

**MINUTES OF THE MEETING OF
THE TASK FORCE ON K-12 PUBLIC EDUCATION FUNDING
Senate Bill 500, 2013 Legislature
March 31, 2014**

The third meeting of the Task Force on K-12 Public Education Funding was held at 9:00 a.m. on Monday, March 31, 2014, at the Grant Sawyer State Office Building, 555 East Washington Avenue, Room 4401, Las Vegas, with videoconference to the Nevada Legislative Building, 401 South Carson Street, Room 4100, Carson City, Nevada.

COMMITTEE MEMBERS PRESENT IN LAS VEGAS:

Senator Moises Denis, Chairman
Senator Michael Roberson
Assemblyman Pat Hickey
Bob Burnham
Denette Corrales
Marc Hechter
Pedro Martinez
James McIntosh
Stephanie Smith

COMMITTEE MEMBERS PRESENT IN CARSON CITY:

Assemblywoman Lucy Flores, Vice Chair
Dale Erquiaga
Andrew Fromdahl
Adrienne Lawrence
Dawn Miller
Judy Osgood

COMMITTEE MEMBERS ABSENT:

None

STAFF:

Mark Krmpotic, Senate Fiscal Analyst, Fiscal Analysis Division
Cindy Jones, Assembly Fiscal Analyst, Fiscal Analysis Division
Julie Waller, Senior Program Analyst, Fiscal Analysis Division
Wayne Thorley, Program Analyst, Fiscal Analysis Division
Eileen O'Grady, Chief Deputy Legislative Counsel
Kristin Roberts, Senior Principal Deputy Legislative Counsel
Donna Thomas, Committee Secretary

EXHIBITS:

- [Exhibit A:](#) Overview of Special Education Funding in the United States – National Conference of State Legislatures
- [Exhibit B:](#) Nevada K-12 Funding: Special Education – Julia Teska
- [Exhibit C:](#) Special Education Funding, Elko County School District – Jeff Zander
- [Exhibit D:](#) Special Education, Washoe County School District – Frank Selvaggio
- [Exhibit E:](#) Special Education Funding, Clark County School District – Kim Wooden, Kristine Minnich, Tyler Hall

I. ROLL CALL.

Chair Denis called the meeting to order at 9:07 a.m. The secretary called roll; all members were present.

II. OPENING REMARKS.

Chair Denis welcomed Adrienne Lawrence, Administrative Services Officer, State Public Charter School Authority (SPCSA), as the newest member of the Task Force on K-12 Public Education Funding. He said Ms. Lawrence was designated to the Committee by the Director of the SPCSA and replaced Tom McCormack, Interim Director of the SPCSA. He stated that S.B. 500 created the Task Force on K-12 Public Education Funding with an intended goal to develop a plan to revise and implement Nevada's public education funding formula in a manner that equitably accounted for the needs and costs to educate pupils through a weighted formula, based upon individual educational needs and demographic characteristics, including, without limitation, pupils from low-income families, pupils with disabilities and pupils with limited proficiency in the English language. Chair Denis stated that today's meeting agenda would focus on special education funding in Nevada.

III. PUBLIC COMMENT.

Jennie Moss, United Citizens Foundation, North Las Vegas, said that *Education Week's* annual report, *Quality Counts*, ranked Nevada 51st in the "Chance for Success" category. The Nevada Association of School Boards also ranked Nevada 51st in the "Chance for Success" category and 50th in the "Overall Education" category. She added that Nevada ranked 49th in the "Spending Per Pupil" category. Ms. Moss, a parent of four children, said the Clark County School District Board of Trustees recently made a presentation at a city council meeting regarding the importance of full-day kindergarten. Ms. Moss explained that her family personally experienced the benefit of full-day kindergarten before they relocated to Las Vegas from Maryland. She said her son's 1st grade curriculum in Las Vegas was a repeat of the full-day kindergarten curriculum in Maryland, and she implied that children who did not attend full-day kindergarten started off one year behind the students who had.

Additionally, Ms. Moss indicated there was a high population of English Language Learners (ELL) in North Las Vegas, and full-day kindergarten was instrumental in

allowing children to progress quicker, requiring less resources in grades two, three and beyond. Ms. Moss encouraged the Legislature to establish funding for full-day kindergarten for all students, not just certain students, stating it would increase the quality of their education. She said by educating children during those instrumental years, students would progress quicker and go on to college which would provide them an opportunity to accomplish more in their own lives and give back to the community.

IV. OVERVIEW OF THE SPECIAL EDUCATION STUDENT POPULATION IN THE UNITED STATES AND THE FUNDING MECHANISMS UTILIZED BY OTHER STATES TO PROVIDE ACADEMIC SUPPORT FOR THOSE STUDENTS.

Chair Denis announced that Mr. Daniel Thatcher, Senior Education Policy Specialist, National Conference of State Legislatures (NCSL), would present agenda item IV via teleconference. He said Mr. Thatcher worked in the field of school finance policy at NCSL from 2006 to 2010. In September 2011, Mr. Thatcher returned to NCSL to cover education finance at the Common Core State Standards Initiative, where he currently tracked statewide education finance developments and Common Core implementation and developments. Chair Denis stated that Mr. Thatcher worked with state legislators in a variety of capacities for over ten years, including service as a Hinckley Institute of Politics intern with the Utah Legislature in 2004. Mr. Thatcher received his Bachelor of Science degree in political science from the University of Utah, and his law degree from the Sturm College of Law, University of Denver, Colorado.

