

MEMBERS PRESENT

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

MEMBERS EXCUSED

Mr. Banner

GUESTS PRESENT

See Guest List attached

Chairman Vergiels called the meeting to order at 2:15 p.m.

COMMITTEE ACTION

Assembly Bill 435

Mr. Malone moved Do, Pass, seconded by Mrs. Hayes. The motion carried unanimously.

Chairman Vergiels asked for the balance of testimony on A.B. 650.

ASSEMBLY BILL 650

John Hawkins, of the Nevada School Boards Association, presented a prepared statement, a copy of which is attached hereto and marked Exhibit A.

Ted Sandars, Superintendent of Public Instruction, stated that the State Department of Education is taking a neutral position on A.B. 650 because the Board has not had opportunity to review the bill for an official position, although it has been considering the same topic for several weeks. He read a prepared statement, a copy of which is attached hereto and marked Exhibit B. Included in Exhibit B is a draft position statement of the State Board of Education on Educational Programs Specific to Human Sexuality which closely parallels the language of A.B. 650.

Scott Wilson, of the Nevada Advisory Council on Children and Youth, presented a prepared statement, a copy of which is attached hereto and marked Exhibit C. He stressed that the young people present at the Third Governor's Conference for Youth in Tonopah last year specifically asked for a booklet on human sexuality which could be used in the classes presently available, even if A.B. 650 were not passed.

Mrs. Wagner asked if Mr. Wilson would like to see the bill made mandatory rather permissive, as it is now. He answered that he felt that he would.

Ann Lynch, speaking for the Nevada Parent Teachers' Association, stated that their position is that they would encourage this kind of legislation which would put the decision at the local school district level rather than in the legislative hand, and, at the same time give some guidance to school districts with parental input, so that at the home level there would be the climate of the community to control the kind of education curriculum. There does not seem to be any guidance or input of this kind at the present time. The three stands of the P.T.A are that they are in favor of parenting classes, classes which would protect young people from the spread of V.D., and family planning classes which instruct students on the realities of marriage, not necessarily geared toward the sexual responsibilities, but more on family planning and budgeting, etc. They are in favor of A.B. 650.

Mrs. Westall asked if parents didn't now have the option of getting involved. Mrs. Lynch answered that they do, but it is not an organized involvement so is not as effective. A law to that effect, even if it is permissive, would increase the effectiveness. This would be a rational way to solve a very emotional problem in a district.

Testimony was concluded on A.B. 650.

ASSEMBLY BILL 530

Mr. Stewart explained A.B. 530 and said that when clubs and organizations order rings or other materials, the vendor requires the signature of the teacher. The teacher, therefore, is signing the agreement or request and there is concern as to whether or not the teacher is personally liable, along with the school district, for the materials when the club and members are really making the purchase through the contract. A.B. 530 would remove liability from the teacher and school district for this type of purchase. A possible amendment would allow the teacher signing the contract to do so on behalf of the club or the students involved. Otherwise, there is responsibility only on one side of the contract or agreement. The amendment would put the responsibility on the club or group of students and not on the teacher personally or the school.

Chairman asked Mr. Stewart to have such an amendment prepared.

ASSEMBLY BILL 529

Ted Sandars, Superintendent of Public Instruction, presented a prepared statement in support of A.B. 529, a copy of which is attached hereto and marked Exhibit D.

Mr. Vergiels asked if A.B. 529 should be re-referred to Ways and Means. Mr. Sandars said that this is being considered in their

various budget accounts, but this bill would be required to change the name and target population of those funds to handicapped rather than just deaf and blind. Mrs. Wagner felt that it should be referred

Frank Gross, representing himself and as President of the Nevada Association of Retarded Citizens, stated that they would like to see A.B. 529 include all handicapped individuals for out-of-district placement. He explained that, under the old law, his daughter goes to school in Los Angeles. It took three years of work with the State Department of Education and the local school districts to formulate the program for her. She is brought home every five weeks and on holidays by plane, so it is quite an inconvenience to send a child out of state. Even so, there is no way the local school district could provide the services necessary at this point in time. A.B. 529 is the logical means for such handicapped students to obtain the necessary services.

John Hawkins, representing the Nevada School Boards Association, conveyed from Bob Petroni and Mr. Cowan of the Clark County School District, their concern that there should be specific reference to the exclusion of the gifted or academically talented students, as this could cause difficulty with regard to out of state education.

Mrs. Wagner felt that this problem would be covered by the wording that this program would only deal with specific handicaps. Mr. Hawkins agreed, but stated that he was only conveying the message from Clark County.

