

MEMBERS PRESENT

Chairman Vergiels
Vice Chairman Craddock
Mr. Banner
Mrs. Hayes
Mrs. Wagner
Mrs. Westall
Mr. Stewart
Mr. Malone
Mr. Webb

GUESTS PRESENT

See Guest List attached

Chairman Vergiels called the meeting to order at 3:00 p.m. He called for testimony in support of A.B. 527.

ASSEMBLY BILL 527

Ted Sanders, Superintendent of Public Instruction, accompanied by Frank South, Director of Special Education of the State Department of Education, presented a statement in favor of A.B. 527. Exhibit A.

Mrs. Wagner questioned the amount of \$270,000 in the fiscal note since that was based on 200 identified children rather than the larger number.

Mr. South stated that they decided not to ask for a change on that and to stay with the fifteen units and work through that with the \$270,000. The Department would not be able to serve the additional children with that amount, but the bill would enable the district to use any state units for this purpose of pre-school programs in addition to the fifteen provided in the bill. That would be a local school district option.

Susan Haase, Executive Director of the Nevada Association for Retarded Citizens, a private, non-profit group made up of parents and professionals who volunteer their time to advocate for better opportunities for retarded children and adults. Their position on A.B. 527 is mixed. They feel that it is a positive change to lower the age to three from five, but they feel that the bill is permissive rather than mandatory in the provision of services which could preclude many children from the services. She referred to A.B. 624, which has not been heard yet, raising the age of education for handicapped students to the age of 22. This is in response to an attorney general's opinion that said you could not discriminate between different kinds of handicapping conditions on the basis of age. This also applies to A.B. 527. If a child is blind or deaf, he may be admitted into a special program at the age of birth since it says any age under five. If he has a different handicapping

condition, not until the age of three. She feels that this is arbitrary, capricious, illegal, and would never hold up in court.

In response to a question from Mr. Craddock, Mr. South answered that all this bill addresses is lowering the age. The definitions and categories of disabilities and retardation are contained in other bills and legislation and in present laws and regulations. Mr. Sanders said that the laws would cover students with dyslexia, which was what particularly concerned Mr. Craddock.

Mr. Stewart asked for the reasons for the extension of the age limits as set forth in A.B. 527. Mr. South explained that originally blindness and deafness, which are easily identifiable at birth, were covered more fully, and the new bills would broaden the coverage to other conditions and broaden the age limits. There is also a question as to what age the schools should become involved; should it be at birth or at a later age, such as three. Some feel that the Special Children's Clinics of the state should cover the problem to age three and then let the school system take over after that time.

Mrs. Westall stated that while she feels that this bill has a lot of merit and would probably pass out of this committee, it could very likely die in Ways and Means or on the floor due to the high cost, or if it passed the Assembly it very well could be killed on the Senate side, as it has been in the past.

Mr. Vergiels felt that the bill could probably pass the Assembly, but he, too, felt that it would have quite a bit of trouble on the Senate side, particularly since this is in addition to the regular budget. It would have to be presented very carefully. He asked if it might be feasible to take the money out of the bill and leave the permissive status in, and whether or not this would be a gain. Mr. South felt that it would be, as this would be a beginning.

Mrs. Haase feels that it is a matter of priorities as far as the money is concerned; whether you want to help children at an earlier age for possibly less money, or whether you wait until later for their eligibility and then it usually costs more to correct the situation which would have been easier to correct at an earlier age. Sometimes waiting longer makes the problem much more difficult to correct than if it had been caught early.

Mr. Vergiels stated that all the Education Committee would do is see if the bill is educationally sound. Then the money committees would decide if there are enough funds to cover it.

Mrs. Wagner felt that the discrimination possibilities should be looked into by Mr. Daykin.

Mrs. Haase said that as long as the bill is left permissive, the Special Children's Clinics would have the responsibility before



the age of three, after which the schools would take over.