Mr. Thatcher thanked Chair Denis and the members of the Task Force for inviting NCSL to present at today's meeting. He explained that NCSL was a combination of different organizations that came together in the 1970's to represent legislative staff and legislators. He said NCSL was bipartisan and represented all 50 states and the territorial legislatures. The focus of NCSL was to provide non-biased research for 30,000 staff and 7,383 state legislators. He noted that NCSL advocated on behalf of state legislatures before the federal government, highlighting issues such as, Individuals with Disabilities Education Act (IDEA) funding, Part B funding, and the lack of additional funding for special education (page 1, [Exhibit A](#)).

Before continuing, Mr. Thatcher indicated that he was asked to present for Mike Griffith, School Finance Consultant, Education Commission of the States. Mr. Thatcher noted that Mr. Griffith was the originator of the material presented at today's meeting ([Exhibit A](#)).

Mr. Thatcher stated that Part B of the IDEA guaranteed that students with disabilities would have access to a free and appropriate public education. He explained that public schools worked with students and their families to develop an Individualized Education Program (IEP) that emphasized special education and related services designed to meet students' unique needs, and prepare those students for further education, employment and independent living. He stated that IEPs were legally binding and required a local administrative unit, whether a local school district or a Board of Cooperative Educational Services (BOCES), to provide programming and other

supports for students at no cost. He said the guarantees incumbent in this law fell upon the states that accepted IDEA funding, noting that all states accepted funding. Mr. Thatcher said when the IDEA was first enacted in 1975, it was assumed that costs associated with providing special education programs and related services to students with disabilities cost twice as much as a basic education; adding that the assumption still existed. Accordingly, IDEA set the maximum federal contribution to 40 percent of the total cost of educating students with disabilities, which left states and local education agencies financially responsible for the remaining 60 percent of the cost. He said state special education funding programs existed for two reasons: 1) It was designed to parse funding for special education between state and local education agencies, and 2) assist districts with the costs associated with educating students with special needs.

Mr. Thatcher stressed that accurate data related to the costs associated with providing special education across the United States was limited. He said many students received special education services in conjunction with general education programs, making it difficult to disaggregate expenditures between the two, and at what point. Mr. Thatcher said the last comprehensive analysis to disaggregate special education costs was conducted by Jay Chambers and Thomas Parrish approximately ten years ago, and was based on 1999-2000 data. He said it was estimated that roughly \$65 billion to \$70 billion was spent annually on total education, including general education programs for students with disabilities. He clarified that those amounts did not include specific education programs for students with disabilities. Mr. Thatcher stated that \$90 billion might be a more accurate number today.

Mr. Thatcher said the National Center for Education Statistics reported that approximately 15 to 20 percent of total spending on elementary and secondary education in the United States equated to roughly \$600 billion, including total education revenues from the federal and local governments. He said the analysis conducted by Jay Chambers and Thomas Parrish stated that, on average, students with an IEP required double the expenditures than general education students, and he reiterated that this collaboration was what the IDEA based its funding determination on in 1975.

Mr. Thatcher said a major concern for the NCSL was that the IDEA was not fully funded. In regard to special education funding, Congress determined that the maximum federal contribution toward the estimated excess cost of educating children with disabilities was 40 percent. He said if the program was fully funded, the state would receive a maximum grant calculated at 40 percent of the national average for pupil expenditures, multiplied by the number of children with disabilities served in the school year. Under the IDEA guidelines, the count of children with disabilities could not exceed 12 percent of the state's total population. Mr. Thatcher said IDEA federal funding covered 16 percent of the estimated special education costs in FY 2012 compared to 17 percent in FY 2008, and 33 percent in FY 2009 due to the American Recovery Reinvestment Act (ARRA) funding. To compare, IDEA full funding for FY 2012 would have amounted to approximately \$28 billion, or about \$17 billion more than what was actually appropriated. He said, with the exception of the ARRA funds in FY 2009, there was a big shortfall of federal funds in the past five years.

Mr. Thatcher said the gap in federal funding at this point caused implications for the states, because the remaining financial responsibility was passed to the state and local districts. At that point, finance formulas were used to determine how much the state would pay toward special education expenditures versus the local government. Mr. Thatcher said the NCSL observed that most states and school districts were funding about 80 percent of special education costs. For example, in FY 2013, the Colorado Department of Education reported that its total expenditures, on behalf of students with disabilities, totaled more than \$803 million. Colorado school districts paid 60 percent of total expenditures and the state and federal dollars accounted for 20 percent each. He said that same report requested that the Colorado Legislature pay a larger share of the total expenditures; however, the federal IDEA guidelines allowed states to determine for themselves how they wanted to allocate the financial responsibility between state and local governments. Mr. Thatcher said that maintenance of effort (MOE) became an issue during the great recession when state revenues were down. He said a number of states requested waivers from the federal requirement that mandated states to maintain special education spending from year to year, specifically because states could not drop below a certain percentage of past year fiscal spending. Mr. Thatcher relayed to the Committee that spending was being monitored in some states, and that he could provide additional information to the Committee if requested.

Mr. Thatcher explained the three broad approaches employed by states to distribute education dollars: 1) funding within the primary funding formula. The advantage to this approach was that, in most states, the finance formula included written ways to adjust for geographical differences in cost or other weights, such as those attributed to ELL students. Additionally, whenever there was an increase in the state funding formula, there was an automatic increase in special education funding, 2) funding outside of the formula. This method made it easier to track and account for dollars spent and directed toward special education; therefore, it was easier for states to comply with their federal MOE requirement under IDEA, and 3) reimbursement outside the finance funding formula to districts with high-cost students. This approach was advantageous for the districts, because the state would help to relieve some financial pressure from the local education agency when a high-cost student entered the program.

