

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*)

April 22, 1998

Las Vegas, Nevada

The sixth 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 Wednesday, April 22, 1998, commencing at 4:30 p.m., in Room 4401 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

Assemblyman Mark A. Manendo

Assemblywoman Kathy A. Von Tobel

SUBCOMMITTEE MEMBERS ABSENT:

Senator Michael (Mike) A. Schneider

Senator Maurice E. Washington

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Kelan Kelly, Senior Research Analyst

Kim Marsh Giunasso, Principal 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: Wednesday, April 22, 1998

4 p.m.

Place of Meeting: Grant Sawyer State Office Building

Room 4401

555 East Washington Avenue

Las Vegas, Nevada

A G E N D A

I. Opening Remarks and Introductions by the Chairman

Assemblywoman Chris Giunchigliani

*II. Approval of Minutes of the February 25, 1998, Meeting

III. Presentations:

A. Teacher Licensing Requirements in Special Education

Keith Rheault, Deputy Superintendent, State Department of Education

B. Teacher Licensing Requirements in Special Education

Richard Cawley, Member, Commission on Professional Standards in Education

C. Special Education Topics

Ann Alexander and Anne Drendel-Haas, Consultants, State Department of Education

D. Future Direction of Special Education Services in the Clark County School District

Charlene Green, Assistant Superintendent for Special Services, Clark County School District

E. Implementation of Nevada's Truancy (Assembly Bill 486) and Habitual Discipline (Assembly Bill 376) Laws by the Clark County School District

Len Paul, Assistant Superintendent for Secondary Education

F. Update on the Truancy Law

Bob Tueton and Vicki Hulbert, Clark County District Attorney's Office

G. Special Education Degree Program Requirements, Course Offerings, and Teacher Training Programs at the College of Education, University of Nevada, Las Vegas

Dr. Bill Healey, Chair, Department of Special Education, and Dr. Tom Pierce

H. Aversive Behavior Techniques

Ed Guthrie, Executive Director, Opportunity Village ARC

*IV. Work Sessions on:

A. Special Education Topics: Class size and class load; discipline requirements under the Individuals with Disabilities Education Act; inclusion; mental illness; programs for individuals with fetal alcohol syndrome; programs for individuals with traumatic brain injury; programs for children born with drug addictions; teacher training; and teacher aid training.

B. Student Discipline Topics: Alternative methods and programs for student discipline; consistency in the enforcement of school rules and state laws; criminal activity on school grounds; drug use, possession, and sale; methods to communicate with parents about student discipline; reporting weapons possession and prevention of weapons possession on school grounds; and school police activities.

V. Public Comment

*Denotes items on which the subcommittee 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, Capitol Complex, 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; and Grant Sawyer State Office Building, 555 East Washington Avenue.

-

OPENING REMARKS AND INTRODUCTIONS BY THE CHAIRMAN

Ms. Giunchigliani called the meeting to order.

-

APPROVAL OF MINUTES OF THE FEBRUARY 25, 1998, MEETING

There being no changes or corrections to the minutes of the meeting held February 25, 1998, Ms. Giunchigliani called for a motion to approve the minutes as written.

SENATOR AUGUSTINE MOVED TO APPROVE THE MINUTES OF THE THIRD MEETING OF THE COMMITTEE HELD FEBRUARY 25, 1998, IN CARSON CITY.

ASSEMBLYWOMAN VAN TOBEL SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

PRESENTATIONS

FUTURE DIRECTION OF SPECIAL EDUCATION SERVICES IN THE CLARK COUNTY SCHOOL DISTRICT

Charlene Green

Charlene Green, Assistant Superintendent for Special Services, Clark County School District (CCSD), indicated the intention of the CCSD is to implement the new Individuals with Disabilities Education Act (IDEA) and ensure, not only compliance with federal law, but also the forthcoming federal regulations under discussion at the present time. The federal regulations will be delayed due to controversy regarding discipline issues. Although the new IDEA differs from the old, the premise remains that students with disabilities have the right to access education in a school district, Ms. Green remarked.

Continuing, Ms. Green noted IDEA stipulates that school districts are responsible for serving 13 categories of disabled students and providing them the opportunity to access neighborhood home schools for those services. Moreover, the regulations state that special education is not a place, it is a service; and where the service is provided is determined upon the needs of the student, not on a label. Ms. Green emphasized the CCSD encompasses the spirit of the IDEA when addressing the needs of its students.

Referring to recruitment and the Cohort Program, Ms. Green stated there is severe competition nationally for students who graduate with special education expertise and licenses. She explained the Cohort Program allows support service staff, with at least 60 hours of education courses, to be compensated for one year to attend school (summer-to-summer) to become certified in special education. Participants commit to a three- to five-year contract for this privilege. Currently Clark County has 42 vacancies in special education, including classroom teachers, psychologists, and speech therapists. Ms. Green stated, "Every day a student is without a qualified teacher is a day lost." Federal funds for special education training have been reduced, placing a burden on universities' efforts to increase school systems' staff. She indicated two funding needs must be considered: (1) "retooling" and professional development for long-term staff; and (2) equipping new teachers with techniques that meet current situations.

Ms. Green indicated universities received federal money to write competitive grants supporting special education programs. Asked when universities will receive federal block grant funding, she answered the Requests for Proposals (RFPs) have not been distributed. She stressed the need for teachers who educate children with emotional disabilities, low incidence teachers, and teachers in other speciality areas. These needs may not be communicated properly due to lack of cooperation between universities and school districts; therefore, the RFP must emphasize that collaboration is imperative.

Following a discussion regarding "fast tracking" teachers from the university, Ms. Green identified two types of individuals who are interested in becoming special educators: (1) a teacher with a degree in education who is willing to complete the required course work to become a special education teacher; and (2) an individual who does not possess a degree in education but has a desire to teach special education.

Ms. Green mentioned an earlier federal program titled "Teacher Corps," the purpose of which was to identify individuals who were not educators but were willing to spend two years obtaining practical experience, as well as a special education degree. Many special educators emanated from the "Teacher Corps" program in the 1970s. In response, Ms. Giunchigliani suggested legislative consideration of a "pool of grants," scholarships, and/or different funding mechanisms to assist individuals entering special education programs. Additionally, she expressed concern regarding shortages in specialty areas, including bilingual psychologists, occupational therapists, and physical therapists; and called attention to a two-year Certified Occupational Therapy Assistant (COTA) training program offered by the Community College of Southern Nevada. Ms. Green indicated the CCSD had unsuccessfully attempted to hire COTAs because salaries in the private sector are more lucrative than those offered by school districts. Consequently, the CCSD hires COTAs on a contract basis. She answered, no, when asked if the CCSD assists rural counties in contracting COTAs. Ms. Giunchigliani indicated special education should be a "service model," in which case a funding mechanism must be considered. She encouraged the participation and recommendations of interested parties at the final A.C.R. 44 Subcommittee meeting.

