

MINUTES

Assembly

EDUCATION COMMITTEE
Subcommittee on AB 111
February 3, 1977

Members Present: Chairman Schofield

Members Excused: Mrs. Gomes
Mr. Rhoads

Others Present: Dennis Graham, Nevada Department of Education
Harry W. Swainston, Nevada Attorney General's Office
Susan M. Haase, Nevada Assoc. for Retarded
Citizens /
Frank Gross
Gerald, Washoe County School District
Jim Costa, Nevada Department of Education
Jane Lo Cicero, Nevada Department of Education

Chairman Schofield led an informal discussion among members of the Subcommittee on AB 111 as appointed by Chairman Vergiels, starting at 3:05 p.m. in the Assembly Lounge.

After assuring Mrs. Haase that AB 111 is an amendment to, not a replacement of, Chapter 395, a discussion of "shall" and "may" took place. The chairman suggested this matter be held in abeyance until the receipt of the position paper he has requested from the Bill Drafter's Office.

James Costa, Deputy Superintendent of Public Instruction, expressed concern that de-institutionalization is potentially a big problem because, as children are returned to their home districts, they become the responsibility of that district and if the county does not have adequate facilities, they become state responsibilities which could have a large fiscal impact. He estimated the possibility of 100 children applying under the "mute" definition who would have to be educated out-of-state at a cost of \$10,000 per pupil or an additional \$1,000,000.

Mr. Gross, parent of a handicapped child, pointed out that changing the law does not change the problem of the child.

Mr. Swainston, from the Attorney General's Office, stated that the bill is not a response to federal law (PL 94.142) and some provisions, which are not consistent with federal mandate, are being eliminated, but that Section 8 does provide for local control of public education and, while the Superintendent of Public Instruction shall provide for

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educational needs of a certain class of children outside of the district, discretionary language is needed to make the law more appropriate, rounding out what the state can offer and providing tight standards for its administration.

Mr. Gross suggested the design of the bill eliminates a certain part of the population which needs help.

Mr. Graham responded that, as it is now, without a state institution, Nevada has the opportunity to choose what it feels is best for a given child, whether outside the district or the state. He further stated limited resources do not allow for adequate care to be given to all immediately which will be a cause of concern. Given the current climate of advocacy groups, the state is concerned there might be a groundswell of people demanding out-of-state placement.

Mr. Myers, Director of Special Education for Washoe County, suggested the possibility of federal funds being available for this type program.

Mrs. Haase asked why the state wants to eliminate "mute."

Ms. Lo Cicero replied that the state has the responsibility for caring for the deaf and blind because it now has no state institution for these people, but that "mute" is considered a symptom rather than a primary handicap and its inclusion could open the door for those having other "symptoms" to also demand out-of-state placement.

Mr. Graham defined federal philosophy as being "least restrictive," that is, nearest home, closest to normal, and hopefully, for the long range the out-of-district, out-of-state programs might be phased out.

Mr. Costa felt that many of the suggested changes would substantively change the bill which would require approval of the State Board.

The chairman expressed the view that the committee must strike a balance between the needs of the handicapped, the funds available and protective factors for the citizens. Accordingly, he suggested holding AB 111 under study and advisement until after the State Board meets February 25 in Las Vegas.

The meeting was adjourned at 4:02

Respectfully submitted

Harriet M. Knauff

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Assembly Attache

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DATE: _____

WAYS AND MEANS COMMITTEE

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