Mr. Thatcher referenced a map of funding mechanisms that states currently employed to distribute special education dollars (page 8, [Exhibit A](#)). This research was done by Deborah Verstegen, University of Nevada, Reno, Professor of Education Finance, Policy and Leadership at the College of Education. Mr. Thatcher explained that there were multiple and singular per-pupil weight funding mechanisms. He said that multiple student weights were a series of multiples of general education dollars, or tiered dollar amounts, that were allocated for special education students and varied by disability type or need. The single weight was a fixed amount, varied by state, and was based on the total basic pupil funding within a state. He explained that the census-based funding method, adopted in the 1990's and implemented by seven states, received the most attention in recent academic research. Mr. Thatcher noted that the federal government employed census-based funding to distribute its IDEA dollars. With this method, the

dollars distributed to each district were based upon total student population; however, the different cost variances and needs of the special education population were not accounted for. He said if every district received the same amount of funding on a per capita basis, local districts would be incentivized to find cost cutting measures or cost efficiencies in distributing and delivering special education programs. He said research showed that when using the census-based funding mechanism, the percentage of students identified as IEP dropped and the program's quality improved, because the districts were being more effective with scarce resources. However, this funding mechanism did not take into account the needs of the individual students from district-to-district, and some districts had greater needs than others. The research showed a correlation between population density and poverty per capita, and the instances of special education identification. Mr. Thatcher stated that the census-based mechanism provided an opportunity for inequities where the district may have a higher percentage of special education students and greater instances of poverty, which could prevent the state from receiving their fair share of funding for special education (page 8, [Exhibit A](#)).

Mr. Thatcher referenced a map of states that funded within the formula or outside the formula (page 9, [Exhibit A](#)). He said there were also a number of states that funded by both means.

Mr. Thatcher pointed out that some states used a single-weight funding method, inside the funding formula (page 10, [Exhibit A](#)). For example, Oregon allocated an additional weight of 0.5 percent for students with disabilities requiring an IEP, regardless of need or disability. He said it was argued that this method incentivized school districts to over identify IEP students.

In regard to multiple weights, Mr. Thatcher said that states could get very detailed about the types of disabilities to fund and the associated weights (page 11, [Exhibit A](#)). The weights were determined by existing resources and could be manipulated to represent the total funds available in the state's general fund for special education expenditures, based on the number of students and their particular disability. Mr. Thatcher said the other weighting method approach was to base the weights on the programs or services provided (page 12, [Exhibit A](#)).

Continuing, Mr. Thatcher described cost reimbursement as a funding mechanism where the state reimbursed the district for a capped percentage of the costs related to educating a special education student. He said that often a state would use this mechanism in conjunction with a contingency fund option that provided additional subsidy for high-cost students. He said when the cost for a special education student exceeded a predetermined cap the state could fund the excess costs using the contingency fund. The contingency fund was created from revenue provided through the general fund or an outside funding mechanism, and usually totaled between \$1.0 million and \$6.0 million. It was disbursed through the Department of Education. Mr. Thatcher said 31 states had adopted a contingency fund program (page 13, [Exhibit A](#)). He implied that the funds would be more effective if they were higher, but

the funds were used widely across the nation and varied greatly. He compared distributions of \$10,000 per student in New York to \$50,000 per student in Vermont, stating that the amount of additional funding was determined by the costs associated with the program or needs of a particular student.

Mr. Thatcher said that all states struggled to find the best approach for funding special education programs. For example, a new finance formula was adopted by the Colorado Legislature in 2013. It revamped the state's existing finance formula, but it did not address changes to special education funding. He said the effectiveness of the new finance formula was contingent upon voter approval of a large tax increase. The tax increase was not approved; therefore, Colorado continued to use its existing finance structure for special education. He noted that a five-year trend showed that special education students were being identified at a lesser rate from year to year; however, there was a large increase in the number of students identified with autism. He said the states were reacting to the autism subpopulation growth as they addressed their finance programs.

Mr. Thatcher explained that states trended toward moving special education funding into the primary formula (page 18, [Exhibit A](#)). He said the transition took into account all factors that determined how state funds were distributed from district-to-district, including the cost variances between geographic locations, such as density, sparsity, ELL and at-risk funding. He said another narrowing trend was the use of broad spectrums of severity when defining a student's disability. He recognized Texas and Oklahoma as states that attached a weight based on a specific disability rather than need.

Assemblyman Hickey referenced the estimated \$65 to \$70 billion that was spent annually on special education across the nation. He noted that districts and states provided 82 to 88 percent of special education costs. He asked if the district and state obligations were included in the \$65 to \$70 billion annual special education costs, or if their obligation was in addition to that estimate.

Mr. Thatcher explained that the \$65 to \$70 billion estimate included revenues derived from three sources; the federal IDEA, the state funding formula, and contributions made by local efforts.

Assemblyman Hickey asked if the states were primarily paying the largest portion of special education funding or the federal government.

Mr. Thatcher replied that the states were spending much more than the federal government on special education, which was a large burden on the states. He said it was difficult to obtain accurate disbursement numbers, but because of the 40 percent contribution limit implemented by IDEA, and knowing that the federal government was not funding the full 40 percent, the bigger expense fell back on the state to fund the remainder of the total cost to provide education to special education students.

