

Senate

EDUCATION COMMITTEE

10th Meeting

Minutes of meeting - March 6, 1973

Committee members present:

Chairman Foley
 Senator Raggio
 Senator Walker
 Senator Young
 Senator Neal
 Senator Bryan

Witnesses Present:

Smokey Davis, Department of Education
 Lincoln Liston, Department of Education
 Richard Morgan, Nevada State Education Association
 Bob Schmidt, PADC
 David P. Sinai, Attorney for handicapped children, Reno
 Harvey Dondero, Clark County School Dist., Las Vegas
 Shirlee Wedow, State PTA, Sparks
 Manuel Wedge, Washoe Assn. Retarded Children, Reno
 W. F. (Bill) Knabe, OARC, Carson City

See Exhibit A for additional attendees.

Chairman Foley called the meeting to order at 3:40 p.m.

S.B. 245:

Smokey Davis, Consultant, Exceptional Pupil Education,
 Department of Education:

Mr. Davis began by giving a brief summary of the events that took place, leading up to the submission of S.B. 245. Handicapped Educational survey - was conducted in fiscal year 1969. They were able to determine that only 41% of Nevada's school age population of handicapped children were receiving an education they felt were commensurate with their needs. The Nevada State Board of Education directed the State Dept. of Educ. to prepare a legislative proposal. A 16-member committee, Nevada Handicapped Concerns Committee, was organized in November of 1971. During this time period, both Federal and State courts became involved in some monumental decisions involving specifications. These decisions stated that it is the constitutional right of all children to receive free public education. In December of 1972, Nevada became the 20th State to become involved in a right to education law suit. This proposal is the belief

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the State Board of Education and the State Department of Education and Nevada Handicapped Concerns Committee that the proposal will answer the demands of that law suit. (See Exhibit B for "Education of the Handicapped in Nevada") This proposal would mandate that every handicapped youngster between the ages of 3 and 21 shall be provided educational opportunities. Would provide \$14,500 per unit program. (See Exhibit C for guidelines and regulations for placement of students in Special Education programs) Would require a complete diagnostic evaluation before any child could be placed in a handicapped educational program. Assure that state monies that would be provided to local school districts would be spent only in the area of the education of the handicapped. Would mandate the State Department of Education develop a master plan pertaining to all areas of education of handicapped. (See Exhibit D for proposed Amendments from Council for Exceptional Children, Clark County Chapter 406)

Senator Raggio commented regarding the fiscal note, stating that at that level, we would be looking at 6 1/2 million dollars the first year of biennium and 7 1/4 million dollars the second year. Senator Raggio asked if they agree with that. Mr. Lincoln Liston stated that this is a good a plan as any.

Lincoln Liston, Dept. of Education:

Mr. Liston commented that he was here mainly to answer any questions regarding financing of S.B. 245. Mr. Liston made reference to Mr. Davis' quote of \$14,500 - Mr. Liston does not think that that request is in the bill itself. The financing would be found in Chapter 387 - Nevada Revised Statutes, that provides for state aid for public education. Along with the recommendations of the Committee to provide educ. services for the handicapped, there is a department recommendation in it's budget for the distributed school fund, to finance these services at the rate of \$14,500. If the amounts in the fiscal note are as you find them, about 6 1/2 million the first year and 7 1/4 million the second year. They were part of the request to the budget office from the Department of Education. Of the total recommendations of the Department of Education for financing, the executive budget is failing to support all of those recommendations by about 1.3 million dollars.

Senator Walker asked under what authority they operate the schools at present. Mr. Liston referred to Chapter 388 - provides that local boards and school trustees may establish and operate programs for handicapped children. The wording was made in 1971 that permits local school and trustees to

operate and maintain programs of special education. Chapter 388.520 that states that local school and trustees shall make provisions for the education of handicapped children. There are added clauses to that statute that make it possible for school districts to be relieved from that mandate. In some cases there are too few children to make practical the program, or the child lives too far away to make this feasible. The statutes are now saying that the new bill would leave no excuse for not providing the educational services to the handicapped children.

Richard Morgan, NSEA:

Mr. Morgan stated that the Association supports S.B. 245. Financial support and aid is a priority of NSEA's legislative program for this year. Mr. Morgan further stated that he likes the thrust of the \$14,500 concept. It permits the child to be educated at home. Mr. Morgan referred to Page 1, Section 2, Line 5 of S.B. 245, stating that he supports a 6-18 amendment over the present 3-21 years. Mr. Morgan feels that the amendments submitted by the Council for Exceptional Children are worthy amendments and hope they will be given consideration.

Senator Raggio asked how the amount of \$14,500 was arrived at. Mr. Liston stated that this would pay the salary of a professional person that would serve the unit. Senator Young asked if \$14,500 would cover everything. Mr. Liston replied yes.

Mr. Morgan referred to Mr. Kenny Guinn's statement at the last meeting - which stated that he felt the figure of \$14,500 was an underestimate. Mr. Guinn felt the cost would be closer to \$16,000

Bob Schmitt testified that he was the parent of a deaf daughter. Mr. Schmitt asked for support of this Bill, commenting that it is important that all children should be educated in one form or another. Does not feel that the age of 6-18 would be early enough to begin education of the handicapped. Many handicapped conditions require that the child start at an early age - much before the age of six. Mr. Schmitt feels that \$14,500 isn't enough for all classes, but it is a good average.

Senator Floyd Lamb asked how many different programs would this program provide - and how long would it take to implement these programs. Mr. Davis stated that they have 322 programs now, and he would estimate that it would take until 1980

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before they educate every special education child in the State of Nevada.

Senator Young asked what an academically talented child is. Mr. Davis stated that this is a gifted youngster. These gifted students do not excel without some kind of guidance. Such things as boredom, frustration and poor self-image set in. In many cases then, they lose this gifted child. Quite often this is so severe, that they lose them from society for good.

Senator Young referred to Section 8, Page 3, Line 45 - feels that "commensurate with needs" may cause some law suits. This should possibly be changed to "commensurate with appropriations".

David Sinai, attorney for handicapped children, Reno: Mr. Sinai stated that he is representing the handicapped children that have filed suit in the Federal Court, which attacks the present law. There is a mandatory provision that all the school districts are required to educate handicapped children; however, if the travel distance is too far or there are not enough children, they are not required to provide the education. There is another section that limits the obligation of any school district to educate the handicapped children to not more than 2 1/2%. If the State is going to undertake the obligation to educate any children, it must accept the obligation to educate all children equally. This bill does provide a remedy that they are seeking in the laws. To remove the phrase "commensurate with needs" would open the door to law suits. If this act were enacted in its present form, it would be the best act in existence. The law cases do use the phrase commensurate with needs or suitable to the needs of a child. These are the phrases used by the courts. Mr. Sinai feels that the children should be taken at an early age. (For copy of Complaint and Memorandum of handicapped children, please notify committee secretary).

Harvey Dondero, Clark County School District: Mr. Dondero submitted proposed amendments to bill (See Exhibit E) These changes would make the bill more workable and easier to implement. These are suggestions to make it a better bill.

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Shirlee Wedow, State PTA

Mrs. Wedow stated that they support mandatory free education of the handicapped children. For the last year and a half to two years they have had representatives serving on the Concerns Committee, and they have helped to formulate the model legislation. They are interested in the proposed amendments.

Mary Collins, Carson City

Mrs. Collins stated that their daughter is in California going to school - she is a hypo-climatic. While her daughter was attending school in Carson City, her grades were very poor. They have just received a report card from California - all A's. Mrs. Collins commented that she support S.B. 245.

John Flanders, Carson City

Mr. Flanders stated that they have a handicapped child that they have been trying to get into the Washoe County Schools. He is presently in the special education in Carson City, but the child has not progressed near as well in this class as he did in the Reno school.

Chairman Foley made reference to the Guidelines set forth by the Department of Education (See Exhibit F)

Mr. Robert Rose stated that they would like to make the same appropriations for guidelines. Chairman Foley asked if these guidelines could have a fiscal impact. Mr. Rose stated no.

Mr. Rose made further comments regarding finances, stating that this proposal that we are talking about, even assuming that the district does not expand over and above the number of units in operation in the State, the total we are talking about is \$14,500 - provide additional dollars over the dollars that the district would receive, assuming that we stay on the current funding form.


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S.B. 215:
Following motion duly made and seconded,
S.B. 215 - "Do Pass", as amended.

S.B. 225:
Chairman Foley advised that S.B. 225 would be acted upon
on March 13, 1973.

Being no further business, Chairman Foley adjourned the
meeting at 5:00 p.m.