In conclusion, Ms. Giunchigliani indicated training and/or planning, and the lack thereof, was mentioned in the work session groups, and requested suggestions and recommendations regarding this subject. Ms. Green noted that 250 training opportunities were available in 1997, however, very few teachers took advantage of them. Ms. Giunchigliani responded that lack of time to avail themselves of training opportunities is a problem for teachers; and suggested consideration of statewide site-based programs for school districts. Ms. Green indicated she was hesitant to remove teachers from their classrooms for training and replace them with substitutes, consequently, teacher training in the CCSD is offered either before school, after school, or on Saturday. She voiced enthusiasm for state supported training programs for teachers that would not cause students to suffer.

IMPLEMENTATION OF NEVADA'S TRUANCY (ASSEMBLY BILL 486) AND HABITUAL DISCIPLINE (ASSEMBLY BILL 376) LAWS BY THE CLARK COUNTY SCHOOL DISTRICT

Len Paul

Len Paul, Assistant Superintendent for Secondary Education, CCSD, indicated the attention and response to Assembly Bill 376 was due to communication with parents regarding the consequences of truancy. The CCSD, the Clark County Juvenile Court Services, and the Clark County District Attorney's Office collaborated to create compliance methods for truancy law guidelines. The guidelines encompass the following communications:

- Changes in truancy law and other related areas through newsletters sent to parents;
- An "attendance card mailer" reporting the third, fifth, eighth, tenth, fifteenth, and eighteenth absence, including the truancy law and its consequences, sent to parents; and
- The CCSD Board of Trustees is kept informed of changes in policy and regulations concerning the truancy statute.

Mr. Paul stated the CCSD is in the process of changing its attendance regulations. In the past, elementary, middle, and secondary schools operated under separate regulations, however, in response to the new truancy law the regulations will be standardized for all levels. He indicated the CCSD hired an administrator to work with the Student Attendance Advisory Board on a pilot program with an elementary, middle, and high school to outline attendance enforcement issues and methods of dealing with truancy.

Continuing, Mr. Paul said the method of delivering truancy citations to parents is being finalized and focuses on two types of students: (1) the cooperative student with uncooperative parents; and (2) the uncooperative student with cooperative parents. The students will be referred to the Student Attendance Advisory Review Board, and the parents will be referred to parent education programs.

Remarking that the aforementioned problems are ongoing and not new issues, Senator Augustine asked the reason the CCSD had not addressed them earlier. Mr. Paul explained the intent of the CCSD is to bring its procedures into compliance with the law, which requires changes in regulations. Queried what procedures were previously in place, Mr. Paul indicated the CCSD has had an attendance policy for years. Information regarding absenteeism is sent to parents. Many secondary schools utilize an automatic telephone-dial system to call parents and inform them of their child's absence. Focusing on elementary and middle level students, Attendance Officers have issued truancy citations through juvenile court services. He said the truancy citation method was not used as a measurement for truancy control at the senior high level, however, procedures are being created to comply with the law. Technology will be used in the future to control and measure attendance and truancy in schools with populations of 3,500 students or more. Technological examples such as implementation of an electric eye beam to screen students' corneas, and the application of thumbprint tracking will be considered. Mr. Paul asserted that the task of "pencil and paper attendance tracking" takes away instruction time, therefore, methods using modern technology must be integrated into the system in the future.

Assemblywoman Van Tobel expressed frustration that the CCSD has not implemented the truancy law although it has been in effect since July 1997; nor has it taken steps to explain the parameters and consequences of truancy to the students of Clark County. Asked whether any students have been identified as habitual truants, Mr. Paul answered, yes. Ms. Van Tobel emphasized parents sent a strong message during the 1997 Legislative Session requesting stronger school standards

which would remove discipline and truancy problems from the classroom and place the emphasis upon learning. She stated school districts from other counties have been grateful for and focused upon implementing the legislation, however, the CCSD has not demonstrated the same enthusiasm.

In response, Mr. Paul indicated there are 60 schools, 90,000 students, and 180,000 parents/guardians in the Clark County Secondary Education Division. The law mandates parents to call or send a note on each absence occasion. Should a school with a population of 3,500 students experience 200 absences in one day, there would be insufficient staff to handle all the telephone calls and/or notes. Therefore, the task falls on the classroom teacher and requires efficient and consistent procedures to protect students from being referred erroneously to law enforcement. The intent is to put systems in place that ensure effective implementation. Mr. Paul stressed that the CCSD is utilizing the law as the guideline to create consistent and effective systems as quickly as possible.

Ms. Giunchigliani suggested that a simple, consistent, and uniform truancy form is needed throughout the CCSD to enable teachers to report absences. In response to a query, Mr. Paul said school police officers are issuing citations for truancy. A discussion ensued regarding attendance and truancy, and the differences thereof, and it was clarified that attendance policies are not required to be changed in order for the law to be implemented. Further discussion regarding habitual discipline brought forth a conflict of legal understanding between the Legislative Counsel Bureau and the CCSD. In response, Ms. Giunchigliani suggested a meeting to clarify the legal aspects of habitual discipline as contained in the statute.

SPECIAL EDUCATION DEGREE PROGRAM REQUIREMENTS, COURSE OFFERINGS, AND TEACHER TRAINING PROGRAMS AT THE COLLEGE OF EDUCATION, UNIVERSITY OF NEVADA, LAS VEGAS

Dr. Bill Healey

Dr. Bill Healey, Chair, Department of Special Education, University of Nevada, Las Vegas (UNLV), distributed a packet of information about the Department of Special Education (Exhibit A). He stated currently the Department of Special Education encompasses:

- A continuing education licensure program at the undergraduate level with the CCSD in speech and language pathology;
- A master's degree program in early childhood special education;
- An Education for Disabled Students (EDS) school psychology program;
- Eight to 12 part-time associated faculty, depending upon semester or time of year;
- Five field supervisors;
- Fourteen full-time faculty;
- Nine master's degree specialty programs,
- One generalist program;
- One program in the areas of mental retardation, learning disabilities, and emotional disturbance; and
- One undergraduate generalist program, in which there are 144 students.

Continuing, Dr. Healey stated the Department of Special Education recently "inherited" preparation of the general early childhood curriculum, and proposed it become a degree program at both undergraduate and graduate levels providing students dual preparation and degrees in general and special education early childhood.

Dr. Healey reported that from 1993 to 1998 the graduate program enrollment increased 124 percent, the undergraduate program enrollment increased 54 percent, and the overall Department of Special Education enrollment increased approximately 57 percent. The current "head count" of the Department of Special Education is: 20 doctoral degree students, 38 educational specialist degree students, 200 master's degree students, and 148 undergraduate

students. At the bachelor's degree level the Department of Special Education graduated: 38 students in 1996, 39 students in 1997, and 54 students in 1998. At the master's degree level the Department of Special Education graduated: 54 students in 1996, 56 students in 1997, and 49 students in 1998.

From 1993 to 1996 there were no increases in faculty positions in the Department of Special Education; however, one position was added in 1997, and three positions in 1998. The added positions did not result in a net gain, they only replaced individuals who retired or departed the faculty. Dr. Healey said the university has not been able to match the ratio of the increasing number of students to faculty positions and clerical staff. Over a four-year period each faculty member averaged 58 hours per week, not including extra hours in the evening and on weekends. The hours spent teaching in a classroom, providing advisement, and conducting research vary with each department. A discussion ensued which ended in a decision to postpone funding concerns to another time and venue.