Denette Corrales asked Mr. Thatcher to clarify his comment regarding autism, quoting “the identification of autism was increasing while other special education classifications were decreasing.” She asked why that was occurring, and who was responsible for identifying the autism disability. She asked if the district was making the identification or if the student was identified prior to coming to the district.

Mr. Thatcher clarified that the identification process was done within the school by the local education agency of the school district. He said once a student was identified with a particular disability, the school or the district would meet with the student and their family to develop an IEP. Mr. Thatcher did not know why the number of children identified with autism had increased. However, in 2013, the classifications for autism were redefined, therefore, identification of students with autism was expected to decrease.

Bob Burnham referenced the different fixed weights being used by states to calculate funding for special education students, comparing Oregon (.05 percent) versus West Virginia (2 percent). He acknowledged the large variance between the two states and asked Mr. Thatcher to elaborate on the specificity of the federal mandate to provide funding for special education, assuming the states looked at the magnitude of the mandate differently.

Mr. Thatcher replied that states were not required to fund special education if they never accepted federal dollars under IDEA. Once the IDEA funding was accepted, any student identified as having a disability would receive an IEP. He said the federal statute, under the IDEA plan, stated that every student with a disability was entitled to a free and appropriate education, regardless of cost, which put the onus on the state as the primary entity responsible for providing/funding public education. Mr. Thatcher explained that the weights assigned by each state were contingent upon the base allocation amounts. For example, Oregon might use \$5,000 per pupil as their base allocation and provide an additional single weight of 0.2 percent, while West Virginia’s base allocation could be \$3,000 with an additional single weight of 0.8 percent. He explained that it looked like the weight increased the responsibility of the state’s financial liability for funding education, but it was an interplay between the base allocation amount and the associated weights. He said when states formulated their budgets, they identified available revenue for special education and adjusted the weights or the base per-pupil allocation accordingly.

Stephanie Smith asked who was required to meet the federal mandate of funding special education if the federal government failed to adequately fund their portion, and if the state did not have the resources. If the school district was required to meet the mandate and fund special education, she wanted to know what detriment that had on the general education population and what funds would remain for the rest of the student population after complying with the mandate.

Mr. Thatcher replied that evidence showed that districts with a higher percentage of special needs students received a smaller per-pupil amount of funding for unserved

students versus districts with a lower percentage of special needs students. He stated that there was case law pertaining to the federal rights of special education students, including one case that went to the Supreme Court to determine the rights of the students based on the programming identified in the IEP. Mr. Thatcher said the local education agency or the school district was responsible for the cost; however, the state may assist on a case-by-case or contingency basis.

Ms. Smith stated that there was a right for special education students to receive a free and appropriate education, but there was not a right for other students to demand the education that they needed. She asked if the final financial liability for special education was with the school district.

In response, Mr. Thatcher thought the final financial liability did not necessarily fall upon the school district, rather it depended upon the state and how its formula parsed the responsibility between the state and local governments. He affirmed that there was a recognized right to a free and appropriate education to any child identified as having one of the eight federally recognized disabilities defined in federal statute, under the IDEA regulation.

Assemblywoman Flores asked if the definition of special needs only included students with mental disabilities, or if gifted and talented students were also included. She asked Mr. Thatcher to define special needs.

Mr. Thatcher said there were states that included funding for gifted and talented and special education programs, but they were in the minority. He said the list of recognized disabilities differed from state to state.

Ms. Flores asked if special needs funding pertained only to students with a mental disability or if physically disabled students were included.

Responding to Ms. Flores, Mr. Thatcher referred to Oklahoma's disability categories and weights on page 11 ([Exhibit A](#)), stating that the eight federally recognized disabilities were similar.

Andrew Fromdahl asked Mr. Thatcher if he had seen research that pertained to early or extended programs. He thought that some Committee members assumed the programs were applicable from kindergarten through 12th grade, but he indicated there were services offered as early as age 3, and potentially up to age 21, as well as summer school programs. He asked what the relationship was between the duration of services and the costs.

Mr. Thatcher stated that Part B of IDEA included two funding mechanisms, one that targeted students up to age three, and another more common mechanism that targeted elementary and secondary education. He said he had not seen any research on the costs associated with the different age groups and length of programs, and implied that there was a lack of information pertaining to how funds were used among the various

special education programs within the states, local districts and federal government. He said if he found that information he would forward it to the Committee.

V. PRESENTATION ON NEVADA'S EXISTING SPECIAL EDUCATION FUNDING MODEL.

Julia Teska, Deputy Superintendent for Business and Support Services, Nevada Department of Education, informed the Committee that she had experience with dividing special education funds between school districts. She said it was not complicated mathematically; however, it was not a straight forward system because of the wide range of needs/costs required by students. She said the services varied dramatically from a student who was included in the mainstream classroom, needing intervention services a couple of times a week, to a student who needed to be placed out-of-state for specialized services. Ms. Teska stated that with respect to special education funding, careful consideration was taken to ensure that the districts did not divert resources from the general education population, and did not create incentives that placed students into IEP situations that were not the best educational situation for them.

Ms. Teska said she appreciated the historical information from the Legislative Counsel Bureau. She said Nevada's current funding model used for special education was developed during the 1973 Legislative Session. Ms. Teska said the unit-based methodology was developed prior to several Supreme Court decisions regarding what was commonly referred to in education as "the least restrictive environment," or mainstreaming. She explained that when a child was identified as special needs, they were pulled out of the regular classroom and put into a special education classroom where their needs were addressed by a licensed special education teacher (unit). Each unit has their own classroom and caseloads, and the funding method matches how services are delivered. She said the view on how to deliver special education services has changed dramatically over the last 40 years; however, Nevada's funding model has not changed since 1973.