Respectfully submitted,


Sharon W. Maher, Secretary

John Foley, Chairman

NAME

REPRESENTING

ADDRESS

Larry Davis	State Dept. Education	
John Sandoz	/ / /	CC
K.H. Hansen	" " "	✓
Rene Rose	" " "	Reno
Myrtle P. Hoy	parent & educator	Carson
Mary Hoegen	handicapped student	
Bob Schmitt	Parent + Pres. Assn. of Special	Reno
David Squire	Attorney	Reno
Jerry Weiss	Parent - Volunteer for Handicapped	Reno
Wendell Rutterford	Parent " " " " "	Reno
Karen Prokop	U of N - special education	
Mary Chambers	University Nevada - special education	Reno
Nancy Kelley	UNR - special education	Reno
Thomas Sanders	Clark County School Dist	Las Vegas
Margaret Schrage		Carson City
Gene Rogers		CC
Jaden Thomas	U of N - Special Ed	Reno
Walter Hillward	U of N - Special Ed	Reno
L. Craig Howard	Attorney	Reno
Walter Padden	Coordinator Title I 1184213.	Reno
Jack Middleton	Area Admin. Division of Mental	Reno
John C. Hankins	INTERESTED PARENT-ARTISTIC CHILD	920 N. MANN CARSON CITY, NV
Robert Petroni	Clark County School Dist	2832 E. Flamingo Rd
Ed West	Vol. School Board Mem	Carson City
Lauchlin Smith	Parent Epileptic child	1217 Golconda Carson City

EXHIBIT A

NAME	REPRESENTING	ADDRESS
Ernest Wheeler	Washoe County Schools	Reno
Roy S BERRY	WASHOE COUNTY SCHOOLS DIST	RENO
Richard L Morgan	NSEA	
Arnie Bouda	U of N - student Sp Ed Dept	Reno
Bill Booth	U of N Student	Reno
Kathleen Moore	Univ of Nev. Spec Ed Dept	Reno
Timothy Wheeler	Univ of Nev. Spec Ed. Dept	RENO
Richard L. Smith	Interstate Pastor	Reno
Barbara Ferraro	Univ of Nev. - Student	Reno
Marie Ammonson	Univ of Nev. Student - Sp. Ed. Dept	Reno
Laurie Edblute	Univ. of Nev. Student - SPED	Reno
Ray Rustad	Univ. of Nev. Student - Sp. Ed.	Reno
Mary Lee Schaffer	Univ of Nevada Student Social Education	Reno
Marilyn K. White	University of Nevada Student - Spec. Ed.	Reno
Jane Sappapan	Univ. of Nevada Student - Spec. Ed.	Reno
Henry Entweller	Univ. of Nevada student - spec. ed.	
Francis Kalika	Univ. U. of N. student	Reno
David Kalika	U of N student - spec. ed.	Reno
Clare Mantelano	Nevada State Assoc. for the Hand. / Chellie	CC
Eva Knabe	(O.A.R.C. member)	CC
Bill Knabe	President O.A.R.C.	
Manuel Wedge	Washoe Assoc. Retarded Children	14125 MT. LEROY RENO 89506
Billy Ross	OARC	CC
Shelley Hays	Foundational Disabilities	CC
Wile Koverstadt	U of N. Student - Sp. Ed.	Reno
Nancy Reed	U of N Student - Social Ed.	Reno
Robert Smith	U of N Student - Sp. Ed.	Reno

EDUCATION OF THE HANDICAPPED
IN NEVADA

It is the constitutional right of all children to receive a free public education.

Only 41% of Nevada's handicapped children are receiving an education commensurate with their needs.

A class action lawsuit against the Nevada State Board of Education, demanding free public education for all handicapped youth, has been filed. To date, nineteen (19) similar suits have been filed throughout the United States. All decisions have been in favor of the handicapped.

The Nevada State Board of Education, together with the Nevada Exceptional Pupil Education Concerns Committee, have developed a plan to insure free public education to ALL handicapped youth of Nevada.

REPORT OF NEVADA EXCEPTIONAL PUPIL
EDUCATION CONCERNS COMMITTEE

Nevada Revised Statute 388.450, Special Provisions for Education of Physically Handicapped, Mentally Retarded Minors, states:

"Nothing in this section shall be construed to require a board of trustees of a school district, in any school year, to make special provisions for the education of physically handicapped or mentally retarded minors in excess of the number determined to be 2½% of the total pupil enrollment of the school district."

Recognizing the inadequacy of the present law and attempting to provide equal educational opportunities for those 59% in need of special education services, the State Board of Education directed the State Department of Education to draft model legislation for the handicapped. The primary emphasis of this legislation is to ensure free public education for all handicapped youth in Nevada between the ages of 3-21.

In their direction to the State Department of Education, the State Board of Education emphasized the need to include laymen, parents and members of other related agencies working with the handicapped in the formulating of legislation. As a result, a sixteen member committee was organized and a plan for preparing legislation was developed.

The major objective of the plan was as follows:

To prepare a legislative proposal to assure free public education for all handicapped youth in Nevada public schools by November 1, 1972, as evidenced by written documentation of proposed legislation to be presented to the State Board of Education.

The report of enrollment, end of first month, 1971-72 school year, for the State of Nevada, indicates a total enrollment, grades K-12, of 130,186. Of this total, 2,598 are enrolled in special education. The breakdown of this figure, by handicapping conditions, is as follows:

Emotionally Disturbed -----	744
Hard of Hearing -----	73
Mentally Retarded -----	1,427
Orthopedically Handicapped -----	164
Visually Handicapped -----	6

Children detained in Detention	
Homes -----	83
Homebound -----	<u>101</u>
Total -----	2,598

In addition, an estimated 3,000 students are enrolled in speech programs (speech enrollments are not included in the Research Bulletin) bringing the total of students in Nevada being served by local school district special education programs to 5,598. The percentage of students enrolled in special education programs in Nevada is therefore 4.300%.

Incidence figures, compiled by the United States Office of Education for 1969-70, indicate that 10.735% of all school age children in the United States are handicapped. A breakdown of these incidence figures, by handicapping conditions, is as follows:

Emotionally Disturbed -----	2.000%
Deaf -----	0.075%
Hard of Hearing -----	0.500%
Mentally Retarded -----	2.300%
Orthopedically Handicapped -----	0.500%
Visually Handicapped -----	0.100%
Speech Handicapped -----	3.500%
Multiple Handicapped -----	0.060%
Learning Disabled -----	1.500%
Academically Talented -----	<u>2.000%</u>
Total -----	10.735% *

* Excluded from this total are the Severely and Profoundly Retarded, the Artistically Talented, the Homebound, and children detained in Detention Homes.

By applying the United States Office of Education incidence figure of 10.735% to the Nevada enrollment figure of 130,186, it is determined that 13,975 handicapped school age children currently reside in Nevada. Since 5,598 are currently enrolled in special education programs, the remaining 8,377 or 59% are not receiving special education services.

The Nevada State Board of Education therefore goes on record as endorsing and supporting the goal of the United States Office of Education to plan and provide free public education for every handicapped child. The target date for Nevada is to be 1974.

The plan, as formulated by the Concerns Committee and adopted by the State Board of Education on October 5, 1972, provides the following:

1) Mandates that every handicapped youngster between the ages of 3-21 shall be provided educational opportunities commensurate with their abilities.

surate with their needs.

2) Provides \$14,500 per unit program over and above A.D.A. to local school districts.

3) Requires a complete diagnostic evaluation before any child can be placed in a handicapped education program.

4) Assures that State monies provided to local school districts for education of the handicapped must be spent only in the area of handicapped education.

5) Mandates that the State Department of Education shall develop a state plan pertaining to all areas regarding the education of the handicapped.

Members of the Nevada Exceptional Pupil Education Concerns Committee are as follows:

Reverend Marion Bennett, Director
Zion Methodist Day Nursery
North Las Vegas, Nevada

Randall Capurro, Assemblyman
State of Nevada
Reno, Nevada

Mrs. Rosemary Clarke, Member
State Board of Education
Las Vegas, Nevada

Mrs. Cynthia Cunningham, Member
State Board of Education
Las Vegas, Nevada

Mrs. Dolores Davis, Director
In-Service Education
Nevada State Hospital
Sparks, Nevada

Mrs. Reba Dolan, Member
State Parent Teacher Association
Las Vegas, Nevada

Dr. Kenny Guinn, Superintendent
Clark County School District
Las Vegas, Nevada

Procter Hug, Senator
State of Nevada
Reno, Nevada

Dr. Ted Johnson, Executive Director
Opportunity Village Association for
Retarded Citizens
Las Vegas, Nevada

**Mr. James Kiley, Associate Superintendent
Planning and Evaluation Division
State Department of Education
Carson City, Nevada

Dr. Marvin Picollo, Superintendent
Washoe County School District
Reno, Nevada

Mr. Robert K. Schmitt, Parent
Reno, Nevada

Miss Dorothy Seigle, Coordinator
Special Education Services
Clark County School District
Las Vegas, Nevada

Dr. Ted Tower, Director
Special Education
University of Nevada
Reno, Nevada

**Mr. Roger Trounday, Director
Department of Health, Welfare
and Rehabilitation
State of Nevada
Carson City, Nevada

Mr. Manuel Wedge, Director
Nevada Association for Retarded
Children
Sparks, Nevada

Mr. Larry D. Davis, CHAIRMAN
& Consultant, Exceptional
Pupil Education
State Department of Education
Carson City, Nevada

**Consultants to Committee

INTRODUCTION

The guidelines and regulations for the placement of students in Special Education programs in the State of Nevada are in keeping with good educational programs throughout the United States and represent the opinions of many recognized leaders in Special Education from all parts of the State of Nevada.

