



North Dakota Legislative Council

Prepared for the Human Services Committee
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ACCESSIBILITY OF GOVERNMENT SERVICES FOR INDIVIDUALS WHO ARE DEAF, HARD OF HEARING, OR HAVE HEARING DIFFERENCES - BACKGROUND MEMORANDUM

House Bill No. 1097 (2025) provides for a Legislative Management study regarding the accessibility of government services for individuals who are deaf, hard of hearing, or have hearing differences. As part of the study, the Human Services Committee is to review:

- Requirements under the federal Americans with Disabilities Act providing for state and local government entities to communicate effectively with individuals who are deaf, hard of hearing, or have hearing differences;
- Consider challenges or barriers to effective communication for individuals who are deaf, hard of hearing, or have hearing differences when communicating with, including receiving information from and conveying information to, state and local government entities, and identify strategies for improving communication; and
- Include input from the Department of Labor and Human Rights; the Department of Health and Human Services; employees of the School for the Deaf; individuals who are deaf, hard of hearing, or have hearing differences; information technology professionals; American sign language interpreters; and family members of individuals who are deaf, hard of hearing, or have hearing differences.

PREVIOUS REPORTS AND STUDIES

During the 2007-08 interim, the Higher Education Committee, pursuant to Section 14 of Senate Bill No. 2013 (2007), conducted a study of the provisions of services to children and adults who are deaf or hearing-impaired. The committee recommended House Bill No. 1034 (2009) to provide for a continuation of the study of the provision of services to deaf or hearing-impaired persons during the 2009-10 interim, including a general fund appropriation of \$100,000 to retain consulting services. The bill was not approved.

Section 17 of House Bill No. 1013 (2009) required the Department of Public Instruction and the School for the Deaf to develop a plan for future services at the School for the Deaf, including a review of the needs of all deaf and hearing-impaired persons throughout the state and develop a plan to provide comprehensive outreach services.

DEFINITIONS

Testimony provided to the Legislative Assembly during the 2025 legislative session identified the following definitions for terms relating to the study:

Deaf - Individuals who were born deaf before oral language was developed. Typically, individuals who have learned American sign language (ASL) and use this as their main form of communication.

Hard of Hearing - Encompasses a wide group of people, many who are older adults struggling with hearing loss as they age. This group may also include younger people who have hearing loss related to medical causes. This type of hearing loss may be significant to the point that normal communication is impossible without the assistance of hearing aids or assistive devices. These individuals do not use ASL, and English is their primary language.

Hearing differences - Encompasses groups who do not fit into the other two categories. This may include those people who were born deaf but have no language ability. It also includes individuals who have lost their hearing but have a cochlear implant. They may have good English skills but without the use of the processor, they are legally deaf.

AMERICANS WITH DISABILITIES ACT - TITLE II (STATE AND LOCAL GOVERNMENTS)

The Americans with Disabilities Act requires that Title II (state and local governments) communicate effectively with people who have communication disabilities. The goal is to ensure that communication with people with these disabilities is equally as effective as communication with people without disabilities. This information is from the United States Department of Justice's Americans with Disabilities Act requirements publication on effective communication.

- The purpose of the effective communication rules is to ensure that the person with a vision, hearing, or speech disability can communicate with, receive information from, and convey information to, the covered entity.
- Covered entities must provide auxiliary aids and services when needed to communicate effectively with people who have communication disabilities.
- The key to communicating effectively is to consider the nature, length, complexity, and context of the communication and the person's normal methods of communication.
- The rules apply to communicating with the person who is receiving the covered entity's goods or services as well as with that person's parent, spouse, or companion in appropriate circumstances.

Covered entities must provide aids and services when needed to communicate effectively with people who have communication disabilities.

The key to deciding what aid or service is needed to communicate effectively is to consider the nature, length, complexity, and context of the communication as well as the person's normal methods of communication.