Dr. Healey called attention to a document titled "Specialty Personnel Preparation Projects" (contained in Exhibit A) which refers to eight, not well known, specialty area programs. The Intermountain Program in Hearing Impairment/Deafness is a 5-state consortium with 11 states currently participating. The consortium was created to fill the lack of a deafness preparation program in Nevada. The Department of Special Education proposes to mount a program in deaf studies and education, and speech and language pathology, within the next five years, Dr. Healey reported.

Referring to the Cohort Program, Dr. Healey indicated funding was raised but lacked \$77,000 to compensate the faculty. The university and the school district put forth special efforts to obtain the funds. He stated the new Cohort Program will be accomplished with a more intensified course work schedule, and indicated Dr. Pierce would address the details.

Dr. Tom Pierce

Dr. Tom Pierce, Chair Elect, Department of Special Education, UNLV, indicated the Cohort Program is a "grow your own" program in which experienced teachers' aides are provided an opportunity to move out of that position and earn a career. There were originally 19 individuals in the Cohort Program, eight of whom are presently in the master's degree program, three have completed a master's degree, and one is considering a doctorate. Although 300 students applied for the Cohort Program, only 35 to 40 of the 150 qualified individuals could be accepted.

Dr. Pierce expressed enthusiasm for a recommendation made by the A.C.R. 44 Subcommittee that teachers be provided planning time. He said there have been many attempts to make special education part of the school system, as opposed to being "the room down the hall." One aspect of the problem is the lack of training of regular education teachers and administrators in special education. Although most administrators are required to attend Individual Education Plan (IEP) meetings, conduct evaluations, periodically perform due process hearings, and supervise, they have little experience with special education.

In reference to Mentor Programs, Dr. Pierce indicated he researched the shortages in special education over the past six years. He found the problem is due to large nationwide growth in special education wherein people do not remain in the field and the work force must be constantly replenished. In addition, the nature of special education has become adversarial and teachers perceive themselves to be constantly under attack in regard to their work.

Summarizing, Dr. Pierce stated the Cohort Program has proven to be one of the best in retaining individuals in special education. The students are teachers' aides who are acquainted with the children, experienced in the work, and as knowledgeable as the teachers. The "fast track" to becoming a teacher is difficult and requires school from 8 a.m. to 5 p.m. every day from summer-to-summer; whereas the Cohort Program can be accomplished in night school, during spring and Christmas breaks, and Saturdays and Sundays. The Cohort Program students retain jobs and are required to pay tuition, which is a hardship. Dr. Pierce indicated the students obtain loans to accomplish the training because they perceive it as the ultimate opportunity to advance their career.

Asked whether teacher's aide experience may count toward some type of course work, Dr. Pierce answered it is not allowed at the present time. He explained that course offerings are certification driven, with the exception of two courses at the master's degree level (i.e., a research methods class and a multicultural class). All other classes are required to obtain a teaching license. Ms. Giunchigliani suggested a review of the requirements for a teaching license. Dr. Pierce indicated the credits of teachers who move to Nevada from another state are not accepted by the office of

teacher certification due to minor things, such as a word missing from a title or a different course description. Ms. Giunchigliani said a reference publication is needed to explain the meaning of different course contents to prevent the licensure division from taking exception to out-of-state course work.

Dr. Pierce alluded to a small, but interesting, group of teachers who continue to be on waivers. While reviewing candidates for the Cohort Program, he observed individuals who "jump" from waiver-to-waiver because special education offers many available licenses. The licenses are not necessarily in elementary education, but in learning disabilities, mental retardation, or other types of disabilities. He speculated, theoretically, a career could be accomplished without a license in special education by "jumping" from disability-to-disability and being provided waivers. Ms. Giunchigliani suggested that first-year teachers be prohibited from obtaining waivers.

Queried whether student teachers are placed with first- and/or second-year teachers as master teachers, Dr. Pierce answered in the past a master teacher was required to have at least three years experience. Ms. Giunchigliani requested further information on the question, and asked whether the College of Education allows student teachers to be employed while student teaching. Dr. Healey said student teachers are advised not to have outside employment when student teaching; however, a person cannot be prevented from working should a job be required to maintain their family. However, employment cannot interfere with the amount of time required in the classroom as part of their student teaching, Dr. Pierce remarked.

Following a discussion, Ms. Giunchigliani suggested the formation of a task force for the 1999 Legislative Session including the UNLV, the State Department of Education, and the Commission on Professional Standards in Education, to review the requirements for teacher licensure.

UPDATE ON THE TRUANCY LAW

Vicky Hulbert

Vicky Hulbert, Clark County District Attorney's Office, and Coordinator of the Joint Task Force on School Truancy in Clark County, indicated members of the task force include the: Clark County District Attorney's Office, Clark County School District, Clark County Family and Youth Services, including the courts, Las Vegas Metropolitan Police Department, and many others.

Ms. Hulbert stated the Joint Task Force on School Truancy is active and supportive of any programs that will prevent school truancy. Statistics adequately demonstrate that students who do not attend school are not only potential criminals, and/or at risk of being criminals in the future, but are criminals at present. She indicated the following steps have been taken to support the truancy legislation and address school attendance problems:

- After passage of the truancy legislation, the Task Force initiated meetings with the CCSD and other impacted agencies indicating the legislation will be supported.
- After school commenced, the Task Force met with school principals to discuss changes in the statute.
- Everyone was encouraged to discuss problems, challenges, and issues that need to be addressed in order to implement the statute.
- The Task Force mailed letters and made telephone calls to ensure the members of the Student Attendance Advisory Board were appointed by the appropriate entities.
- Bob Tueton, Chief Deputy District Attorney, Juvenile Division, Clark County Attorney's Office, established the project in collaboration with administrators and community members.
- A pilot project area was established in the CCSD as a Clark County High School feeder system, which will be the first to implement the School Attendance Review Board. The Task Force suggested an administrator be hired by the CCSD to implement the program, and Ruth Joseph, CCSD Administrator, was hired. An office and a secretary was provided at the Clark County Family and Youth Services work site.

- The Task Force arranged with the courts the manner in which cases are to be handled, and attended numerous meetings to address problems.
- Funds have been provided for Detective Ben Gonzalez, Los Angeles Police Department (LAPD), who administers its truancy program, to take part in the new Student Attendance Advisory Board orientation.

Ms. Hulbert stated the Task Force is willing and able to prosecute students who do not attend school if reasonable and fair criteria are used. She expressed frustration about the length of time it is taking to implement any program; however, pledged her help to implement the legislation. In addition, the Task Force will continue to promote any other programs that will encourage and support school attendance. In its attempt to implement programs, Ms. Hulbert said the Task Force has faced many challenges and problems with the language of the law. She emphasized this issue must be addressed in the 1999 Legislative Session.

In conclusion, Ms. Hulbert indicated Detective Gonzalez submitted statistics showing that 40 percent of all crime in Los Angeles is committed by juvenile offenders. She distributed "Fact Sheet-Loitering/Truancy Ordinance Evaluation, May 16, 1997" (Exhibit B), provided by Detective Gonzalez, which reports that a good program to fight truancy can lower crime by 25 percent in the hours between 8:30 a.m. to 1:30 p.m. Also included in Exhibit B is a copy of a juvenile traffic-type court to address school behavior problems.