It is expected that school districts will follow this guideline and, while the State Department of Education does not choose to mandate a particular class size, it does choose to preserve the right to review those class sizes which differ markedly from the recommendations. If it does become apparent that school districts are overloading classes in an attempt to meet the two and one-half percent requirement, as mandated by statute, action will be taken by the Department to disqualify the overloaded portion of the class or classes in question.

It is also expected that school districts will use the certified teachers and the full-time teachers' aides, employed by the district in the area of Special Education, for special education only.

I. MENTALLY RETARDED

The mentally retarded are those students who, as a result of sub-average intellectual functioning, are unable to profit effectively educationally from a normal classroom situation.

A. Educable Mentally Retarded

- 1. Generally, the performance on an individual psychological evaluation shall fall within the I.Q. range of 55 to 80 in order for a student to be certified into this program, pursuant to N.R.S. 388.470, which reads as follows:

Examination of mentally retarded child by psychologist; consultation with parents or guardian; consultation with psychiatrist.

- a. Before any child is placed in a school or class for mentally retarded children:
 - (1) A consultation shall be held with his parents or guardian.
 - (2) He shall be given a careful individual examination by a competent psychologist approved by the State Department of Education, or by a person serving under the supervision of such a psychologist and approved by the State Department of Education, to determine whether the child can profit by education.
- b. A psychiatrist may be consulted in any specific case when the board of trustees of a school district deems it necessary.

- 2. The guidelines for Educable Mentally Retarded class size are as follows:

a. Pre-School	8	Intermediate	14
Primary	10	Senior High	14
Elementary	12		

- b. In cases where two or more levels are combined, the maximum enrollment is as follows:

Elementary	10	Secondary	14
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- c. When a full-time teacher's aide is employed to serve the class, these enrollments may be increased by not more than four pupils.

B. Trainable Mentally Retarded

1. Generally, the performance on an individual psychological evaluation shall fall below 55 in order for a student to be certified into this program, as pursuant to N.R.S. 388.470, as defined in I-A above.

2. The guidelines for Trainable Mentally Retarded class size are as follows:

a. Pre-School	6	Intermediate	10
Primary	8		
Elementary	8		

- b. In cases where two or more levels are combined, the maximum enrollment is as follows:

Elementary	8	Secondary	10
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- c. When a full-time teacher's aide is employed to serve the class, these enrollments may be increased by not more than four pupils.

II. AURALLY HANDICAPPED

The aurally handicapped are those students who, as a result of a hearing impairment, require the services of special classes in order to promote more effectively their educational growth and development.

A. Deaf

1. Generally, only those students with a hearing loss of 80 decibels or more in the speech frequencies, as determined

by an individual examination by a licensed physician,
are to be certified into this program.

2. The guidelines for the Deaf class size are as follows:

a. Pre-School	5	Intermediate	8
Primary	5	Secondary	8
Elementary	6		

b. In cases where two or more levels are combined, the maximum enrollment is as follows:

Elementary	6	Secondary	8
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B. Hard-of-Hearing

1. Generally, only those students with a hearing loss between 25 and 30 decibels in the speech frequencies, as determined by an individual examination by a licensed physician, are to be certified into this program.

2. The guidelines for the Hard-of-Hearing class size are as follows:

a. Pre-School	5	Intermediate	8
Primary	5	Secondary	8
Elementary	6		

b. In cases where two or more levels are combined, the maximum enrollment is as follows:

Elementary	6	Secondary	8
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III. VISUALLY HANDICAPPED

The visually handicapped are those students who, as a result of visual disabilities, cannot satisfactorily benefit from or participate in a normal classroom program of the public school without the addition of special instruction and equipment.

A. Blind

1. Blind students are considered to be those students who have a total loss of vision or those with central visual

acuity of 20/200 or less in the better eye, with correcting lenses; or central visual acuity of more than 20/200 if there is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance no greater than 20 degrees. An individual examination by a licensed physician is required for placement in a class for the blind.

2. The guidelines for the Blind class size are as follows:

a. Pre-School	5	Intermediate	8
Primary	5	Secondary	8
Elementary	6		

b. In cases where two or more levels are combined, the maximum enrollment is as follows:

Elementary	6	Secondary	8
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c. Where a full-time teacher's aide is employed to serve the class, these enrollments may be increased by not more than four pupils.

B. Partially Sighted

1. The partially sighted are those students with a visual acuity of 20/70 or less in the better eye after the best possible correction, who can use vision as the main channel of learning. An individual examination by a licensed physician is required for placement in a class for the partially sighted.

2. The guidelines for the Partially Sighted class size are as follows:

a. Pre-School	6	Intermediate	8
Primary	6	Secondary	10
Elementary	8		

b. In cases where two or more levels are combined, the

maximum enrollment is as follows:

Elementary	6	Secondary	8
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- c. Where a full-time teacher's aide is employed to serve the class, these enrollments may be increased by not more than four pupils.

IV. EDUCATIONALLY HANDICAPPED

The educationally handicapped are those students who, as a result of emotional disturbances and/or neurological impairment, are unable to make constructive use of their school experience and require special services to promote better their educational growth and development.

A. Emotionally Disturbed

1. The emotionally disturbed are those students with persistent and intense personality deviations or aberrations associated with poor mental health. An individual examination by a psychologist certified by the State Department of Education is required for placement in an Emotionally Disturbed class.

2. The guidelines for the Emotionally Disturbed class size are as follows:

a. Pre-School	6	Intermediate	10
Primary	6	Secondary	10
Elementary	8		

- b. In cases where two or more levels are combined, the maximum enrollment is as follows:

Elementary	8	Secondary	10
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- c. When a full-time teacher's aide is employed to serve the class, these enrollments may be increased by not more than four pupils.

B. Neurologically Handicapped

1. The neurologically handicapped are those students with

educational disabilities associated with central nervous system impairments. An individual examination by a psychologist certified by the State Department of Education is required for placement in a neurologically handicapped class.

2. The guidelines for the Neurologically Handicapped class size are as follows:

Pre-School	6	Intermediate	10
Primary	6	Secondary	10
Elementary	8		

V. PHYSICALLY HANDICAPPED

The physically handicapped are those students with average or above average intelligence whose physical conditions prevent them from effectively participating in a normal classroom situation. An individual examination by a licensed physician is required for placement in a physically handicapped class.

- A. The guidelines for the Physically Handicapped class size are as follows:

1. Pre-School	6	Intermediate	10
Primary	6	Secondary	12
Elementary	8		

2. In cases where two or more levels are combined, the maximum enrollment is as follows:

Elementary	6	Secondary	10
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3. When a full-time teacher's aide is employed to serve the class, these enrollments may be increased by not more than four pupils.

VI. MULTIPLE HANDICAPPED

The multiple handicapped are those whose primary handicapping condition is mental retardation and whose problem is further complicated by one or more additional handicaps (vision, hearing, physical,

or severe emotional disturbances) to such an extent as to require special education provisions of the type not available in regular special education classes for the educable mentally retarded. An individual examination by a licensed physician is required for placement in a multiple handicapped class.

A. The guidelines for the Multiple Handicapped class size are as follows:

1. Pre-School	5	Intermediate	10
Primary	5	Secondary	10
Elementary	8		

2. In cases where two or more levels are combined, the maximum enrollment is as follows:

Elementary	10	Secondary	10
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3. When a full-time teacher's aide is employed to serve the class, these enrollments may be increased by not more than four pupils.

VII. SPEECH HANDICAPPED

The speech handicapped are those whose speech deviates so far from the speech of others that it calls attention to itself, interferes with communication, or causes the individual to be conscious of its non-acceptance. Eligibility is to be determined by a qualified speech therapist through screening and testing procedures.

- A. The speech therapist should use both individual and small group instruction and provide a minimum of thirty (30) minutes of instruction per week for each student enrolled in the program.
- B. The care-load for a speech therapist should not exceed a maximum of seventy (70) students at any one time.

