

Do Pass: Yes 8, No 0, Absent 0.

Rep. Klein: Move a Do Pass as amended.

Rep. Hawken: Second.

Chairman Skarphol: Further discussion? If not, take a roll call vote on HB 1078 as amended.

Do Pass: Yes 8, No 0, Absent 0. Carrier – Rep. Klein.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1078

House Appropriations Committee

☐ Check here for Conference Committee

Hearing Date: February 11, 2009

Recorder Job Number: 9284

Committee Clerk Signature

Shirley Branning

Minutes:

Chairman Svedjan called for the review of HB 1078.

Rep. Skarphol: Stated that there is an amendment to the bill and referred to Rep. Klein who is the carrier.

Chairman Svedjan: Clarifying the numbers: 1078, 1172, 1230, 1276 and 1357, and clarifying the order of discussion.

Rep. Skarphol: The order is not material; we do have amendments for 1276.

Chairman Svedjan: We will proceed with HB 1078.

Rep. Klein: HB 1078 comes at the request of the Superintendent of Public Instruction. It basically would create a new subsection on acquisition of instructional materials. The section gave this a Do Not Pass. We amended it, you have amendment # 98182.0101 and what it basically deals with the School for the Blind, Vision Services and it removes ½ FTE and the wages that go along with that.

Rep. Skarphol: It was not a Do Not Pass.

Rep. Klein: It was a Do Pass as amended. Move the Amendment.

Chairman Svedjan: We have a motion for a Do Pass to amendment 0101. Is there a second?

Rep. Kempenich: Second.

Chairman Svedjan: Is there any discussion?

Rep. Bellew: Rep. Klein, if you remove the FTE why not the operating expenses, too?

Rep. Skarphol: This is a new program with some national implications; it is the National Instructional Materials Accessibility Center. The Vision Services would be designated as such in North Dakota. There would be some needed operating expenses for purposes of taking care of those services that would be given to the individuals affected. We felt they could do it within the confines of their current FTEs.

Chairman Svedjan: On the motion to adopt amendment 0101 to HB 1078. Voice vote carried. The amendment is adopted.

Rep. Klein: Move a Do Pass as amended.

Rep. Wald: Second

Chairman Svedjan: Calling for discussion and hearing no calls for a roll call vote for HB 1078 as amended.

Vote taken: Yes 22, No 2, Absent 1, Motion Carried. Carrier Rep. Klein.

February 10, 2009

VR
2/16/09

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1078

Page 2, line 16, replace "The funds provided in this section, or so much of the" with "There is"

Page 2, line 17, remove "funds as may be necessary, are"

Page 2, line 18, after the second comma insert "the sum of \$4,554, or so much of the sum as
may be necessary,"

Page 2, line 21, replace ", as follows:" with a period

Page 2, remove lines 22 through 25

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

School for the Blind - Vision Services - This amendment removes the .50 FTE position included
in Section 4 along with related salaries and wages funding of \$47,808.

Date: Feb 10, 2009
Roll Call Vote #: 2

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1078

House House Appropriations Education and Environment Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number Amendment being drafted

Action Taken ☒ Do Pass ☐ Do Not Pass ☒ Amended

Motion Made By Rep. Klein Seconded By Rep. Hawken

Representatives	Yes	No	Representatives	Yes	No
Bob Skarphol – Chairman	✓		Joe Kroeber	✓	
Francis Wald – Vice Chairman	✓		Kenton Onstad	✓	
Kathy Hawken	✓		Clark Williams	✓	
Matthew M. Klein	✓				
Bob Martinson	✓				

Total Yes 8 No 0

Absent 0

Bill Carrier Rep. Klein

If the vote is on an amendment, briefly indicate intent:

*Strike Section 4, remove salaries
and wages fund appropriation of
\$ 52,362.00 and 1/2 FTE.*

Date: 2/11/09
Roll Call Vote #: 1 of 2

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1078

Full House Appropriations Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 98182.0101

Action Taken Adopt Amendment .0101

Motion Made By Klein Seconded By Kempnich

Representatives	Yes	No	Representatives	Yes	No
Chairman Svedjan					
Vice Chairman Kempnich					
Rep. Skarphol			Rep. Kroeber		
Rep. Wald			Rep. Onstad		
Rep. Hawken			Rep. Williams		
Rep. Klein					
Rep. Martinson					
Rep. Delzer			Rep. Glassheim		
Rep. Thoreson			Rep. Kaldor		
Rep. Berg			Rep. Meyer		
Rep. Dosch					
Rep. Pollert			Rep. Ekstrom		
Rep. Bellew			Rep. Kerzman		
Rep. Kreidt			Rep. Metcalf		
Rep. Nelson					
Rep. Wieland					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Voices Vote - carried