Continuing, Ms. Teska explained that with the unit-based model, a unit was supposed to equate to one full-time licensed professional. That person had to carry a caseload or be a dedicated special education teacher with a special education class. The number of available units in the state had been static since 2009, totaling 3,049 units, and were assigned varied unit rates for FY 2013 through FY 2015 (page 3, [Exhibit B](#)). She pointed out that the unit-based funding only supported one licensed full-time professional, and additional instructional aides or assistants were not eligible for funding. Ms. Teska clarified that psychologists and nurses were not eligible for funding unless they carried a specific caseload. This also applied to coordinators and directors of special education at the school and district levels. Ms. Teska expressed that there were a number of "holes" in terms of what Nevada's current funding model covered.

Directing the Committee to page 4 ([Exhibit B](#)), Ms. Teska focused on special education funding contributions from the federal IDEA and the state. She referenced the state funding in FY 2013, recalling that the state was under budgetary restrictions from the

recession, and that the \$121.2 million MOE was established in 2009. She said during the recession, Nevada incurred proposed reductions in salaries and slight decreases in enrollment. This combination produced formula results that reflected a number less than the MOE requirement; however, the state funding MOE requirement held steady at \$121.2 million from 2009 to 2013. She said in FY 2014 the state experienced growth in enrollment and projected growth resulting in an increase in funding totaling \$126.8 million. In FY 2015, the funding would increase to \$130.3 million.

Ms. Teska said that funding amounts from the federal government were difficult to pinpoint because of sequestration. She said the federal government had not fulfilled the commitment of 40 percent funding for special education, because IDEA funds were included in sequestration. Although there had been temporary relief, she anticipated sequestration discussions again during the 2015 Legislative Session.

Ms. Teska explained that the allocation of units across Nevada were based on completions in FY 2013 (page 5, [Exhibit B](#)). The units were allocated at the beginning of the year, and at the end of the year districts reported the number of eligible units that were operational. Because some districts were operating unfunded units, any units that were not in compliance were reallocated. She reported that 100 percent of Nevada's special education dollars were paid out to the districts.

Ms. Teska stated that the increase in state special education funding in FY 2014 was attributed to the teacher salary information table (page 6, [Exhibit B](#)). She said the facts led her to recommend that the state increase the value of each unit versus increasing the number of units allocated, even though some districts had unfunded units in operation. In FY 2013, the average cost of a teacher was a little over \$74,000, and the amount provided in funding for one unit was \$39,768. Ms. Teska said the cost of a special education teacher was at least the average salary because of the requirements for those particular positions. Considering that a unit was supposed to cover the cost of a special education teacher, the district was left with a shortfall of nearly 50 percent. She explained that if the state increased the number of units at the current rate of funding, a larger district contribution would be required in order to hire a teacher and be eligible for a unit. She said an issue with the current funding model was that the cost of a unit did not equal the cost of a teacher.

Ms. Teska stated that districts were contributing approximately \$330 million toward special education in addition to the \$120 to \$130 million received from the state and \$65 to \$70 million from the federal government. She said some of that funding was expected because a portion of DSA funds should follow students who were in a special day class setting instead of the mainstream classroom. Ms. Teska reiterated that overall funding consisted of \$330 million from the districts, \$120 to \$130 million from the state, and \$65 to \$70 million from the federal government. She said the federal funding portion did not equate to 40 percent, estimating that it was less than the 18 percent reported by other states. Ms. Teska believed that the contributions needed to increase as mainstreaming occurred, because it was possible that some students in general education classes were receiving special education services.

Ms. Teska noted three funding recommendations made by the American Institutes for Research (AIR) (page 8, [Exhibit B](#)).

1. Per-pupil funding, a methodology that funded a flat amount per special education pupil. This method could differentiate by the type of classification of the student. This simple and transparent funding method was an advantage; however, it provided an incentive to identify students as special education.
2. Weighting enrollment, a methodology based upon the type of disability or needs of the student, similar to how the at-risk and ELL populations were determined. This method also provided an incentive to over identify students.
3. Census-based approach, a methodology that funded a flat amount per pupil based on overall population, assuming that 12 percent of the students were identified as special needs. This method could be combined with a contingency fund to help cover exceptionally high-cost cases. This method contained flaws, but it provided more flexibility with cost concerns.

Continuing, Ms. Teska said the census-based approach was more complicated in regard to MOE, but funding was based on student population rather than the licensing that a particular provider held. It allowed districts to engage in different service delivery models without the incentive to over identify students for special education services. Ms. Teska stated that a downside to census-based funding was that all students were funded the same amount and it did not consider the wide spectrum of needs.

Ms. Teska noted that AIR had recommended a contingency fund for high-cost students. She said it was recommended that a panel be considered for administration of the funds, making the districts justify why a particular student needed to be included in that pool, as opposed to accepting that the student's services were going to cost more than average.

Ms. Teska suggested that the panel consider a structure for cost sharing so that all high-cost cases did not automatically revert to the contingency fund, and to ensure that the local education agency (LEA) shared the costs for that case. Ms. Teska noted the federal IDEA's MOE requirement, stating that it applied at both the state level and the LEA level. The state level was rigid in terms of spending and, at a minimum, had to match the prior year's spending. The district level had more room for exceptions regarding staff changes and the makeup of the student population. Ms. Teska suggested that further research be done to determine how the contingency fund would impact MOE requirements, and how to address the impact.

