

2009 HOUSE EDUCATION

HB 1034

## 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1034

House Education Committee

☐ Check here for Conference Committee

Hearing Date: January 12, 2009

Recorder Job Number: 6824 and 6847

Committee Clerk Signature

*Carmen Hart*

Minutes:

**Rep. Ken Svedjan, District 17, Grand Forks**, introduced and is in favor of HB 1034. He handed out the memo that the Legislative Council pulled together for the interim higher education committee and looked at the issues facing the School for the Deaf. (**See Attachment 1.**) It also contains kind of a rough draft of the layout of the facilities in Devils Lake for the School of the Deaf. They were assigned this study as a result of some of what transpired in the last session. When they got into the budget on the School for the Deaf, they found there were a lot of facilities that were being maintained that they were still budgeting funds for. The long and short is that it led to the recommendation that they take a closer look at the School for the Deaf. They asked that the study continues. One was to maintain the status quo. They didn't think they could do that. There are a number of challenges that exist in that school where they definitely need to give this facility their closer attention. Two, they looked at reconfiguring the school in such way where they might close the residential part of the program but maintain a day students enrollment. They also looked at reconfiguring the school in such way that they would close on-campus instruction and provide more outreach. When you take a look at the long-range plan for the School for the Deaf, they definitely want to move in the direction of more outreach services much like the School for the Blind or vision services has done in Grand Forks. That facility no longer has a residential program and is all

done through outreach all across the state. They wanted to see if that model had any relevance for the School for the Deaf. Fourth, they looked at reconfiguring the school in such way that they would close on-campus instruction and create a regional center. Not necessarily that North Dakota would create the center but might partner with some of our neighboring states in addressing the needs of our visually impaired and our blind students. They also looked at creating a technology center to deliver services statewide and to focus heavily on online technology. With regard to creating a regional campus, they looked at that idea as it relates to what they call a north central consortium for deaf education. This one again relates to as to whether they ought to partner with neighboring states to see if they could more cost effectively and in a better way deliver services to the students who need this kind of service. They looked at the concept of a virtual campus. Is there a way they can do this completely and totally on line? They also looked at whether or not they should close the school but they aren't going to give that much attention at all. An underlying dilemma in all of what they considered has to do with enrollment. The enrollment back in 1945-46 was 76 students. In the time period from 1967 through 1977 the population at that school grew into the hundreds. Today the school has 23 students. That number is not projected to rise. When you look at the budget for the school, it continues to grow. To complicate matters further, that school sits on a 30 acre plot of land. It is nicely situated in Devils Lake. It has a number of buildings, close to 70 structures. Many of them are no longer used. Only a few of those buildings are being utilized, and they are not necessarily laid out in a way where it is easy to take the useable buildings and make them function efficiently. A lot has to do with where they are placed on the property. The School for the Deaf does have a couple of opportunities from social service agencies who would like to access some of the space that is available there. Some of that space is not handicapped accessible so it is going to require some renovation and the addition

of elevators and so on. The School for the Deaf does allow the Devils Lake School District to use some of their property for athletic practices. The City of Devils Lake is looking at striking a partnership agreement for utilization of the pool area. Depending on what happens with the all day kindergarten issue in this session, the Devils Lake School District will want to have dibs on some of the space that is also available. Generally speaking, these were the things they dealt with but as they dealt with them, their committee felt that they really didn't have the expertise they needed to make the decision that is best for that school. If you take a look at closing the residential part of it, he invites any of you to visit that school and see if they come away with a feeling that those kids could be placed elsewhere. They are not there just because of hearing impairments. Many of those kids have multiple handicaps. It became very difficult for them to imagine that these kids could be placed in a regular public school and educated and cared for in a way they would like them to. They need some expert resources to help decide the best future for this school, for the students, and for their families. They are asking for some dollars for this study to be continued in the next interim where they can get to the decision that is best for all.

**Vice Chair Lisa Meier:** How many students are actually from out of state?

**Rep. Svedjan:** There are none there.

**Rep. Lyle Hanson:** The study calls for children and adults. Do we have adults there?

**Rep. Svedjan:** No. There are no adults there. As I mentioned, the school has a real desire to move to a much greater degree with the outreach services where they can provide services to adults.

**Rep. Phillip Mueller:** The study calls for some expertise to come in. Did you in your committee not have access to any kind of those resources as you looked at the School for the Deaf this past interim?

**Rep. Svedjan:** We did not have any resources to retain a consultant, if you will—somebody expert in that area. We did receive during our committee considerations a study that was done by a group down in Boulder, Colorado. The work that group did was fairly specific to issues facing hearing impaired or deaf people but it was quite nonspecific as it related to our facility here in North Dakota. To a degree, it provided some helpfulness but certainly not what we needed.

**Rep. Phillip Mueller:** We have the 2007-2009 budget. Do we have an anticipation of what the next biennium's budget would be for that school?

**Rep. Svedjan:** I didn't check that number before I came down here.

**Rep. Phillip Mueller:** Similar to what we have here probably?

**Rep. Svedjan:** It will be close. They are looking for efficiencies, but it's likely to be very close. The revenue picture may change for them because they are looking at two or three opportunities to generate revenue not only in terms of facility use, but in terms of some of the technology that they have in place they can develop and make available to hearing impaired or deaf people some things in a technological way that could possibly generate revenue. But probably not much—at least for starters.

**Rep. Bob Hunskor:** You talked about kids having multiple handicaps besides the hearing issue. Does that school accept young people there who just have multiple handicaps and they have nothing to do with deaf or hearing impaired or you must have some hearing issues in order to be and the multiple thing comes along with that?

**Rep. Svedjan:** Every student there has a hearing impairment. Many of those students have a multiplicity of other problems. It was a really moving experience for us to sit in the classrooms and watch the teachers work with those kids and to watch those children in their response.

Then to sit there and imagine how in the world these kids can be cared for in a regular public

school. If they chose to do that, I believe the schools have to do all they can to accommodate. Is this the best solution for those children—that is the issue?

**Rep. Dennis Johnson** made some comments about mainstreaming. Numbers are down because of mainstreaming.

**Rep. Svedjan:** I know that their budget this time includes a couple resources for renovation. It will accommodate dual organizations who would like to access property there. We will need to be careful about that too. We will want to make sure that we are renovating buildings that have a fairly long time future use. With regard to demolition, there are a number of buildings that could or should be demolished. That doesn't happen without appropriation too. Once those recommendations are made and once we get to the point of saying this is what we want the school to look like, we hope it can be done in such a way where there is some efficiency of utilization of those facilities where you are not having to walk all the way across campus to get to a building that is still useable.

**Rep. Jerry Kelsh:** I was there years ago and going there thinking that there is nothing worse than being blind. After you left there, you didn't have that feeling—just a comment. Is this a constitutionally mandated facility? Would we have to change the constitution to do anything drastic with the school?

**Rep. Svedjan:** It is in the constitution, and we looked at that. The Legislative Council did prepare a memo on that. You might think that is part of the dilemma depending on where you reside on this issue, but I believe it isn't. I don't know if we can exist without that facility.

**Rep. Lyle Hanson:** You mentioned that the population is dropping off. Are some of those kids going to the Anne Carlsen School, and if they are, does the state have to pay the tuition?

**Rep. Svedjan:** I do not remember any discussion about any of those students being moved to Anne Carlsen.

**Chairman Kelsch:** Mr. Rutten says no.

**Brady Larson, Legislative Council,** provided a brief overview of this bill. Section 23 of 2007 HB 1018 directed the Legislative Council to study the provision of services to deaf and hearing impaired persons. This study was sent to the interim higher education committee by which HB 1034 originated. Section 1 of this bill provides the language to continue the study and it includes some areas that came from the committee findings. Specifically, those findings are included in Lines 11-13 which are the feasibility of providing instruction through interactive video, potential collaborative efforts with other states' departments of education, and additional revenue-generating activities of the school for the deaf. The bill also includes some of the language from the 2007-2008 interim setting which is above and below those lines. Section 2 of this bill provides an appropriation of \$100,000 to routine services of a consultant and finally, Section 3, declares this bill to be an emergency to allow the funding to be available immediately. For further information, pages 152-155 Public 2001 Legislative Council Report detailed the findings.