Bob Tueton

Bob Tueton, Chief Deputy District Attorney, Juvenile Division, Clark County District Attorney's Office, indicated an attempt will be made to enact a common curfew ordinance among all local Clark County jurisdictions. He stated that daytime and nighttime curfew legislation is under constitutional attack. The most significant aspect of the legislative language in Chapter 392, "Pupils," of the *Nevada Revised Statutes* (NRS) in regard to authorizing daytime curfew is to withstand the constitutional challenges. The law demonstrates the Nevada Legislature recognizes the connection between state interest in education and the ability to keep children in school; whereby other states do not have the ability to show that connection, Mr. Tueton stated.

Providing perspective to the truancy and attendance problem, Mr. Tueton indicated it took 15 to 20 years of neglect to reach the current situation where 30 percent of high school students do not attend school. Consequently, the problem cannot be overcome in one legislative session. He reported his goal is to solve the truancy issue in Clark County within 7 to 10 years. His approach is to change behaviors at the lower grade levels; therefore, when elementary and middle school students graduate to high school their history will be to attend rather than be absent from school.

Mr. Tueton identified the changes that will be addressed in the 1999 Legislative Session:

- A requirement for mandatory reporting by school principals to law enforcement of any child considered an habitual truant. Mr. Tueton recommended parameters be placed in the law to provide compliance with its intent.
- Historically in Clark County, truancy citations were issued by school attendance officers; however, it was recently ascertained there is no legislative authority for school attendance officers to issue them. Assembly Bill 486 (Chapter 583, *Statutes of Nevada 1997*), which "Revises provisions governing truancy of pupils," distinguishes between, and makes reference to, a law enforcement agency being authorized to sign a citation. However, it leaves the role of serving the citation to the school attendance officer. This resulted in the interpretation that a school attendance officer, whether allowed to before, cannot now issue a truancy citation. Discussions have continued as to whether or not the statute intends for school district police or law enforcement personnel to issue citations. The issue must be resolved, Mr. Tueton remarked.
- Mr. Tueton stated an habitual truant is one who is absent without excuse. An acceptable excuse is the written

request of a parent. The school district is required to honor the written request of a parent to absent the child from school, which determines that the state has a compulsory attendance law. However, if a parent chooses to excuse the child from school, the student is no longer subject to compulsory education. Although there was a legitimate reason for it to be placed in the statute, Mr. Tueton stated the language is too broad; and suggested the language be limited to a parental request to be absent for a legitimate educational purpose. Parameters are needed to prevent a parent from providing arbitrary excuses for the child's absence.

- There was an extensive program of precitation intervention which precipitated the School Attendance Review Board (SARB), consisting of a panel from the community, including law enforcement and other members, that reviewed individual incidents of truancy on a case-by-case basis. The concept was that the SARB would review the roles of parents, students, and teachers and take appropriate action to resolve the problem. All language concerning the SARB was removed, and a School Attendance Advisory Board was created with no power to review individual cases. The School Attendance Advisory Board has authority to set policy and accept reports, but not to summon parents, children, and school officials before it to hear issues, make recommendations, and provide enforcement. Mr. Tueton indicated he is in favor of reinstating the SARB as part of the precourt intervention process. He said Nevada's Open Meeting Law must be addressed should a SARB be created to hear student attendance issues and review records.

Ms. Giunchigliani queried of Dr. Robert S. McCord, Director of Government Relations and Legislation, Clark County School District, whether the records of students are closed when they are recommended for expulsion. In response, Dr. McCord stated, yes, the records are closed when a student is recommended for expulsion.

- Referring to the penalty section of the statute, Mr. Tueton indicated the penalty includes a mandatory 30- or 60-day suspension, or prohibition of a driver's license. In fact, the language is more restrictive than the general authority of the juvenile court in dealing with a ward of the court. Chapter 62, "Juvenile Courts," of the NRS states the juvenile court can suspend or prohibit a driver's license for six months, however, in the case of a truant it would be limited from 30 to 60 days. Regarding the driver's license issue, Mr. Tueton suggested the juvenile court be given the same authority over truants as it has over a delinquent child. Most children who receive citations in the juvenile court system do not go before a judge and are processed administratively by the respective probation department. In reference to the suspension or prohibition of driver's licenses based upon alcohol or drug abuse, Chapter 62 of the NRS specifically states the court or the court's designated representative may order a driver's license suspended or prohibited. This was interpreted to mean the probation officer, who handles 90 percent of the citations, can be designated as the individual who prepares an order and sends it to the Department of Motor Vehicles and Public Safety (DMV&PS). Previously the language, "or designee," was not included; therefore, for a driver's license to be suspended or prohibited, in every case a petition would have to be filed and a court hearing required. Mr. Tueton suggested the, "or designee," language be included for suspension and prohibition for habitual truancy purposes.

In response to a question, Mr. Tueton said Clark County has one juvenile judge and three hearing masters who process 95 percent of the cases. Ms. Giunchigliani suggested designation of a hearing master for that provision until the language can be changed to prevent the courts from becoming overwhelmed. Mr. Tueton agreed with the suggestion.

- In conclusion, Mr. Tueton suggested funding be provided to increase the number of hearing masters to obtain the competency and ability to process the cases coming into the system. Presently, Clark County processes approximately 5,000 delinquent cases per year; and should the letter of the law be followed precisely, the caseload will be five times that number.

TEACHER LICENSING REQUIREMENTS IN SPECIAL EDUCATION

Keith Rheault

Keith Rheault, Deputy Superintendent for Instructional, Research and Evaluative Services, State Department of Education, and Secretary, Commission on Professional Standards in Education (CPSE), distributed two handouts

titled "Endorsements for Teaching Exceptional Pupils" (page F-1) and "Table F-1, Categorical and Non-Categorical Special Education Credentials" (page F-2) (Exhibit C). He explained that Table F-1 (page F-2) charts the special education endorsements of all 50 states, and demonstrates that 46 states, including Nevada, have categorical credentials or endorsements. Page F-1 defines categorical endorsements and reports that four states do not offer categorical credentials, only generalist degrees; and six states do not offer generalist degrees. Categories 3 and 4, which are state-issued noncategorical special education credentials, show that most states offer a generalist degree. Therefore, most states offer both the categorical and generalist endorsement. There are 40 states similar to Nevada that primarily offer categorical special education endorsements, with one or more generalist type endorsements. Referring to Category 7, Mr. Rheault stated currently Nevada has the "generalist resource room" for mild to moderate disabilities, which is the only generic "K-12" license issued in Nevada for special education.

