

MINUTES OF THE MEETING

OF THE

LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO STUDY

SPECIAL EDUCATION AND STUDENT DISCIPLINE

(Assembly Concurrent Resolution No. 44, File No. 156, *Statutes of Nevada 1997*)

June 2, 1998

Carson City, Nevada

The seventh meeting of the Legislative Commission's Subcommittee to Study Special Education and Student Discipline (A.C.R. 44) during the 1997-1998 interim was held on Tuesday, June 2, 1998, commencing at 9:30 a.m., in Room 4100 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. This meeting was video conferenced to Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Pages 2 and 3 contain the "Meeting Notice and Agenda" for this meeting.

SUBCOMMITTEE MEMBERS PRESENT:

Assemblywoman Chris Giunchigliani, Chairman

Senator Kathy Augustine

Senator Maurice E. Washington

Assemblyman Mark A. Manendo

SUBCOMMITTEE MEMBERS ABSENT:

Senator Michael (Mike) A. Schneider

Assemblywoman Kathy A. Von Tobel

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Kelan Kelly, Senior Research Analyst

Kristin C. Roberts, Deputy Legislative Counsel

Barbara Moss, Research Secretary

MEETING NOTICE AND AGENDA

Name of Organization: Legislative Commission's Subcommittee to Study Special Education and Student Discipline (Assembly Concurrent Resolution No. 44, File No. 156, *Statutes of Nevada 1997*)

Date and Time of Meeting: Tuesday, June 2, 1998

9:30 a.m.

Place of Meeting: Legislative Building

Room 4100

401 South Carson Street

Carson City, Nevada

Note: Some members of the subcommittee may be attending the meeting, and other persons may observe the meeting and provide testimony, through a simultaneous video conference conducted at the following location:

Grant Sawyer State Office Building

Room 4412

555 East Washington Avenue

Las Vegas, Nevada

AGENDA

MEETING

I. Opening Remarks by the Chairman

Assemblywoman Chris Giunchigliani

*II. Approval of the Minutes of March 31, 1998, April 1, 1998, and April 22, 1998

*III. Discussion on Special Education Funding

IV. Public Comment

WORK SESSION

*I. Consideration of Final Recommendations

Note: This meeting of the subcommittee will be a work session. Following the provision of public testimony, the members of the subcommittee will take final action on recommendations proposed during the course of its activities. Recommendations under consideration by the subcommittee are presented in the attached Work Session Document. Additional copies of that document also may be obtained from Barbara Moss, 684-6825, Legislative Building, Capitol Complex, Carson City, Nevada 89710.

As detailed in the attached Work Session Document recommendations will be considered in the following categories:

A. Possible Recommendations Concerning Special Education Funding

B. Possible Recommendations Concerning Special Education Programs and Services

C. Possible Recommendations Concerning Truancy

D. Possible Recommendations Concerning Communication, Funding, and Other Discipline Measures

E. Possible Recommendations Concerning Teacher and Staff Licensing

F. Possible Recommendations Concerning Teacher and Staff Recruitment

G. Possible Recommendations Concerning Teacher and Staff Training

H. Possible Recommendations Concerning Pupil Transportation

***II. Directions to Staff**

III. Adjournment

*Denotes items on which the committee may take action.

Note: We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Research Division of the Legislative Counsel Bureau, in writing, at the Legislative Building, 401 South Carson Street, Carson City, Nevada 89701-4747, or call Barbara Moss, at 684-6825, as soon as possible.

Notice of this meeting was posted in the following Carson City, Nevada, locations: Blasdel Building, 209 East Musser Street; Capitol Press Corps, Basement, Capitol Building; Carson City Courthouse, 198 North Carson Street; Legislative Building, Room 1214, 401 South Carson Street; and Nevada State Library, 100 Stewart Street. Notice of this meeting was faxed for posting to the following Las Vegas, Nevada, locations: Clark County Office, 500 South Grand Central Parkway; Grant Sawyer State Office Building, 555 East Washington Avenue.

OPENING REMARKS BY THE CHAIRMAN

Chairman Giunchigliani called the meeting to order. Due to lack of a quorum, the meeting began as a subcommittee.

DISCUSSION ON SPECIAL EDUCATION FUNDING

Ms. Giunchigliani explained that special education funding in Nevada is determined by units, and a "unit" is defined as "a teacher in a classroom." The intent of special education funding, which is usually approximately \$28,000 per unit, to cover the cost of teachers' salaries and benefits. Special education teachers who possess a master's degree and the appropriate experience are usually at the higher end of the salary scale — \$43,000 to \$45,000 — and the school districts bear the burden of the disparity.

Gloria Dopf

Gloria Dopf, Team Leader, Education Equity, State Department of Education, indicated in 1977 she became the Director of Special Education and has an historical perspective regarding unit funding. She explained the unit funding mechanism was put into place by the 1973 Legislature, and special education was funded at an amount that covered an average teacher's salary, plus fringe benefits. From 1973 to 1983, the amount of the unit did not increase commensurate with the demands; consequently, in 1983 the school districts were required to supplement state funding with local funds. Approximately \$8 million was utilized from local districts' general funds to support the cost of special education statewide. Ms. Dopf pointed out unit funding may only be used for special education teachers' salaries; therefore, related services, such as assistants, counselors, psychologists, and specialized transportation, are not funded under the instructional unit.