**Dr. Gary Gronberg, Assistant Superintendent, Department of Public Instruction,** appeared in support of HB 1034. Dr. Gronberg handed out some testimony that was presented this past fall (**See Attachment 2.**) Rep. Svedjan was chair of the interim higher education committee and Rep. Kelsch was also a member of that committee so she could share things with the present education committee as well. The study that was done that Rep. Svedjan was talking about was done at the University of Colorado. Dr. Gronberg responded to a question that was raised earlier about what is the current budget proposal for the 2009-2011 biennium. The governor's recommendation in that proposal is for \$7.429 million—about a million dollars more than where we are now. The ongoing discussion is that you have the 23 students and you have 43.9 for staff at the School for the Deaf. Realize that there are many

more services other than the residential services that are provided by the School for the Deaf—those in the form of outreach. Two sessions legislature allowed the School for the Deaf to expand their services to encompass adults. They were primarily birth to 21 kind of service up until that time, but much the same as the vision services for the School for the Blind, they are into the adult business as well for those with vision impairments. They paralleled that kind of service. The School for the Deaf now has and can provide non duplicated kind of services to adults that have a hearing impairment. As part of that 43 staff, there are 4 outreach kind of personnel that provide services throughout the state of North Dakota. They need to look at states that surround us because they are facing similar kinds of things. Wyoming, in the recent past 10 years, has closed its School for the Deaf. Nebraska has closed its School for the Deaf. Both of those facilities tuition those students that need some sort of residential service into another state, so we have states close to us that do that. Montana combined its resources for blind and deaf together and handle residential service in that way. Minnesota is looking for some changes, and they have looked to them to offer some sort of combined service through interactive video communication. One of the things they have to keep in mind is the sequencing of how, in fact, all of this is done. Rep. Johnson had brought that up in terms of in order for certain things to be done, which needs to happen first—you need to look at facilities or do you need to look at planning for the services of the students? Probably the facility part of it would come in terms of what comes first. In order for them to utilize or making any sort of revenue available in terms of leasing or whatever, you have to have facilities that are accessible, are free of asbestos, and get the facility up to standard in order for those other entities that are interested in that kind of service to be done. If they wait for another interim, another session before they get started on some of that, they are going to be three, four years behind. He believes timing is one of the things they need to consider. The study itself has an



emergency clause in it so in fact the consultant or rep. for that consultant could go out before the August 1 or July 1 initiation of the measure.

**Vice Chair Lisa Meier:** Why is the governor asking for an additional million dollars funding in the appropriation?

**Dr. Gary Gronberg:** There are a couple different areas—salaries, benefits, operating expenses. I could get some of that detail for you if you would like. Would other members of the committee like that too?

**Rep. Phillip Mueller:** On the top of the second page you have an interesting comment—we have much information now; another study isn't warranted. Can you put that in perspective for the committee because it sounds like you are supporting me to do another interim of study? Here it says we don't need to do that.

**Dr. Gary Gronberg:** We have mixed feelings about that. Some aspects we do need some help. If it is the whole, entire study—it more has to do with timing than anything else. What actions do we need to take before we can do some other actions? That is why I said the timing kind of thing is important. I don't know necessarily—whatever happens is going to be a difficult decision. This is an emotional issue. There's a lot of past, when you get into alumni concerned individuals, whatever, and, of course, if they see any attempt to change the status quo as potential to close this school for the deaf, you can imagine the kind of emotion that is attached to this issue. I think we probably have enough information to go ahead with some decisions, but if in fact there's more that needs to be looked at with the legislative council in charge of the looking as opposed to us or the school for the deaf or whatever, maybe a third party neutral is an appropriate kind of way to go.

**Rep. Dennis Johnson:** Looking at cost comparisons with other states' fiscal operating budget—I know that last session the charts at that time showed that North Dakota is considerably less money being spent than others offering these services.

**Dr. Gary Gronberg:** There was some work done by Brady Larson at the Legislative Council that was presented to the higher education interim committee, and, if I could, would you like me to rather just have it sent and shared with you?

**Chairman Kelsch:** If we could get a copy, that would probably be better.

**Dr. Gary Gronberg:** Because this information from the Iowa school, Wisconsin, Idaho, Washington, and North Dakota where there's a per pupil expense comparison.

**Rep. Corey Mock:** Does that same study have any infrastructure status that other states may have? Are they facing similar situations where they are consolidating, closing, or forced to renovate buildings that are otherwise outdated?

**Dr. Gary Gronberg:** Yes. Those are things that both of the particular studies that we looked at. This is not a unique situation to North Dakota. Others have faced this somewhat sooner than we have, but all of have had to face a similar situation.

**Rep. Karen Karls:** I believe when the School for the Blind closed its residential facilities, do we now send our blind students to Aberdeen?

**Dr. Gary Gronberg:** That is the closest facility, but we currently do not have North Dakota students in residence there. If in fact a similar kind of situation would take place, in the past we have had students that lived closer to the school in Aberdeen than they live closer to Devils Lake and so chose to have their children go. Specifically, it was from the north Lemmon school district. Well, north Lemmon means they were the North Dakota side of the Lemmon Public School District so they prefer to have their children go there, so we did pay tuition.

There is that kind of potential there, but, no, all of our students are being served currently in

public school system in the area that those that need vision impairment. They can go for skills classes during the summer or for a short time. For instance, a student that through an accident or something has a need for say a Braille skill where they, in fact, go for a short period of time of intense two-week kind of session to acquire that skill and then return to the public school itself. We do not have at this point at the present time a need for residential school for the blind.

**Vice Chair Lisa Meier:** Do you recall what the cost for tuition was for sending students to Aberdeen? I am sure it was some time ago.

**Dr. Gary Gronberg:** No, I do not.

**Senator Dave Oehlke, District 15, Devils Lake,** appeared. He was on the interim committee that was charged with reviewing of the School for the Deaf along with some other issues. They kind of thought they might be able to come to an end so to speak. As time went on, they realized that it was too big of an elephant to meet at one time and hence the money to study this issue. He would really consider they have a diamond in the rough. The buildings that they have talked about being remodeled—one in particular has approximately the same quality of construction as our main capitol building. The main building where the chambers are has the quality of construction that building was built with in the first place. To update and remodel does not cost money. Should that be done? There are opportunities involving to utilize that space right now. There is a piece of ground there with some awesome buildings on it. There is an awesome opportunity to do some things that other states don't have. We could become a regional deaf education center for the whole Midwest. If other states are tried because they have a financial problem, maybe they would be willing to send students to us and we could take care of them. This is something that this study ought to approach and look at and review.

**Pamela Mack, Advocacy Director, North Dakota Protection and Advocacy Project,**

appeared and made a brief comment. She responded to Rep. Karls' question about students that end up going out of state. It is incredibly important that they look at the decisions of this interim study because in the case of students who have visual impairments, their agency has worked with students that had to relocate to larger school districts in the state because the option that they had in front of them was that the IEP team determined that their needs could not be met in their local school districts. They do have situations where students relocate, families have to move their home communities and their jobs because they need to access services. The need for the study should take a look at some of those decisions that have occurred in larger school districts that have had to absorb students to meet the needs. She thinks some of those same parallels will occur when they have students have visual impairments and in addition those that have hearing impairments. Those same issues will arise. They have had to work with families to help them come up with solutions so that they don't have to relocate their family or child to Aberdeen to access services for visual impairment. They work really hard to keep kids at home and as close to their families as possible.