Continuing, Mr. Rheault indicated there are reciprocity requirements for special education licenses in Nevada. Special education is the only category given regulation authority for reciprocity in all 50 states. All other categories are accomplished through individual agreements, primarily for academic subjects. He said teachers mistakenly perceive reciprocity as being automatically awarded a license in Nevada when they are licensed in another state. However, reciprocity is not accepted for alternative licenses, emergency licenses, temporary licenses, and other types of licenses issued by states that do not meet Nevada's minimum qualifications. Mr. Rheault said the intent of the CPSE through reciprocity is not to lower standards, but to ease the way for teachers who meet Nevada's standards to enter the state. In addition, the type of license held in another state must be similar to one offered in Nevada; and furthermore, testing requirements are not waived due to a statutory requirement. Although reciprocity is granted and a license issued, depending on their background, teachers are required to be tested for basic skills, professional knowledge, and specialty areas if they "get" the "generalist resource room." The majority of the 50 states waive those provisions, Mr. Rheault remarked.

After a brief discussion, Mr. Rheault said if the statute were changed, except for the purpose of reciprocity, the CPSE could review and waive the provisions. Ms. Giunchigliani requested Mr. Rheault to provide the number of the statute. Answering a query, Mr. Rheault indicated there are no waivers, other than the basic skills test, if a teacher taught for three years in another state within the past five years.

Ms. Giunchigliani indicated there are cultural biases in the National Teacher's Examination (NTE) and more minorities are failing because of the manner in which the test is written. She said another barrier is a "cap" on experience. A teacher with five or ten years of teaching experience in another state may discover it only counts as two years in Nevada. She postulated this type of variance does not provide an incentive to move to Nevada.

In reference to initial licensure for special education, Mr. Rheault indicated the CPSE recently added a requirement that a teacher complete either three semester credits in special education, curricular, or for adaption of curriculum in education for people with disabilities. He noted this is the first time the CPSE has approved the acceptance of a nonuniversity approved course for initial licensure, and in-service or continuing education courses regarding the same material can be accepted when offered through the district or the state. Ms. Giunchigliani asked whether the same courses could be allowed for recertification or relicensure.

Richard Cawley

Richard Cawley, Member, Commission on Professional Standards in Education, answering Ms. Giunchigliani's question, indicated the CPSE began a test to address not only the special education issue of obtaining professional development education (PDE) credits or identifying the types of training, but also identifying all the credits and their levels. He indicated a complaint was received from a school district that a walking tour of Virginia City was not an appropriate PDE credit, even though it was offered through a recently accredited university. Mr. Cawley stated that additional requirements were needed in order to complete the course; consequently, the CPSE developed a task force to peruse all accreditation courses and methods.

Addressing exceptions in which teachers move from one special education endorsement to another, Mr. Rheault indicated that regulation through the purview of the CPSE allows exceptions for out-of-field endorsements for a limit of two years. He stated a 1997 report showed that 183 teachers statewide, in all subject areas, were teaching one or more out-of-field subjects; and the results are similar currently in 1998. In his opinion, the exceptions are not being abused.

Mr. Rheault agreed with Ms. Giunchigliani's clarification that the terms "exception" and "waiver" are defined as a teacher being given teaching assignments outside the area of their license. In that event, she asked whether the teacher must obtain permission, or does the superintendent request the exception/waiver based on the principal's request. In response, Mr. Rheault stated the teacher must agree to teach the course, however, if they are expected to teach the course beyond the two-year exception/waiver limit, they are required to possess the normal, valid endorsement. Answering a query, Mr. Rheault indicated a teacher may choose to add or drop endorsements on their license.

Mr. Cawley reported he is a secondary specialized emotionally challenged class teacher. He emphasized the importance of special education standards. While the CPSE does not wish to lose good teachers, it also does not want to allow "burned out" teachers from other states to enter the field. Mr. Cawley indicated he supervises study groups for special education tests and the Pre Professional Skills Tests (PPST) for special education teachers. He gave assurance that testing screens out individuals who should not be teaching. Some teachers were unable to earn a passing score after being tutored for three test sessions over a one-year period. Mr. Cawley identified two types of individuals to consider when perusing the issue: one is the competent veteran who experiences difficulty because he/she has not been tested for 20 years; the other is the teacher who moved to Nevada because he/she was judged incompetent in another state. He opined that testing has proven to be a good screening tool.

As a CPSE member representing special education and special education students in Nevada, Mr. Cawley requested:

- The CPSE be permitted authority to grant individual waivers to competent administrators, school social workers, social workers, and teachers from other states whose teaching licenses do not exactly match Nevada's regulations. Regulations should be made simpler and the CPSE allowed to assess teachers' portfolios, including their experience and college or other scholastic work, in order to make more equitable decisions regarding their qualifications.
- The establishment of an accountable, independent, standards board with responsibility for creating consistent regulations, licensing, and maintaining regulatory standards.
- Expansion of the numbers of individuals who serve on the CPSE, to include parents, one member each from the Senate and Assembly, business people from northern and southern Nevada, one parent from a regular education elementary school setting, one parent from a regular education secondary school setting, and one parent to represent either special education or English as a second language (ESL) students.

Mr. Cawley urged the subcommittee to confer with other members of the CPSE in order to garner their suggestions.

While attending the National Independent Professional Teachers Standards Boards Conference, Mr. Cawley exchanged ideas with commission members from other states. He reported some states are attempting to close down the board because it holds standards too high, which can be a political "football" for universities. Portfolio assessment is being perused by national and independent standards boards.

Further postulating, Mr. Cawley said the universities' special education departments and other consortiums could create asynchronous computer education for much of the core course work; and then provide the special education teacher candidates a mentor program to help complete their education. He mentioned an 11-state consortium that might be able to accomplish such a program, however, funding would be required to create and support a computer center. An independent standards board could monitor such a program, as well as whether or not a college teacher program is approved. Mr. Cawley stated Nevada could become an "enticing" state if borders could be crossed and a standards board could approve out-of-state schools such as Harvard College of Education, Stanford, UCLA Berkeley, and the University of Illinois, among others. Although a marketing ploy, the hypothesis would inform teachers that screening is not required, their expertise has been identified, and they are needed, wanted, and welcome in Nevada. In response, Ms. Giunchigliani said perhaps the time has come to revisit the issue of restructuring the State Board of Education to allow an independent standards board.

Answering a query, Mr. Rheault said PPST testing is required for substitute teachers. The CPSE recently revised substitute teaching regulations by combining elementary, secondary, special, and occupational education substitute teaching into one license, which requires 62 credits from any college or university, of which six credits must be in education. A person who possesses a bachelor's degree will automatically be provided a substitute teaching license should it be requested.

Asked why credits for course work of individuals who possess bachelor's and/or master's degrees in related technologies are not accepted for student teaching, Mr. Cawley indicated the subject has been a continuing source of contention for the CPSE. He explained that a substitute teacher does not participate in, nor accept responsibility for, committee meetings, grade books, parent conferences, and a myriad of other things required of a regular teacher. Although it is impossible to guarantee that every substitute teacher coming before the CPSE meets the minimum standard, the CPSE could peruse the portfolio of a substitute teacher and ascertain whether their accomplishments are the same as a student teacher should it be granted waiver authority.