Laura Kerin stated that now the program at Special Children's Clinic offered to the three to five year olds is in cooperation with funding from the Health Division and from the local school district so they are having to grab money from every source. So the budget may not reflect how diverse the services of Special Children's Clinic are and where all the personnel come from. She gave a presentation regarding her daughter, Jennifer, a copy of which is attached hereto and marked Exhibit B. She said many parents do not realize the problems that exist until their children reach regular school age and then it could be too late, so the diagnostic facilities and teaching facilities should be made available and known to them at a much earlier stage. Early intervention is all important. She feels that it should be mandatory for parents of retarded children to have them helped just as it is mandatory for parents of normal children to have them go to school.

Mrs. Carolyn Waldrup told of the progress made by her six year old son, Daniel, through the early diagnosis program and how, in a matter of a few months, he has been brought to the stage of being able to enter school next term, where he might have been hopeless if this program had not been in effect. He had extreme emotional, behavioral and motor problems until entering the program, and is a prime example of how early diagnosis and treatment can help a child. Skilled therapists at an early age are all important in helping a child, as parents are unable to cope with the situation.

Dr. Nasim Dil from the Department of Special Education, UNLV, presented a prepared statement, a copy of which is attached hereto and marked Exhibit C.

Frank Gross, President, Nevada Association for Handicapped Children, and parent of a handicapped child with cerebral palsy, stated that a deaf baby is hard to identify as opposed to those with obvious physical handicaps at birth. He explained how he was one of the pioneers in helping handicapped children from a few months old on and how many of those children are now living normal lives where they would have had no chance without early help. He also was in favor of mandatory rather than permissive participation, but would go along with permissive for the very young if that is all that can be put through at this time.

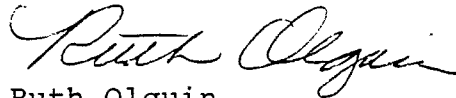
Ben Cowan of the Clark County School District pointed out that where the fiscal note on A.B. 527 does not indicate an impact on the local district, he feels that there is an impact. They would need at least six additional classrooms, additional equipment, additional related and psychological services, as set forth in Exhibit D. He assumed this would come from the \$270,000 provided for in the bills. He also felt that when you are speaking of three years of age, regardless of the age that you determine, whether it is three, four or five, there should be, as with any of the regular students, as of September 30.

Kathleen Silver of Las Vegas, the mother of a three year old son who is blind, told of the problems she and her husband have had in obtaining pre-school programs in Nevada for the visually handicapped. She visited schools in Arizona and California and would like Nevada to have some of the same programs that those states have as she does not want to have to send her son out of state for help. She said that, as far as she has been able to determine, the deaf have a program, as well as the deaf-blind and mentally retarded, but the blind do not. She feels that the bill should be mandatory rather than just permissive. They have asked for a due process hearing with the State Board of Education because of the lack of facilities for the blind only. She feels that it is extremely urgent that help is received before the age of three for these children in order for them to compete when they reach school age.

Testimony was concluded on A.B. 527.

The meeting was adjourned by Chairman Vergiels at 4:45 p.m.

Respectfully submitted,



Ruth Olguin
Committee Secretary

GUEST LIST EDUCATION COMMITTEE
 March 28, 1979

NAME (Please print)	REPRESENTING	WISH TO SPEAK		
		Bill No.	Yes	No
K W Johns	UNR			✓
Joyce Woodhouse	NSEA			
Richard C. Kuhl	UNLV			
SAM M. BASTA	UNR.	?		
Frank Goss OK	Pub. 527-529		✓	✗
Ben Cowen	CCSP 527		✓	
LAURA KERIN OK	PARENT	527	✓	
Richard F Brown	New. Assoc. Sch. Adm.			✓
Ann L. Brough	CCSA			✓
CAROLYN WALDRUP	Parent - Spec. Ch. Clinics	527	✓	
KATHLEEN SILVER OK	PARENT - FRIENDS V.N.		✓	
KEN VAUGHAN	WASHOE CO. SCH. DIST			✓
TED SANDERS OK	DEPT OF EDUC.	↑	✓	
RAY RYAN	" " "	527 528 529		✓
Sharon Wedaw	St. Bd? Educ.			
Sharon Palmer		529		
Sharon Early	Dept of Educ.			✓
Frank Smith	DEPT OF ED	527 528 529		
Linda Terry	Carson School Board			✓
Susan Haase OK	New. Assoc. for Retarded Child.	527 28 29	X	
Nasim Dil OK	UNLV	527	X	
Dick Wright	WCSI	26 29		
Vandell Newman	NSEA			✓
Robert Petroni	CCSD	530	✓	
John Havertape	UN-R - CEC	527 28 29		