Date: 2/11/10
Roll Call Vote #: 2 Y 2

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1078

Full House Appropriations Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 98182.0101

Action Taken Do Pass as Amended by .0101

Motion Made By Klein Seconded By Wald

Representatives	Yes	No	Representatives	Yes	No
Chairman Svedjan	✓				
Vice Chairman Kempenich	✓				
Rep. Skarphol	✓		Rep. Kroeber	✓	
Rep. Wald	✓		Rep. Onstad	✓	
Rep. Hawken	✓		Rep. Williams	✓	
Rep. Klein	✓				
Rep. Martinson	✓				
Rep. Delzer	✓		Rep. Glassheim	✓	
Rep. Thoreson			Rep. Kaldor		✓
Rep. Berg	✓		Rep. Meyer	✓	
Rep. Dosch	✓				
Rep. Pollert	✓		Rep. Ekstrom		✓
Rep. Bellew	✓		Rep. Kerzman	✓	
Rep. Kreidt	✓		Rep. Metcalf	✓	
Rep. Nelson	✓				
Rep. Wieland	✓				

Total (Yes) 22 No 2

Absent 1

Floor Assignment Rep. Klein

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1078: Appropriations Committee (Rep. Svedjan, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (22 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1078 was placed on the Sixth order on the calendar.

Page 2, line 16, replace "The funds provided in this section, or so much of the" with "There is"

Page 2, line 17, remove "funds as may be necessary, are"

Page 2, line 18, after the second comma insert "the sum of \$4,554, or so much of the sum as may be necessary,"

Page 2, line 21, replace ", as follows:" with a period

Page 2, remove lines 22 through 25

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

School for the Blind - Vision Services - This amendment removes the .50 FTE position included in Section 4 along with related salaries and wages funding of \$47,808.

2009 SENATE EDUCATION

HB 1078

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1078

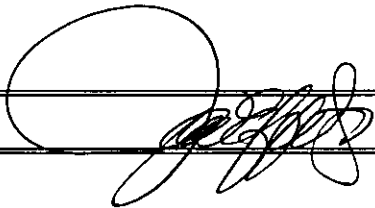
Senate Education Committee

☐ Check here for Conference Committee

Hearing Date: March 3, 2009

Recorder Job Number: 10032

Committee Clerk Signature



Minutes:

Chairman Freborg opened the hearing on HB 1078. All members were present.

Teresa Monicken, Regional Coordinator for Special Education, Department of Public

Instruction testified in favor of the bill. See written testimony.

Senator Taylor asked for an example of a reading disability of an organic origin, would dyslexia be an example?

Teresa Monicken said that dyslexia would be an example; others can be determined by a competent authority which is required before a student can have access to these special materials to protect copyrights.

Senator Taylor asked what makes these documents different than the textbooks.

Teresa Monicken said there are various formats. Some are large print, some are audio, some highlight words as they are read for slower readers, some change the background color, some manipulate the text in other ways and some are in Braille.

Senator Lee asked how the schools are getting this information now.

Teresa Monicken said the schools are obligated to provide these materials. The purpose of the bill is to have one central place where they are accessible to streamline the process. It is cumbersome now. There will be a national common standard.

Senator Flakoll asked with dyslexia is Chinese print which is read up and down and has many more characters, easier to read than English?

Teresa Monicken said there is research on the subject, she is not familiar with it but she could find out.

Senator Flakoll moved a Do Pass on HB 1078, seconded by Senator Taylor.

Senator Bakke asked what the House is thinking, they have gutted the funding and FTE in the bill, they have taken out the .5 FTE.

Senator Flakoll said it is in the Department of Public Instruction budget.

Senator Bakke asked how we expect people to do their job with no money.

Senator Taylor said in testimony, Teresa Monicken said the .5 FTE has been added to the Department of Public Instruction budget. We will have to monitor that budget for the FTE provision.

Senator Flakoll clarified that the .5 FTE has now been added to the Department of Public Instruction budget after the House took it out of this bill.

Senator Bakke asked if a fiscal note or appropriation is under \$50,000, does it not have to go to Appropriations.

Senator Flakoll said it needs to be under \$5000.

Senator Bakke said she will support the bill but this is another unfunded mandate.

The motion passed 5 – 0. Senator Bakke will carry the bill.