**Bob Rutten, Director of Special Education, Dept. of Public Instruction,** appeared. He gave some information regarding some contact that came to their office this fall following the original higher education study of this topic. He had an opportunity to meet with the superintendent of the Texas School for the Deaf. They were discussing some of North Dakota's demographic challenges with numbers of students and what that means in terms of maintaining a high quality state school for the deaf and a viable student population. She was very helpful in understanding our situation. In follow up to that meeting he wound up receiving a contact from the executive director of the American Conference of Executive Administrators

of State Schools for the Deaf. His goal is to really work with all states' schools for the deaf administrators from the United States. He was very interested in what was happening in North Dakota and basically asked him questions, and he told him about some of the challenges that our state is wrestling with. He was very highly supportive of the analysis that was going on. He was also very understanding of the need to maintain a viable student population. When he explained to him that what we are seeing in North Dakota that more and more of our public schools do feel qualified to provide appropriate services to students are deaf and hearing impaired, he said that was happening all across the country. What is really unique is that group of students who really require education with other students who are deaf and with specialized instruction in residential type facility, that number had shrunk not just in North Dakota but in other states as well. Unless you maintain a viable student body, it is so difficult to provide appropriate education. If we don't have that, what do we do? His comment was that they think it might be time to think outside the box in terms of a regionalized school for this upper Midwest. It is really an intriguing idea to us. We had really seriously contemplated it, but on the basis of that national interest in this topic, it makes him wonder if it isn't something that is conceivable--maintain your state school for the deaf but in a reconfigured format.

**Rep. Dennis Johnson** asked the question about how doubling the student population by regionalizing would affect the budget.

**Chairman Kelsch:** During the interim we didn't necessarily talk about that. We talked a little about regionalizing and having North Dakota becoming the regional center. It does seem to make the most sense as other states are struggling to make ends meet. We didn't talk about what the impact would be. I think that is something that we expect to come out of this study because I don't think we have that much information at our fingertips. We are not sure exactly what students would come from other states, what those numbers would be.

There was no opposition.

**Chairman Kelsch** gave an example of what they saw when they were at the school for the deaf. That's what was really confusing for them as committee members as to how they could mainstream some of those children into a school district. She knows that some of the larger school districts in the state have said that yes they will do this and they will make sure that those students receive the services that they are suppose to receive, but they saw things at the school for the deaf that just absolutely amazed them--the level that some of these students actually were able to attain and their significant disabilities. It wasn't just that they were deaf. They had multiple disabilities on top of that. She is a strong believer in mainstreaming but it made her realize that there are some kids that she is not sure how you can mainstream them or sure if it is the best thing for those kids. Also, these students are still transported back and forth to their homes on the weekends. That is probably traditional of all the state schools that currently exist today. When we talk about potentially becoming the regional center, is it feasible? She thought you could say it was feasible because most of these students are taken out of their homes for the week anyway and transported back home again.

The hearing was closed on HB 1034.

**Attachment 3 and 4 were provided at some point during this hearing.**

**RECORDER JOB 6847**

**Chairman Kelsch** stated that there was probably an adequate amount of money after the \$100,000. She asked Dr. Gronberg if it would cost more to get a consultant, was there some rollup money? Dr. Gronberg stated they would be willing to look at what is out there. They would need to do is make the decision to not fill the superintendent's position. Supt. Fogelson is retiring June 3. If they left that position open, they would have the superintendent for the School for the Blind create those services. Century Code allows that to happen. They would

just need to know so they could plan. They would leave that position open until they could some indication from the consultant as to what they wanted to do with that position.

**Rep. Lyle Hanson** made the motion for a Do Pass and be rereferred to the Appropriations Committee. **Rep. John Wall** seconded the motion.

**Rep. Dennis Johnson** asked if part of the study would involve regional centers.

**Chairman Kelsch** responded that when they drafted this for the higher education committee that it would encompass looking at becoming a regional center.

**Rep. Lyle Hanson:** Line 12 kind of takes care of that.

**Rep. David Rust:** Would that regional facility be an expense of North Dakota taxpayers?

**Chairman Kelsch:** The original facility is at the expense of North Dakota taxpayers. It would continue to be what you see if you add it as a regional facility. Certainly there would be some sort of contracts that would be entered into with those education departments from other states.

**Rep. David Rust:** Would that mean then that any out of state students would then be billed at full cost to that state as opposed to...?

**Chairman Kelsch:** I can't tell you that because I don't know what the consultant would recommend. I don't know. My guess is it would be a full contract of education. That's certainly why we want the study to be looked at to see if it is feasible or not and what those costs are and if those other departments of education are willing to pay.

**Rep. Jerry Kelsh:** There was some talk this morning about if number of students doubled, what appropriations needed. Did we ever get an answer? If the number of students was double from 23 to 50, how much higher than the \$7.5 million does the appropriation have to be?

**Chairman Kelsch:** At this point I don't think we necessarily have to worry about it because they have asked for an additional million dollars. Certainly if we move this forward, they have to take a look at the study, and then there will be more recommendations that come out at that time.

Dr. Gronberg said he would be making a guess right now when asked about what the potential numbers would be.

**14 YEAS AND 0 NAYS, 0 ABSENT AND NOT VOTING. Rep. Corey Mock was the carrier of this bill.**



Date: 1/12/09  
Roll Call Vote #: 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1034

House Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken ☒ Do Pass ☐ Do Not Pass ☐ Amended

Motion Made By Rep. Hanson Seconded By Rep. Wall

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) 14 No 0

Absent \_\_\_\_\_

Floor Assignment Rep. Mock

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

Library

**REPORT OF STANDING COMMITTEE (410)**  
January 12, 2009 4:36 p.m.

**Module No: HR-05-0195**  
**Carrier: Mock**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HB 1034: Education Committee (Rep. R. Kelsch, Chairman) recommends DO PASS and BE REREFERRED to the Appropriations Committee (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1034 was rereferred to the Appropriations Committee.**

2009 HOUSE APPROPRIATIONS

HB 1034

## 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1034

House Appropriations Committee  
Education and Environment Division

☐ Check here for Conference Committee

Hearing Date: January 22, 2009

Recorder Job Number: 7508

Committee Clerk Signature

*Shirley Branning*

Minutes:

**Chairman Skarphol:** Called the Hearing on HB 1034 to order by asking the clerk to note that all committee members are present and recognizing **Rep. Ken Svedjan** as the first speaker.

**Rep. Svedjan, District 17 in Grand Forks:** I chaired the interim Higher Ed committee that helped produce this bill. This bill relates to the School for the Deaf. We were assigned a study after last session where we ran into some budgetary questions related to the School for the Deaf. We learned a lot of things last session about the dropping enrollment and many facilities that carry cost. We felt that we needed some help to know how to proceed, in the form of consulting services. There are now 23 students there and it was hard to discern what the comparative costs per student would be with various considerations, such as combining with other states to provide services, provide services on an outreach basis, or mainstream the students into public schools. They have multiple handicaps and we ask if mainstreaming is possible. On the facilities side, 30 acres of land, buildings that need to be demolished, buildings that could be renovated for use by other agencies, there are still farm buildings with barns and sheds that are not being used. There needs to be a site and facilities study to help determine what can be done to best serve that population in the event that it is determined that

we cannot relieve ourselves of the residential feature of that school. I feel that the facility should continue to exist. This bill is asking for \$100,000 to pay for a study.

**Rep. Williams:** They are asking for \$100,000 for the consultant to come in and look at the site and this appropriation of \$100,000 is in it. Do you see this as a companion to the Governor's proposal?

**Rep. Svedjan:** Is there another bill in....?

**Chairman Skarphol:** On the green sheet and in their budget, there is \$41,000 one time funding for a facility master plan and one time funding for the development of a business plan for virtual delivery model for \$25,000. So the number that is in 1034 could be massaged.

**Rep. Svedjan:** My recollection is that as the budget was being developed there was thought to include a request for site and facilities, that's the 41 and 100.

**Chairman Skarphol:** We'll make sure that it works the way we need....

**Rep. Williams:** The money that is in the Governor's budget is specifically for that trades building that they want to renovate for rental property.

**Rep. Svedjan:** Yes, correct.

**Chairman Skarphol:** That money did not get included, Rep. Williams.

Tami, do have any comment about the 9 and 10 on the green sheet on intentions of OMB with regard to that?