Ms. Giunchigliani stated a substitute teacher in a long-term position has the same responsibilities as a full-time regular teacher. She said waivers are not the solution to the problem. The CPSE has authority to issue a teaching license and waive student teaching for teachers with a bachelor's degree who are in a long-term substitute position and have had a specific number of days in the classroom with good evaluations. Mr. Cawley indicated the issue was examined four times in the past two years. In his capacity as a CPSE member, he expressed discomfort with a blanket regulation without first considering the diversity of, and how, where, and why the student teaching experience occurred. Ms. Giunchigliani emphasized the difficulty of being required to student teach while working as a long-term, full-time substitute teacher. Responding to her comments, Mr. Cawley indicated the CPSE is represented by the administration, the teachers, and the university; and explained it was difficult to obtain a consensus of opinion toward her suggestions when faced with teachers who have experienced sporadic student teaching in a myriad of different methods and locations. He emphasized the issue must be addressed, not with a blanket regulation, but on an individual basis. In compliance with current regulations, Mr. Cawley indicated he preferred to continue excluding a few competent teachers to protect against inclusion of many incompetents.

Although a protectionist as well, Ms. Giunchigliani said there are ways to screen teachers who are doing a worthwhile job and those who are not. When informed that any student teaching can be waived at the present time, she asked why the CPSE does not waive student teaching for a teacher who has: (1) taught for three years; (2) good evaluations; (3) a bachelor's degree; (4) no bad write ups; (5) proven they can do lesson plans; and (6) passed portfolio assessment. Mr. Cawley answered, at the present time there is no method to accomplish it. He reported an incident whereby student teaching was waived through alternative routes to licensure. It was accomplished by including quantified mentorship and preservice hours with the school district in the alternative route; therefore, the teacher was provided a similar experience to student teaching while being compensated in the classroom.

In summary, Ms. Giunchigliani stated there is a necessity to peruse potentially qualified individuals already in the field as opposed to only creating a fast track for those who always wanted to teach. She emphasized there is a double standard. Mr. Cawley indicated the problem with licensure regulation is that a labyrinth of regulations have been created with various parts emanating from different entities, such as the administrator's association, the Legislature, and the universities. After a great deal of research and study, Mr. Cawley reiterated a solution would be to assign an independent board with the specific charge of "cleaning up" and maintaining the regulations, making them workable and responsive to national standards.

AVERSIVE BEHAVIOR TECHNIQUES

Edward R. Guthrie

Edward R. Guthrie, Executive Director, Opportunity Village, distributed an article from the *Habilitative Mental Health Care Newsletter*, dated March/April 1985, Vol. 14, No. 2 (Exhibit D-1). Referring to page 6 of 8 of Exhibit D-1, Mr. Guthrie read the asterisked final sentence of section 6: "Negative reinforcement procedures that require the presentation of noxious stimulation such as distasteful solutions, offensive odors, or tactile contact (e.g., water sprays, spanking) have no place in the clinical treatment of persons with disabilities."

Mr. Guthrie indicated the sentence sums up the subject from a research standpoint, however, behavior management is predicated on reinforcement techniques. He explained there is positive and negative reinforcement, and negative reinforcement is sometimes called aversive conditioning. The reason for those types of techniques is to increase the frequency of a desired behavior, not necessarily to eliminate it. When a behavior is expunged without putting another in its place a vacuum is formed causing the unwelcome one to return.

Continuing, Mr. Guthrie distributed a second article titled "Opportunity Village Behavioral Supports" (Exhibit D-2), and read the first paragraph titled "Issue." Returning to Exhibit D-1, he referred to the underlined third paragraph

under the title "Negative Reinforcement" which demonstrates an example of negative reinforcement. He explained a few children refused to eat or take liquids and a sophisticated behavior management technique was used; however, no presentation of noxious liquids or other aversive discipline techniques were utilized, although the stimulation of the lip by the cup may have been aversive to the individual child. Mr. Guthrie stated negative reinforcement is sometimes necessary, however, spanking or spraying ammonia in a child's face is never indicated.

Further, Mr. Guthrie stated the importance of behavioral intervention training. He indicated that Ph.D. psychologists usually design behavioral interventions for an individual with a need for aversive conditioning or negative reinforcement. He emphasized that behavioral intervention is a specialized area of discipline and not a task to be accomplished by a teacher or social worker. He cautioned that behavior plans should not be taken lightly and said school districts require resources to contract for that particular expertise. Mr. Guthrie indicated most behavioral psychologists consider negative behavior a form of communication, particularly for nonverbal individuals. In that event, the intention is to end the communication. It is not an attempt to discover the root cause of the behavior in order to change the stimulus or environment to end the individual's communication. Until the negative communication is ceased, the issue is not being dealt with and the child is simply being punished.

Referring to a subcommittee recommendation alluding to problems on school buses, Mr. Guthrie indicated teachers' aides are used in the classroom to keep order and suggested they be utilized on school buses as well.

In regard to training for secondary school teachers, Mr. Guthrie said there is a postsecondary environment for many children who graduate from Opportunity Village special education programs. Many of the students with severe disabilities graduate into community training center programs or supported employment programs; however, Opportunity Village receives less funding for services and none for training for teachers who staff the postsecondary programs. Another area is postsecondary services for mentally retarded students with severe physical disabilities. Many students with multiple and severe disabilities have been denied services and not deemed eligible for adult services by the Mental Hygiene and Mental Retardation (MH/MR) Division of Nevada's Department of Human Resources (DHR). Mr. Guthrie indicated that Carlos Brandenburg, Administrator, MH/MR Division, recognizes the need for services for this population. He urged the Legislature to support the efforts of Mr. Brandenburg and Opportunity Village in their attempt to obtain services for those individuals. He explained students are sent home with no further services upon graduating at age 21, and stressed the difficulty of caring for a mentally retarded person who must be fed through a gastrointestinal tube. Dr. Brandenburg is examining ways in which the MH/MR Division can fund the services. This effort requires the support of the A.C.R. 44 Subcommittee, the Senate Committee on Finance, and the Assembly Committee on Ways and Means. An added provision to basic rates will be needed address nursing and other requirements of these individuals. The basic activities of feeding and toileting must be done on a one-to-one basis, Mr. Guthrie noted.

In conclusion, Mr. Guthrie referred to the minor salary increases provided graduate assistants by the university because of budget restrictions. He indicated the rates for the community training center program and the supported employment program in the State of Nevada have increased by 1.5 percent per year for the past seven years. By regulation, 80 percent of community training center funds must be spent on staff salaries and benefits; which means the workers in those programs have received salary increases of 1.5 percent per year for the past seven years. This results in an average entry level wage of approximately \$7.00 to \$7.50 per hour for a community training center worker, and is approximately 33 percent of the median wage in Clark County. Mr. Guthrie indicated the situation is statewide throughout most of the programs he had contacted. People who do not possess professional degrees are mostly affected; however, rehabilitation counselors with bachelor's degrees usually begin at a salary of approximately \$20,000 to \$23,000 per year, and work 12 months a year. Although recognizing the difficulty school districts encounter recruiting qualified candidates to operate schools, Mr. Guthrie asked the subcommittee to imagine the difficulty recruiting qualified candidates to care for people who are equally as disabled as students in the schools, at salaries substantially lower than the school districts.