Frank South of the Department of Education stated that he did not think this problem would come up because in order for any student to be placed out of state, they have to go through a series of procedures, both within the district and the Department, and it has to be established that appropriate programs for them are not available within the state. Therefore, programs for the academically talented would be available in the state and it would not be an issue. Special Education has included the academically talented or gifted in that there is a strong feeling among the advocates of that particular population that they need specialized programs just as much as the persons on the other end of the spectrum, and the best way to get that is through special education programs, so they have been traditionally included. They would not send academically talented children out of the state because programs are available for them in the state. The state law allows students to stay in the educational program until they graduate from high school and the academically talented would certainly graduate from high school and, therefore, be no longer eligible for special education programs, so the question of sending them on the college would not arise.

Testimony was concluded on A.B. 529.

ASSEMBLY BILL 528

Ted Sandars, Superintendent of Public Instruction, presented a prepared statement in support of A.B. 528, a copy of which is

attached hereto and marked Exhibit E.

Mr. Stewart asked if there are now programs for the emotionally handicapped. Mr. Sandars said that there are, but they are handled as a sub-set of the other category.

In response to a question by Mr. Vergiels, one of the concerns the Department had was that the area of learning disabilities was contained as a sub-set of the educationally handicapped. By pulling that out and making it a separate category, it caused concern about leaving only the emotionally disturbed under there, so they were proposing that if you do that with learning disabilities, it would be helpful to do that with the area of the emotionally handicapped.

Mrs. Wagner asked for the rationale of moving this category and putting it as a separate item.

Frank South said that they write regulations for the educationally handicapped and then regulations for the emotionally disturbed in there as part of that. In the process of revision of the regulations there was always the question of why it was titled "Educationally Handicapped" when you are talking about "Emotionally Disturbed", why not just call it "Emotionally Disturbed". The answer is that the Legislative Counsel Bureau will not let them write regulations on something that is not in the law, which reads "Educationally Handicapped" with appropriate sub-emphasis on "Emotionally Disturbed". This bill would add clarity to this part of the population for the purpose of writing regulations. There has been great support for this distinction from around the state.

In response to a question by Mr. Malone regarding the academically talented and why they were listed in this category, Chairman Vergiels explained that this was so programs would come under a law and when they were requested by parents and interested parties, there would be an authority to fall back on, so they were included in this law which also covered the other categories.

John Hawkins of the Nevada School Boards Association, conveyed a recommendation from Bob Petroni and Mr. Cowan of the Clark County School District, that even though they are not in opposition to the bill, they thought there should be clarification with regard to the age specification and that it should be designated as five years of age on or before September 30, so it would be in compliance with the other statutes in regard to admission to schools.

Mr. Sandars said that at the present time those are limits are being applied, but there could be problems in the future if anyone wanted to challenge the age limit.

It was decided to amend the bill to include the September 30, age limitation.

Testimony was concluded on A.B. 528.

COMMITTEE ACTION

Assembly Concurrent Resolution 23

Mrs. Westall asked that A.C.R. 23 be re-referred to the Legislative Functions Committee, where it properly belongs.

It was moved by Mr. Stewart that A.C.R. 23 be re-referred to the Legislative Functions Committee, seconded by Mrs. Wagner. The motion was carried unanimously.

Assembly Bill 529

Mrs. Wagner moved Do Pass and Re-Refer to Ways and Means Committee, seconded by Mrs. Hayes. The motion was carried unanimously.

Assembly Bill 528

Mr. Stewart Moved to Amend A.B. 528 to reflect the age limit for students to at least five years of age by September 30, seconded by Mr. Malone. The motion was carried unanimously.

Mr. Stewart moved Do Pass as Amended, seconded by Mr. Malone. The motion was carried unanimously.

The meeting was adjourned by Chairman Vergiels at 4:00 p.m.

Respectfully submitted,



Ruth Olguin
Committee Secretary

APRIL 5, 1979

TO: ASSEMBLY EDUCATION COMMITTEE
FROM: JOHN HAWKINS, NEVADA SCHOOL BOARDS ASSOCIATION
RE: COMMENTS ON AB 650

THE PROVISIONS OF AB 650 ARE NOT NEEDED SINCE SCHOOL DISTRICTS IN NEVADA PRESENTLY HAVE THE AUTHORITY TO ESTABLISH COURSES IN SEX EDUCATION.