**Tammy Dolan, OMB Analyst:** This is Joe Morrisette's budget so I am contacting him.

**Brady Larson, Legislative Council Representative:** I served as the Legislative Council Staff representative for the interim Higher Education Committee from which HB 1034 originated.

Section #1 of this bill provides for the continuation of the study. The language includes specific study areas that the 2007-08 interim committee felt important to continue studying. Section #2

provides an appropriation of \$100,000 to the Legislative Council for the purpose of obtaining a consultant for this study. Section #3 is the emergency clause to allow this funding to be available immediately. PP. 152-155 of the 2009 Legislative Council report provides details.

**Rep. Wald:** Is the \$100,000 earmarked specifically for consultant or could some of that be used for travel expenses and associated costs?

**Larson:** My understanding is that it is strictly for consulting fees.

**Chairman Skarphol:** Would that not include the traveling costs of any consultant?

**Larson:** Yes and any other costs connected with obtaining a consultant.

**Chairman Skarphol:** If the committee desires, is there sufficient authorization for the School for the Deaf to participate in the selection of that consultant. We should utilize their expertise to give us some direction in who would be ...

**Larson:** If the study is continued, the committee that is selected would work with the Department of Public Instruction and School for the Deaf to obtain the consultant services.

**Dr. Gary Grondberg, Assistant Superintendent of Public Instruction:** I serve as the department's liaison to the School for the Deaf and am representing them. If the bill does say "A consultant" and it sounds like we're going to do facilities studies, service studies, I don't know if that in the end would hang us up with multiple consultants to help with the study.

**Chairman Skarphol:** If other studies are indicated on the green sheet it would incorporate all of the things we need to do.

**Dolan:** A message from Joe said that the school had wanted to demolish a building but did not have a master plan yet, so the money was to develop that facility master plan which would include should it be demolished or renovated and would address all the other buildings on the

campus. He felt it would not conflict with this Bill because the consultant could then use that master plan in their evaluation and their study.

**Chairman Skarphol:** Did he have any comment on the other section.

**Dolan:** He said they had wanted to start a virtual school program but really didn't have a complete vision of how to do that. Part of their request was just a business plan on how to potentially proceed with that, and there is no other funding. It sounds like they could work in conjunction with each other.

**Larson:** Will check on the provisions for the use of a consultant.

**Chairman Skarphol:** We need to know if it would include the capability to do the site and facilities plan in addition to whatever else was being considered by the Governor's office.

**Dr. Grondberg:** Timing is the other element; it does include an emergency clause so some things can be started. There are some things that should be started now and other things that could wait for a consultant for the delivery of services. We don't want to wait for two years for the conclusion of that study to begin things that we know need to be done now. The renovation of that trades building is not usable even if the elevator is installed and the heat and lights be brought up to standard, some of those things could be started so we don't have to wait years after the plans are done. We support the study.

**Rep. Wald:** On line 21, would this language give your more flexibility if we said, after the word consultant, and other associated costs? Is more flexibility needed for other expenses that may arise that weren't anticipated? It would be just a simple amendment.

**Dr. Grondberg:** It might be an issue of contractors and subcontractors.

**Rep. Hawken:** I think I might have been the "no" vote on this because we spent a lot of money on this and didn't get much. Are there people out there who we could present proposals that

could do what we need to do? I don't disagree with the intent of this. I'm concerned that we have one more study and two years from now, we are having the same discussion again.

**Dr. Grondberg:** It is difficult for one consultant to say one plan will fit all the children of this diverse population. If that is the kind of search we have, we will come up short.

**Chairman Skarphol:** Do you think we have enough information to make a good decision?

**Dr. Grondberg:** Facility, what do we do with facility? The other is, do we have enough money to provide appropriate services, not necessarily in the state of North Dakota. Then, do we have enough information?

**Chairman Skarphol:** Do we have a knowledge base to make a similar change with regard to the School for the Deaf? The consultant is designed to help us understand what the options are and how to move forward. How do we put the mechanism in place to move forward?

**Dr. Grondberg:** The idea for this study came from the interim committee, meaning there was not enough information to make that decision. I think we do have enough information.

**Rep. Kroeber:** Do you see a comparison between the hearing impaired and the vision impaired?

**Dr. Grondberg:** Service wise, there is a huge difference. The requirement for the least restrictive environment is met and there is outreach service for the birth to death kind of things. Some kind of service will always be provided in this state at no cost to parents. In the future it may be out of state.

**Rep. Kroeber:** Are a large majority of the clients multihandicapped?

**Dr. Grondberg:** The short answer is yes, but the kind of student is different from when the institution was first developed.

**Chairman Skarphol:** We'll have to study this further. Meeting adjourned.



## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1034

House Appropriations Committee  
Education and Environment Division

☐ Check here for Conference Committee

Hearing Date: February 2, 2009

Recorder Job Number: 8362

Committee Clerk Signature

*Shirley Branning*

Minutes:

**Chairman Skarphol:** The meeting was called to order to take up HB 1034. I talked to Allen Knudson about putting together an amendment and my recommendation was to put it on the budget for the deaf and hearing impaired to move forward with the recommendations of the Department of Public Instruction as delineated by the department and they are in the process of getting that done. So it would be my opinion that this bill would not be necessary, and we could suitably take care of it. Motion for a **Do Not Pass** from Rep. Klein and a second from Rep. Hawken. Any discussion? Hearing none, the clerk will take the roll.

**Do Not Pass: Yes 7, No 0, Absent 1. Carrier: Chairman Skarphol:**

## 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1034

House Appropriations Committee

☐ Check here for Conference Committee

Hearing Date: February 5, 2009

Recorder Job Number: 8848

Committee Clerk Signature

*Shirley Branning*

Minutes:

**Rep. Skarphol** explained that the EE Section gave this bill, HB 1034, a Do Not Pass and the reason is that we are in the process of incorporating language into the budget for the School for the Deaf which will begin the process of transition similar to what was done with Vision Services to go to a somewhat different environment. We are also including in the study the potential for having other states participate in our residential program if they want to. If not, the determination as to whether or not we maintain a residential program will be made during this transition. We did not think the study was necessary and we gave it a Do Not Pass. Motion made.

**Rep. Wald:** Second.

**Chairman Svedjan:** There has been a lot of work done on the School for the Deaf. Our interim Higher Ed Committee looked at it and we came in with a request for some funds to pursue the matter further with some help. The section is proceeding based on the improved information that we have now. Looking at a number of alternatives that relate to involving other states. South Dakota is going through the same thing with declining enrollments and looking at expanding the outreach services.

**Rep. Skarphol:** I did give Rep.s Hofstad, Dennis Johnson and Senator Oehlke the provisions that DPI put forward as to how we are going to proceed, and the people at the School for the Deaf understand that this has to move forward.

**Chairman Svedjan:** On the motion for a Do Not Pass on HB 1034.

**Vote Taken: Yes 22, No 0 Absent 3. Motion Carried. Carrier: Rep.Skarphol.**

Date: February 2, 2009  
Roll Call Vote #: 1

**2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 1034**

House House Appropriations Education and Environment Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

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 7 No 0

Absent 1

Bill Carrier Rep. Skarphol

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

Date: 2/5/09  
Roll Call Vote #: 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1034

**Full House Appropriations Committee**

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken No Not Pass

Motion Made By Skarphol 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 0

Absent 3

Floor Assignment Skarphol

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

**REPORT OF STANDING COMMITTEE**

**HB 1034: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **DO NOT PASS** (22 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1034 was placed on the Eleventh order on the calendar.

2009 TESTIMONY

HB 1034

## 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
<b>Total</b>	<b>53.93</b>	<b>53.93</b>	<b>53.10</b>	<b>51.85</b>	<b>49.19</b>	<b>43.94</b>

### 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:

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:

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:

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.

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:

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.

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:

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.

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.
----------	--

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

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.

### 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:

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.