Ms. Teska said she typically advocated discussion on the ideology and methodology for a funding model before funding it. However, because of the MOE requirements, she thought it was important for the Committee to have an idea of the cost of using a census-based model.

Ms. Teska called attention to an example of the census-based model without a hold-harmless clause (page 10, [Exhibit B](#)), stating that it essentially passed a portion of the liability to the LEA. She said she did not recommend that approach from the standpoint that it would be harmful for the districts, and might not be a direction that the Task Force wanted to promote. She reported that the census-based model was challenged with a shortfall in funding at two districts: 1) Clark County, because it was the fastest growing district and the quantity of units had remained stagnant for several years, and 2) Charter schools, because the original unit allocations were assigned before charter schools came into being. Charter schools were only eligible to receive the discretionary units that were awarded by the Board of Education every year, consisting of 40 out of 3,049 units. Ms. Teska suggested that the Task Force examine how charter schools fit into the funding methodology in all areas. She questioned whether charter schools should be considered the same as the rest of the districts, because typically charter schools had not been serving the same proportion of special needs students as the school districts. Ms. Teska suggested a discussion take place with the charter school administration to determine whether those schools had access to special education funding, and if not, determine if that was why they were serving less special needs students.

Ms. Teska referenced the costs for a census-based model that ensured the hold harmless for the MOE at the district level (page 11, [Exhibit B](#)). She noted that, based on FY 2013 numbers, it would cost the state about \$13 million per year to move from the state's current unit model to a census-based model. She thought it was important to inform the Task Force of costs before going further into the discussion.

Assemblyman Hickey referred to the complexity of the funding formulas and how some formulas could provide an incentive to over identify students as special needs. He asked Ms. Teska if she was suggesting that districts or local education agencies were categorizing students in certain ways to get more funding.

Ms. Teska replied that the incentive to over identify was a possibility. She said she had been part of a group that was tasked with creating a funding model for distributing special education funds in California, and one of the principles discussed was to avoid an incentive for districts to over identify students. Ms. Teska reiterated that she was not suggesting that Nevada school districts engaged in over identification, but the potential for that to happen could not be overlooked. She recalled an ELL discussion that alluded to a time limit on ELL funding, stating that special education students generally remained in the program, and a district might be incentivized to give an IEP to a student even if a different intervention strategy could apply.

Mr. Martinez clarified that the enrollment-based allocation did not take into account student demographics. His understanding was that one district could have 50 percent of students enrolled as special education and another district could have 5 percent; however, funding was based on total enrollment, not just the special education population.

Ms. Teska replied that Mr. Martinez' example was one of the alternatives. She said the census-based model looked at entire enrollment and funded on a per-pupil basis. She stated there was a separate enrollment-based model that was based on special education student count, but also differentiated between the districts that had different percentages of special education students or special education classifications.

Mr. Martinez said an enrollment-based type allocation was the opposite of weighting, that every child was viewed as if they did not have a disability. For example, a severely disabled child in a rural school district could cost between \$50,000 and \$80,000 per year, and by law that child had to be served regardless of the size of the school. He said special education was the only population that required districts to spend money, per statute. He said the state allocations had been flat; therefore, there was no incentive to identify special education students because the subsidy from local or state resources was so high, creating financial challenges, unlike the other populations. He said identifying students with special needs actually cost a district more. Mr. Martinez referenced the charter schools, stating that charter schools were scheduled to receive an additional \$6 million, yet the number of special education students they served had not been determined. He said the district was currently allocated 13 units, which satisfied their special needs count. He was not sure if the charter schools subsidized like the other districts, but noted that a \$6 million increase would bring the unit count closer to under 100. Mr. Martinez said if there were no special education students to serve, then that scenario would result in units leaving districts that actually had the demand. He said that in other states, charter and private schools have the ability to turn away special education students, especially the severely disabled, because those schools might not have the resources to provide the proper service(s). He said that was why most severely disabled students were enrolled in public or non-charter public schools. Mr. Martinez was unsure if that was the policy in Nevada, but said it was common across the country. He said he understood that Ms. Teska was not recommending a census-based approach, but wanted the Committee to be aware of the downside of this approach and that it was the opposite of weighting children based on need.

Mr. Burnham said that meeting the needs of high-cost students generated costs that could greatly exceed that of a general education student. He said that it could be difficult to successfully educate severely disabled students in a public school setting. Additionally, Mr. Burnham echoed the need to avoid incentivizing over identification of special needs students. He asked if an analysis had been done to determine if that goal could be met while still recognizing the extreme variability of the cost between students.

In response to Mr. Burnham, Ms. Teska said an analysis had not been done. The focus was directed toward Nevada's current method used for funding special education, along with other comments from the AIR study, including their recommendations. She said AIR recommended the census-based model with a contingency fund, or a catastrophic fund. She said special education funding was a very difficult area to address. It required a balance between not creating incentives that were not student-centered and addressing the broad array of services and costs. Ms. Teska said it was not her place

to say if public school was the proper place to provide services for high-cost students, instead it was determined by the courts and the federal government. She thought some of the school districts came up with creative ways to provide meaningful services to students, stating she would never discourage those efforts because one day those students would grow up to be part of society. She said any service that better equipped students for society was worth it.