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

March 28, 1979
3:00 P.M., Room 214

A. B. 527 Allows earlier admission of handicapped children to programs of special education.

Mr. Chairman, members of the committee:

The State Board of Education and the Superintendent of Public Instruction support A. B. 527.

A. B. 527 would lower the age of admission to special education programs to the age of three (3) regardless of the child's handicapping condition(s), but retains the special provisions for the aurally handicapped, visually handicapped, and academically talented. Under the current statutes, programs are not provided under the age of five (5) years for children who are physically handicapped, emotionally disturbed, multiple handicapped, or who have impaired speech or specific learning disabilities. The enactment of this legislation will enable children to get an earlier start on obtaining needed services that will affect their educational achievement.

Preschool education for the physically handicapped may provide physical therapy that may prevent unnecessary permanent physical damage. School can be very difficult for a student who has impaired speech until suitable language processing abilities are developed. If therapy and additional language training are started early, communications can be clearly improved by the time the child reaches school age. Research in early childhood development has stressed the importance of the first few years in learning cognitive and language skills.

Occasionally neurological, physical, or environmental factors may be so severe as to influence a young child's ability to cope with his environment or his impulses. These children may develop or exhibit behaviors that are considered to be indications of emotional disturbance. If these behaviors are permitted to continue during the preschool years and alternative coping mechanisms are not taught, the child may be unable to adequately process the learning that most children can handle easily when they reach school age.

In addition to the long range benefits of starting these children in programs at an early age, there is also the consideration that by improving their skill level there is a potential to maintain these children in less expensive educational programs in the future. Jane De Weerd, Coordinator of the Handicapped Children's Early Education Program administered by the Division of Innovation and Development, Bureau of Education

A. B. 527
Page Two

for the Handicapped, has stated, "There is evidence that programs providing early educational and therapeutic programming to meet the needs of young handicapped children and their families are reducing the number of children who will need intensive or long term help. The importance of reaching handicapped children early and working to help them reach their full potential cannot be overemphasized. With early help, the sooner the better, these children can often function at higher levels than had been dreamed possible in prior years."

As of December 1, 1978, there were 402 preschool-age students receiving special education and related services under the current statutes. As this legislation was being prepared the Nevada Department of Education was able to identify 200 children in the 3-5 age range in need of special education services. Since that time we have received data from representatives of Nevada agencies providing diagnostic services within the State that there are an additional 161 identified unserved preschool-age handicapped children. Local school districts have identified another 284 preschool-age handicapped children who are not being served. This is a total of 445 children we can identify right now who need these services.

The Nevada Department of Education has attached a fiscal note to this bill requesting that \$270,000 be added to the special education budget for establishing 15 new units for handicapped students in the 3-5 age range currently not receiving services.

Mr. Chairman, the State Board of Education supports the passage of A. B. 527.

CHAIRMAN VERGIELS AND MEMBERS OF THE ASSEMBLY WAYS AND MEANS COMMITTEE

LAURA KERIN, PARENT OF A 7 YEAR OLD CHILD WITH DOWN'S SYNDROME

A COUPLE OF WEEKS AGO I APPEARED BEFORE YOU WITH MY DAUGHTER, JENNIFER, TO SHOW HOW EARLY EDUCATIONAL OPPORTUNITIES CAN ENRICH THE LIFE OF A RETARDED CHILD.