Continuing, Ms. Dopf indicated from 1973 to the present, unit funding changed from 0 to 60 percent local support, and from 100 percent to 40 percent state fund support. The unit increased 2 percent each time the Legislature enacted the unit funding mechanism, however, the increase was not commensurate with salary demands. Unit funding and the basic support guarantee emanate from the State Distributive School Account; consequently, when unit funding is increased it is a debit against the basic support guarantee. Therefore, the mechanism, in and of itself, takes from one and gives to the other. This issue is of concern to the school districts and constituents, Ms. Dopf remarked.

In conclusion, Ms. Dopf stated the underlying issue in the funding mechanism is the amount of state support versus local funds. She posed the question: Is it the responsibility of the state to fund the unit structure according to the commitment made in 1973, or was the commitment an anomaly the Legislature did not intend to continue? The special education student population generates basic support in excess of \$3,000 per pupil to unit funding, which should be adequate to cover the costs of the student. However, 80 percent of special education students have dual programs and spend the majority of their school day in general education classes. Ms. Dopf stated their costs are absorbed in the basic support guarantee and the unit funding does not adequately cover special education costs, causing a shortfall or encroachment on local funds.

Dr. Robert S. McCord

Robert S. McCord, Deputy Assistant Superintendent, Educational Accountability, Clark County School District (CCSD), indicated excess costs in special education programs in the CCSD are approximately \$20 million annually. Responding to a request, Dr. McCord agreed to provide the subcommittee a written financial report based upon the cost of ancillary services. Answering a question, he said the budget process begins at the State Department of Education with projections from data gathered from local school districts, which include assessed valuation, numbers of students, and

other critical items that are calculated into the state budget. The department then generates a State Distributive School Account proposal which is submitted to the state budget office and the Legislative Counsel Bureau (LCB).

Ms. Giunchigliani stated special education unit costs have not kept pace while per pupil expenditures have increased. This situation challenges local school districts to provide education while facing reduction of funding "across-the-board." She suggested the school districts present these facts to the State Board of Education to be added to the list of priorities to be presented at the 1999 Legislative Session. Dr. McCord concurred and indicated the information would be provided to the board.

Further, Dr. McCord stated at present some school districts are more able to provide specialized services which at one time would have been costs for out-of-state placements as provided for in Chapter 395 ("Education of Persons with Disabilities") of *Nevada Revised Statutes* (NRS). He indicated the efforts of the CCSD regarding traumatic head injuries reduced out-of-state placement costs by creating an in-state program where one did not previously exist. Ms. Giunchigliani indicated the rural counties recommended offsetting the initial cost when a student is returned from placement and granting the savings to the school district to establish an internal program.

Referring to the recommendation of funding emanating from the State Board of Education, Ms. Dopf said the board's request on behalf of school districts in the State Distributive School Account has been for the amount of the unit to cover the salary, plus fringe benefits. Historically, the Governor's Office has decreased the amount, therefore, the legislative recommendation has been at a 2 percent "roll up." Ms. Dopf expressed anticipation that the board will bring forth a recommendation relative to unit funding to help the school districts with the general fund deficit.

PUBLIC COMMENT

Janine Hansen

Janine Hansen, President, Nevada Eagle Forum (NEF), referring to the numbered recommendations contained in the "Work Session Document" (Exhibit A), made the following comments pursuant to them:

- Recommendation No. 4: In regard to the funding of school social workers pilot programs, Ms. Hansen indicated during the 1997 Legislative Session the NEF supported Assembly Bill 620 ("Clarifies provision regarding prohibition of nonsecular activities in public schools") which would have provided an unpaid, voluntary chaplaincy program as an alternative to increasing tax money for social workers. Ms. Hansen cited Dayton, Ohio, which instituted an unfunded program that successfully increased academic achievement and almost eliminated behavior problems. The success of the after-school program prompted an invitation from the school district to include it during the school day.
- Recommendation No. 8: Ms. Hansen expressed concern that a screening program might "mislabel" a child for a lifetime due to immaturity or having been enrolled in school at too early an age, as well as placing the child in an inappropriate program.
- Recommendation Nos. 9, 10, and 11: Ms. Hansen stated the NEF is concerned about computerized data equipment, which was discussed at length during the 1997 Legislative Session. She indicated the Legislature passed "parents rights in education" which ensures privacy and places certain protections in the computerized collection of data to avoid personal information being made available to everyone. She emphasized that computerized and coordinated services are covered by the Federal Family Education Rights and Privacy Act (FERPA), which is now part of Nevada law. Care must be taken to make certain the regulations are enforced and the protection of family information is secure, Ms. Hansen stressed.

In regard to school-based mental health and medical clinics, Ms. Hansen said the NEF is concerned that parents give consent and be involved when their children are given physical examinations by the school.

