

ASSEMBLY EDUCATION COMMITTEE
MONDAY, APRIL 11, 1977
3:29 p.m.

Members Present: Chairman Vergiels
Mr. Goodman
Mr. Horn
Mr. Kissam
Mr. Rhoads

Members Excused: Mrs. Gomes
Mr. Schofield

Guests Present: Denis Graham, Nevada Dept of Education
Frank South, Nevada Dept. of Education
Barbara Guzman, Developmental Disabilities
Council
Chris Lamphere, Rehabilitation
Omar K. Gragner
Joseph Haley
Martha Carter
Francine Pulliam
James P. Costa, Nevada Dept. of Education
Al Ramiez, Nevada Dept. of Education

Chairman Vergiels called the meeting to order in Room 214 at 3:29 p.m. and announced the committee will hear three bills next Monday, April 18: AB 664, which authorizes use of corporeal punishment in public schools, AB 652, which also authorizes use of corporeal punishment in public schools, and AB 679, which requires examination of certain public school personnel to determine proficiency in specified subjects.

AB 604 -

Mr. Vergiels asked the proponents of AB 604 which provides for minimum program standards for learning disabilities to speak to the bill. Joseph Haley, Las Vegas attorney, and Francine Pulliam spoke. Mr. Haley appeared representing children with learning disabilities as a "friend of the court". He stated he has worked with a private organization engaged in assisting those with learning disabilities. He proposed "learning disabilities" in line 13 should be deleted because it has been added in line 17, "i".

Francine stated it is the purpose of the bill to separate those with learning disabilities from those who are emotionally disturbed and to bring the state into compliance with federal statute, PL 940. 142.

Denis Graham and Frank South spoke in opposition to the bill for the State Department of Education. Mr. Graham's prepared statement, Exhibit A, concurred with deleting "learning disabilities" in line 13 but objected to separating by mandate those with learning disabilities from those who are emotionally disturbed because this causes administration confusion as to which category would be most appropriate for some children and for certifying teachers as well as working a hardship for rural communities where there aren't enough

children to justify the expense of two separate categories and for children who are forced into categories and for districts whose legal options are limited again.

Mr. South agreed that these are different problems which require different techniques; however, he emphasized the difficulties, especially for the rural counties, and pointed out that right now any county may offer these services separately if it chooses. He stated there has been no evidence to date that the present system is not working.

There was a short discussion on the number of students involved (5,000 statewide with learning disabilities, 500 in rural areas), the need for two versus one unit for special education, categorically funding.

Chairman Vergiels stated he feels the Department can and will change its administration while Mr. Graham reiterated that this bill is unnecessary and redundant since present law already allows what this bill is suggesting.

James P. Costa, Superintendent of the State Department, opted that the primary criterion for new law should be need for change. He stated at the present time there are 566 special education units in the state; 212 for learning disabilities, 12 for emotionally disturbed, 13 for other educationally handicapped conditions, 113 special education units in Clark County. In his opinion the requirements of PL 940.142 are being met and there is no point in changing the law for the sake of change.

However, Ms. Pulliam testified, that, as a former student with a learning disability, there is a great need to remove that student from the atmosphere of those with emotional disturbances and spoke against "mainstreaming" which Mr. Costa proposed as the current federal philosophy although admitting that "mainstreaming" is their ultimate goal. Mr. Graham suggested that a parent who is dissatisfied with his child's placement could use "due process".

Following a brief recess, Mr. Horn moved a Do Pass for AB 604 as amended, (deleting "learning disabilities" in line 13 and reinstating "multiple" for "multiply" in line 14). Mr. Kissam seconded. Mr. Rhoads stated he felt the bill is trying to fix something that doesn't need to be fixed and voted "no". Mr. Horn, Mr. Kissam, Mr. Goodman, and Mr. Vergiels voted for it.

The meeting was adjourned at 4:06 p.m.

