

SENATE EDUCATION COMMITTEE

MARCH 20, 1973

Thirteenth Meeting

Committee members present: Chairman Foley
 Senator Bryan
 Senator Young
 Senator Raggio
 Senator Neal
 Senator Walker

List of interested citizens is marked Exhibit "A" and attached hereto.

Senator Bryan chaired the committee due to illness of Chairman Foley.

Senator Bryan called the meeting to order at 3:40 p.m.

S.B. 245: Provides for planning and implementation of programs to assure free public education for all handicapped children of this state.

Rosemary Clark, commented that S.B. 245 has been approved by the State Board of Education and submitted by Senator Lamb. Mrs. Clark suggested a change in Line 7, Page 1, to read as follows: "(b) Deviates either intellectually, physically, socially, emotionally or educationally so" (This change would also occur in Line 16, Page 3). Mrs. Clark supports S.B. 245.

Carol Alldredge, Government Affairs Chairman, stated that she is in support of S.B. 245.

Joylin Vandenberg, State Association for Retarded Children, stated that there should be special education in every school district in Nevada. Expressed support of S.B. 245.

Don Stepke, Council of Exceptional Children, spoke in favor of S.B. 245. Mr. Stepke submitted suggested amendments to S.B. 245 (See Exhibit "B" attached hereto). Mr. Stepke further stated that he would support the bill with or without amendments.

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Helen Judstrup, Council of Exceptional Children #406, spoke in favor of S.B. 245 as is - prefers no amendments at this time.

Jackie Cooper, Variety High School, Las Vegas, stated that she is a handicapped student and that she feels S.B. 245 is an excellent idea. Miss Cooper further stated that she feels that you (directed at committee members) should do a little better when planning new buildings - should take into consideration the handicapped. So many buildings are difficult to enter.

Howard Marr, President, Variety High School, stated that he supports S.B. 245 as it is written. Mr. Marr further stated that their enrollment at VHS consists of K-12 grades, and the funding is the responsibility of Clark County School District. Mr. Marr stated that he is not in opposition to the amendments, but would support S.B. 245 with or without amendments.

Bob Schmitt, Parents Assn. for Deaf Children, recommended adoption of S.B. 245 without amendments.

Senator Foley moved "Do Pass" and refer to Finance Committee, seconded by Senator Young, unanimously carried.

A.B. 385: Amends provisions relating to organization and meetings of school boards.

It was moved, seconded and unanimously carried for "Do Pass".

S.B. 214: Repeals provision authorizing school boards to exclude all children under 6 years of age.

Senator Neal moved "Do Pass", seconded by Senator Raggio, unanimously carried.

S.B. 473: Technical amendment updating language of provision for duty to repair defective school vehicles.

Senator Foley moved "Do Pass", seconded by Senator Walker, unanimously carried.

S.B. 416: Changes name of Elko Community College to Northern Nevada Community Collidge.

Senator Neal moved "Do Pass", seconded by Senator Foley, unanimously carried.

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S.B. 474: Deletes obsolete reference to "educational supervision district."

Senator Walker moved "Do Pass", seconded by Senator Foley, unanimously carried.

A.B. 193: Increases state apportionment and maximum laboratory fee for automobile driver education.

Senator Walker moved "Do Pass", and re-refer to Finance Committee, seconded by Senator Neal, unanimously carried.

A.B. 194: Repeals provision relating to school attendance areas.

Senator Foley moved "Do Pass", seconded by Senator Walker, unanimously carried.

A.B. 356: Deletes requirement that board of trustees of school district approve certain restricted drivers' licenses.

Senator Neal moved "Do Pass", seconded by Senator Walker, unanimously carried.

A.B. 286: Removes percentage limitation for foreign language departments on aliens employed by the University of Nevada System for technical, graduate and student help categories.

Senator Neal moved "Do Pass", seconded by Senator Foley, unanimously carried.

A.B. 470: Requires health examinations of public school pupils to be conducted by qualified health personnel.

Senator Walker moved "Do Pass", seconded by Senator Neal.

*See Exh. "C" for correspondence from Frank Young
 " " "D" " " " " David Sinai.*

Following action on above bills, the attached agenda was scheduled.

Being no further business at this time, Senator Bryan adjourned the meeting at 5:10 p.m.