- Recommendation No. 11: Ms. Hansen indicated the NEF is opposed to national standards and prefers standards be set by the State of Nevada.
- Recommendation No. 20: Referring to clarification of "any part of a school day," Ms. Hansen expressed uncertainty as to the meaning of the phrase and requested a specific definition.
- Recommendation No. 21: Ms. Hansen indicated removal of the requirement that school principals must report each habitual truant may provide flexibility, particularly when truancy is defined as a three-day absence.
- Recommendation No. 22: Allowing administrators the ability to reject a parental excuse for a student's absence from school waves a "red flag," Ms. Hansen said. This proposal was opposed and defeated during the 1997 Legislative Session. She emphasized that Americans are free and have the right to succeed, as well as fail. In her opinion, this recommendation transfers the responsibility of parents to the state, violates the fundamental rights of parents, and creates a police state in which the government "owns" children and parents do not. Ms. Hansen urged the subcommittee to consider the far-reaching consequences of violating the constitutional and God-given rights of parents and giving them to administrators.
- Recommendation No. 25: Ms. Hansen expressed concern about public school students being provided identification cards. She referred to a former "Black Panther" who authored a book entitled "Highjacked." The individual highjacked a plane to Cuba to protest conditions in the United States, for which he was jailed. His book related in vivid detail the totalitarian situation in Cuba. Although the intent of the recommendation is good, Ms. Hansen indicated it reminded her of the conditions the author reported in Cuba — and/or Nazi Germany, where people were required to "show papers" to be afforded that which is guaranteed American citizens — freedom of movement. The Fourth Amendment of the *United States Constitution*, which is mirrored in the *Nevada Constitution*, states:

The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated, and no warrants shall issue but upon probable cause supported by oath or affirmation particularly describing the place to be searched and the persons or things to be seized.

Ms. Hansen emphasized it is unlawful for people to be detained on the street and asked for identification without probable cause. In

addition, she quoted the Ninth Amendment of the *United States Constitution*: "The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people"; and the Tenth Amendment, which states: "The powers not delegated to the United States by the Constitution or prohibited to it by the states are reserved to the states respectively, or to the people." Ms. Hansen stated this right must be "jealously" guarded. The constitutional rights of everyone cannot be jeopardized even though many people choose to fail or violate the law.

Continuing, Ms. Hansen said when students are required to provide identification they become accustomed to answering to government; which will inure them to an automobile search by police officers without probable cause when they reach adulthood. In addition, students who are home schooled or in alternative education, private school, or year-round school, would be effected by this recommendation.

- Recommendation No. 27: Regarding targeting students for tuition-free summer school programs, Ms. Hansen said during the 1997 Legislative Session she recommended a program that would identify truant students to ascertain whether or not they could read. Pursuant to her recommendation, the State Department of Education conducted a study based upon 140,000 students and found that only 25 percent of fourth graders, 28 percent of eighth graders, and 37 percent of twelfth graders had mastered reading material for their grade level. Higher percentages in the upper grades did not indicate students could read better than fourth grade; it meant that most of those who were unable to read in the fourth grade had dropped out and were no longer in the count. Ms. Hansen opined the problem is not dropouts, it is failure to teach children to read. Many children drop out of school because they lack the required skills to compete in the classroom. The NEF is involved in teaching reading through the systematic phonics basis which can be taught by parents.

Further, Ms. Hansen indicated another problem in the schools is children are not being sufficiently challenged, resulting in boredom. She recommended an assessment of habitually truant children to determine whether or not they need a special tutoring program to raise them to academic standards.

- Recommendation Nos. 29 and 30: Ms. Hansen indicated she appreciated the efforts of these recommendations to better communicate with parents. She pointed out better communication will afford parents the opportunity to be responsible in regard to their children.
- Recommendation No. 31: Ms. Hansen indicated concern regarding forcing parents to comply with certain specific requirements; and queried whether or not there is an appeal process and what type of corrective action would be included to help the parent and the child.

In response to Ms. Hansen's comments, Ms. Giunchigliani explained the following:

- Recommendation Nos. 4 and 8: Pursuant to A.B. 620, and another bill in the 1997 Legislative Session to create a pilot program for social workers, Ms. Giunchigliani indicated social workers were previously employed by the schools; however, over time through budget constraints and/or other changes they were eliminated in many school districts. When she began teaching approximately 20 years ago, Ms. Giunchigliani said the multidisciplinary team (MDT) included a social worker who acted as a liaison between parents and teachers. She indicated the chaplaincy program could be considered and requested further information, which Ms. Hansen agreed to provide.
- Recommendation No. 10: Ms. Giunchigliani said oftentimes students are placed and/or mislabeled as emotionally disturbed when they are mentally ill, in which case they are provided inappropriate programs. She explained that some school districts have created a "mental-based" program for children and parents rather than labeling them in special education.
- Recommendation No. 11: Although she understood the NEF's concerns regarding national standards, Ms. Giunchigliani indicated the recommendation envisions uniformity in clarification and classification to ensure students are properly placed.
- Recommendation No. 20: Ms. Giunchigliani explained the recommendation deals with truancy, not attendance, and a student should not be considered a truant when he/she is absent during part of a school day. A discussion ensued.
- Recommendation No. 21: Ms. Giunchigliani indicated language should be added to the legislation that requires intervention before a student is reported to law enforcement for truancy.
- Recommendation No. 22: From the viewpoint of a teacher, Ms. Giunchigliani said parents should not expect their child to pass classes when he/she is absent from school for periods of time. She indicated a balance must be met between parents and schools regarding appropriate reasons for keeping a child out of school. A discussion ensued.
- Recommendation No. 25: Although sharing Ms. Hansen's concerns regarding student identification, Ms. Giunchigliani clarified that the premise behind the recommendation was to protect students who are stopped by law enforcement. In response, Ms. Hansen stated that mandating student identification would permit law enforcement to harass anyone not possessing it. A discussion ensued.