Respectfully submitted,

Harriet Knauff, ph

HARRIET KNAUFF, Secretary

STATEMENT OF
THE DEPARTMENT OF EDUCATION
TO THE
ASSEMBLY COMMITTEE ON EDUCATION

Monday, April 11, 1977

A. B. 604 -- Amends NRS 388.520

Provides for minimum program standards for learning disabilities.

It is recommended that the use of the word multiple be retained since multiply (meaning more than one) is often confused with another word of the same spelling, multiply (meaning to combine by multiplication).

With respect to the term "learning disabilities," as expressed in line 17, it is unnecessary and redundant since the handicapping condition is already provided for as a sub emphasis of educationally handicapped in line 13.

The addition of the term "learning disabilities" in line 17 will not have any positive impact on the education of handicapped children in this State. However, the addition of this term will have the following negative influence:

- 1) Since the term "learning disabilities" now appears twice there will be some confusion administratively within the districts as to which learning disabilities' category the children would most appropriately be classified and reported.
- 2) Teachers of educationally handicapped (learning disabled and emotionally disturbed) children are now certified through an endorsement to teach the educationally handicapped. To pass this bill in its present form would lead to some confusion as to whether these teachers are in fact certified to teach children with learning disabilities as expressed in line 17.

If the intent of the Assembly was to eliminate educationally handicapped and to create separate handicapping conditions for learning disabilities and emotionally disturbed (this intent is not clear), then the following problems would result in such an action:

- 1) Learning disabled and emotionally disturbed as a separate category would eliminate the services already being provided to educationally handicapped children in this State. The size of the population, especially in rural districts is not enough to justify separate special education units for learning disabled and emotionally disturbed children. However, since these children are combined into one unit for educationally handicapped, the population of these children in these rural districts is usually sufficient to justify a unit of instruction of this type.
- 2) To classify learning disabled and emotionally disturbed children separately might result in the premature and inappropriate categorization (labeling) of children ... especially the younger ones. A forced classification of

children in these categories may even be contrary to the welfare and equal education opportunity of these children.

- 3) Separate categorization will result in limiting districts' legal option to combine services for both learning disabled and emotionally disturbed children, based upon the needs of the children within their district.

This is not only the position of the Nevada Department of Education but it is also the position of the Advisory Council for Exceptional Pupil Education in their last meeting, on April 5, 1977. The Exceptional Pupil Education Advisory Committee learning passed a motion declaring that Assembly Bill 604 is unnecessary and redundant since disabled children are entitled to full services, even as the present law exists.

DDG:vt
4-8-77

59TH NEVADA LEGISLATURE

EDUCATION
LEGISLATION ACTION

DATE April 11, 1977

SUBJECT AB 604

MOTION:

Do Pass X Amend X Indefinitely Postpone _____ Reconsider _____

Moved By Mr. Horn Seconded By Mr. Kissam

AMENDMENT:

Moved By _____ Seconded By _____

AMENDMENT:

Moved BY _____ Seconded By _____

VOTE:	<u>MOTION</u>		<u>AMEND</u>		<u>AMEND</u>	
	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>
GOMES	_____	_____	_____	_____	_____	_____
GOODMAN	<u>X</u>	_____	_____	_____	_____	_____
HORN	<u>X</u>	_____	_____	_____	_____	_____
KISSAM	<u>X</u>	_____	_____	_____	_____	_____
RHOADS	_____	<u>X</u>	_____	_____	_____	_____
SCHOFIELD	_____	_____	_____	_____	_____	_____
VERGIELS	_____	_____	_____	_____	_____	_____
TALLY:	<u>X</u> 4	<u>X</u> 1				

ORIGINAL MOTION: Passed X Defeated _____ Withdrawn _____

AMENDED & PASSED _____ AMENDED & DEFEATED _____

AMENDED & PASSED _____ AMENDED & DEFEATED _____

Attached to Minutes 4/11/77