VIII. HOMEBOUND

Homebound instruction is defined as instruction provided for those students confined to their homes or to hospitals for a period of three weeks (15 school days) or more due to physical conditions.

such as accidents, surgery, illness or pregnancy. An individual examination and written certification by a licensed physician, plus formal application by the parent or guardian is required for placement.

A. The guidelines for the number of students served by the home-bound teacher and the amount of time each student shall receive instruction are as follows:

1. Maximum number of students: 10
2. Minimum hours of instruction: three hours per week per student.

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Dear Senator:

The Council for Exceptional Children (CEC) (which is comprised of parents, special educators, regular classroom teachers, school nurses, school psychologists, speech therapists, and school social workers) strongly endorses S.B. 245.

This bill will hopefully provide free public education and equal educational opportunities to all handicapped children (ages 3 to 21) in the Great State of Nevada.

Furthermore, CEC shall wholeheartedly support S.B. 245 with or without the following suggested amendments which are offered only to prevent the many abuses of special education programs and to provide for fiscal responsibility.

While CEC supports the equal educational opportunities for the handicapped it believes that these equal educational opportunities are for the moderately handicapped, best obtained in the regular classroom or the mainstream of education - (granted of course that workable student/teacher ratios exist in the regular classroom).

Pursuant to the above the following amendments are suggested:

Amendment #1
Line 7
Page 1

Include educationally and Line 8 delete (or will be) Line 7, 8, and 9 would then read - Deviates either educationally, intellectually, physically, socially, or emotionally so markedly from normal growth and development patterns that he has been and is unable to progress effectively in a regular school program.

Rationale: Educationally is included because many students deviate markedly in terms of academic achievement without deviating markedly in the other specified areas.

EXHIBIT D

"or will be" is deleted because all students (and especially those who might be identified as FMR or EH) should actually be given the opportunity to achieve in the regular classroom before being evaluated and placed in special programs. This will also prevent program abuses by making the regular classroom teacher the initiator of referrals to special programs and excludes those misplacements brought about by unseemly administrative or parental pressure.

"or will be" should be included in a separate clause to refer only to pre-schoolers, ages 3 to 5, to whom the reality test of a regular classroom is not available.

Amendment #2
Line 4, 5, & 6
Page 2

Reference to categories of children to be served:

Delete Learning disabled and replace it with neurologically impaired. Add learning disabled as a separate category (i) with the specific prohibition that a student so described shall not be within a segregated self contained situation for more than one hour per day. Add a category (j) labeled diversely handicapped (conglomerate classroom).

The amended version beginning with (g) line 4 page 2 would then read -

(g) Educationally handicapped, including seriously emotionally disturbed, socially maladjusted or neurologically impaired, or any combination thereof.

(h) Multiply handicapped

(i) Learning disabled (not to be self-contained for more than one hour per day)

(j) Diversely handicapped (a conglomerate classroom)

Rationale: The "neurologically impaired" and "learning disabled" are in reality essentially the same sort of student. They may be flying different flags, but they are sailing under the same handicapping conditions. This bill (S.B.#245) as well as the "draft" regulations recently submitted to CEC by Mr. Larry Davis fail to provide for an exit process from special education programs or reintegration into regular classrooms. In response, we are arbitrarily proposing to use the additional and separated category of Learning

Disabled as that vehicle to reintegrate students into the regular classroom. The one hour per day would be utilized to provide 1) supplemental programming in the form of small tutorial groups (no more than 6 students for no less than 60 minutes per day) in the areas of reading, "riting", and "rithmetic". 2) And consultation to the regular classroom teacher regarding media and program options designed to accomodate the student's educational needs.

The learning disabled category would then be utilized as an interim classroom, a method and vehicle to reintegrate those educationally handicapped and educably "mentally retarded" or moderately handicapped students into the regular classroom.

Rationale: for (j) Diversely handicapped (a conglomerate classroom)

If the state legislature wishes to extend special education provisions to "all handicapped students" in Nevada and also include the rural counties, some provision for conglomerate classrooms must be made. Under the present categorical system many school districts would not be able to field special programs unless combining categories is permitted. Removing elementary aged children from their families to attend classes in a distant community should be discountenanced.

Amendment #3
Line 13
Page 2

Number 4 should be amended to read - Standards and procedures for a comprehensive evaluation of handicapped students through a multi-discipline team approach.

Rationale to follow:

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.

Rationale to follow:

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.

Rationale: Parental involvement should begin with parental permission for a psychiatrist, psychologist, nurse, or social worker to evaluate. Otherwise, you risk a transfer of responsibility to "its the school's problem".

Professionals develop systematic biases. They may begin to view every child as being a latent homosexual, as having brain damage, and etc. The only real counter measures are a multi-discipline evaluation team and parental access to all records.

In 1971 special education enrollment in Clark County was comprised of:

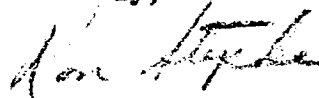
67% boys vs. 47% in the population.

66% non-white vs. 14 to 16% in the population.

And approximately 85% both white and non-white were from "lower-class" families in poorer economic circumstances.

We hope you will consider these amendments and would like sex, social class, and ethnic or racial distribution considered in (a) of Section 15 - along with geographic distribution.

Sincerely,



Ron Stepke
President

COUNCIL FOR EXCEPTIONAL CHILDREN

SENATE BILL NO. 245—SENATOR LAMB

FEBRUARY 14, 1973

280

Referred to Committee on Education

SUMMARY—Provides for planning and implementation of programs to assure free public education for all handicapped children of this state, Fiscal Note: Yes. (BDR 34-153)

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to education for handicapped children; requiring the state department of education to plan and implement programs to assure free public education for all handicapped children of this state; requiring each school district of this state to provide each handicapped child residing therein a free public education commensurate with his needs; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

1 SECTION 1. Chapter 388 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 4, inclusive, of this act.

3 SEC. 2. 1. As used in sections 2 to 4, inclusive, of this act, "handi-
4 capped child" means any person who:

5 (a) Has attained the age of 3 years but has not attained the age of 21
6 years, except as provided in subsection 2 of NRS 388.490; and

7 (b) Deviates either intellectually, physically, socially or emotionally so
8 markedly from normal growth and development patterns that he is or will
9 be unable to progress effectively in a regular school program; and

10 (c) Needs special education which includes but is not necessarily limited
11 to special instruction, special services or supportive services, or any com-
12 bination thereof; and

13 (d) Is not receiving educational benefits for the visually or aurally
14 handicapped under the provisions of chapter 395 of NRS.

15 2. Subject to the provisions of subsection 1, the state board of educa-
16 tion shall establish guidelines and regulations to determine the eligibility
17 of handicapped children for inclusion in the preliminary plan for special
18 education developed pursuant to section 3 of this act. Children eligible for
19 inclusion in such plan shall include but need not be limited to children
20 who are:

21 (a) Aurally handicapped;

22 (b) Visually handicapped;

23 (c) ~~Orthopedically~~ handicapped or have other disabling medical condi-
24 tions;

RECOMMEND 3-18 FOR AGE

TO OPEN ENDED

PHYSICALLY

Clark County School Dist.
Special Educ. Dept
By Harney Sanders

SHOULD NOT BE INCLUDED IN HANDICAPPED CATEGORIES?

- 1 (d) Speech handicapped;
- 2 ((e) Academically talented)
- 3 (f) Mentally retarded;
- 4 (g) Educationally handicapped, including seriously emotionally disturbed, socially maladjusted or learning disabled or any combination
- 5 thereof; and
- 6
- 7 (h) Multiple handicapped.

8 SEC. 3. The state department of education shall prepare for submission to the governor and the members of the legislature no later than

9 July 1, 1974, a preliminary plan for assuring all handicapped children

10 of this state a free public education commensurate with their needs. The

11 plan shall be made available for public distribution and shall include but

12 need not be limited to:

WHO WILL DO THIS I. D.?

- 13
- 14 1. An identification of the handicapped children in the state showing the total number of such children and their geographic distribution;
- 15
- 16 2. An inventory of the personnel and facilities available to provide
- 17 instruction and other services for handicapped children;
- 18
- 19 3. An analysis of the present distribution of responsibility for special
- 20 education for handicapped children between the state and local school
- 21 systems and general units of local government together with recommendations
- 22 for any necessary or desirable changes in the distribution of
- 23 responsibilities;
- 24
- 25 4. Standards and procedures for diagnosis and screening of handicapped children;
- 26
- 27 5. Standards for the education of handicapped children in schools, state institutions and other facilities where such children received a public
- 28 education, including methods of assuring that education afforded the handicapped will be as nearly equivalent as may be to that afforded regular
- 29 children, and will be commensurate with the needs of the handicapped
- 30 child.

VAGUE, A GOAL ORIENTED STATEMENT RELATED TO CURRICULUM WOULD BE PREFERRED.

WHO PAYS?