In an attempt to understand the amount of money spent on special education, Mr. Erquiaga repeated the available funding sources, including federal (\$70 million), state (\$120 million), and local contributions (\$350 million) totaling \$540 million. He said the statewide census for special education students was about 11 percent, varying from district-to-district, and calculated to about 50,000 students totaling \$10,800 per student. He asked Ms. Teska if \$10,800 was an approximation of what was spent per student.

Ms. Teska agreed; however, she said she would suggest a weight of 1.5 because all of the combined funding sources were included in the calculation.

Mr. Fromdahl called attention to page 6 ([Exhibit B](#)), a table that identified the cost of a teacher, the state unit funding contribution, and the cost difference paid by the district. He asked if the special education program was designed to share the balance between the state and local district, or if it was a discrepancy that grew over time.

Ms. Teska thought the intent was for the state to cover the entire cost of a teacher, or at least the majority of the cost. She said that during the recession the cost per unit and the number of units were frozen due to meeting the MOE requirement; however, most districts did not reduce teachers' salaries even though the reduction was calculated in the formula. Ms. Teska said that caused a discrepancy growth between 2009-2013.

Mr. Fromdahl appreciated Ms. Teska's mention that funding only addressed teachers and not classified staff, including bus drivers. Mr. Fromdahl pointed out that the overall gap in funding was much larger when other personnel were included. He asked if the State of Nevada utilized funding for students who qualified under Section 504 guidelines, or if those costs were the sole responsibility of the districts.

Ms. Teska replied that she was not familiar with Section 504, and Mr. Fromdahl responded that Section 504 was a federal guideline that stated the school and the district must provide access or services to students with disabilities who did not qualify for an IEP.

Ms. Teska said her understanding was that federal unit funding was based on the licensing of the personnel, and that personnel had to teach a special class or have a designated caseload rather than being based on the IEP of the students they served.

Judy Osgood said her understanding of a unit-based model meant that the state provided a flat dollar amount per special education student; however, since FY 2009, that unit was not tied to special education enrollment. She asked Ms. Teska if she

thought there was a better way to apply the unit-based model in Nevada that would be more reflective of special education enrollment.

Ms. Teska explained that Nevada's unit methodology classified a unit as a teacher, and not a student. She clarified that a unit was a portion of the cost of the teacher. She believed that the unit methodology described by NCSL was AIR's definition of an enrollment-based model where special education funding was based on special education enrollment. She stated that AIR's recommended funding methods; per-pupil funding, enrollment weighting and census-based models, could be modified to provide more effectiveness than Nevada's current model.

Ms. Osgood referenced the funding changes for the census-based approach (page 10, [Exhibit B](#)). She asked if the funding changes were identified for the enrollment-based model.

Ms. Teska said she only included the census-based model in her presentation because it received the most discussion, including the contingency fund. Ms. Teska thought the recommended methodologies would be referred to the Technical Advisory Committee (TAC) to determine the pluses and minuses of each method. She implied that it would be difficult to devise with an ideal formula to determine special education funding, and stated that the Task Force needed to arrive at the best solution for Nevada.

Assemblywoman Flores thanked Ms. Teska for wanting to find the best funding solution for special education. She said the children in Nevada received the short end of the stick when it came to education in general, and special needs students received even less even though they deserved an adequate education equal to their peers. She felt that fixing the funding formula was going to be complicated. Assemblywoman Flores stated that although members in Southern Nevada did not feel the census-based approach was the best, she favored that approach because of the contingency fund access. She felt it was a safeguard for high-cost students. She asked if the enrollment-weighted model recommended by AIR was structured similar to how services were weighted and funded in the Texas and Oklahoma examples presented by Mr. Thatcher.

Ms. Teska explained that the enrollment-weighted model had flexibility and it was similar to the Texas and Oklahoma funding models (pages 11 and 12, [Exhibit A](#)). She thought the Oklahoma model was based on the actual designation of the student and the Texas model was based on the services being received. Ms. Teska said she favored the Texas method.

Assemblywoman Flores closed by stating the issue at hand did not have an easy solution, but she was confident that the Committee would find the best resolution.

In response to a question from Ms. Osgood, Ms. Waller replied that the percentage changes could be located in the AIR's 2012 report.

Ms. Waller replied to Assemblywoman Flores' question about the enrollment-weighted model promoted by AIR, stating that the weights were based on specific disability categories as opposed to services provided. She said the TAC could develop a weighting system based on either model.

VI. DISCUSSION OF SERVICES PROVIDED BY SCHOOL DISTRICTS TO PROVIDE ACADEMIC SUPPORT FOR SPECIAL EDUCATION STUDENTS.

- a. Jeff Zander, President, Nevada Association of School Superintendents
- b. Representative, Washoe County School District
- c. Representative, Clark County School District

Mr. Zander, Superintendent, Elko County School District, and President of the Nevada Superintendents Association, said to aid in the funding decision process, his presentation included data collected from Nevada's 15 rural school districts. He referred the Task Force to an outline of Elko County (page 1, [Exhibit C](#)), which illustrated some of the issues in rural Nevada. Mr. Zander said Wendover, Jackpot and Owyhee schools were 100 miles from Elko in different directions which made it difficult to consolidate services.

With respect to the census-based and unit-based funding models, Mr. Zander said the population of special education students was not equally distributed around the rural counties; therefore, specialized transportation, equipment, curriculum expenses, and service provider expenses varied by community. Mr. Zander said the specialists traveling to Owyhee, Jackpot and Wendover had four hours of travel time every day, generating a tremendous cost for services.