AB 650 AS ORIGINALLY DRAFTED IS PERMISSIVE LEGISLATION BUT ONCE A SCHOOL DISTRICT DECIDES TO ESTABLISH A SEX EDUCATION COURSE THAT DISTRICT MUST FOLLOW THE PROVISIONS OF AB 650 WITH RESPECT TO THE APPOINTMENT OF AN ADVISORY COMMITTEE AS DETAILED IN THE BILL. TO PLACE CONSTRAINTS OF THIS NATURE UPON A LOCAL SCHOOL BOARD COULD CREATE DIFFICULTIES.

LOCAL SCHOOL BOARDS HAVE BEEN ESTABLISHED BY THE LEGISLATURE TO ADMINISTER THE NEEDS OF PUBLIC EDUCATION ON THE LOCAL LEVEL. LOCAL BOARDS ARE RESPONSIVE TO THE NEEDS AND WISHES OF THEIR LOCAL CITIZENS.

I RESPECTFULLY SUBMIT TO THE MEMBERS OF THE ASSEMBLY EDUCATION COMMITTEE THAT LOCAL SCHOOL BOARDS BE ALLOWED TO DETERMINE THE NEED TO ESTABLISH SEX EDUCATION COURSES AND IF A LOCAL BOARD SHOULD DETERMINE TO ESTABLISH SUCH A COURSE THAT THE LOCAL BOARD BE ALLOWED TO RESPOND TO LOCAL DESIRES AS TO COURSE CONTENT, GRADE LEVELS, THE COMPOSITION AND UTILIZATION

OF LOCAL ADVISORY GROUPS.

THE EXPLOSIVE NATURE OF SEX EDUCATION; THE WIDE RANGE OF VIEWS HELD BY INDIVIDUALS AND ORGANIZED ACTION GROUPS REGARDING SEX EDUCATION IN OUR PUBLIC SCHOOLS WOULD SEEM TO DICTATE THAT THIS MATTER SHOULD BE HANDLED BY LOCAL SCHOOL BOARDS AND NOT PLACED UNDER LEGISLATIVE CONSTRAINTS.

IN RESPONSE TO AMENDMENTS SUGGESTED TO THE COMMITTEE ON WEDNESDAY, APRIL 4, 1979 THE FOLLOWING IS SUBMITTED FOR YOUR CONSIDERATION:

AN AMENDMENT MAKING THE ESTABLISHMENT OF A SEX EDUCATION COURSE MANDATORY.

I STRONGLY OPPOSE THIS AMENDMENT FOR THE REASONS ALREADY EXPRESSED, AND IN ADDITION IF SCHOOL DISTRICTS ARE REQUIRED TO ESTABLISH SEX EDUCATION COURSES UNDER THE SPENDING LIMITATIONS BEING CONSIDERED BY THE TAXATION COMMITTEES OF THE LEGISLATURE THEN SCHOOL BOARDS WILL BE FACED WITH TRANSFERRING PERSONNEL AND RESOURCES FROM PRESENT PROGRAMS TO THIS MANDATED OBLIGATION.

THE CONTINUED ADDING OF LAYERS OF MANDATED COURSES AND OTHER OBLIGATIONS UPON THE PUBLIC SCHOOLS OF NEVADA CAN ONLY RESULT IN LIMITING LOCAL CONTROL AND THE ABILITY OF LOCAL SCHOOL BOARDS TO RESPOND TO LOCAL EDUCATIONAL NEEDS.

Statement of the
Nevada Department of Education
to the
Assembly Committee on Education

A.B. 650 - Authorizes board of trustees of school district to establish course of instruction in human growth and development.

Mr. Chairman and members of the Committee. AB 650 was introduced following the last meeting of the State Board of Education; therefore the Board has not had an opportunity to adopt a position on the bill.

It is important for you to know that the State Board is presently considering an amendment to their Comprehensive Health Education Position Paper to include instruction in human sexuality. The statement being considered by the Board is included with this testimony for review by the Committee. This statement was reviewed carefully by the Board at their March meeting and is placed on their April 20 agenda for final adoption.

You will note that AB 650 and the State Board's position are in concert with one another. Both give local communities, through their elected Board of Trustees, the latitude to establish programs in human sexuality. The State Board's position additionally provides guidance to the local districts in implementing such programs consistent with AB 650. You will note that both reference

- 1) The need for local advisory committees to advise the district in regards to the content of such instruction and the materials used. AB 650 contains a detailed

Statement re AB 650 - continued

2.

structure for such a committee, while the State Board's position does not.

- 2) The qualifications of staff instructing such a course.
- 3) A means whereby parents may exclude their children from such instruction.
- 4) The provision of instruction for parents who wish to instruct their own children in these topics.