#### 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.

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

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

**SECTION 14. LEGISLATIVE COUNCIL STUDY - SERVICES TO STUDENTS WHO ARE DEAF OR HEARING-IMPAIRED.** The legislative council shall consider studying, during the 2007-08 interim, 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, if conducted, must include the feasibility of combining the administration and delivery of services of the school for the deaf with other area school districts, educational associations governed by joint powers agreements, special education units, and North Dakota vision services - school for the blind. The study should examine alternative uses for the buildings on the school for the deaf campus beyond the scope of the school's present mission. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-first legislative assembly.

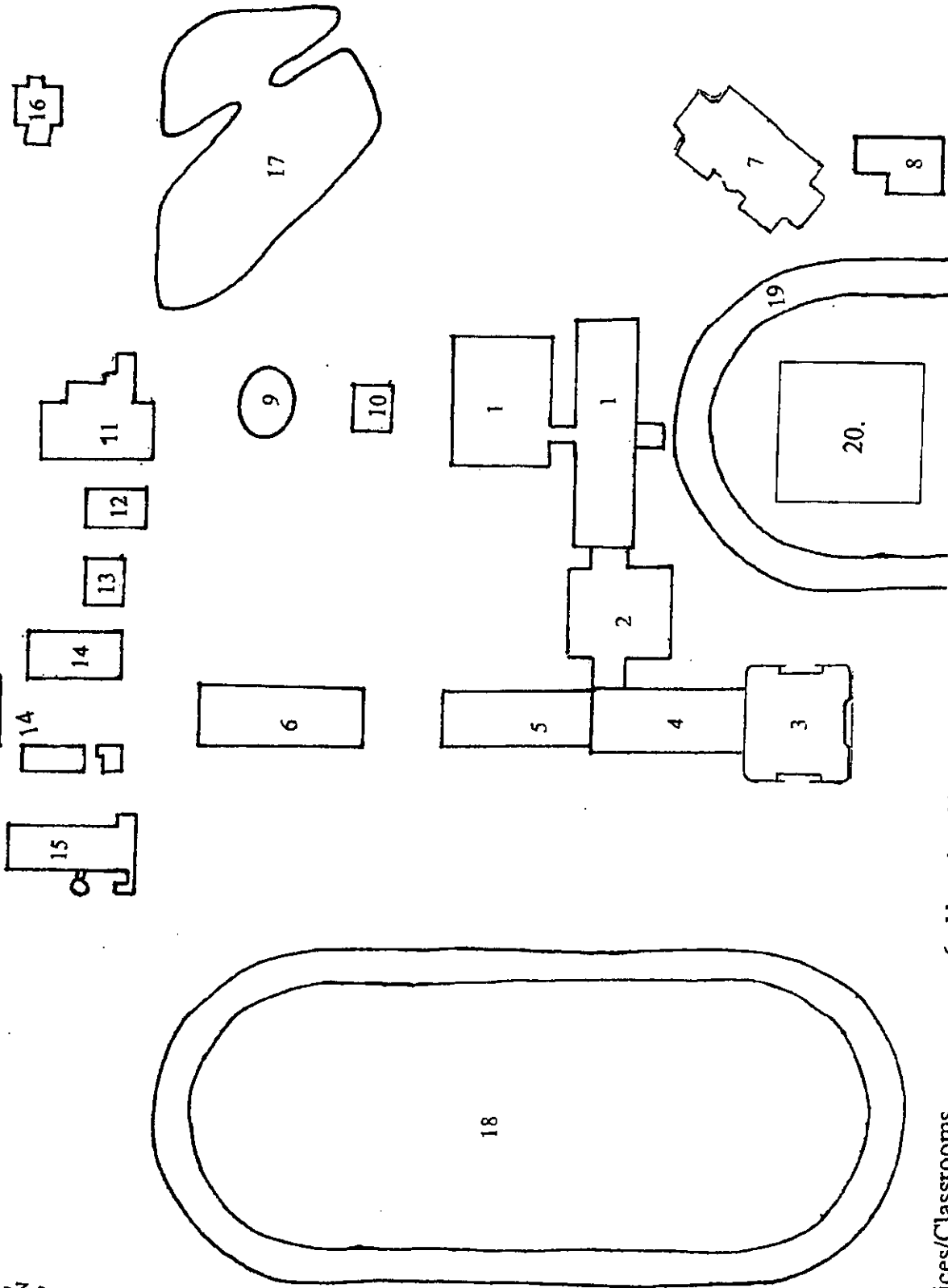
## North Dakota School for the Deaf and Resource Center

**Mission Statement:** Through residential and day programming, the North Dakota School for the Deaf will provide optimum educational, social/emotional, and cultural experiences for deaf and hard of hearing children ages 0-21 and will serve as a resource center for outreach services for all North Dakota citizens. As per recent legislation (ND Century Code 25-07-12), the school for the deaf may collaborate (not compete) with public and private entities for the provision of services to adult individuals who are deaf or hard-of-hearing.

### Educational and Outreach Services (Biennium Comparison)

Service	2001-03	2003-05	2005-07*
Students Served by NDSD (PreK-Age 21)	67	59	57*
TOTAL # of Individuals Served by NDSD Outreach Programs	4301	6055	6383
Reverse Mainstream/Swimming & PE	**	**	30*
American Sign Language (ASL) Students On Campus & Video Conference Sites	147	415	363*
Video Conferencing (IVN) (meetings/workshops/classes) (Implemented 11-02)	40	397	537*
Interpreter Services On & Off Campus	221	359	335*
ND Captioning Services	**	101	70*
NDSD/Headstart Students & Staff Individual Meals Served per day (Headstart Started 9-04)	77	180	298*
Captioned Media Program	2,058	3,067	1,242*
Deaf-Blind Services Project: (No Coord. Dec '04- Sept '05)			
• Individuals Served	78	74	75*
• Indirect Services:			
Resources/Brochures	210	13	778*
Newsletters	6,919	4,437	1,623*
• Direct Services:			
In-services/Trainings	29	8	40*
Consultations	33	2	152*
Needs Survey	160	169	162*
Collaboration w/Agencies	22	20	26*
Outreach Dept & Parent-Infant Program:			
• Individuals Served:			
Infants & Toddlers	32	36	26*
Parent-Infant Program (PIP) Contacts (audiology appt., transitions, home visits, etc.)	100	750	508*
Otoacoustic emissions (OAE) Off Campus	0	0	225*
School-Aged Students (Number of Contacts)	14	19	25*
• Indirect Services:			
Consultations (phone, e-mail, etc.)	100	198	327*
Connection Newsletter	2,500	2,500	1,250*
• Direct Services:			
Audiological (Otoacoustic emissions (OAE))	200	173	75*
Evaluations	14	16	5*
Instruction	0	37	23*
Summer Camps	30	24	30*
Family Vacation/Deaf Socials/Mom's Night Out	10	40	75*
In-Service Training/Presentations (# Offered)	120	28	54*
(# Individuals Attending)	1,000	237	1,543*
Classes (# Offered)	6	16	37*
(# Individuals Attending)	295	300	945*
Adult Services (# Offered)	0	0	19*
(# Individuals Attending)	0	0	59*

**NOTE:** \* Figures above are based on biennium totals through 12-06  
 \*\* Not yet implemented



1. Offices/Classrooms
2. Resource Center
3. Swimming Pool
4. Henry Z. Brenner Gymnasium
5. A.R. Spear Building
6. Vocational Building
7. Kenneth L. Blackhurst Dormitory
8. Superintendent's Residence
9. Old Main Tower
10. Storage Shed
11. Power House/Physical Plant
12. Laundry
13. Original Infirmary
14. Garages
15. Barn
16. Apartment House
17. Burton W. Driggs Pond
18. L. Dwight Rafferty Field
19. Thomas Sheridan Road
20. Parking Lot



**HIGHER EDUCATION COMMITTEE**  
**Representative Ken Svedjan, Chairman**  
**October 9, 2008**

**Presentation by Dr. Gary Gronberg, Assistant Superintendent**  
**Department of Public Instruction**

1. DPI's guiding principle:

"As North Dakota continues to explore how best to provide free appropriate public education for students who are deaf and hard of hearing and as you consider options for reorganization or innovative programming, the best interests of students and families must remain at the forefront."