- 31
- 32 6. A program for the preparation, recruitment and in-service training of personnel in special education and allied fields, including participation, as appropriate, by institutions of higher learning, state and local agencies
- 33 and any other public and private entities having relevant expertise.
- 34

WHO PAYS?

- 35 7. A program for the development, acquisition, construction and maintenance of facilities and new, enlarged, redesigned and replacement
- 36 facilities needed for the education of handicapped children; and

DOES STATE SUPPLEMENTAL BUILDING

- 37
- 38 8. Any additional matters which the department determines are necessary or appropriate, including recommendations for amendment of laws, changes in administrative practices and patterns of organization and
- 39 changes in levels and patterns of financial support in relation to the education of handicapped children.

40

41

42

43 SEC. 4. No later than January 1, 1974, each school district shall

44 report to the state department of education the extent to which it is providing free public education to handicapped children commensurate with

45 their needs. Such reports shall be made on forms prescribed by the state

46 superintendent of public instruction and shall include information concerning the means by which the school district proposes to assure all

47 of its handicapped children a free public education commensurate with

48 their needs.

49

50

OPEN-ENDEDNESS OF STATEMENT
HAS IMPLICATIONS FOR EXTREME
COSTS - WHO PAYS FOR
SUPPORTIVE SERVICES?

AGE HAS VERY PROFOUND
IMPLICATIONS WITH ACADEMICALLY
TALENTED & NORMAL CHILDREN
ENTERING SCHOOL... ALSO SPEECH
FOR THREE YEAR OLDS.

EXTREME COSTS CAN BE
ANTICIPATED FOR THE IDENTIFICATION
OF PUPILS THREE TO SIX YEARS
DURING FIRST YEAR

PHYSICALLY

WHAT CONSTITUTES FINANCIAL
RESOURCES OF SUFFICIENT LEVEL?

1 SEC. 5. Chapter 388 of NRS is hereby amended by adding thereto
2 the provisions set forth as sections 6 to 18, inclusive, of this act.

3 SEC. 6. It is the policy of this state to support, and to require school
4 districts to provide, as an integral part of free public education, special
5 education sufficient to meet the educational needs and maximize the capa-
6 bilities of handicapped children. The timely implementation of this
7 policy to the end that all handicapped children of this state actually
8 receive the special education necessary to their proper development is
9 declared to be an integral part of the policy of this state. Sections 6 to
10 18, inclusive, of this act apply to all handicapped children regardless of
11 the schools, institutions, or programs by which such children are served.

12 SEC. 7. 1. As used in sections 6 to 18, inclusive, of this act, "handi-
13 capped child" means any person who:

14 (a) Has attained the age of 3 years but has not attained the age of 21
15 years, except as provided in subsection 2 of section 13 of this act; and

16 (b) Deviates either intellectually, physically, socially or emotionally so
17 markedly from normal growth and development patterns that he is or will
18 be unable to progress effectively in a regular school program; and

19 (c) Needs special education which includes but is not necessarily lim-
20 ited to special instruction, special services or supportive services, or any
21 combination thereof; and

22 (d) Is not receiving educational benefits for the visually or aurally han-
23 dicapped under the provisions of chapter 395 of NRS.

24 2. Subject to the provisions of subsection 1, the state board of educa-
25 tion shall establish guidelines and regulations to determine the eligibility
26 of handicapped children for special education pursuant to the provisions
27 of sections 6 to 18, inclusive, of this act. Children eligible for such special
28 education shall include but need not be limited to children who are:

29 (a) Aurally handicapped;

30 (b) Visually handicapped;

31 (c) ~~Emotionally~~ handicapped or have other disabling medical condi-
32 tions;

33 (d) Speech handicapped;

34 (e) Academically talented;

35 (f) Mentally retarded;

36 (g) Educationally handicapped, including seriously emotionally dis-
37 turbed, socially maladjusted or learning disabled or any combination
38 thereof; and

39 (h) Multiple handicapped.

40 SEC. 8. 1. The legislature declares that there shall be guaranteed
41 financial resources sufficient to assure each handicapped child residing in
42 this state a free public education commensurate with his needs. The state
43 board of education shall submit each biennium to the legislature a budget
44 request sufficient to assure each such handicapped child a free public edu-
45 cation commensurate with his needs.

46 2. Subject to the provisions of sections 6 to 18, inclusive, of this act,
47 the board of trustees of each school district shall make such special pro-
48 visions as are necessary to assure each handicapped child residing within
49 the district a free public education commensurate with his needs.

WHAT PROVISION FOR THE PUPIL
WHOSE PARENT REFUSES SPECIAL
PLACEMENT BUT PUPIL CANNOT
BE HANDLED IN REGULAR CLASS

WHO PAYS?

INDEPENDENT EVALUATION MUST
MEET STATE GUIDELINES - WHO
PAYS? CAN AN EMPLOYEE BE AN
INDEPENDENT EVALUATOR, TOO?

WHO PAYS?

RECOMMEND AGE OF
ADULTHOOD BE THE TOP LIMIT

WHY RESTATED HERE?

1 SEC. 9. No child shall be required to take advantage of the special
2 provisions for the education of handicapped children if the parent or
3 guardian of the child files a statement with the board of trustees of the
4 school district showing that the child is receiving an education com-
5 mensurate with his needs.
6 SEC. 10. The board of trustees of each school district shall provide
7 that before any handicapped child is placed in a special program, school
8 or class:
9 1. An evaluation shall be conducted in accordance with guidelines
10 and regulations prescribed by the state board of education;
11 2. A consultation shall be held with the parents or guardian of the
12 child;
13 3. The parents or guardian of the child shall be advised of their right
14 to request and obtain a fair and impartial hearing on the proposed place-
15 ment of the child. The hearing, if requested, shall be held as provided
16 in section 11 of this act.
17 SEC. 11. 1. When the parents or guardian of a handicapped child
18 request a hearing on the proposed placement of such child, a fair and
19 impartial hearing shall be held before a hearing officer appointed by and
20 acting in lieu of the superintendent of public instruction. The hearing
21 officer shall not be an employee of the school district involved.
22 2. The state board of education shall prescribe guidelines and reg-
23 ulations for the conduct of such hearings. The guidelines and regulations
24 shall include, but need not be limited to, the rights of the parents or
25 guardian of the handicapped child to:
26 (a) Receive notice within a reasonable time before any placement is
27 effected;
28 (b) Inspect any reports, records, evaluations or other materials which
29 may have bearing on the placement being considered;
30 (c) Submit as evidence an independent evaluation of the child; and
31 (d) Obtain a transcript of the hearing.
32 SEC. 12. When parents or guardian are required to represent a handi-
33 capped child and such parents or guardian are not known or are unavail-
34 able, or if the child is a ward of the state, the district court for the district
35 in which such child resides shall appoint an individual to act as a sur-
36rogate for the parents or guardian for the purpose of sections 6 to 18,
37 inclusive, of this act. The individual so appointed shall not be an
38 employee of the state involved in the education or care of such child.
39 SEC. 13. 1. Except as provided in subsection 2, all handicapped
40 children who have attained the age of 3 years but have not attained the
41 age of 21 years are eligible for special instruction, special services or
42 supportive services, or any combination thereof, and their attendance
43 shall be counted for apportionment purposes.
44 2. Aurally handicapped children may be admitted at any age to
45 special schools or classes established for such children, and their attend-
46ance shall be counted for apportionment purposes.
47 SEC. 14. Boards of trustees of school districts may purchase sites and
48 erect buildings for the education of handicapped children in the same
49 manner as other school sites or school buildings may be purchased and

1 erected, and may lease or rent suitable property and accept gifts or
2 donations of sites and buildings for such purposes.

3 SEC. 15. 1. The state department of education shall prepare and
4 keep current a plan for assuring all handicapped children of this state
5 a free public education commensurate with their needs. The plan shall
6 include, but need not be limited to:

HOW?

7 (a) An identification of the handicapped children in the state showing
8 the total number of such children and their geographic distribution;

9 (b) An inventory of the personnel and facilities available to provide
10 instruction and other services for handicapped children;

11 (c) Standards and procedures for diagnosis and screening of handi-
12 capped children;

VAGUE - SEE LINE 25, PAGE 8

13 (d) Standards for the education of handicapped children in schools,
14 state institutions and other facilities where such children receive a public
15 education, including methods of assuring that education afforded the
16 handicapped will be as nearly equivalent as may be to that afforded
17 regular children and will be commensurate with the needs of the handi-
18 capped child.

STATE TO PAY COSTS OF THIS?

19 (e) A program for the preparation, recruitment and in-service training
20 of personnel in special education and allied fields, including participation,
21 as appropriate, by institutions of higher learning, state and local agencies
22 and any other public and private entities having relevant expertise.

STATE AID FOR NEW CONSTRUCTION
& MODIFICATION?