John Foley, Chairman
 Richard Bryan, Acting Chairman

Respectfully submitted,
Sharon W. Maher
 Sharon W. Maher, Secretary

SENATE EDUCATION COMMITTEE AGENDATHURSDAY, MARCH 22, 1973:

S.C.R. 16
S.B. 277
S.B. 322
S.B. 430
S.B. 243
S.B. 218
S.B. 219
S.B. 277
S.B. 225
S.B. 294
S.J.R. 6
S.J.R. 7
S.J.R. 8

TUESDAY, MARCH 27, 1973:

A.B. 351
A.B. 355

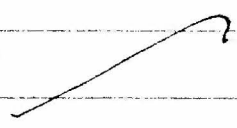
NAME REPRESENTING TESTIFY ADDRESS

		YES	NO	
Robert H. Gray	School District		✓	Reno
Richard C. Hess	Legislative Intern Sawtooth Plateaus		✓	Sparks
Ronald Myers	Washoe County Sch		✓	Reno
Roy Baker	Washoe County Sch Dist		✓	RENO
Kenneth Hansen	State Dept of Educ		✓	C.C.
Dow Nagel	Wyon Co. School Dist.		✓	Yerington
H.R. Steffen	State Dept. of Ed.		✓	C.C.
Harvey Dondos	Clark Co School Dist		✓	Las Vegas
Robert Morrison	Winnemuccia School		✓	Carson City
Walter P. ...	Dist. ...		✓	...
Thomas V. ...	Dist. of ...		✓	...
Robert Kernal	Winnemuccia Sch Dist (Carson City)		✓	C.C.
William ...	Carson City School Dist		✓	C.C.
James Thompson	" " " "		✓	"
Lincoln ...	Dist. of Education		✓	C.C.
Van ...	Ministry of ...		✓	Reno
William ...	C.C. School District		✓	Reno
William ...	C.C. School District		✓	Carson City
Leo School		✓	Las Vegas
...	Unity School		✓	Las Vegas

NAME REPRESENTING TESTIFY ADDRESS

NAME	REPRESENTING	TESTIFY		ADDRESS
		YES	NO	
Geo. E. Harris	Board of Educ.		X	
How Sample	St Dept of Educ		X	
Daphnia Cunningham	State Board of Education			
V.F. KNABE	ODRC	X		
Daniel M. Kocher	Parsons City Schools		X	
Karen R. Wagner	Parsons City Schools	X		
James F. Cole	Parent		X	Kenn
Dalena Munson	Parent		X	Kenn
Terrill Cross	Parent		X	Kenn
Loren Gardner	Student			
Howard Mann	Variety School Teachers	X		
Benny Fisher	" " "		X	
Donna E. Jones	Student		X	
Jackie Cooper	Student	X		
William Johnson	Student		X	
Dale Dubner	Student		X	
Edie Barber	Student		X	Las Vegas
Robie Starness	Citizen		X	Las Vegas
Pucile Brunken	Citizen		X	Las Vegas
Alan Jydstrup	CEC # 406	X		
Paul Williams	Ormsley ARC teacher		X	Parsons City
Steven C. Hartman	Student	X		Las Vegas
Francis	St. Bd of Educ		X	Clark Co.
Wm. Kennedy	se. Branch Educ.		X	Las Vegas
Samuel W. Fene	St Dept of Ed.		X	Las Vegas
Merle Mann	Washoe County		X	Kenn
Imelda Kuthert	Parent		X	Kenn

- ✓ Smokey Davis -
- ✓ Jaylin Hansenberg - for S.B. 245 -
- ✓ Carl Alldredge " " -
- ✓ Ron Stepe " " -
- ✓ Rosemary Clark " 70 -
- ✓ Jackie Cooper " " -
- ✓ Helen Jydstrup " " -
- ✓ Howard Mah " " →
- ✓ Ed Schmitt - →



SUGGESTED AMENDMENTS TO S.D. 245

Amendment #4
 Line 9-12
 Page 4

1 and 2 should be interchanged with 2 preceding 1 as amended -
 A consultation shall be held with the parents or guardian of
 the child for the purpose of obtaining written permission to
 evaluate the child.

Amendment #5
 Line 26-29
 Page 4

The protections offered in (a) and (b) should be offered as a
 matter of course, not only upon appeal. They should be included
 in Section 10, Line 6, page 4 as numbers 3 and 4 and #3 should
 be moved to #5 in this same section.

Page 4
 Line 6

Section 10 would then read as amended:
 The board of trustees of each school district shall provide that
 before any child is placed in a special program school or class

1. A consultation shall be held with his parents or
 guardian of the child and written permission to evaluate shall
 be obtained.
2. An evaluation shall be conducted in accordance with
 guidelines and regulations prescribed by the state board of
 education.
3. The parents or guardians shall have open access to
 inspect any reports, records, evaluations or other materials
 which may have bearing on the placement being considered.
4. The parents or guardians shall receive notice within
 a reasonable time before any placement is effected.
5. The parents or guardians of the handicapped child shall
 be advised of their right to request and obtain a fair and
 impartial hearing

CLARIFYING ADDENDUM TO CEC AMENDMENTS SUBMITTED 3/3/73

EXHIBIT "B"



FRANK YOUNG

329

2113 Barry Way
Las Vegas, Nev.
March 19, 1973

Education Committee
Nevada State Senate
Carson City, Nevada

Attention: Senator John Foley, Chairman

Gentlemen:

This letter is written in support of SB 245 which I understand is under consideration in your Committee on Tuesday, March 20.