Date: 3/3/09
Roll Call Vote #: 1

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1078

Senate Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken NO Pass

Motion Made By Sen. Flakoll Seconded By Sen. Taylor

Senators	Yes	No	Senators	Yes	No
Senator Freborg	✓		Senator Taylor	✓	
Senator Gary Lee	✓		Senator Bakke	✓	
Senator Flakoll	✓				

Total (Yes) 5 No 0

Absent 0

Floor Assignment Sen. Bakke

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1078, as engrossed: Education Committee (Sen. Freborg, Chairman) recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1078 was placed on the Fourteenth order on the calendar.

2009 TESTIMONY

HB 1078

TESTIMONY ON HB 1078
HOUSE EDUCATION COMMITTEE
January 13, 2009
Department of Public Instruction

Madam Chair and Members of the Committee:

My name is Teresa Monicken. I am a Regional Coordinator within the Department of Public Instruction-Office of Special Education. The Department of Public Instruction is a sponsor of this bill and requests your support.

The History

A persistent problem for many students with disabilities, particularly those with print disabilities, is that the textbooks for their classes have not been available in accessible formats at the same time that their non-disabled peers receive their textbooks. This has led to a federal law which mandates that states must address the critical difficulty in obtaining accessible textbooks for students with print disabilities by adopting a new digital format called the National Instructional Materials Accessibility Standard (NIMAS). Section 300.172 of the Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004), titled *Access to Instructional Materials*, is a new provision that was designed to maximize access to the general education curriculum for students who are blind, visually impaired, and who have other print disabilities.

A mandatory common standard was considered necessary for several reasons:

- For many students with disabilities, printed instructional materials have raised barriers to access. For example, students who cannot hold a book, who cannot understand or decode text, or who cannot comprehend

syntax that supports the written word may experience different challenges and each may require different supports.

- In some cases, schools may not have the technology to provide accessible versions. In other cases, teachers and schools may not understand the issues of access or what solutions are available.
- For many students, the problem has been simply a distribution problem, where they can't get the specialized format of a textbook when they need it.
- Policies and procedures for ordering and disseminating accessible materials have been inefficient and have not been systematic, raising more barriers than opportunities.
- Publishers had to create several different versions of the same textbook for different school districts (PDF, Microsoft Word, HTML, etc.), resulting in increased production costs, as well as delays and inconsistencies in the materials produced.

It is for these reasons that this standard was incorporated into the IDEA 2004.

The implications for states are that:

- Each state must develop a process for accessing the central repository called the National Instructional Materials Accessibility Center (NIMAC). This central repository is where publishers of K-12 instructional materials submit the digital version of their textbooks or related instructional materials.
- School districts must access this center through an authorized user. Each state may assign up to 5 authorized users; however, individual school districts are not able to serve as an authorized user.
 - Authorized users are designated by and registered with the national center by the state coordinator responsible for

implementing this standard, which is one of the roles I serve for the Department.

- Each authorized user signs and submits a Limitation of Use Agreement that simply states that the agency or individual who is functioning as the authorized user agrees to only access the central repository (the NIMAC) in order to obtain digital source files for students who are deemed eligible to receive them.
- The authorized user can search the central repository database and, if the authorized user has the capability, it may download and convert the file to a student ready version of the alternate format required. Otherwise, it may assign the digital file to an accessible media producer for conversion to a student ready format. Accessible media producers specialize in the development of alternate formats of standard print materials and include entities such as the American Printing House, Recordings for the Blind and Dyslexic (RFB&D) and Bookshare.

What is being proposed

The Department of Public Instruction-Office of Special Education assigned the ND Vision Services/ School for the Blind as North Dakota's authorized user to work with the school districts for the purpose of accessing the digital files through the national repository. However, the ND Vision Services/ School for the Blind can only provide those services to students who currently fit within their mission: students who are blind or who have vision impairments.

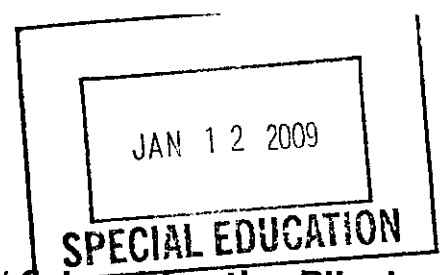
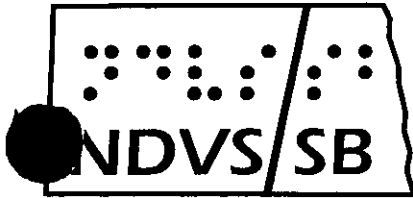
The Office of Special Education and the ND Vision Services/School for the Blind agreed that it would be advantageous for the school districts to work with only one authorized user in the acquisition of these materials. In order to do this, the mission and scope of services for the ND Vision Services/School for the Blind

would need to be expanded to include students with physical limitations that prevent them from accessing the printed page and students determined by a competent authority to have a reading disability of organic origin. The Department is in favor of ND Vision Services/School for the Blind becoming the sole authorized user for the following reasons:

- Efficiency. The ND Vision Services/School for the Blind is already equipped to serve in this capacity. To establish a second authorized user to facilitate the access and conversion of these materials just for the other students with print disabilities would be costly and a duplication of resources.
- Ease of Use. The school districts are familiar with ND Vision Services/School for the Blind. It makes sense for North Dakota school districts to have a single point of contact for the acquisition of specialized formats for all students with print disabilities.

The DPI and the ND Vision Services/School for the Blind recognized that this would add to the existing workload of ND Vision Services/School for the Blind, so the Department is requesting that an appropriation of funds be provided to the ND Vision Services/School for the Blind to support an additional .50 FTE. Attached to my testimony is a letter of support from Carmen Grove Suminski, Superintendent of the ND Vision Services/School for the Blind. Her letter supports expanding the mission of ND Vision Services/School for the Blind to include the acquisition of accessible materials for students with physical limitations and with reading disabilities of organic origin.

Madam Chair that concludes my testimony. I would be happy to answer any questions the committee may have.



North Dakota Vision Services / School for the Blind

500 Stanford Road, Grand Forks, ND 58203-2799

phone: (701) 795-2700 fax: (701) 795-2727

January 9, 2009

Same testimony given to Senate.

TO: Madam Chair Kelsch and Members of the House Education Committee

Please accept my **support** for House Bill #1078.

The American Foundation for the Blind Textbooks and Instructional Materials Solutions Forum led the national initiative to enable students with a visual impairment to "have the right book at the right time" as their sighted peers have. Thus, the Individuals with Disabilities Education Act of 2004 includes provisions to enable textbooks and instructional materials to be more accessible, not only to the blind and visually impaired, but also to other print disabled students.

As part of the current mission of the North Dakota Vision Services/School for the Blind (NDVS/SB), we currently provide textbooks and instructional materials in alternate formats (braille, large print, audio) to students who are blind and visually impaired.

In order for NDVS/SB to also serve as the National Instructional Materials Accessibility Center authorized user to provide alternate formats to students with physical impairments and reading disabilities of organic origin, it is imperative that mission of NDVS/SB be expanded to include those students and to provide additional resources as listed in Section 4 of the bill.

Thank you, and please feel free to contact me if you have any questions.

Carmen Grove Suminski
Superintendent
701-795-2708
csuminsk@nd.gov



National Accreditation Council

Serving the Visually Impaired Since 1908



NDVS/SB is a Division of the
Department of Public Instruction

**TESTIMONY ON HB 1078
SENATE EDUCATION COMMITTEE**

March 3, 2009

**By Teresa Monicken, Regional Coordinator for Special Education
Department of Public Instruction
701-328-2277**

Chairman Freborg and Members of the Committee:

My name is Teresa Monicken. I am a Regional Coordinator within the Department of Public Instruction-Office of Special Education. The Department of Public Instruction is a sponsor of this bill and requests your support.

The History

A persistent problem for many students with disabilities, particularly those with print disabilities, is that the textbooks for their classes have not been available in accessible formats at the same time that their non-disabled peers receive their textbooks. This has led to a federal law which requires states to address the critical difficulty in obtaining accessible textbooks for students with print disabilities by adopting a new digital format called the National Instructional Materials Accessibility Standard (NIMAS). Section 300.172 of the Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004), titled *Access to Instructional Materials*, is a new provision that was designed to maximize access to the general education curriculum for students with print disabilities. Print disabilities include students who are blind, low vision, who have physical disabilities which prevents them from accessing the printed page, and reading disabilities of a physical (organic) origin.

This common standard was considered necessary for several reasons:

- For many students with disabilities, printed instructional materials have raised barriers to access. For instance, students who cannot hold

a book, who cannot understand or decode text, or who cannot comprehend syntax that supports the written word, each experience different challenges and may require different supports.

- For many students, the problem has simply been a distribution problem, where they can't get the textbook in a specialized format when they need it.
- Schools often do not have the technology to create accessible versions. In some cases, teachers and schools may not understand the issues of access or what solutions are available.
- Policies and procedures for ordering and disseminating accessible materials have been inefficient and have not been systematic, raising more barriers than opportunities.
- In the past, publishers had to create several different versions of the same textbook (PDF, Microsoft Word, HTML, etc.), resulting in increased production costs, as well as delays and inconsistencies in the materials produced.