State and local governments, in determining whether a particular aid or service would result in undue financial and administrative burdens, should take into consideration the cost of the particular aid or service in light of all resources available to fund the program, service, or activity and the effect on other expenses or operations. The decision that a particular aid or service would result in an undue burden must be made by a high-level official, no lower than a department head, and must include a written statement of the reasons for reaching that conclusion.

SCHOOL FOR THE DEAF

The School for the Deaf was established in 1890 by the Constitution of North Dakota and is located in Devils Lake. The school is under the direction, control, and management of the Department of Public Instruction and is an institution for the education of children with severe to profound hearing loss that cannot be served in their local school district. To be eligible for enrollment, a child must be under the age of 21 and must be a resident of North Dakota. Out-of-state students are accepted on a tuition basis. Pursuant to North Dakota Century Code Section 25-07-12, the school may collaborate with public and private entities for the provision of services to individuals who are deaf or hearing-impaired. In the 2023-24 school term, there were 24 students in the on-campus program, including 5 enrolled at Devils Lake High School. This total includes 15 students who are residents of the School for the Deaf. The major programs and activities of the School for the Deaf are on-campus education programs, the residential program, media center - information and resources, adult hearing outreach services, parent-infant and school age outreach services, the communications and advocacy department, and technology.

The chart below shows the budget for the previous and current biennium for the School for the Deaf.

	2025-27 Base Budget	2025-27 Appropriation
General fund	\$8,336,306	\$9,731,555
Other funds	2,811,557	3,171,743
Total	\$11,147,863	\$12,903,298
FTE positions	45.36	46.86

INTERPRETERS FOR HIGHER EDUCATION

Senate Bill No 2155 (2009) appropriated \$200,000 from the general fund for the purpose of providing grants to assist institutions under control of the State Board of Higher Education with the cost of interpreters and real-time captioning for students who are deaf or hard of hearing. The funding continued through the 2021-23 biennium.

NORTH DAKOTA ASSISTIVE

North Dakota Assistive is a nonprofit organization that was designated by Governor Ed Schafer as the implementing entity for the Statewide Assistive Technology Act Program in 1993. North Dakota Assistive is also the implementing agency for several other state and federal contracts.

North Dakota Assistive provides assistive technology devices for individuals of all ages in need of assistance. North Dakota Assistive's goal is to bridge the gap between ability and disability using assistive technology.

North Dakota Assistive provides assistance to individuals at home, in the classroom, in the community, and at work, as well as technology to allow those experiencing the effects of aging to safely remain living in their own homes.

DEPARTMENT OF HEALTH AND HUMAN SERVICES - VOCATIONAL REHABILITATION

The vocational rehabilitation program of the Department of Health and Human Services assists individuals with disabilities to prepare for, gain, keep, or advance in a job. The program works with community partners and businesses to develop job opportunities. Services are provided to individuals with physical or mental disabilities, including those who are deaf or hard of hearing.

PROPOSED STUDY PLAN

The following is a proposed study plan for the committee's consideration:

1. Receive information from the Department of Labor and Human Rights regarding the accessibility of government services for individuals who are deaf, hard of hearing, or have hearing differences, including information on federal requirements.
2. Receive information from the School for the Deaf on services for individuals who are deaf, hard of hearing or having hearing differences.
3. Receive information from the Department of Public Instruction regarding public school services for individuals who are deaf, hard of hearing, or have hearing differences.
4. Receive information from other state agencies regarding effective communication of services with individuals who are deaf, hard of hearing, or have hearing differences.
5. Receive information from nongovernmental organizations regarding accessing services from the State of North Dakota and challenges or barriers to effective communication.
6. Receive information from North Dakota Assistive regarding the use of devices in providing services to individuals who are deaf, hard of hearing, or have hearing differences.
7. Receive comments from interested persons regarding the study of accessibility of government services for individuals who are deaf, hard of hearing, or have hearing differences.
8. Develop recommendations and any bill drafts necessary to implement the recommendations.
9. Prepare a final report for submission to the Legislative Management.