Report prepared for the North Dakota Department of Public Instruction by the  
**National Center on Severe and Sensory Disabilities, August 18, 2008**

2. In response to the Committee's encouragement to review the options under consideration for the North Dakota School for the Deaf and to develop a plan for presentation to the 2009 Legislative Assembly, the Department of Public Instruction has prepared a timeline of proposed actions for the Committee's consideration.

3. After the department's review of:

- current information provided by NDSD;
- the work accomplished by a previous task force;
- previous legislative action related to redefining the mission of the North Dakota School for the Blind;
- consultation with other states; and
- the recent study prepared for North Dakota by the National Center on Severe and Sensory Disabilities,

it is our conclusion that it is no longer appropriate to maintain the status quo of NDSD.

4. Other factors that contributed to the development of this proposed plan being presented today are:

- The necessity to plan for the long term needs of the 23 students currently attending NDSD.
- The Superintendent of NDSD, Mr. Dennis Fogelson, has submitted a letter of resignation effective June 30, 2009.
- The NDSD appropriation request for the next biennium has already been prepared.

We have much information now; another study isn't warranted.  
It's time to plan for the future.

5. The *National Center on Severe and Sensory Disabilities* report to North Dakota highlighted the changes occurring in state schools for the deaf across the nation:

"As the educational landscape across the United States (US) continues to evolve, schools such as NDSB find themselves exploring the efficiency and effectiveness of their programs and evaluating how to best provide students a free and appropriate public education (FAPE). While clearly NDSB is a successful institution, external factors continue to impact the school's enrollment, operating costs, and ability to sustain a viable program.

However, the Individuals with Disabilities Education Act (IDEA, 2004) and the No Child Left Behind Act (NCLB, 2001) have precipitated a national decline of student enrollment at schools for the deaf. This impact is due to a statutory emphasis on inclusive education that promotes children receiving their education in local schools, as well as an emphasis on academic accountability, which holds schools responsible for demonstrating that students are progressing within the academic core curriculum, particularly in math, reading, and science (Holden-Pitt & Diaz, 1998). The annual count of children served under IDEA demonstrates a steady growth in the number of children who are deaf and hard of hearing attending local schools. Increased placements of students who are deaf or hard of hearing in local schools have resulted in a sharp rise in per student costs for schools for the deaf, because they must maintain the same level of services for fewer students while total operational costs remain the same.

On a national level, these demographic and educational changes have required state legislatures to ask tough questions about the viability and future of schools for the deaf. In fact, Idaho, Washington, and Wisconsin have already initiated efforts to examine the role and function of schools for the deaf. Some service delivery changes that have either been implemented or that are currently being explored by schools for the deaf include providing increased statewide outreach services (see Appendix B for a list of possible outreach services), consultation, and technical assistance (Mueller, 2005). At the extreme, some schools with exceptionally low enrollment numbers have closed (see Appendix C), while other schools are faced with the possibility of eliminating their residential programs."

*Considerations in Providing a Free, Appropriate, Public Education to Students who are  
Deaf and Hard of Hearing in North Dakota*  
**National Center on Severe and Sensory Disabilities**  
**August 18, 2008**

6. Because of the successful transition completed by the North Dakota School for the Blind in the 1990's from a residential school to a nationally recognized model of regionalized outreach service delivery, we are confident that a similar model of successful transition and service delivery can take place at the North Dakota School for the Deaf.
7. Other states in our region, faced with similar challenges, are choosing to redefine and broaden the roles that their state schools perform.
8. The department suggests using the NDSD superintendent's position and funding to employ a planning consultant for a one year period extending from July 1, 2009 to June 30, 2010. The duties of the superintendent of NDSD would be shared with the current superintendent of NDVS/SB, Carmen Grove Suminski, during the 2009-2010 planning year.
9. The planning consultant would also work closely with a committee from the ND Legislative Assembly to obtain necessary guidance and to keep legislators well-informed of the planning and transition progress.
10. Proposed activities of the planning consultant to achieve short and long range goals could include:
  - Establishing a profile of all deaf and hard of hearing school age students at NDSD and throughout North Dakota;
  - Reviewing current research and trends in the provision of services to students who are deaf or hard of hearing;
  - Meeting regularly with an appointed transition planning team that includes representation of the legislature, parents, alumni, current NDSD employees, members of the Devils Lake community, school administrators, special education and related services providers, and others;
  - Reviewing national current service options;
  - Developing a plan to provide equitable and comprehensive outreach services for families of students, professionals, and all ND citizens who have hearing impairments;
  - Working closely with the current superintendent of NDVS/SB, Carmen Grove Suminski, related to the daily operational needs of the NDSD students, staff, and campus, and to coordinate with existing outreach services from NDVS/SB.
  - Exploring the feasibility of implementing revenue-generating services at NDSD;
  - Developing a long range site and facility plan for the NDSD campus; and
  - Making arrangements with other states in our region regarding the possibility of service partnerships.

## Proposed NDSD Planning Timeline

January 6, 2009 – June 30, 2009

July 1, 2009 – June 30, 2010

2010 – 2011 School Year

### January 6, 2009 – June 30, 2009 (During the Legislative Assembly and beyond)

- ND Legislative Assembly
  - Appropriations budget accommodations for planning
- Work with ND Legislative Council
- Develop RFP for planning consultant
- Interview and employ a planning consultant
- Current Superintendent, Dennis Fogelson retires June 30, 2009

### July 1, 2009 – June 30, 2010

- Establish a profile of all deaf and hard of hearing school age students at NDSD and throughout North Dakota;
- Review current research and trends in the provision of services to students who are deaf or hard of hearing;
- Meet regularly with an appointed transition planning team that includes representation of the legislature, parents, alumni, current NDSD employees, members of the Devils Lake community, school administrators, special education and related services providers, and others;
- Review national current service options;
- Develop a plan to provide equitable and comprehensive outreach services for families of students, professionals, and all ND citizens who have hearing impairments;
- Work closely with the current superintendent of NDVS/SB, Carmen Grove Suminski, related to the daily operational needs of the NDSD students, staff, and campus, and to coordinate with existing outreach services from NDVS/SB.
- Explore the feasibility of implementing revenue-generating services at NDSD;
- Develop a long range site and facility plan for the NDSD campus; and
- Make arrangements with other states in our region regarding the possibility of service partnerships.

### 2010-2011 School Year

- Implement planned activities

HB 1034

# North Dakota School for the Deaf

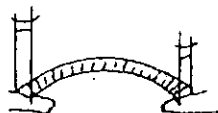
Attachment 3

1401 College Drive North  
Devils Lake, ND 58301-1596  
(701) 665-4400 V/5DD (701) 665-4409 Fax  
Dennis J. Fogelson, Superintendent

---

## Agency Budget Overview for House Appropriations Committee

- **NDSD INITIATIVES:** Mission Statement, Programs, Major Goals, and Vision Statement
- **School for the Deaf Budget Spread Sheet:** We do not anticipate major variances in terms of appropriations or expenditures for 2007-2009. Turn back of general fund appropriation is not anticipated at this time. A summary history of 2003-05 and 2005-07 expenditures and revenues is included on the spread sheet.
- The primary focus of NDSD agency initiatives were incorporated into optional budget requests. The optional budgets were submitted in cooperation with an ongoing study by the legislative council. An outline of these items is attached.
- The effectiveness and efficiency integrated with agency initiatives is dependent upon essential resources to carry out the long range Vision of NDSD.
- NDSD has been focusing on maintenance and improvements. A report of one time deferred maintenance is attached for the appropriations committee.