It would seem to me that the Bowman vs. Commonwealth of Pennsylvania decision plus those that have followed make it inevitable that Nevada will have to implement an act such as SB 245.

But it seems to me that this proposal has one great strength in that it goes beyond the requirements of that court decision and includes appropriate education for the educationally gifted. By including both the gifted and the retarded, it seems to me that the maximum benefit and the maximum return of the State's investment will accrue.

If, in the hearing of testimony regarding this measure, you find that it needs amendment, I hope that it will be possible for you to work out satisfactory amendments for I know of a great deal of effort having gone into the development of this legislative proposal.

Cordially yours,

Frank Young
Frank Young

FY/jsy

SINAI & SINAI

COUNSELORS AT LAW

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DAVID P. SINAI
JOHN OHLSON, JR.*First National Bank Building
Reno, Nevada 89501*

TELEPHONE (702) 323-5178

March 15, 1973

Hon. John P. Foley
The State Senate
Carson City, Nevada 89702

Dear Senator Foley:

I thank you for your courtesy and that of your colleagues towards me in connection with the public hearing on Senate Bill No. 245. Since the meeting, I have had the opportunity of reading the proposed amendments submitted by the Council for Exceptional Children, as well as the comments on the Bill made by Mr. Dondero of the Clark County School District.

With respect to the proposed amendments, I appreciate the thought that went into them and I feel that there is merit in their first proposed Amendment. The first part of the second proposed Amendment deals with matters about which I am not qualified to comment. I do, however, feel that by adding the proposed classification of a "Diversely handicapped (a conglomerate classroom)" will likely result in

EXHIBIT "D"

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certain children receiving no education. The idea of a conglomerate classroom, in which children with incompatible handicaps are placed, runs contrary to the whole purpose of S.B. 245, which is to provide each handicapped child with schooling appropriate to his handicap. By omitting the proposed special category, I think that the Bill remains flexible enough to allow the creation of conglomerate classrooms where they are appropriate and do not detract from the quality of the education.

I have no objections or comments with respect to proposed Amendment No. 3, but I feel that Amendment No. 4 is unnecessary. That amendment seeks to interchange the requirements preliminary to placing a child in a special class. The Bill now states that before a child can be placed in a special program, (1) he must be evaluated, (2) a consultation must be held with his parents, and (3) the parents must be advised of their right to a hearing. No particular order is given with respect to the three requirements, nor do I think that there should be any particular order. It seems to me that before a consultation with the parents takes place, there should be some preliminary evaluation of the child in order to advise the parents of the problem. At the same time, I doubt if any accurate evaluation of a child can be made without numerous

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consultations with the parents. Accordingly, in my opinion the proposed amendment is unnecessary because the existing Bill does not appear to require that the three conditions occur in any special order and would seem to leave it to the discretion of the school authorities to arrange for the evaluation and conference.

Proposed Amendment No. 5 refers to the requirement that, before any hearing is held, the parents must receive notice and be allowed to inspect the records. The argument made is that these protective provisions should be offered as a matter of course, not just upon appeal. It does not appear that the language refers to an appeal and it seems to state, in its present form, the very thing desired by the amendment. To my mind, the amendment would not be necessary.

With respect to Mr. Dondero's comments, I am impressed by his ability to print but, since neatness shouldn't count, I think his concern is weighted too heavily with respect to the financial commitments involved in educating the handicapped children. As I mentioned at the last public hearing, any attempt to place financial limits on the responsibility of the State or school district in the education of handicapped children as opposed to non-handicapped children, immediately resurrects the constitutional difficulties that exist in the

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present statute and might invalidate the Legislature's attempt to correct the unfortunate existing circumstances.

Specifically, I respectfully again urge that the proposed age limits of 3 to 21 be retained. There is no question but that the handicapped child should be inserted into an educational environment at the earliest possible time. There is also no question but that the handicapped child frequently requires a longer period of education than the non-handicapped child, who can leave the school system upon graduation from high school at the age of 18 and take his place in society.

I believe that Mr. Dondero has misinterpreted Sec. 9 at the top of page 4. He seems to feel that a parent has an absolute right to keep his child in a regular class, even though the child belongs in a special educational facility. To my mind, Sec. 9 only gives a parent a right to provide his handicapped child with the type of education he feels is proper, at his expense, in the event he does not agree with the action of the authorities in classifying or placing his child in a special education class. I think that Sec. 9 must be given this interpretation in the light of the extensive provisions relating to a preplacement hearing and evaluation.

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I have been corresponding with Julian Smith, Esq., of the Attorney General's staff. In my comments to him, I raised the point of compensatory education for those handicapped persons who have been deprived of an education in the past but who are now over the age of 21 or who will be over the age of 21 by the time the contemplated facilities are available. Mr. Smith indicated that he planned on discussing this matter with your committee. I think it is an important matter and should be taken into consideration in the course of the committee's conferences.

If I can provide any information that may be of help, please do not hesitate to call on me.

Sincerely yours,



DPS:hr