Mr. Chairman, even though the State Board has not taken a specific position on AB 650, you can see from their position statement that they are in philosophical agreement with the content of the bill. If there are questions from the Committee, we will be happy to respond.

Amendment #1 to Comprehensive Health Education Position Paper

EDUCATIONAL PROGRAMS SPECIFIC TO HUMAN SEXUALITY

Human sexuality means the preparation for personal relationships between the sexes by providing the appropriate educational opportunities designed to help a person develop understanding, acceptance, respect and trust for himself/herself and others. Human sexuality education should include the knowledge of physical, emotional, and social growth and maturation and understanding of individual needs. It involves an examination of man and woman roles in society, how they relate and react to supplement each other, the responsibilities of each toward the other throughout life, and the development of responsible use of human sexuality as a positive and creative force.

Specific recommendations should include:

1. Human sexuality should be considered as a component of the Comprehensive Health Educational Program.
2. School districts should form an advisory committee to advise such districts about the content of such instructions and the materials used.
3. State certified health educators and nurses or other certified personnel meeting approval of the local advisory committee should be the only persons permitted to teach human sexuality in the public schools.
4. School districts should provide opportunities to each parent or guardian to request, in writing, that his or her child ^{shall} ~~not~~ attend the human sexuality component of the Districts' Comprehensive Health Education Program.
5. School districts should provide training programs for parents who wish to instruct their own children about topics relating to human sexuality.

RH/mg
3/8/79

Testimony presented by: SCOTT WILSON
Sophomore, University of Nevada, Reno
and
Vice Chairperson, Nevada Advisory Council on Children & Youth

April 5, 1979

Chairperson Vergiels and members of the Assembly Education Committee:

About one year ago, it was my pleasure to serve as a "youth facilitator" at the Third Governor's Conference for Youth in Tonopah. Some of you may have had an opportunity to see the summary report of that Conference. Approximately 280 of Nevada's youth spent a day and a half discussing problems of young persons and designing recommendations.

The Conference was made possible through the support of Governor Mike O'Callaghan, the Nevada State Legislature, and the State Comprehensive Employment and Training Office. The design of the conference allowed for students to participate in any one of six (6) topic areas. After involved and often heated debate, the groups wrote down recommendations which were then voted on by the entire Conference assembly for either approval or disapproval.

One of the recommendations which was approved by the 280 youth supports the intent of A.B. 650 and I would like to share it with this committee as well as make it part of the record of this hearing. The recommendation reads as follows:

There should be a booklet published on the subject of sex and drug education. It should be distributed in required classes, and should begin being distributed in required classes at the seventh grade level. We understand that these are heavy subjects, but they are happening around us and are definitely subjects that cannot be ignored. If there is a possible way to prevent children from having children, or youth from ignorantly harming their minds and bodies, possibly distributing these booklets with strong facts on the subject of sex and drug education could be one answer.

As a member of the Advisory Council on Children and Youth, but representing myself, I wish to support the basic intent of the A.B. 650.

It is my understanding that a sub-committee, chaired by Assemblyman Jan Stewart, will attempt to bring together the suggested amendments for this bill. During the deliberations of this committee, I hope that you will consider this recommendation. While many feel that the ideas of youth may not be of value because of our age, inexperience, and immaturity, please keep in mind that we can offer valuable opinions. After all, we are the persons who have most to lose when accurate information about human sexuality is limited or unavailable.

Thank you very much.

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

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

A. B. 529 Extends provisions for special education
of handicapped persons.

Mr. Chairman, Members of the committee:

The State Board of Education and the Superintendent of Public
Instruction support Assembly Bill 529.

A. B. 529 is proposed to amend the provisions of NRS 395,
"Education of Handicapped Persons." NRS 395 was enacted to assure that
an appropriate educational opportunity outside their school district would
be available to students who are deaf, blind, or mute when these services
were not available within their local school district. In such cases, the
needed services are first sought in other local school districts or agencies
within the State. But, if the needs of the child cannot be met within the
State, NRS 395 enables that student to be placed in a residential facility
outside of the State.

In addition to students who are deaf, blind; or mute, there
are other students within the State whose needs are so unique that they
cannot be met within the local districts and oftentimes within the State.
Parents of these students have appealed to their districts and to the Nevada
Department of Education to be afforded the same opportunity for an appro-
priate education that the deaf, blind, or mute have received under the
provisions of NRS 395. Accordingly, the Nevada Department of Education
sought an Attorney General's opinion on the matter. In a letter dated
February 17, 1977, the Attorney General's office stated in part, that
it may be unconstitutional to deny some handicapped children benefits and
services that other handicapped children receive simply on the basis of a
different set of handicaps.