# NDSD INITIATIVES

## MISSION STATEMENT

Through residential and day programming, the North Dakota School for the Deaf will provide optimum educational, social/emotional, and cultural experience for deaf and hard of hearing children ages 0-21 and **will serve as a resource center for outreach services for all North Dakota citizens.** As per recent legislation (ND Century Code 25-07-12), the School for the Deaf may collaborate (not compete) with public and private entities for the provision of services to adult individuals who are deaf or hard of hearing.

## PROGRAMS

The North Dakota School for the Deaf (NDSD) was established in 1890 by the North Dakota Constitution and is located in Devils Lake. NDSD is under the direction, control, and management of the North Dakota Department of Public Instruction. NDSD is a resource/educational and all hearing loss outreach facility established for the education of deaf and hard of hearing individuals who are residents of North Dakota. Out-of state students are accepted on a tuition basis.

The North Dakota School for the Deaf has a strong commitment to the education of individuals in North Dakota who are deaf, hard of hearing, and deaf-blind. The NDSD programs have a history of change and growth and continue to evolve today. In recent years we have seen many national and state changes in the field, including universal newborn hearing screening, significantly improved assistive technology, technological advances in general, medical interventions, legal mandates to special education, increased demand for educational options by families, mental health issues among deaf/hard of hearing, larger numbers of late deafened persons with hearing loss, and the need for professionals with the knowledge necessary to address these changes. The very diverse needs of individuals who are deaf, hard of hearing or deaf-blind will continue to impact the field of deaf education and subsequently our programs. The North Dakota School for the Deaf recognizes the responsibility and importance to serve all persons who are deaf, hard of hearing or deaf-blind with non-duplicated expertise.

Hearing loss or deafness does not affect a person's intellectual ability to learn. However, children who are deaf, hard of hearing or deaf-blind generally require some form of special education services in order to receive an adequate education. Because of special challenges, some require adjustments, additions, or changes to their programs and may need extraordinary levels of specialized support. The North Dakota School for the Deaf promotes and shares the best practices among our collaborative partners serving deaf/hard of hearing and deaf-blind in North Dakota.

The North Dakota School for the Deaf requires specialized curriculum and teaching methods and a highly trained educational staff to deliver information directly to students using signed and/or oral communication as per the specific language needs of the children. The school provides

comprehensive educational programming that covers a broad range of disciplines including traditional academics, vocational education, special studies, physical education, and art. The major emphasis in all programming at NDSD is the focus on receptive and expressive language acquisition with a hands-on/experiential approach to learning. NDSD is fully accredited by the North Dakota Department of Public Instruction, North Central Accreditation, and the Conference of Educational Administrators Serving the Deaf.

A vital part of meeting the needs of our students in developing language and social skills is the opportunity to be involved in activities within the local community. Students are mainstreamed when appropriate with their hearing peers in classes offered at the Devils Lake Public Schools and Lake Area Career and Technology Center. Hearing students from the public schools are able to attend select classes at NDSD in a reverse mainstream program. American Sign Language classes are currently being offered throughout the day. Other opportunities open to students in the community include co-curricular and extra-curricular activities, church activities, scouting, 4H, Devils Lake Park Board Recreation, dance, skating, and so forth.

The residential program at the North Dakota School for the Deaf provides services that enable students who are deaf and hard of hearing to develop essential skills that will allow them to be as independent as possible upon completion of their requirements. We provide an environment where students can develop intellectually as well as emotionally and socially. The residential, extracurricular, and recreational programs enable students to learn about and experience Deaf Culture through activities with their deaf peers and with deaf adults in the community. Students learn and benefit from the trained staff, role models, and peers that are deaf in an environment that provides communication among individuals working at or attending our school. In this way, the NDSD residential learning environment enhances the students' incidental learning, cultural learning, and communication skills. The students' social needs are met and NDSD minimizes their feelings of isolation.

Holistic care—assessment, planning, implementation, and evaluation—is provided to all students through the nursing process. Services provided include assessment and treatment of injuries and acute illnesses, health promotion/teaching and disease prevention, emergency care, and control of communicable diseases.

The North Dakota School for the Deaf will provide optimum educational, social/emotional, and cultural experiences for deaf and hard of hearing children ages 0-21 and will serve as a resource center for outreach services for all citizens of North Dakota.

## MAJOR GOALS

Within the scope of local, state, and federal laws and regulations

- Provide hearing impaired children of North Dakota with comprehensive services designed to promote educational, vocational, and personal/social development
- Develop individual abilities toward self-sufficiency in society
- Provide services and training to parents of deaf and deaf-blind children so they can be informed, active participants in their children's educational process
- Provide an outreach program which assists local education agencies with assessment, evaluation, consultation, and resources
- Serve as a state-wide resource center providing information, material, assistance, and referrals to many agencies, health/medical organizations, parents, families, and a variety of other interested individuals and/or groups
- Provide services, in conjunction with other adult service agencies, for adult hearing impaired individuals through outreach programming



# Vision of the North Dakota School for the Deaf

The residential school currently known as the North Dakota School for the Deaf shall change its current title to an expanded title that will identify two distinct entities within one state agency:

1. North Dakota Resource Center on Hearing Loss
2. North Dakota School for the Deaf

These two distinct entities shall share a common goal – to provide educational and habilitative services to North Dakota's deaf and hard of hearing population.

**The North Dakota Resource Center on Hearing Loss/School for the Deaf shall:**

1. Operate a high-quality educational program as a residential option for a small number of students who are deaf and hard of hearing who require *specialized educational and socialization programming*.
2. Be the *North Dakota Resource Center* to provide resources and training opportunities for all citizens of North Dakota.
3. Operate *North Dakota's state-wide parent-infant program* to provide education in a family-centered instruction for infants who have been identified or are suspected with a hearing loss.
4. Provide *outreach services* and/or resources to all North Dakota citizens who are impacted by hearing loss (newborn through senior citizen). Information or programs include areas of language, audition, speech, assistive living devices and sign language instruction.
5. Provide habilitative and educational programming for children who have *cochlear implants*.
6. Provide specialized care and instruction for students who are deaf and hard of hearing who have *multiple special needs or multiple needs*.
7. Use *technology* to implement new educational or habilitative programs to reach individuals who live in rural/remote areas (i.e. interactive television, real-time captioning, real-time note taking, video relay services, remote interpreting and voice recognition).
8. Provide *mentoring and practicum site(s)* for student-teachers of deaf and hard of hearing and for sign language interpreter trainees.
9. Provide *summer programming* for North Dakota children who are deaf and hard of hearing.
10. Operate the *North Dakota Captioning Center* in order to transcribe and encode captions onto audio-visual programs in order to make them visually accessible to those with hearing loss (service available to North Dakota Schools, state agencies and non-profit organizations).

# SCHOOL FOR THE DEAF 252

Description	2003-05 Biennium Expenditures	2005-07 Biennium Expenditures	2007-09 Biennium Appropriation	2009-11 Biennium Request	2009-11 Executive Recommendation
SALARIES AND WAGES	4,501,198	4,451,200	4,777,873	5,067,586	5,503,734
OPERATING EXPENSES	1,096,825	1,371,407	1,514,283	1,543,668	1,638,603
CAPITAL ASSETS	61,911	100,466	175,500	327,745	286,745
CAPITAL CONSTRUCTION CARRYOVER			179,000		
TOTAL LINE ITEMS	5,659,934	5,923,073	6,646,656	6,938,999	7,429,082
General Funds	4,992,628	5,245,938	5,545,155	5,626,703	6,094,621
Federal Funds	199,650	241,818	273,908	253,720	275,885
Special Funds	467,656	435,317	827,593	1,058,576	1,058,576
TOTAL FUNDING SOURCE	5,659,934	5,923,073	6,646,656	6,938,999	7,429,082
TOTAL FTE	51.82	49.19	43.94	43.94	43.94

## **OUTCOME OF 2009-11 OPTIONAL BUDGET REQUESTS**

1. **Capital Assets** - \$1,670,738 was requested to remodel the Trades Building to house two state agencies. **No funding was included in the executive budget.**
2. **Master Facility Plan** - \$100,000 was requested to conduct a master facility plan. \$41,000 was transferred from the capital assets line with **no additional funding included.**
3. **Virtual School for the Deaf** - \$403,702 was requested for a virtual school for the deaf. The plan included an increase of one FTE. \$25,000 was included for completion of a business plan. **No other funding was included.**
4. **Outreach Service Expansion** - \$83,169 was requested for continued expansion of the NDSO outreach program. The plan included an increase of .83 FTE. **No additional FTE's were included for outreach services.** \$28,935 was added for operating expenses related to program expansion.