23 (f) A program for the development, acquisition, construction and main-
24 tenance of facilities and new, enlarged, redesigned and replacement
25 facilities needed for the education of handicapped children;

26 (g) A description of the progress made in implementing the policies
27 set forth in sections 6 to 18, inclusive, of this act; and

28 (h) Any additional matters which the department determines are neces-
29 sary or appropriate, including recommendations for amendment of laws,
30 changes in the distribution of responsibility between the state and local
31 school systems and general units of local government, changes in admin-
32 istrative practices and patterns of organization and changes in levels and
33 patterns of financial support in relation to the education of handicapped
34 children.

35 2. The plan required by subsection 1 shall be submitted to the gov-
36 ernor and the members of the legislature and made available for public
37 distribution no later than July 1 of each odd-numbered year. Amend-
38 ments and revisions to such plan shall be submitted to the governor and
39 the members of the legislature and made available for public distribution
40 no less than 90 days prior to the convening of each regular session of
41 the legislature.

42 3. Each school district shall file with the state department of educa-
43 tion annually a report relating to the education of handicapped children
44 in the district. The state department of education, by guidelines and
45 regulations, shall prescribe the due dates, forms and all other necessary
46 appropriate items relating to such reports.

47 SEC. 16. The state board of education shall prescribe minimum
48 standards for the education of handicapped children. No apportionment
49 of state funds shall be made by the superintendent of public instruction
50 to any school district for the education of handicapped children until the

NO PROVISION HERE FOR NEW
 FUNDING FOR 1973-74 OR 1974-75

1 program maintained therein for such handicapped children is approved
 2 by the state department of education as meeting the prescribed minimum
 3 standards.

4 SEC. 17. As required by subsection 2 of NRS 387.123, the state
 5 board of education shall establish rules and regulations for the comput-
 6 ation of average daily attendance of pupils receiving special education
 7 under the provisions of sections 6 to 18, inclusive, of this act.

8 SEC. 18. The attendance of all handicapped pupils educated in
 9 accordance with the provisions of sections 6 to 18, inclusive, of this act,
 10 including those instructed under cooperative arrangements for vocational
 11 rehabilitation with the state department of education, shall be reported
 12 annually, together with all other attendance, on forms prescribed by the
 13 superintendent of public instruction.

14 SEC. 19. NRS 387.122 is hereby amended to read as follows:
 15 387.122 1. For making the apportionments of the state distributive
 16 school fund authorized and directed to be made under the provisions of
 17 Title 34 of NRS, the basic support guarantee per pupil for the school
 18 year commencing July 1, 1971, and ending June 30, 1972, and for the
 19 school year commencing July 1, 1972, and ending June 30, 1973, is
 20 established for each of the several school districts in the state as follows:

	1971-72	1972-73
21 Carson City School District.....	\$674	\$677
22 Churchill County School District.....	683	692
23 Clark County School District.....	660	666
24 Douglas County School District.....	692	702
25 Elko County School District.....	724	730
26 Esmeralda County School District.....	1,550	1,618
27 Eureka County School District.....	1,063	1,094
28 Humboldt County School District.....	745	753
29 Lander County School District.....	737	744
30 Lincoln County School District.....	899	904
31 Lyon County School District.....	715	723
32 Mineral County School District.....	708	716
33 Nye County School District.....	808	822
34 Pershing County School District.....	697	707
35 Storey County School District.....	1,197	1,207
36 Washoe County School District.....	659	665
37 White Pine County School District.....	714	725

GOOD DELETION

39 Except that for any year in which the average daily attendance of physically
 40 handicapped or mentally retarded pupils receiving special education
 41 pursuant to the provisions of NRS 389.120 to 389.520 includes in
 42 less than 2 1/2 percent of the total average daily attendance in any school
 43 district, the basic support guarantee for such school district shall be
 44 reduced by the amount computed by multiplying \$100 times the differ-
 45 ence between 2 1/2 percent of the total average daily attendance and the
 46 average daily attendance of such physically handicapped or mentally
 47 retarded pupils.

48 2. Notwithstanding the provisions of subsection 1, if the taxable
 49 sales subject to determination of taxes under the provisions of chapter
 50 372 of NRS, as reported by the Nevada tax commission for the period

2 \$1,356,492,000, and if the interim finance committee of the legislative
 3 counsel bureau therefore determines there are sufficient funds appro-
 4 priated to the state distributive school fund, the basic support guarantee
 5 per pupil for the school year commencing July 1, 1972, and ending
 6 June 30, 1973, is established for each of the several school districts in
 7 the state as follows:

	1972-73
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~~Except that for the school year commencing July 1, 1972, and ending
 June 30, 1973, when the average amount of the total distributive
 cap of the state distributive school fund is less than the amount
 to the per pupil amount of the basic support guarantee, the
 percent of the total amount of the state distributive school fund
 basic support guarantee per pupil for the school year commencing July
 amount guaranteed by statute for the school year commencing July
 percent of the total amount of the state distributive school fund
 amount of which provides the basic support guarantee per pupil for~~

3. Notwithstanding the provisions of subsections 1 and 2, if the tax-
 able sales subject to determination of taxes under the provisions of chap-
 ter 372 of NRS, as reported by the Nevada tax commission for the period
 January 1, 1971, through September 30, 1971, amount to more than
 \$1,369,170,000, and if the interim finance committee of the legislative
 counsel bureau therefore determines there are sufficient funds appropri-
 ated to the state distributive school fund, the basic support guarantee per
 pupil for the school year commencing July 1, 1972, and ending June 30,
 1973, is established for each of the several school districts in the state as
 follows:

	1972-73
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46	
47	
48	
49	

1		1972-73
2	Elko County School District.....	\$737
3	Esmeralda County School District.....	1,625
4	Eureka County School District.....	1,101
5	Humboldt County School District.....	760
6	Lander County School District.....	751
7	Lincoln County School District.....	911
8	Lyon County School District.....	730
9	Mineral County School District.....	723
10	Nye County School District.....	829
11	Pershing County School District.....	714
12	Storey County School District.....	1,214
13	Washoe County School District.....	672
14	White Pine County School District.....	732

15 ~~Amount for the school year commencing July 1, 1972, and ending~~
 16 ~~June 30, 1973, and the amount for the school year commencing July 1,~~
 17 ~~1973, and ending June 30, 1974, shall be apportioned to the~~
 18 ~~to the provisions of NRS 387.123, 387.124, 387.125, 387.126, 387.127,~~
 19 ~~percent of the amount of the state distributive school fund for the~~
 20 ~~basic support of the public schools of the State of Nevada for the~~
 21 ~~amount of the state distributive school fund for the school year~~
 22 ~~percent of the amount of the state distributive school fund for the~~
 23 ~~area of the State of Nevada for the school year~~

24 SEC. 20. NRS 387.123 is hereby amended to read as follows:

25 387.123 1. For making the apportionments of the state distributive
 26 school fund authorized and directed to be made under the provisions of
 27 Title 34 of NRS, "average daily attendance" means the 3 months of
 28 highest average daily attendance for the current school year of:

29 (a) Pupils in grades 1 to 12, inclusive, of the public schools plus six-
 30 tenths of the pupils in the kindergarten department of the public schools.

31 (b) ~~Handicapped children receiving special education pursuant to~~
 32 ~~special education provisions of NRS 388.110 to 388.114~~
 33 ~~inclusive, Handicapped children receiving special education pursuant to~~
 34 ~~the provisions of sections 6 to 18, inclusive, of this act.~~

35 (c) Children detained in detention homes and juvenile forestry camps
 36 receiving instruction pursuant to the provisions of NRS 388.550 to 388.-
 37 580, inclusive.

38 (d) Part-time pupils enrolled in classes and taking courses necessary to
 39 receive a high school diploma. One-fourth credit toward average daily
 40 attendance will be given for the attendance of any such pupil for each
 41 one-credit course taken.

42 2. The state board of education shall establish uniform rules to be
 43 used in calculating the average daily attendance of pupils. In calculating
 44 average daily attendance of pupils, no pupil specified in paragraphs (a),
 45 (b) and (c) of subsection 1 shall be counted more than once. In estab-
 46 lishing such rules for the public schools, the state board of education:

47 (a) Shall divide the school year into 10 school months, each contain-
 48 ing 20 or fewer school days.

49 (b) May divide the pupils in grades 1 to 12, inclusive, into categories

1 composed respectively of those enrolled in elementary schools and those
2 enrolled in secondary schools.

3 (c) Shall select the three highest monthly attendance quotients for
4 each category of pupils, as established by subsection 1 or pursuant to
5 paragraph (b) of this subsection, in each school.