TODAY I WOULD LIKE TO TALK ABOUT THE IMPORTANCE OF MANDATORY EDUCATION FOR ALL HANDICAPPED CHILDREN BEGINNING AT THE AGE OF 3.

AT THIS TIME EDUCATION FOR CHILDREN IN THE 3-5 YEAR RANGE IS PERMISSIVE UNDER OUR STATE LAW. HOWEVER, LOCAL DISTRICTS ARE NOT REQUIRED TO SERVE THIS AGE CHILD AND MAY NOT OFFER AN EDUCATIONAL PROGRAM IF WE DO NOT MAKE THIS LAW MANDATORY.

YESTERDAY, I TALKED WITH THE TEACHERS OF MY 7 YEAR OLD, JENNIFER. THEY TOLD ME HER READING IS AT THE PRIMER LEVEL AND HER MATH IS AT THE BEGINNING 1 ST GRADE LEVEL. THEY SAID HER LANGUAGE IS AT AGE LEVEL AND HER SPEECH IS GOOD, BUT NEEDS IMPROVEMENT. JENNIFER HAS ALREADY COMPLETED HER I.E.P. FOR THIS YEAR AND WE ARE EXTENDING THE GOALS. BOTH TEACHERS HAD COMMENTS TO MAKE ABOUT JENNIFER. HER SPECIAL EDUCATION TEACHER SAID SHE HAS A VERY GOOD SELF_CONCEPT, PROBABLY DUE TO SUCCESS AT A YOUNGER AGE. HER SPEECH THERAPIST SAID THE HIGH LANGUAGE LEVEL WAS DUE TO PREVIOUS THERAPISTS' WORK AND HER ENVIORNMENT.

IT HAS TAKEN JENNIFER THREE YEARS OF WORK TO ACHIEVE GRADE LEVEL PERFORMANCE.

RECENTLY I HAVE INTRODUCED JENNIFER TO MANY PARENTS OF INFANTS WITH DOWN'S SYNDROME. SHE IS NOT TYPICAL OF THE MEDICAL PROGNOSIS FOR DOWN'S SYNDROME CHILDREN. ONE MOTHER CALLED ME AND SAID MEETING JENNIFER WAS LIKE SEEING A " BRIGHT, SHINY STAR ON A CLOUDY NIGHT". SHE HOPES NEVADA WILL OFFER HER EARLY HELP WITH THE EDUCATION OF HER BABY.

IN THE PAST FOUR YEARS MY EXPERIENCE WITH PUBLIC EDUCATION IN NEVADA HAS BEEN VERY REWARDING. I AM PROUD TO SAY THERE ARE MANY FINE TEACHERS AND CONCERNED ADMINISTRATORS IN WASHOE COUNTY AND THE STATE DEPARTMENT OF EDUCATION. LUCKILY FOR US WASHOE COUNTY IS PROVIDING SERVICE TO THE 3-5 YEAR OLD CHILD AT THIS TIME. I FEEL LIKE I AM LIVING WITH A CHILD WHO HAS GREAT POTENTIAL. I KNOW THERE ARE MANY OTHER CHILDREN IN NEVADA WHO CAN ACHIEVE THIS SUCCESS IF WE ADDRESS THE NEED FOR A CONTINUUM OF SERVICES TO DEVELOPMENTALLY DELAYED CHILDREN STARTING AT BIRTH.

P.L. 94-142 THE EDUCATION OF ALL HANDICAPPED CHILDREN ACT WAS BORN BECAUSE OF THE NEED TO MAKE EDUCATION MANDATORY FOR CHILDREN WHO ARE DEVELOPMENTALLY DELAYED. THIS LAW IS AN ADMINISTRATORS HEADACHE AND TO THE PARENTS OF THE NON_HANDICAPPED IT MAY LOOK LIKE AN OVER_COMPENSATION FOR THE EDUCATION OF HANDICAPPED CHILDREN. PARENTS OF HANDICAPPED CHILDREN ARE NOT ASKING FOR BETTER EDUCATIONAL SERVICES FOR THEIR CHILDREN WE JUST WANT THEM TO BE GIVEN THE OPPORTUNITY TO ACHIEVE THEIR MAXIMUM POTENTIAL AND BE SELF RELIANT.