## **2007-09 SB2013 DEFERRED MAINTENANCE**

We appreciate the funding of \$100,000 for deferred maintenance projects per agency discretion.

A list of maintenance expenditures is attached.

# *North Dakota School for the Deaf*

1401 College Drive North  
Devils Lake, ND 58301-1596  
(701) 665-4400 V/5DD (701) 665-4409 Fax  
Dennis J. Fogelson, Superintendent

---

December 31, 2008

## **Report to Appropriations Committees of the Sixty-First Legislative Committee regarding:**

### **S. B. 2013 Section 13- one time Deferred Maintenance for the North Dakota School for the Deaf in the amount of \$ 100,000**

NDSD is pleased to report the following improvements made at our campus as a result of additional funding for maintenance and capital improvements.

**Swimming Pool:** An upgrade of the pool water treatment and filtration system has been completed in April 2008.

**Total Cost of Pool upgrade:** \$ 126,990

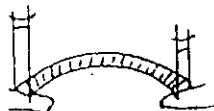
**Spears Building Roof:** The Spears Building roof has been replaced in August 2008.

**Total Cost of Roof Replacement:** \$ 26,474

**Parking Lot:** New parking lot area adjacent to pool area completed in November 2007.

**Total Cost of Parking Lot:** \$ 5,000

**Elevator Smith Building:** The balance of our capital improvement budget is to be used for installation of an elevator to meet ADA requirements in the Smith Building with a target completion date of June 30, 2009. \$ 172,000 is projected as total expenditures related to this project.



## OTHER STATES' SCHOOLS FOR DEAF OR HEARING-IMPAIRED STUDENTS

This memorandum provides information regarding governance structures of selected other states' schools for the deaf, per student costs of educating students in state-operated deaf schools, state resources provided to local school districts for educating deaf or hearing-impaired students, and the state of Nebraska contract to provide residential services to deaf and hearing-impaired students.

### GOVERNANCE AND COST

The table below summarizes the governing body, enrollment, and per student cost of North Dakota and selected other states' schools for deaf or hearing-impaired students:

State School for Deaf or Hearing-Impaired Students	Governing Body	Enrollment	Cost Per Student for Deaf or Hearing-Impaired Residential Education
Iowa School for the Deaf	Board of Regents	104 (2005-06 school year)	\$95,113 (2005-06 school year)
Wisconsin School for the Deaf	Department of Public Instruction	142 (2005-06 school year)	\$69,850 (2005-06 school year)
North Dakota School for the Deaf	Department of Public Instruction	27 (2007-08 school year)	\$80,300 (2007-08 school year)
Idaho School for the Deaf and the Blind	State Board of Education	80 <sup>1</sup> (2004-05 school year)	\$81,964 <sup>1</sup> (2004-05 school year)
Washington School for the Deaf	Independent state agency with Board of Trustees	96 (2004-05 school year)	\$65,476 (2004-05 school year)

<sup>1</sup>Includes students who are visually impaired.

The table below summarizes the type of governing structure in place for all public and private schools for the deaf and the blind in the United States:

Governing Structure	Schools for the Deaf	Schools for the Blind	Schools for the Deaf and Blind
State education agency/state board of education	47%	45%	36%
Separate state agency	18%	24%	64%
Private/nonprofit board	22%	18%	0%
State social service department	7%	9%	0%
Other	6%	4%	0%

### STATE EDUCATION SERVICES FOR HEARING-IMPAIRED STUDENTS

The table below summarizes services provided in Wyoming and Nebraska to local school districts that provide educational programming to deaf or hearing-impaired students:

State	State Resources Provided to Local School Districts
Wyoming	The Wyoming Department of Education provides outreach services to preschool and school district staff for the provision of appropriate services for children who are deaf or hearing-impaired. Services provided include classroom observations and suggestions, training tailored to the specific needs of a particular school district, interpreter consultations, and consultation for students' individualized education programs. The annual budget for the program is approximately \$471,000 and the program serves an estimated population of 170 deaf and hard-of-hearing students.
Nebraska	The state of Nebraska is divided into four program regions that offer services to deaf and hearing-impaired students, their families, and local school districts. Services provided include training, resources for sign language instruction, career support, student activity planning, and school district program development and support. The annual budget for the program is approximately \$1.9 million.

### STATE OF NEBRASKA CONTRACT FOR RESIDENTIAL SERVICES

The state of Nebraska closed its School for the Deaf in 1998. When the school closed, the Nebraska Department of Education entered into a contract with the Iowa Board of Regents to allow Nebraska students to be educated at the Iowa School for the Deaf. For fiscal year 2009, the contract rate for each Nebraska student is \$68,759. Of this amount, \$42,252 is for educational programming and \$26,507 is for residential services, as necessary. Since 2006, an average of 12 students to 15 students from Nebraska have enrolled at the school.

In 1999 the Nebraska Department of Education entered into an agreement to allow Nebraska students to attend summer school programs at the Iowa School for the Deaf. In fiscal year 2008 the weekly rate for summer programs was \$472 for each Nebraska student.

Information regarding the agreement between the Nebraska Department of Education and Iowa Board of Regents is attached as an appendix.

**BOARD OF REGENTS  
STATE OF IOWA****AGENDA ITEM 1g  
JUNE 11-12, 2008****Contact: Jean Friedrich****AGREEMENTS WITH THE NEBRASKA DEPARTMENT OF EDUCATION**

**Action Requested:** Consider approval of the agreements with the Nebraska Department of Education as summarized below.

**Executive Summary:** Academic Year Agreement – Renewal of the education services agreement with the Nebraska Department of Education for FY 2009 at the rate of \$68,759 per Nebraska student (\$42,252 for educational and related program services and \$26,507 for residential services as necessary). The increase of \$3,000 (4.6%) for combined services (\$1,000 for educational and related program services and \$2,000 for residential services) is the second increase since inception of the agreement.

In April 1998, the Board of Regents and the Nebraska Department of Education entered into an agreement for the Iowa School for the Deaf to provide educational services to Nebraska students with hearing impairments. This educational arrangement has been working well for both ISD and Nebraska since FY 1999. The agreements allow for renewal by mutual consent and written notification by both parties.

Last year, both parties provided intent notice to renew this agreement for FY 2009. ISD and the Board Office recommend that the contract be renewed for FY 2009 with the increased tuition rate of \$1,000 and the increased room and board rate of \$2,000 for a combined charge of \$68,759 per student. The Nebraska Department of Education has agreed to the increase.

Summer School Agreement – Renewal of the Nebraska Summer School Agreement for the summer school program of 2008 with a weekly charge of \$472 per Nebraska student (\$240 for educational and related program services and \$232 for residential services).

The academic year agreement between the Board of Regents and the Nebraska Department of Education specifically excludes services related to the summer school program.

In May 1999, the Board approved an agreement for the Iowa School for the Deaf to provide summer school programming for Nebraska students with hearing impairments. Iowa School for the Deaf generally offers a multi-week summer school program, and students may attend as many weeks of the program as available. Because of the manner in which the ISD summer program is operated with activities well past the evening meal hour, it is preferable that students be in residence during the week(s) that they participate in the summer program.

The rate for this summer's program will be the same as previous years.

Both Agreements – Notification of the Board's intent to renew each agreement with the Nebraska Department of Education for FY 2010, pursuant to the provisions of the agreements.

It is recommended that the Board, on behalf of the Iowa School for the Deaf, notify the Nebraska Department of Education of its intent to renew the agreement for FY 2010.

Copies of the proposed contract renewals and notifications are available at the Board Office.