Leslie Porter

Leslie Porter, Alliance for Children's Educational Excellence, presented her comments and concerns about the following recommendations which appear in the "Work Session Document":

- Recommendation No. 2: Ms. Porter indicated providing funding for training is a positive step, however, teachers should be required to attend. The Washoe County School District currently provides voluntary in-service training opportunities under a negotiated agreement; consequently, an offer of training does not necessarily mean teachers will attend.
- Recommendation No. 5: Ms. Porter indicated every school district has a "wish list" of equipment and training, whether it be for special education or other departments.
- Recommendation No. 6: Although "gifted and talented" programs are funded under the special education "umbrella," Ms. Porter perceives that the needs of gifted and talented students are continuously ignored. She indicated this particular population of students need more attention because the future resides in them.

- Recommendation No. 7: Ms. Porter queried whether or not the purchase of textbooks and materials is included in the Nevada Plan.
- Recommendation No. 12: Referring to class size and caseloads, Ms. Porter suggested supporting data and evaluation of inclusion programs is needed regarding the impact on the education of regular students. She postulated that inclusion depends upon the background and training of the teacher and the type of students being included.
- Recommendation No. 13: In her capacity as a representative on the "Math Standards Committee," Ms. Porter questioned whether all students should be expected to reach the math standards; and if so, will the standards be "cheapened" for the bright student who is not expected to attain a higher standard. In such event, a standard diploma with alternative criteria may not be held in high esteem. When conferring with the principal of Hug High School, in Reno, Nevada, Ms. Porter was informed that to qualify to graduate with two years of math in the State of Nevada, a student is required to take a "core class," which is elementary math. In addition, the student may take a dual-credit class, such as wood shop, which would fulfill the math requirement to graduate.

Further, Ms. Porter indicated businessman, Roger Powell of Powell Cabinet and Fixture Company, Sparks, Nevada, stated that students need algebra and geometry to work successfully in his industry. It is a disservice to students to qualify them for a standard diploma with substandard requirements; and to further degrade that diploma is a greater disservice, Ms. Porter remarked.

- Recommendation Nos. 15 and 16: Ms. Porter questioned the impact on regular education students while teachers are attending classes for special education during class time. She indicated the thrust should be for students to receive more hours of education, not less, and cautioned the subcommittee to further consider these recommendations.
- Recommendation Nos. 18 and 19: Ms. Porter stated consideration of extenuating circumstances will permit greater flexibility when a student's violations are reviewed.
- Recommendation No. 22: In regard to allowing administrators to reject a parental excuse for a student's absence from school, Ms. Porter stated it impinges upon parents' rights and values.
- Recommendation No. 25: Ms. Porter queried at what age students would be provided an identification card. She indicated an identification card is appropriate for a student without a driver's license to open a bank account; however, to mandate blanket, involuntary, and universal identification cards is problematic.
- Recommendation No. 27: Ms. Porter agreed that students with discipline problems need Saturday and summer school; however, they should be required to make monetary or work-related payment. Society should not reward troublemakers by subsidizing them, she emphasized.
- Recommendation No. 28: It was Ms. Porter's understanding that students with severe behavior problems are removed from school in the Washoe County School District. She related a conversation with a middle school principal, in which she was told: "If I could remove my five troublemakers I could be the education leader and the students in their classes could learn more effectively." Pursuant to that observation, Ms. Porter indicated an alternative education program is needed for middle school in Washoe County. Education is as much a privilege as a right, and certain behavior needs to be honored, she remarked.
- Recommendation No. 30: Ms. Porter indicated local school boards should be responsible for communicating policies, it should not be mandated.
- Recommendation No. 31: Ms. Porter stated parents should receive protection regarding their child being deemed a habitual disciplinary problem. She suggested a provision giving the parent(s) power to deem whether or not an action is appropriate.
- Recommendation No. 33: Creating another bureaucracy is a move in the wrong direction, Ms. Porter opined, particularly if the board does not include elected officials. The selection of individuals to serve on the board could be a problem as well.
- Recommendation No. 34: In regard to teacher testing, Ms. Porter indicated the impact on a student's performance is based upon teacher competency and preparation. She said testing is not an unreasonable requirement for professionals. Further, the use of portfolios for the purpose of licensing is only part of the picture and does not necessarily give a comparison with regard to the whole, Ms. Porter remarked.
- Recommendation No. 36: Referencing course work, Ms. Porter queried: "Who is in charge and who sets the standards?" Due to the expense of teacher training, the Commission on Professional Standards in Education is creating a district-wide consortium to set up in-service training for teachers; however, there is concern the efforts might duplicate that which is available at the University of Nevada. There is also concern that competition could develop between the university and the consortium in offering teacher training. In addition, training is only effective when there is follow through, Ms. Porter remarked. An assumption must not be made that a teacher will attend a class and return to the classroom to implement what was taught. Unfortunately, behind the classroom door there is a tendency to revert back to what has always been done. Therefore, Ms. Porter emphasized that follow-through be a component of any training program.