I HAVE OBSERVED THAT THE LAWMAKERS ARE FACED WITH VERY OPPOSING PROBLEMS. FOR NORMAL CHILDREN YOU HAD TO PASS A LAW MAKING THEM STAY IN SCHOOL. FOR SPECIAL CHILDREN WE HAVE TO BEG FOR A LAW TO GET THEM IN SCHOOL.

PLEASE ASSIST US IN THE FUTURE OF OUR CHILDREN BY MAKING EDUCATION MANDATORY AT AGE 3 FOR ALL HANDICAPPED CHILDREN. THEY MUST HAVE A HEAD START ON LEARNING.

note

SOURCE: Nasim, Dil, Ph.D.
Associate Professor and Coordinator, Training
Program in Early Childhood Education of
Handicapped Children
Department of Special Education
University of Nevada, Las Vegas

Statement to Committee on Education regarding Assembly Bill 527.

Thank you, Chairman Virgiels and members of the Committee on Education. I have been requested by the President of the Southern Nevada Association for the Handicapped to communicate my professional opinion regarding Assembly Bill 527. I would like to take this opportunity to express my very strong support for the earliest possible intervention and prevention services for young handicapped children.

"Handicap", Mr. Chairman, is a social phenomenon. It is a product of self and other perception. An injury to the child before birth, at the time of birth, or after birth may result in impairment, dysfunction or severe damage to the perceptual, conceptual, psychomotor or communication system of the child, interfering with the child's normal growth, development and/or learning capabilities. As a result, the child will interact differently with his human and physical environment. Significant adults in the child's life may develop a certain negative attitude toward such interactions of the child, which ultimately leads the child to become handicapped. In addition, there is a population of those children who do not have any physical impairment or damage, but they are faced with handicapping conditions in their environment like stereotypes, overprotection, unrealistic demands, child abuse. All of these children need our sympathetic understanding, and attention at the earliest possible time in their life.

T. Berry Brazelton, M. D., of Children's Hospital Medical Center, Boston, Massachusetts, who is nationally and internationally known for his extensive

work with young children and their families writes "---my bias is for early intervention---as early as possible in infancy--long before the parent's lowered self esteem and grieving can convey hopelessness and a poor self-image to the infant. Certainly, there is rapidly increasing evidence that early intervention programs can effect remarkable development of function, even in severely damaged babies. It makes me feel that there is often more acquisition of function available in immature organism than later, when complete maturation and secondary complications, such as spasticity has occurred." 1978. I strongly agree with Dr. Brazelton's statement.

A recent report published by National United Cerebral Palsy Association (Programming for Atypical Infants and their Families, monograph no. 6, June 1977) summarizes the findings that 25% of parents reported suspecting a problem at birth, 44% by one month, 55% by three months, and 72% by six months. There seemed to be no correlation between the educational level and social class of the mother at the time she suspected that there was a problem. It seems only appropriate, logical and ethical to provide comprehensive assessment and remediation services soon after the problem has been suspected by parents. The lag time of five years or even four and one-half years between the first suspicion of a problem and the provision of services of any kind is too long a period, which is emotionally extremely strenuous for parents and families and developmentally deteriorating for children.