SPECIAL EDUCATION TOPICS

Due to a lack of time, Ms. Giunchigliani requested Ann Alexander, Education Consultant, State Department of Education, to defer her verbal presentation to the prepared packet of data information titled "Legislative Commission's Subcommittee to Study Special Education and Student Discipline-ACR-44-April 22, 1998" (Exhibit E). Ms. Alexander offered the help of the State Department of Education on questions that may come forth.

PUBLIC COMMENT

Colleen A. Morris, M.D.

Colleen A. Morris, M.D., University of Nevada Las Vegas, School of Medicine, indicated she is a physician, a geneticist, and a pediatrician. She distributed a document titled "Fetal Alcohol Syndrome" (Exhibit F). Dr. Morris expressed the opinion that fetal alcohol syndrome (FAS) is epidemic in the State of Nevada and the cause of many problems currently observed in special education and discipline. She displayed a slide presentation illustrating the symptoms and characteristics of FAS.

Dr. Morris indicated the first symptoms of FAS are observed in the nursery. The babies are hypertonic, irritable, jittery, micro cephalic, scrawny, undergrown, and might have cerebral palsy. The distinctive facial features of the classic FAS child are, among others, small eyes, a short upturned nose, and a long flattened appearance of the upper lip. The facial side view resembles Down's Syndrome and the structure of the brain is affected. By age 2, the FAS child exhibits signs of hyperactivity, and developmental and speech delay. Dr. Morris indicated Down's Syndrome previously was the most common diagnosis of mental retardation, however, FAS is now the primary cause of mental retardation in the country. Because Down's Syndrome is a chromosome abnormality, the disease has remained constant over time; however, the number of FAS children is 2.5 times as high in the University of Nevada School of Medicine clinics, which is only the "tip of the iceberg." Dr. Morris said Nevada has a higher than usual amount of FAS because it has the highest per capita consumption of alcohol. A 1991 nationwide survey showed 60 percent of women of childbearing age drink alcohol, not necessarily during pregnancy, and in Nevada the number is 80 percent. A survey in the State of Washington from 1974 to 1987 on drug and alcohol use during pregnancy showed a high consumption of alcohol. Due to an education campaign, the state experienced reduced amounts of consumption; however, 60 percent of the women in the survey were still drinking alcohol at some time during pregnancy. Dr. Morris emphasized there is no safe amount.

Further, Dr. Morris stated alcohol causes birth defects, microcephaly, and unusual facial features in severe cases; however, in all cases it poisons the brain, kills brain cells in fetal development, makes the brain smaller, and stops the connections between neurons. It also means the proper connections do not form in the prefrontal cortex of the brain which affects impulse control, social judgment, the ability to learn and understand concepts, and the intelligence quotient (IQ). Asked the normal IQ, Dr. Morris answered it is 100 by definition.

Answering a question, Dr. Morris stated school districts are doing a good job and adequately serving mentally retarded children with FAS. However, half the children with FAS have normal intelligence which makes them invisible in the current system. Although they experience learning disabilities and behavior problems, they are not recognized as FAS because the system is set up to only recognize it in mentally retarded children.

Dr. Morris said childhood behavior characteristics in FAS are: (1) attention and memory problems, (2) developmental delay, (3) distractable, (4) hyperactive, (5) impulsive, (6) learning impaired (particularly in arithmetic), (7) poor coordination, (8) often quite social in elementary school, and (9) uninhibited. She explained FAS is a primary disability and cannot be changed, however, intervention can prevent secondary disabilities.

In adolescence the characteristics of FAS children are:

- Attention deficit making them unfocused and distractable;
- Inability to abstract and generalize from one situation to another;
- Inability to read social cues or body language;
- Memory problems making them unable to learn from experience;
- Poor frustration tolerance making them quick to anger and quick to react to aversive situations;
- Poor judgment making them easily victimized; and

- Poor money handling because they are unable to understand arithmetic.

In regard to secondary disabilities, Dr. Morris referred to pages 6 and 7 of Exhibit F wherein they are listed. A follow-up study of individuals with FAS showed:

- Alcohol and drug abuse;
- Difficulties in judgment;
- Difficulties maintaining employment;
- Early school drop out;
- Expulsion by high school;
- Families with more than one child with FAS, and in one case eight affected children;
- Homelessness;
- Mental health problems leading to premature death;
- Three-generation families with FAS; and
- Trouble with the law.

Although FAS is a "huge" problem, Dr. Morris indicated there are things that can be done. Intervention can prevent secondary disability. Protective factors include: (1) developmental disability services; (2) diagnosis before the age of 6; (3) placement in a stable, nurturing home; and (4) special education services. In Nevada, only 15 percent of children with FAS live with their birth mothers. Children with FAS usually are placed in foster care or are adopted. A better outcome is achieved by not having frequent change of household or being a victim of violence.

Dr. Morris reported she has practiced in Arizona, Illinois, Nevada, and Utah, and indicated the number of FAS children in Nevada are far in excess of those states. The facts about FAS in Nevada must be proven valid for the state to successfully compete for federal funding aimed at intervention. She requested legislative aid in obtaining data which would enable the state to measure outcomes to ascertain whether or not intervention is helpful. The School of Medicine, in conjunction with the Health Division, DHR, is applying to the Center for Disease Control (CDC) for a birth defects registry which would identify FAS children at birth and provide intervention to prevent a second occurrence. However, due to the high percentage of migration in Nevada many FAS children would not be included. A kindergarten screening program was proposed which could be performed by school nurses who are trained and willing to participate. The screening program would not require much funding to cover the salary of an additional school nurse, computerization data collection, and follow through.

Due to the nurturing environment, Dr. Morris said FAS children perform adequately in elementary

school special education; however, without exception they "fall apart" in middle school. The structure of middle school emphasizes the disabilities of FAS children and ensures their failure; consequently, new strategies, treatment plans, and case management are needed for them in middle school. Administrators and teachers recognize the problem and realize that concentrated efforts could make a difference. Children with FAS require a structured program, few transitions, and an external brain to keep them organized. A specific program for FAS children in middle school could prevent many secondary disabilities as well, Dr. Morris remarked.

Dr. Morris indicated one or two occasions of alcohol binge drinking by a teenage girl can result in a 25 percent chance of learning disability in her offspring. Ms. Van Tobel suggested the family-to-family program could screen FAS to prevent its further occurrence. Answering a query, Dr. Morris said not all school psychologists are aware of FAS and stressed the importance of training professionals to identify and treat it, particularly at middle school level.

Concluding, Dr. Morris indicated the genetics program will work with all entities on the FAS problem because it is perceived as a preventable disability. She stated special education is based upon the needs of children, however, from

a medical standpoint she cautioned against ignoring a child's diagnosis. She explained FAS affects the brain causing a lack of ability to learn. Tailoring the educational plan to a child's needs is important, however, valuable information is gleaned when the diagnosis is considered.

Connie Saladino

Connie Saladino, a sixth grade teacher in the Clark County School District, indicated she has been in the teaching profession for 25 years. She explained the percentage of "resource room" students in her classroom grew from 4 percent to 20 percent in 1998. A lack of funding, time, and training causes stress among good teachers who are leaving the teaching field demoralized. At the present time, teachers not only teach high numbers of resource room students, but ESL students as well. Ms. Saladino said it is difficult for a first year teacher to handle the problems of changing classrooms every four weeks and rotating six periods a day while dealing with the demands of ESL and emotionally impaired students unable to read and write fluently. In her opinion, special education teachers are:

- Not receiving proper support through mandated funding for materials;
- Preparing three to five lesson plans a day;
- Completing paperwork; and
- Attempting to communicate with the classroom teacher who teaches their mainstream students.