In regard to teacher recruitment, Ms. Porter suggested the question be answered as to what is to be accomplished from the recruitment efforts.

- Recommendation No. 40: Ms. Porter expressed concern regarding the use of substitute teachers while regular teachers receive training. She opined that students consider a day with a substitute teacher a day off; and, in addition, substitute teachers are not always qualified or quality teachers. Ms. Porter indicated the negative impact on students is irreparable when teachers are removed from the classroom during the school day.
- Recommendation No. 41: In regard to funding teacher training, Ms. Porter said it is "nice," however, with no requirement to attend it is a moot point.
- Recommendation No. 44: Ms. Porter expressed concern that school districts do not have a cohesive vision for the education and training of their employees through effective programs. Additionally, there is no way to guarantee criteria and quality for use of the funding. Ms. Porter queried, "Who is in charge of the school district and the education that goes on within it?"

In response to Ms. Porter's question regarding the purpose of Recommendation No. 5, Ms. Giunchigliani explained it was an attempt to explore ways to ensure proper and quality in-service training provided in a setting in which parents and teachers may plan together. A discussion ensued.

A quorum was achieved with the arrival of Senator Augustine and the subcommittee convened as a full subcommittee.

Caroline Nelson

Caroline Nelson, State Treasurer, Independent American Party of Nevada (IAPN), submitted the following comments on the recommendations contained in the "Work Session Document":

- Recommendation No. 4: Ms. Nelson indicated school chaplaincy is a good idea and has proven workable in Ohio and other places. The IAPN passed a resolution supporting school chaplaincy and a copy of it will be provided to the subcommittee.
- Recommendation No. 11: Regarding uniformity of IEP forms, Ms. Nelson asked whether the recommendation would mandate state uniformity. Ms. Giunchigliani clarified the recommendation suggests that all 17 counties in Nevada use the same Individual Education Plan (IEP) forms to accommodate parents when moving from county-to-county. Ms. Nelson suggested the use of "state standards" rather than "national standards," and Ms. Giunchigliani agreed.
- Recommendation No. 22: Ms. Nelson indicated NRS 41.470 and NRS 62.211 on parental responsibility states: "A parent is responsible for a child until the child is 18 years old, or unless the child is an emancipated minor, and the parent is responsible for any damages the child incurs up to \$10,000 per incident."
- Recommendation No. 25: Regarding identification cards, Ms. Nelson indicated she supports the *Constitution of the United States of America* as explained by Janine Hansen. Referring to Nevada as a "tourism state," Ms. Nelson queried the manner in which it would be determined whether the student is a resident or from out-of-state on vacation. In addition, she asked how a young person's age and school status would be determined.
- Recommendation Nos. 26, 27, and 28: As a parent, Ms. Nelson stated support to perform evaluations on students who drop out of school, attend alternative education, and have discipline and/or drug problems, to ascertain their ability to read.
- Recommendation Nos. 29 and 30: Regarding communication between schools and parents, Ms. Nelson related an experience wherein she was not informed her daughter was failing until she received a notice four weeks before the end of the semester. She said communication between parents, students, and teachers should be the responsibility of school boards rather than the state.
- Recommendation No. 31: In her opinion, Ms. Nelson indicated behavior contracts can work, have worked, and will work in the future; however, there must also be parental input. She said rebellious teenagers are not necessarily a reflection on parents, and often the peer group with whom the teenager associates has more influence on the child.
- Recommendation No. 40: Referring to teacher and staff training, Ms. Nelson encouraged more choice in education, such as vouchers. It was her understanding a charter school bill passed during the 1997 Legislative Session and suggested the ideas within it be incorporated into this recommendation.
- Recommendation Nos. 40 and 44: Ms. Nelson indicated her opposition to these recommendations due to her perception that they would cause higher taxes.

Kris Jensen

Kris Jensen, Nevada Concerned Citizens, suggested if/when the recommendations are considered by the Legislature, they not be included in a "jumbo bundle bill," but assessed each on its own merit. The mother of a special education child, Ms. Jensen indicated after "countless" IEPs everything requested for her child was provided. Upon reflection she came to the opinion that a degree of balance must be attained. In addition to special education and gifted children issues, Ms. Jensen suggested consideration of the children "in the middle" who will be the providers of the next generation and are sometimes overlooked to accommodate others. Therefore, while working through IEPs, she cautioned against requesting things that will impinge on the rights of other children in the classroom, and emphasized reasonable and fair treatment of all students.