In this country, extremely fortunate and favorable conditions do exist, which makes it possible to provide services to children soon after birth. Ever since the passage of P.L. 90-538, Handicapped Children's Early Education Assistance Act, on September 30, 1968, numerous programs have been developed all over the country for infants, toddlers and preschool-aged children (with 13 states mandating the services beginning at birth and 12 states beginning at age three). An extensive amount of information is available at present which demonstrates the effectiveness of early intervention. The earlier it is, the more effective it is. Time limitation does not permit me to provide a specific description of the effectiveness of these programs. Briefly summarizing, I can say with great confidence, based on my intensive work in the field for about nine years, that a great majority of the children who were provided early services have been mainstreamed to regular classrooms, resource classrooms and other least restrictive environments suited to their needs. Those children who were very severely and multiply disabled are functioning at present at much higher levels than they would have without the availability of those services.

I realize finances required for providing services to these children is a very important factor. I was provided this information that the cost of services provided to individuals at Desert Developmental Center is \$66 per day/per child, approximately \$2,000 per child/per year. Assuming a conservative life span for each child as 40 years, we have an estimated life cost of \$80,000 per individual. I think if we can prevent even one-half of the total population of children from residential care for the rest of their lives, it is worth spending during the early years of these children's lives.

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Parents cannot rest and stay idle when they suspect that there is something wrong with their child. Their search and exploration for appropriate services continues until they find some services satisfactory to them. They do it, at the cost of their health, money and sacrifice of attention to other children. Siblings do suffer, which causes unnecessary emotional problems for them. It seems only feasible to make services available to these parents to relieve them and other members of the family from the emotional stress they have to go through for five long years.

Mr. Chairman and respected members of the Committee, I realize the bill under consideration applies to children from three through five years of age. I extend my strong support for services from birth through five years of age. I consider this bill as a first necessary step toward the achievement of the goal, that is, provision of services from birth through five years.

Thank you.

Recommend

- Centralized Child Find Mechanism*
- Services for all handicapped children*
- From Birth through Five*
- Mandated rather than permissive*

A. B. 527

ASSEMBLY BILL NO. 527—COMMITTEE ON EDUCATION

MARCH 12, 1979

Referred to Committee on Education

SUMMARY—Allows earlier admission of handicapped children to programs of special education. (BDR 34-681)

FISCAL NOTE: Effect on Local Government: No
Effect on the State or on Industrial Insurance: Yes.

0-yes see attached

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

AN ACT relating to handicapped children; allowing earlier admission to programs of special education; 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. NRS 388.490 is hereby amended to read as follows:
2 388.490 1. Except as provided in subsections 2, 3 [4 and 5,]
3 and 4, handicapped minors may be admitted at the age of [5] 3 years
4 to special programs established for such minors, and their enrollment
5 or attendance may be counted for apportionment purposes.
6 2. Aurally handicapped minors may be admitted at any age under
7 5 to special programs established for such minors, and their enrollment
8 or attendance may be counted for apportionment purposes.
9 3. Visually handicapped minors may be admitted at any age under 5
10 to special programs established for such minors, and their enrollment or
11 attendance may be counted for apportionment purposes.
12 4. Academically talented minors may be admitted at the age of 4
13 years to special programs established for such minors, and their enroll-
14 ment or attendance may be counted for apportionment purposes.
15 [5. Mentally retarded minors may be admitted at the age of 3 years
16 to special programs established for such minors, and their enrollment or
17 attendance may be counted for apportionment purposes.]

LEGISLATIVE ITEMS

Age of Admission to Special Programs
3 to 5 years

REFERENCES

NRS 388.440, 388.490;
SD/E Sp Ed; CCSD P&R 6164;

CCSD POSITION/RECOMMENDATION

Under current NRS, programs are not provided for children who are physically handicapped, speech handicapped, educationally handicapped, multiple handicapped, or have specific learning disabilities. Recent Federal legislation affecting the education of the handicapped indicates that it is a discriminatory practice to offer programs for some handicapped children under age five (5) and not for all handicapped children under age five (5).

Fiscal Effect on CCSD: Yes X No _____

Personnel:	6 teachers, 6 aides--	\$173,484
Facilities:	6 classrooms w/furnishings--	\$429,000
Equipment:	Special--	\$ 21,000