6 3. The state board of education shall establish by regulation the
7 maximum pupil-teacher ratio in each grade, and for each subject matter
8 wherever different subjects are taught in separate classes, for each school
9 district of the state which is consistent with:

10 (a) The maintenance of an acceptable standard of instruction;

11 (b) The conditions prevailing in such school district with respect to
12 the number and distribution of pupils in each grade; and

13 (c) Methods of instruction used, which may include educational tele-
14 vision, team teaching or new teaching systems or techniques.

15 If the superintendent of public instruction finds that any school district
16 is maintaining one or more classes whose pupil-teacher ratio exceeds the
17 applicable maximum, and unless he finds that the board of trustees of
18 the school district has made every reasonable effort in good faith to
19 comply with the applicable standard, the state board of education shall
20 reduce the average daily attendance for apportionment purposes by the
21 percentage which the number of pupils attending such classes is of the
22 total number of pupils in the district, and may withhold the quarterly
23 apportionment entirely.

24 SEC. 21. NRS 392.050 is hereby amended to read as follows:

25 392.050 1. A child shall be excused temporarily from attendance
26 required by the provisions of NRS 392.040 when satisfactory written
27 evidence is presented to the board of trustees of the school district in
28 which the child resides that the ~~child's physical or mental condition or~~
29 ~~attitude~~ child is ill and his condition is such as to prevent or render
30 inadvisable his attendance at school. ~~For his excusation to apply,~~

31 2. A certificate in writing from any reputable physician, filed with
32 the board of trustees immediately after its receipt, stating that the child
33 is not able to attend school or that his attendance is inadvisable shall be
34 taken as satisfactory evidence by the board of trustees.

35 SEC. 22. NRS 388.440, 388.450, 388.460, 388.470, 388.480, 388-
36 490, 388.500, 388.510, 388.520, 388.530 and 388.540 and sections 2
37 to 4, inclusive, of this act are hereby repealed.

38 SEC. 23. 1. Sections 1 to 4, inclusive, of this act shall become effective
39 on July 1, 1973.

40 2. Sections 5 to 22, inclusive, of this act shall become effective on
41 July 1, 1974.



STATE OF NEVADA

Department of Education

289

KENNETH H. HANSEN
SUPERINTENDENT OF
PUBLIC INSTRUCTION

CARSON CITY, NEVADA 89701

JOHN R. GAMBLE
DEPUTY SUPERINTENDENT AND
COORDINATOR OF DIVISIONS

March 1, 1973

MEMORANDUM

JRG
FROM: John R. Gamble, Deputy Superintendent
TO: The Honorable John Foley, Nevada State Senate
SUBJ: Attached Material

The attached draft has had a limited distribution to superintendents and a few others for the purpose of review, revision, deletion, addition and other comments that might be appropriate. It was drafted as a starting point for discussion only.

It appears from reaction at this point that we will separate regulations needed for program approval for funding from the standards for program operation in order that we minimize confusion as to which statements are regulatory and which are educational program standards.

I will provide further, more complete information as rapidly as it is developed.

JRG:maj
Enc.

EXHIBIT F

GUIDELINES AND REGULATIONS FOR THE
PLACEMENT OF STUDENTS AND
SPECIAL EDUCATION PROGRAMS
IN THE STATE OF NEVADA

D R A F T

FOR DISCUSSION ONLY

It is the policy of this State to provide handicapped education programs sufficient to maximize the capabilities of all handicapped children.

This handbook contains guidelines and regulations to determine the eligibility of children for services under Nevada Revised Statutes 388.440 to 388.540, inclusive. Children eligible for such services shall include, but not necessarily be limited to, the following handicapping conditions:

- a. Aurally Handicapped
- b. Visually Handicapped
- c. Orthopedically Handicapped and Other Medical Problems
- d. Speech Handicapped
- e. Academically Talented
- f. Mentally Retarded
- g. Educationally Handicapped
 - (1) Seriously Emotionally Disturbed
 - (2) Socially Maladjusted
 - (3) Learning Disabled
- h. Multiple Handicapped

In addition to the regulations in 388.480-1, the following steps must be completed before any handicapped child is placed in a special school, program or class:

- a. Where an individually administered psychological evaluation is required, the child must be tested in his primary or home language.
- b. A placement committee of not less than five members must be formed. Placement of any child requires the recommendation of the

Psychologist and a majority vote of the committee.

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The committee shall include a majority of professional staff and shall include parent representation of similar ethnic origins of the children considered for placement.

INSTRUCTIONAL UNIT DEFINED

An instructional unit shall consist of an adequate physical facility and a properly certificated staff member. This professional person may be of an itinerate or traveling nature. The criteria of eligibility will be the provision of highly specialized, individualized instruction.

The unit is to be linked with a certified staff member performing services commensurate to a child's educational needs. The stated needs may be met by a special classroom, special instruction, special and/or supportive services. The minimums and maximums of children to be served in each unit are stated in the regulations covering the specific handicapping conditions.

Members of the unit (children) must be a part of a target area population, properly identified and certified according to the specific handicapping condition.

SPECIAL CLASS DEFINED

A special class is is an optimal specified number of children attendance with a certified teacher for a minimum school day. The number of children served is as stated by the handicapping condition.

The special class is not limited to a self-contained classroom. Districts are expected to place children in mainstream programs and services when in the best interests of the child.

SPECIAL AND SUPPORTIVE SERVICES DEFINED

Special and/or supportive services do not require attendance with a certified teacher for the minimum school day. The amount of service is defined by the child's needs. The service is transitory and terminal in nature and is to provide developmental corrective and/or remedial educational programs. The child is expected to have completed the corrective aspects within two academic years of his entrance into the program.

Examples of this type service are as follows:

- a. Speech Pathology
- b. Language Development
- c. Learning Centers
- d. Developmental Disparity Processes

TARGET AREA POPULATION DEFINED

Following are the U. S. Office of Education Incidence Figures for 1969-70:

Categories of Exceptionalities

Mentally Retarded	2.300%
Deaf	0.075%
Hard of Hearing	0.500%
Speech Handicapped	3.500%
Visually Handicapped	0.100%
Emotionally Disturbed	2.000%
Physically Handicapped	0.500%
Multiple Handicapped	0.060%
Learning Disabled	1.500%
Academically Talented	2.000%

The total number of exceptional children in the above categories represented 12.535% of all school age children from 3 to 21, excluding the severely and profoundly retarded.

Attendance figures for the State of Nevada, based upon the best 3 months of attendance for 1970-71, show 118,152 children in Nevada schools.

By applying the USOE incidence figure of 12.535% to the Nevada attendance figure of 118,152, it is determined that 14,860 exceptional children between the ages of 3 and 21 currently reside in Nevada, of which 43% are being served.

Any significant deviations from the above figures must be further documented and approved. Approval will be by the State Department of Education.

I. MENTALLY RETARDED

The mentally retarded are those students who, as a result of ineffective intellectual functioning, are unable to profit educationally from a typical classroom situation.

A. Educable Mentally Retarded

1. Generally, the performance on an individual psychological evaluation shall fall within the I.Q. range of 45 to 75 in order for a student to be eligible for this program. The psychologist may make a recommendation for placement of children falling outside the above parameters. The child may then be placed with the unanimous concurrence of the placement committee. A placement of this type must be reviewed every four months by the placement committee and their written recommendations be available to State Department personnel. At all times, the committee's decision to keep the child in the class must be unanimous.

a. Before any child is admitted to a school, class or program for mentally retarded children:

(1) A consultation shall be held with his parents, guardian, or agency (Welfare has legal custody but is not the guardian) holding custody of the child.

(2) He shall be given an individual examination by a psychologist certified by the State Department of Education, or by a psychometrist serving under the supervision of such a psychologist and certified by the State Department of Education, to determine whether the child can profit by education.

(3) Measuring instruments used must be approved by the State Department of Education.

2. The regulations for educable mentally retarded class size are as follows:

a. Maximum enrolled

Pre-School	8	Junior High	14
Primary	10	Senior High	14
Intermediate	12		

b. The minimum class size shall be 3 enrolled children. If a school district's number of eligible children is less than 3, then it shall be the responsibility of the district, at the expense of the State, to provide for educational benefits in the nearest available, approved educational facility.

B. Trainable Mentally Retarded

1. Generally, the performance on an individual psychological evaluation shall fall below 55 in order for a student to be eligible for this program. Measuring instruments used must be approved by the State Department of Education.

2. The regulations for trainable mentally retarded class size are as follows. A certified teacher and aide are required with 5 or more children.

a. Maximum enrolled

Pre-School	5	Junior High	9
Primary	7	Senior High	9
Intermediate	7		

b. The minimum class size shall be 3 enrolled children. If

a school district's number of eligible children is less than 3, then it shall be the responsibility of the district, at the expense of the State, to provide for educational benefits in the nearest available, approved educational facility.