With reference to teacher training, Ms. Jensen recalled several contacts she had with teachers who indicated their staff development days were not well spent. Pursuant to this, she suggested various recommendations for training (such as identifying students' disabilities) be included in staff development days. In addition, allowing teachers credit for taking training would benefit, motivate, and retain them in the classroom for more days, and save tax dollars as well.

Ms. Jensen addressed the following recommendations contained in the "Work Session Document":

- Recommendation No. 13: Ms. Jensen said she concurred with Ms. Porter in regard to developing alternative criteria. She expressed concern that as new standards are initiated, the old standards are nullified or made meaningless. Standards must be set and adhered to, Ms. Jensen emphasized.
- Recommendation No. 20: Regarding clarification of "any part of a school day," Ms. Jensen indicated while volunteering at school she observed students, tardy after experiencing car trouble, marked absent for the entire day. To mark a student absent for the entire day due to an uncontrollable circumstance is punitive and does not motivate them to attend school for the remainder of the day, she remarked.
- Recommendation No. 22: Ms. Jensen reported removing her daughters from school to accompany her on a trip to Washington D.C., after a request to do so was denied. During the visit she observed many school-sponsored groups of students and pondered the reason students are

allowed to be removed from the classroom for a school-sponsored outing, but denied when a parent requests to take them.

Ms. Jensen said when administrators were informed that multifamily school "tracks" and scheduling resulted in problems for planning family vacations and other circumstances, parents were advised they must determine when to remove their children from school for those occasions. In that event, Recommendation No. 13 would undermine the parental decision.

- Recommendation No. 25: Ms. Jensen expressed opposition to student identification cards and daytime curfews because, in her opinion, they limit a free society. She urged the committee to reconsider this recommendation.
- Recommendation No. 31: Regarding the development of a voluntary, noncoercive, behavior contract, Ms. Jensen asked:
 1. Is it legally binding? If so, it presents major concerns.
 2. Does it transfer authority?
 3. What are the consequences should a parent refuse?
- Recommendation No. 34: In regard to exempting teachers from another state from testing requirements, Ms. Jensen remarked that students from other states are not exempt from testing. She queried whether exempting teachers would further create inconsistency in knowledge, methods, skills, and standards.

Ms. Jensen indicated support for developing effective methods of communication. She said she had requested to be on the truancy advisory committee several times, however, has been "stonewalled" to this date. In her opinion, more problems will occur if all issues and concerns are not brought forward through democratic process. Although she understands the attempt to "approach certain individuals" on truancy issues, Ms. Jensen stated many innocent children are caught in the "loopholes."

Regarding state standards, Ms. Jensen indicated she was informed the only hearing in southern Nevada on state standards was scheduled June 2, 1998 at Clark High School; furthermore, the high school staff had not been informed of it until Friday, May 29, 1998.

- Recommendation No. 43: Regarding a shortage of teachers in certain academic areas, Ms. Jensen indicated alternative licensure is a positive way to obtain quality individuals with the proper expertise.

Barbara Clark

Barbara Clark, Nevada Parent Teacher Association (PTA), a widow with two sons, discussed the truancy problems of her youngest child who does not want to attend school. After he was seen by a psychologist, Ms. Clark was informed her son was normal and his problem was lack of incentive. Although the recommendations are well meant, Ms. Clark said the "root problem" has not been identified and suggested it be defined, addressed, and allocated funds and resources. A recent report from the State Department of Education indicated the drop out rate for children in vocational services is 2 to 3 percent lower than regular school, which proves children will attend school when they find something in which they are interested. Ms. Clark suggested availability of rehabilitative sources in elementary school to prevent children from falling behind and experiencing frustration and truancy when they reach high school. Flexibility is required for school districts and site administrators to make case-by-case decisions in response to variables in a child's life and happenings at the school site. Referring to in-service teacher preparation and training, Ms. Clark indicated parents should be involved in the process to determine the kinds of issues to be included in planning.

In conclusion, regarding permission to administrators to reject a parental excuse, Ms. Clark stated circumstances dictate parental decisions to take their children out of school. Until the state is prepared to take on the emotional, fiscal, mental, and spiritual responsibilities of a child, it is not the state's responsibility to dictate parental decisions, she emphasized.

Dr. Robert McCord

Dr. McCord queried if any particular recommendations are designated to become bill draft requests (BDR). Ms. Giunchigliani indicated the committee has not discussed which recommendations will be brought forward as BDRs and invited suggestions as to the implementation of the recommendations and/or further areas of concern. In regard to a summary of concerns about special education, Dr. McCord deferred to Annie Barclay.