As a science teacher, Ms. Saladino indicated she is sent a "double message" when informed that science test scores are decreasing while she is simultaneously assigned 20 percent more resource students. She indicated it is physically impossible to teach at the same level while handling five to nine children who cannot read and write and are emotionally impaired.

Continuing, Ms. Saladino made the following suggestions:

- Trained adult aides are needed for safety, particularly in lab classes.
- Teachers should be informed about the nature of a student's disability before they enter the classroom.
- Students should have a sufficient number of books on their grade level and be allowed to take them home.
- Special education students should be in a self-contained classroom and not required to change rooms.
- Teachers should have a conference day with case managers to review IEPs every trimester.
- Middle school department chairmen should have a preparatory period to work with new teachers and train them for special needs and discipline.
- Funding is needed for special education class materials.
- Regular classroom teachers should receive incentive pay to teach special education students.

A discussion ensued regarding the dilemma of inherent pressures placed upon teachers. Answering a question, Ms. Saladino said the increase in percentage of resource room students to the regular classroom is a Federal Government policy change. Ms. Giunchigliani clarified that the IEP continues to point the direction in which the special education student will be mainstreamed. The new IDEA "pushes" to fully include special education students into regular classes which causes the formation of new structures without accompanying resources. Ms. Saladino suggested there be a ratio of number of students to the number of aides required in the classroom. In conclusion, Ms. Saladino suggested sixth grade students be trained to use a tape recorder.

Debbie Kanne

Debbie Kanne, Rights Advocate, Nevada Disability Advocacy & Law Center, indicated before entering the law field she was a special education teacher for four years. At a time when mainstreaming and inclusion occur more often,

Ms. Kanne said special education teachers need mandatory training through credentialing programs or the school districts. She observed, while attending numerous IEPs, administrators and principals lacking special education background discussing discipline and intervention issues with no understanding of the students' needs. She also noted that when mainstreaming occurs the classroom teacher is not made aware of students' IEPs. In addition, many regular classroom teachers:

- Display an attitude that special education students are too burdensome;
- Are of the opinion that:
 - (1) A teacher should not be required to deal with special education students;
 - (2) Special education students are disruptive to the classroom and it is not fair to other students; and
 - (3) Special education students "play by different rules."

Ms. Kanne emphasized the problem stems from lack of training.

In reference to habitual discipline and truancy, Ms. Kanne indicated parents of children with special needs are removing them from school because they are perceived as not being provided appropriate placement or services, and are discriminated against due to their disabilities. In the interim period when parents are deciding whether or not to provide home teaching or locate different placement, they are threatened with the truancy law by the school district. Ms. Kanne indicated the school district is using the truancy law in a negative way for those children. The same issue is true regarding discipline. When a child with special needs is disciplined, rather than following the law in terms of a manifestation determination and creating a behavioral intervention plan, parents are told their child must attend Opportunity School. Consequently, the children are sent to Opportunity School when, in most cases, the discipline issues are related to their disability and the appropriate steps have not been taken.

In conclusion and in reference to testing, Ms. Kanne indicated children under IEPs are forced to go to "option 2." She explained, throughout their schooling, special education children have been given special accommodation by being allowed to utilize spell check, grammar check, and calculators because they lack those skills due to their disability, nor have they been taught them. Consequently, when it is time to take the test they are not allowed to use those accommodations because it changes what the examination is testing. Therefore, special education children are forced to take "option 2" and not receive their high school diploma because they cannot use the accommodations which they were assured would always be available to them. Ms. Kanne stated in a sense those children are denied a free and appropriate education because they were not taught the skills needed to take the proficiency test to receive their high school diploma. She indicated the problem will occur more often in the future.

Glenda Bullock

Glenda Bullock, a clinical social worker practicing in Las Vegas, and currently representing the Nevada Association of Social Workers, advised that she worked previously as a primary therapist at Community Health Centers of Southern Nevada. She indicated her office is one of only a "couple" of places in the community where special education children can receive counseling. In addition to the educational needs of these children, there are family needs in the home. The children have been abused, neglected, and had problems in school. There is a tendency for parents to not appear at the school district as advocates for their children, consequently, Ms. Bullock appears in their place. All her referrals emanate from the school district.

In conclusion, Ms. Bullock indicated the "external brain" is impractical because, due to circumstances, a child will not have an external brain for the remainder of his/her life. She stated if children are "caught" early enough, they can be taught, and she asked, "Isn't that what education is supposed to be all about?" Many special education children are in custody, there are problems with their diagnoses, and there is no family available with whom their problems can be discussed, Ms. Bullock remarked.

Mr. Cawley added more and larger classrooms are required for the teaching of special education students.

William Hanlon

William Hanlon, Member, State Board of Education and State Board for Occupational Education, indicated that during the 1999 Legislative Session, the State Board of Education will request professional development funding in math, language, science, and social studies as well as training in classroom management, special education, IEPs, and "504" placements. He reflected that some individuals complain about a lack of training for teachers while others report gratis training offers. He concluded by emphasizing when there is concern about the competency level of teachers in content areas, training should be made mandatory. A discussion followed.

Exhibit G is the Attendance Record for this meeting.

There being no further business, the meeting adjourned at 8:30 p.m.

Respectfully submitted,

Barbara Moss

Research Secretary

APPROVED BY:

Assemblywoman Chris Giunchigliani, Chairman

Date: _____

LIST OF EXHIBITS

Exhibit A is a packet of information about the Department of Special Education at the University of Nevada, Las Vegas. This exhibit was submitted by Dr. Bill Healey, Chair, Department of Special Education, University of Nevada, Las Vegas.

Exhibit B is a document titled "Fact Sheet-Loitering/Truancy Ordinance Evaluation," provided by Detective Ben Gonzalez, Los Angeles Police Department, dated May 16, 1997.

Exhibit C contains two handouts titled "Table F-1-Categorical and Non-Categorical Special Education Credentials," and "Endorsements for Teaching Exceptional Pupils," provided by Keith Rheault, Deputy Superintendent for Instructional, Research and Evaluative Services, State Department of Education.

Exhibit D-1 is an article from the *Habilitative Mental Health Care Newsletter*, dated March/April 1985, Vol. 14, No. 2, provided by Edward R. Guthrie, Executive Director, Opportunity Village, Las Vegas, Nevada.

Exhibit D-2 is an article titled "Opportunity Village Behavioral Supports," provided by Mr. Guthrie.

Exhibit E is a packet of information titled "Legislative Commission's Subcommittee to Study Special Education and Student Discipline-ACR-44-April 22, 1998," prepared by Ann Alexander, Education Consultant, State Department of Education.

Exhibit F is a document titled "Fetal Alcohol Syndrome," presented by Colleen A. Morris, M.D., University of Nevada, Las Vegas, School of Medicine.

Exhibit G 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.