C. Severe and Profoundly Retarded

1. Generally, the performance on an individual psychological evaluation shall fall below 30 in order for a student to be eligible for this program. Measuring instruments used must be approved by the State Department of Education.
2. The regulations for Severe and Profoundly Retarded program size are as follows:
 - a. Maximum -- Six children to be seen on a 1 to 1 basis during the school day.
 - b. Minimum -- Three children to be seen on a 1 to 1 basis during the school day.
 - c. It is the intent of the regulations to provide the above services within State institutions and/or approved private facilities. The public schools are responsible for the provision of these services in the above facilities.

II. AURALLY HANDICAPPED

The aurally handicapped are those students who, as a result of a hearing impairment, require the services of special classes in order to promote more effectively their educational growth and development.

A. Deaf

1. Generally, only those students with a hearing loss of 80 decibels or more in the speech frequencies, as determined by an

individual examination by a certified audiologist and an individual psychological examination by a certified psychologist is required to be eligible for this program.

2. The regulations for the Deaf class size are as follows:

a. Maximum enrolled

Pre-School	5	Junior High	8
Primary	5	Senior High	10
Intermediate	6		

b. The minimum class size shall be 3 enrolled children.

If a school district's number of eligible children is less than 3, then it shall be the responsibility of the district, at the expense of the State, to provide for educational benefits in the nearest available, approved educational facility.

III. VISUALLY HANDICAPPED

The visually handicapped are those students who, as a result of visual disabilities, cannot satisfactorily benefit from or participate in a normal classroom program of the public school without the addition of special instruction and equipment.

A. Blind

1. Blind students are considered to be those students who have a total loss of vision or those with central visual acuity of 20/200 or less in the better eye with correcting lenses; or central visual acuity of more than 20/200 if there is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an

angular distance no greater than 20 degrees. An individual examination by a licensed ophthalmologist or optometrist and an individual psychological examination by a certified psychologist is required to be eligible for a program for the blind.

2. The regulations for the blind program size are as follows:

a. Maximum enrolled

Pre-School	5	Junior High	8
Primary	5	Senior High	8
Intermediate	6		

b. The minimum class size shall be 3 enrolled children. If a school district's number of eligible children is less than 3, then it shall be the responsibility of the district, at the expense of the State, to provide for educational benefits in the nearest available, approved educational facility.

B. Partially Sighted

1. The partially sighted are those students with a visual acuity of 20/70 or less in the better eye after the best possible correction, who can use vision as the main channel of learning. An individual examination by a licensed ophthalmologist or optometrist and an individual psychological examination by a certified psychologist is required for placement in a class for the partially sighted.
2. The regulations for the Partially Sighted Program size are as follows:

a. Maximum enrolled

Pre-School	6	Junior High	8
Primary	6	Senior High	10
Intermediate	8		

b. The minimum class size shall be 3 enrolled children.

If a school district's number of eligible children is less than 3, then it shall be the responsibility of the district, at the expense of the State, to provide for educational benefits in the nearest available, approved educational facility.

IV. EDUCATIONALLY HANDICAPPED

The educationally handicapped are those students who, as a result of ineffective learned social behaviors and/or impairment of sensory learning systems, are unable to make adequate use of a typical classroom.

A. Seriously Emotionally Disturbed

1. The seriously emotionally disturbed are those students which exhibit psychotic-like or severe neurotic behavior patterns which require treatment in a residential setting. An individual examination by a psychiatrist and certified psychologist is required for the student to be eligible for placement in seriously emotionally disturbed programs.

2. The regulations for the seriously emotionally disturbed program size are as follows:

a. Maximum enrolled

Pre-School	3	Junior High	5
Primary	3	Senior High	5
Intermediate	5		

- b. The minimum class size shall be 3 enrolled children.

If a school district's number of eligible children is less than 3, then it shall be the responsibility of the district, at the expense of the State, to provide for educational benefits in the nearest available, approved educational facility.

- c. It is the intent of the regulations to provide the above services within State institutions and/or approved private facilities. The public schools are responsible for the provision of these services in the above facilities.

B. Socially Maladjusted

1. The socially maladjusted are those students which exhibit uncontrolled behavioral patterns which prohibit their effective integration in a typical classroom. An individual examination by a certified psychologist and a sociological assessment is required for the student to be eligible for placement in a socially maladjusted classroom.
2. The regulations for the socially maladjusted program are as follows:

- a. Maximum enrolled

Pre-School	3	Junior High	7
Primary	3	Senior High	7
Intermediate	5		

- b. The minimum class size shall be 3 enrolled children. If a school district's number of eligible children is less than 3, then it shall be the responsibility of the district, at the expense of the State, to provide for

educational benefits in the nearest available, approved educational facility.

C. Learning Disabled

1. Children with learning disabilities exhibit a disorder in one or more of the basic psychological processes of central-motor, central-perceptual, central-cognitive, and/or spoken or written language. These disorders may be manifested in the areas of listening, thinking, talking, reading, writing, spelling or arithmetic. An individual examination by a certified psychologist and a demonstrated involvement in three of the four following identifiable areas are required for the student to be eligible for placement in a learning disabled classroom:
 - a. Perceptual motor impairment (auditory, visual, haptic)
 - b. General orientation defects (space, time, body image)
 - c. Disorders of speech and language
 - d. Developmental disparity in processes related to education (auditory, visual, haptic)
2. The regulations for the learning disabled program size are as follows:
 - a. Maximum enrolled

Pre-School	3	Junior High	7
Primary	3	Senior High	7
Intermediate	5		
 - b. The minimum class size shall be 3 enrolled children. If a school district's number of eligible children is less than 3, then it shall be the responsibility of the dis-

trict, at the expense of the State, to provide for educational benefits in the nearest available, approved educational facility.

V. ORTHOPEDICALLY HANDICAPPED AND OTHER MEDICAL PROBLEMS

The orthopedically handicapped are those students with average or above average intelligence whose physical conditions prevent them from effectively participating in a typical classroom situation. An individual examination by a licensed physician and an individual examination by a certified psychologist is required for the student to be eligible for placement in an orthopedically handicapped program.

A. Orthopedically Handicapped

1. The regulations for the orthopedically handicapped class size are as follows:

- a. Maximum enrolled

Pre-School	6	Junior High	10
Primary	6	Senior High	12
Intermediate	8		

- b. The minimum class size shall be 3 enrolled children. If a school district's number of eligible children is less than 3, then it shall be the responsibility of the district, at the expense of the State, to provide for educational benefits in the nearest available, approved educational facility.

B. Other Medical Problems

Other medical problems will follow the same format as orthopedically handicapped for eligibility for placement. The area will require supportive services and is to be considered short term

and transitory. The number of children served will not exceed ten per certified teacher. Students must be confined to their homes or hospitals for a period of three weeks (15 school days) or more to be eligible for placement. Example of this type of service is home and hospital instruction.

VI. MULTIPLE HANDICAPPED

The multiple handicapped are those children who exhibit two or more of the previously identified handicapping conditions. To be eligible for placement in a multiple handicapped program, the child must meet the previously stated criteria in all of the specific handicapping conditions.

1. The regulations for the multiple handicapped class size are as follows:

- a. Maximum enrolled

Pre-School	5	Junior High	10
Primary	5	Senior High	10
Intermediate	8		

- b. The minimum class size shall be 3 enrolled children. If a school district's number of eligible children is less than 3, then it shall be the responsibility of the district, at the expense of the State, to provide for educational benefits in the nearest available approved educational facility.

VII. SPEECH HANDICAPPED

The speech handicapped are those individuals whose speech deviates so far from the speech of others that it calls attention to itself, interferes with effective communication, or causes the individual

to be conscious of his non-acceptance. Eligibility is to be determined by a qualified speech therapist through screening and testing procedures.

1. The speech therapist should use both individual and small group instruction and provide a minimum of 30 minutes of instruction per week for each student enrolled in the program.
2. The caseload for a speech therapist shall be a minimum of 50 and a maximum of 70.

VIII. ACADEMICALLY TALENTED

The academically gifted are those students whose level of mental development is so far advanced that they have been identified by professionally qualified personnel as those "who require differentiated education programs and/or services beyond normally provided by regular school programs in order to realize their contribution to self and society". An individual examination by a certified psychologist is required for the student to be eligible for placement in a program for the academically talented and must meet the following criteria:

- a. Intelligence quotient as measured by previously approved tests which places the child in the upper two percent of the population.
- b. A potential for academic achievement as judged by the placement committee.
- c. Thinking patterns sufficient divergent from the norms to evidence creative and original thought processes.

The regulations for academically talented program size at a given session are as follows:

a. Maximum enrolled

Pre-School	8	Junior High	12
Primary	10	Senior High	12
Intermediate	10		

- b. The minimum class size shall be 3 enrolled children. If a school district's number of eligible children is less than 3, then it shall be the responsibility of the district, at the expense of the State, to provide for educational benefits in the nearest available, approved educational facility.