Annie Barclay

Annie Barclay, Data Research Manager, Clark County School District, commented on the following recommendations:

- Recommendation No. 1: Ms. Barclay indicated this recommendation addresses the funding impact for special education services on rural counties; however, a large number of students from the CCSD have returned from placements outside the state or from in-state facilities without the benefit of special funding, even though the required services were expensive. Ms. Barclay requested a review of the recommendation for possible inclusion of larger school districts.
- Recommendation No. 6: Amending the Nevada Class Size Reduction Act would require additional funding for implementation, Ms. Barclay stated.
- Recommendation No. 9: Ms. Barclay said the CCSD has become operational to foster cooperation in the establishment of interagency agreements.
- Recommendation No. 11: Ms. Barclay indicated the CCSD supports a uniform IEP and is in the process of revising its format and putting it on a template; however, the CCSD does not support a recommendation that encompasses a library of options. Should a library be incorporated into an IEP computerization format, the term IEP becomes oxymoronic. Observation of the child before creating an IEP will be negated if a library

offers options that could be tailored to fit the child.

- Recommendation No. 12: Ms. Barclay stated this recommendation carries a "strong" fiscal impact. A cursory review revealed implementation would result in a potential increase of 348 additional positions in the CCSD, affecting unit funding and staff availability. The CCSD has in excess of 40 programs for which teachers are being recruited at the present time. This implementation model will create a greater number of programs requiring licensed teachers, as well as additional space. Ms. Barclay urged the committee to consider the issues when reviewing this recommendation.
- Recommendation Nos. 15 and 16: Ms. Barclay indicated additional funding would be required for these recommendations. While the CCSD supports time for IEP development, it also advocates allocation of funds allowing teachers and parents to work together at times that will be convenient to parents. Additionally, Ms. Barclay mentioned students would lose 2.5 days of instruction.
- Recommendation No. 17: Ms. Barclay indicated the CCSD supports this recommendation, with the exception of the statement regarding Section 504 of the Federal Rehabilitation Act. Any proposed legislation would be required to encompass Section 504 federal considerations.

Moving into the topic of truancy, Dr. McCord submitted comments regarding the following recommendations:

- Recommendation No. 20: In regard to "any part of a school day," Dr. McCord agreed that additional clarification is required.
- Recommendation No. 25: Dr. McCord indicated the issue of dealing with student identification cards is a "logistics nightmare" and a cost concern. He said line staff expressed pragmatic concerns about controlling the distribution of student identification cards and managing the operation of such a program.
- Recommendation No. 29: Dr. McCord stated the CCSD, as well as all school districts, need to improve communication of the provisions of law that affect students and parents. The 30-day issue from enactment produces a substantial burden given the fact there may be 120,000 to 130,000 households to which information must be distributed. Although there is a desire to effectively improve distribution of such matters, Dr. McCord expressed uncertainty that the 30-day time constraint would be the most helpful.
- Recommendation No. 30: Dr. McCord indicated support for the development of strategies to more effectively communicate school rules and policies to students and parents.
- Recommendation No. 39: Regarding salary schedule barriers relative to teaching experience, Dr. McCord perceived it an issue that should be handled at the local level.

Dr. McCord deferred to Ms. Barclay on Recommendation No. 45.

- Recommendation No. 45: Ms. Barclay stated individuals who deal with students on a school bus should be aware of a student's disabling requirements. She suggested the information listed on a card contain appropriate medical information, however, anything that might impact a family's right to privacy should be considered.

In conclusion, Dr. McCord expressed appreciation for the Legislature's concern and attention to issues that must be confronted every day by the CCSD.

Responding to the comments made by Dr. McCord and Ms. Barclay, Ms. Giunchigliani stated Recommendation No. 12 emanated from a task force of teachers from every specialty area working together to reevaluate caseload and class size. She indicated, in order to implement IDEA, the State Department of Education will peruse the caseload/class size issue by having a task force meet during the summer of 1998 to review the implementation. Ms. Giunchigliani proposed a potential recommendation to submit the names of the individuals comprising the task force to Dr. McCord to enable them to join forces and discuss the issues, rather than the Legislature mandating it in statute.

Lynn Chapman

Lynn Chapman, a parent from Sparks, expressed concern about the lack of safeguards regarding computerized data collection equipment. In addition, she indicated opposition to Recommendation No. 22 because it removes parental rights.

Susan Balkenbush

Susan Balkenbush, representing Silver State Education Association and Northern Nevada Home Schools, submitted her comments regarding the following recommendations:

- Recommendation No. 11: Ms. Balkenbush indicated concern about national standards and stated that a democratic form of government depends upon local self-control and government. When items such as national standards are centralized, local citizens are removed from the process resulting in apathy.
- Recommendation No. 21: Ms. Balkenbush expressed support for this recommendation.
- Recommendation No. 22: Ms. Balkenbush stated removal of parental rights begs the question of whether individuals are free citizens or subjects of the government; and, in addition, taking away responsibility makes people less responsible.
- Recommendation No. 23: Asked for clarification of this recommendation, Ms. Giunchigliani stated the legislation was passed in the 1997 Legislative Session and deferred the explanation to Kristin Roberts, Deputy Legislative Counsel. Ms. Roberts said the recommendation would allow the court more discretion to suspend a child's driver's license for not less than 30 days or more than two years. Ms. Balkenbush disagreed, opining it makes schools look like prisons, and asked how much force will be used to require school attendance. Interjecting, Ms. Giunchigliani said the recommendation allows more flexibility in the statute than that which currently exists.