It is for these reasons that this new instructional standard was incorporated into the IDEA 2004.

The implications of this new requirement for states are as follows:

- Each state must develop a process for accessing the central repository called the National Instructional Materials Accessibility Center (NIMAC). This national repository is where publishers submit digital versions of their textbooks or related instructional materials to be housed;
 - Authorized users are assigned and registered with the national center by the state coordinator responsible for

implementing this standard, which is one of the roles I serve for the Department.

- Individual school districts may not serve as authorized users. They may only access this center through an authorized user.
- The authorized user searches the central repository database and may either download and convert the file to a student-ready version, or it may assign the digital file to an accessible media producer such as the American Printing House, Recordings for the Blind and Dyslexic (RFB&D) and Bookshare for conversion into a student ready format.

What is being proposed

The authorized user for North Dakota is the ND Vision Services/ School for the Blind. As North Dakota's authorized user, NDVS/SB will work with the school districts for the purpose of accessing the digital files through the national repository.

The ND Vision Services/ School for the Blind (NDVS/SB) currently provide services to students who are blind or who have vision impairments and, even though these student have print disabilities, they are not inclusive of all students with print disabilities. The intent of this bill was twofold:

- 1) To expand the mission of the NDVS/SB in order for the ND Vision Services/School for the Blind to accommodate the other students with print disabilities (i.e., those students with physical limitations preventing them from accessing the traditional print textbook and students with a reading disability from organic origin); and,
- 2) To support a .50 FTE who would carry out the duties associated with the acquisition of specialized materials.

The Office of Special Education and the ND Vision Services/School for the Blind agreed that it would be advantageous for the school districts to work with only one authorized user in the acquisition of these materials. In order to do this, the ND Vision Services/School for the Blind mission would need to be expanded to include students with physical limitations that prevent them from accessing the printed page and students determined by a competent authority to have a reading disability of physical origin. The Department is in favor of ND Vision Services/School for the Blind becoming the sole authorized user for the following reasons:

- Efficiency. The ND Vision Services/School for the Blind is already equipped to serve in this capacity. The Department wishes to avoid a duplication of resources. It would be costly to establish a second authorized user to provide these materials for this additional population.
- Ease of Use. The school districts are familiar with ND Vision Services/School for the Blind. It makes sense for North Dakota school districts to have a single point of contact for the acquisition of specialized formats for all students with print disabilities.

This bill was unanimously supported by the House Committee; however the House Appropriations Committee removed the .50 FTE and the salary and wages of \$47,808 from this bill, leaving only the operating funds. Last week the Department presented its budget to the Senate Appropriations Committee requesting that the .50 FTE and funds to support the FTE be added to the Department's budget since they were removed from this bill. The NDVS/SB mission is dependent upon these additional funds to support the additional number of students that will receive these specialized instructional materials from the NDVS/SB.

To assist the committee in understanding the rationale for the .50 FTE, I have included in this testimony the additional numbers of students for whom the

NDVS/SB would have to acquire accessible instructional materials.

- For the 2008-2009 school year, there were 4,224 students in ND identified as having a specific learning disability.
- It is estimated that approximately 5% of students with a specific learning disability will be eligible to receive their school materials in specialized formats from the digital files housed at the national repository.
- Five percent of 4,225 would mean an additional 211 students across the state who could be potentially served by the NDVS/SB if this bill is passed.
- Additionally, of the 118 students in North Dakota who have physical limitations, a percent of those students would also meet the criteria of having a print disability.

This bill will facilitate a more efficient process for the provision of accessible instructional materials to all students with print disabilities and ensure that the specialized materials are received by students with print disabilities at the same time as their peers receive their printed textbooks. The Department requests that the committee support this bill and, because this would add to the existing workload of ND Vision Services/School for the Blind, it is further requested that the .50 FTE and funds to support the FTE in the amount of \$47,808 in salary and wages be added to the Department's budget because the funds were removed from this bill.

Attached to my testimony is a letter of support from Carmen Grove Suminski, Superintendent of the ND Vision Services/School for the Blind. Her letter supports expanding the mission of ND Vision Services/School for the Blind to include the acquisition of accessible materials for students with physical limitations and with reading disabilities of organic origin.

Chairman Freborg and members of the Senate Education Committee that concludes my testimony. I would be happy to answer any questions the committee may have.