If enacted, A. B. 529 would extend the provisions of NRS 395 to
all students, regardless of handicapping condition, whose needs are such
that they cannot be met in the local district or the State of Nevada.

Currently, provisions are made to allow for up to 48 deaf, blind,
or mute students under NRS 395. The Nevada Department of Education projects
that an additional 26 students in the first year of the biennium and 38
students in the second year of the biennium would profit from the changes
proposed in A. B. 529. These additional students have multiple handicaps

or are seriously emotionally disturbed, and their needs are not now being met in this State. The additional funds to accommodate this increase in numbers already have the approval of the Budget Office and are contained in the Administrative Budget.

It should be pointed out in administering this program that the Nevada Department of Education assures that:

1. The appropriate services needed by this student are not available within the local school district.
2. Alternatives are sought for placement within the State of Nevada.
3. If nothing is available within the State, an appropriate program will be found for the student in another state.
4. Each student's placement will be reviewed annually to determine first whether or not services can be provided in-state and second, if the program is out-of-state, that it is appropriate to the student's needs.

It is, therefore, again, Mr. Chairman, that we testify in support of this bill and ask for support from your committee.

NEVADA REVISED STATUTES, CHAPTER 395

COST ANALYSIS

<u>Academic Year</u>	<u>Deaf</u>	<u>Blind</u>	<u>Other</u>	<u>Total Students</u>	<u>Total Cost</u>
1971-72	17	12	2	31	\$152,408
1972-73	19	8	2	29	129,677
1973-74	20	15	2	35	147,479
1974-75	26	10	2	37	175,805
1975-76	23	10	1	38	212,208
1976-77	25	10	1	34	207,062
1977-78	24	9	5	36	215,414
1978-79	19	7	6	32	

FACILITIES CURRENTLY ACCOMMODATING NEVADA STUDENTS

<u>Name</u>	<u>Location</u>	<u>Cost per student</u>
Arizona State School for the Deaf (1)*	Tucson, Arizona	\$12,344
Idaho State Schools for the Deaf and the Blind (3)	Gooding, Idaho	15,126
Utah Schools for the Deaf and the Blind (14)	Ogden, Utah	4,996
Washington State School for the Deaf (5)	Vancouver, Washington	9,611
St. Joseph Institute for the Deaf (1)	St. Louis, Missouri	4,500
Anderson/Fodor Treatment Center (2)	Seattle, Washington	15,600
Center for Living Independence (1)	Sierra Madre, California	9,600
Foundation for the Junior Blind (2)	Los Angeles, California	12,000
Spastic Children's Foundation (1)	Los Angeles, California	10,200
Tahoe Development Center (1)	South Lake Tahoe, California	6,892
Laurel Hills (1)	Sacramento, California	8,952

*Number of students enrolled

NEVADA REVISED STATUTES, CHAPTER 395

GEOGRAPHIC DISTRIBUTION

<u>School District</u>	<u>Deaf</u>	<u>Blind</u>	<u>Other</u>	<u>Total</u>
Clark County	4	3	2	9
Douglas County			1	1
Elko County			1	1
Humboldt County		1		1
Lander County	2			2
Lincoln County	1			1
Washoe County	11	3	2	16
White Pine County	<u>1</u>	<u>—</u>	<u>—</u>	<u>1</u>
TOTAL	19	7	6	32

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

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

A. B. 528 Revises terminology and groupings for special education programs for handicapped minors.

Mr. Chairman and members of this legislative committee:

Assembly Bill 528 is proposed to amend sections of NRS 388.490. During the past year the Nevada Department of Education, Division of Special Education, held numerous workshops, hearings and participated in many meetings relating to developing an Annual Program Plan and revising the existing Standards and Instructions for Administration of Exceptional Pupil Education Programs. At these meetings consistent concern was expressed by the general population involved with the education of these students that changes should be made in NRS 388.490 to be more reflective of what is happening in the field of special education today. The changes in the wording proposed reflect the consensus opinion of the many people involved.

In addition to the changes in wording, A. B. 528 would also remove the category of "emotional disturbance" from its status as a subset of the "educationally handicapped." There is support from parent organizations and professionals in the area of special education for this change. Such a change would not affect the number of students served and, therefore, has no projected financial ramifications for the districts. It does, however, clarify the administration of programs and avoids confusion as to whether a program is for the educationally handicapped or the emotionally disturbed.

Mr. Chairman, the State Board of Education supports the passage of A. B. 528.