- Recommendation No. 25:

Ms. Chapman expressed opposition to Recommendation No. 25 for the following reasons:

1. Children who are home schooled would not possess identification cards.
2. A child who might be attending a junior college at 15 years of age would not possess an identification card.
3. Although it was mentioned that school identification cards might be voluntary, Ms. Chapman was concerned it would eventually be made mandatory.

Ms. Balkenbush added that home schooling is often conducted in places other than the home.

Referring to Recommendation No. 27, Ms. Chapman suggested teacher training be held Saturdays or during the summer, rather than taking them out of the classroom. In answer, Ms. Giunchigliani indicated she was in agreement if the training was compensated; and indicated she is open to exploring different ways of attaining such training. Responding, Ms. Chapman indicated her husband has personally paid to attend professional training for his job.

Ms. Balkenbush, in regard to Recommendation Nos. 40 to 44, stated "more funding equals more taxes." Ms. Chapman observed many of the recommendations state, "draft and enact legislation to provide funding," and remarked that the legislators do not provide the funding, the taxpayers provide it. She suggested taxpayers are "taxed out."

Deidre Hammon

Deidre Hammon, Coordinator, Citizens Alliance for Disability Rights and Education, expressed support for funding increases for special education, as well as a change in the way the money is spent at the present time. She called attention to "excellent" programs in Washoe County that could be replicated to eliminate many disciplinary issues and other problems in the schools. In the opinion of Ms. Hammon, the description of unit funding as "a teacher in a classroom" perpetuates the myth that special education is a place and not a service. Although her daughter has significant disabilities, she is fully included in the regular population and receives services to aid in her education. Ms. Hammon expressed concern that local districts are not responsible for funding disabled students in their district and, in her opinion, local districts should have the responsibility to fund special education programs. The statement, "special education is stealing from general education," is perceived as meaning certain children deserve more than others; and places parents of general education and special education students in opposition.

- Recommendation No. 22: As a civil rights advocate who has attended numerous such meetings, Ms. Hammon predicted the parents of children coming from certain racial backgrounds, low-income families, and children with disabilities and/or extenuating circumstances will be targeted. She indicated when a Hispanic coworker kept his children out of school it was automatically assumed that his children were kept home to babysit younger siblings. Ms. Hammon expressed concern that laws transferring authority to school districts are not applied evenly.

Further, in regard to truancy, Ms. Hammon indicated she and Ms. Clark have experienced similar problems with children who do not want to go to school. She opined aversive measures are not successful in forcing children to attend school, and suggested the use of positive techniques to further connect children with schools and communities within the schools.

In conclusion, Ms. Hammon requested clarification that schizophrenic students in mental health centers in schools do not qualify for special education under the seriously emotionally disturbed category. In response, Ms. Giunchigliani indicated schizophrenic students may qualify for both areas, however, sometimes a mental health component is required because the child is not necessarily emotionally disturbed. This information emanated from testimony regarding testing and mislabeling. Teachers trained to recognize and treat the emotionally disturbed are not trained to identify bipolar or schizophrenia; therefore, more appropriate tools or interventions may be utilized for a child rather than placing him/her in a classroom for emotionally disturbed students.

Betty Barker

Betty Barker, Program Coordinator in Counseling and Attendance, Washoe County School District, and an active member of the School Attendance Review Board (SARB) for Washoe County, expressed approval of Recommendation No. 21 and the opportunity for preventive and early intervention before students are reported to law enforcement officials. Regarding Recommendation No. 27, Ms. Barker indicated more alternatives are needed for students whose needs are not met by the mainstream. The Washoe County SARB, an active board that includes many community groups and agencies, has focused on middle school students. Many students who have appeared before the SARB have been found to have great challenges in their families, and "touching" stories ranging from death, homelessness, incorrigibility, and mental illness. Ms. Barker stressed the importance of finding alternative ways to provide these students a variety of options for educational placement rather than remaining in a punitive mode.

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WORK SESSION

Ms. Giunchigliani indicated a majority of the subcommittee's Senate and Assembly members is required to approve recommendations for BDRs; therefore, a final meeting and work session will be scheduled in Las Vegas to accomplish voting.

Exhibit B is the Attendance Record for this meeting.

There being no further business, the meeting adjourned at 1:40 p.m.

Respectfully submitted,

Barbara Moss

Research Secretary

APPROVED BY:

Assemblywoman Chris Giunchigliani, Chairman

Date: _____

LIST OF EXHIBITS

Exhibit A is the "Work Session Document," dated June 2, 1998.

Exhibit B is the Attendance Record for this meeting.

Copies of materials distributed in the meeting are on file in the Research Library of the Legislative Counsel Bureau, Carson City, Nevada. You may contact the library at (702) 684-6827.