Mr. Zander referenced the table pertaining to special education on page 2 ([Exhibit C](#)), and summarized the enrollment and funding data. He noted large variances in regard to the interfund transfers and subsidization that occurred throughout the districts, suggesting those numbers could be skewed by inconsistent reporting measures. He stated that expenses related to transportation, additional facility costs and administration costs may not have been reported accurately. He noted that approximately \$35 million worth of interfund transfers from the General Fund was needed to meet the Free Appropriate Public Education (FAPE) federal requirement for base education funding.

Mr. Zander shared the rural districts' concern regarding MOE. He explained that MOE is the complexion of the local educational agency's expenditures versus the federal monies received. The federal requirement stated that federal and local plan monies could be used to supplement state budgets, not supplant them, which meant funding was limited to special education costs outside of day-to-day operational expenses. He said expenditures outside of the regular operation of the special education departments were affected by sequestration. With many rural districts, a high-cost student could skew the MOE costs in such a manner that made it difficult to manage the federal versus state funds that were received. He said that sequestration and the recession

affected resource allocations for both the general programs and the special education programs. Mr. Zander explained that with unit-funding, all special education teachers were funded the same dollar amounts. In addition to that, the funding incorrectly assumed uniform distribution of children with disabilities. He stated there were issues with every funding model, and there was no perfect answer when it came to funding allocations.

Mr. Zander said the current funding procedures did not consider special education services for students under the age of three. He said it was difficult to anticipate when those students were going to arrive, adding that many times they had high-cost needs. He stated that transition services for life and employment skills were accessed at the high school level, and depending on the student's behavioral IEP issues, it could require the additional cost of a full-time aide to take the student out into the community. Mr. Zander said additional full-time teaching positions and/or aides assigned to special education students could increase expenditures as much as ten times the normal per-pupil cost.

Continuing, Mr. Zander said current funding procedures did not take into consideration the number of students with high-cost or severe needs requiring specialized equipment, such as a lift, iPad, full-time aide, curriculum materials, specialized transportation, and/or additional services (page 6, [Exhibit C](#)). He said the high cost of contracting occupational, physical and speech therapists exceeded the cost of the average teacher's salary. Mr. Zander stated that between travel and contract costs, servicing one student in a rural school cost more than if a full-time teacher was hired in that community to work with that particular student.

Mr. Zander explained that IEP services competed for funds, and the combination of the recession and MOE requirements made it difficult to allocate those funds in the rural districts. He noted the highs and lows in regards to the services they had to provide, whether it was additional intervention costs to help with student achievement or buying school buses, they did not have the resources available to appropriate the type of funds necessary to meet the state responsibilities without cutting into base education funding.

Mr. Zander stated his concern over the increased cost of litigation, and the lack of funding for ongoing professional development for staff, instructional aides and teachers.

Ms. Smith asked if the MOE funding level had to be maintained if a high-cost student graduated out of the system and the resources were no longer needed.

Mr. Zander stated that was an issue of concern for the rural districts. He believed there were school districts that maintained a certain amount of special education expenditures within their general funds to provide flexibility from year-to-year to move those funds around to meet the federal mandate.

In response to a question from Ms. Smith, Mr. Zander replied that an MOE exemption was not an option currently. However, he had discussed the possibility of a waiver with

Nevada Legislators and in Washington, D.C., where he attended as a representative for district superintendents.

Ms. Corrales thanked Mr. Zander for the information. She said she did not see details on the expenditures of actual services provided. Ms. Corrales asked Mr. Zander if that information was requested from the districts, or if he reviewed the services provided in his own district, considering the potential changes to the funding method.

Mr. Zander said he was currently reviewing the expenditures at a “747” level and had not requested that information from the districts. He thought that the Washoe County and Clark County presentations at today’s meeting would include specific services by disability or IEP. He offered to gather that information from the rural districts if requested by the Committee.

Mr. Burnham asked if special education costs were delineated between the larger school districts (Elko and Spring Creek) and the smaller districts (Owyhee or Jackpot).

Mr. Zander replied that was done to an extent, but not specific to each campus. He said that the Elko district had tuition agreements with Eureka County and the State of Idaho to educate students on their behalf. He said the cost to educate a student in Owyhee was around \$13,500 to \$14,000 annually, whereas the same expense at Elko High School was \$8,500. Mr. Zander said the cost to provide education in the outlying areas was much more, based on the lower economies of scale available to consolidate different operations in rural communities.

Mr. Burnham mentioned the high expense of sending licensed specialists to rural schools. He asked if it would be more practical to cross train some of the general education teachers to fulfil those roles, and if it could be achieved at a reasonable cost while still meeting statute.

Mr. Zander said that there had been some success utilizing physical therapists and speech therapists. He said it was difficult to recruit highly qualified teachers to the outlying areas; therefore, some school districts shared the cost of school psychologists and other services. He recalled a request at a previous meeting of the Task Force for the superintendents in the rural districts to research cost sharing concepts to provide high-cost services to special needs students in the rural areas. Mr. Zander said discussions were currently taking place in that regard.

Frank Selvaggio, Executive Director, Student Support Services, Washoe County School District (WCSD), communicated that his presentation would focus on the state of special education in Washoe County. He said he was hired in July 2013 by Superintendent Martinez and the Washoe County School Board, because they were concerned with WCSD’s special education results. Before discussing costs, Mr. Selvaggio said he wanted to discuss how special education students were performing in WCSD and on a national level, and if the dollars being spent were resulting in success for the students.

Mr. Selvaggio said the mission of Student Support Services in the WCSD was to have effective systems and high-performing personnel that resulted in academic success and college/career readiness for every student with a disability in the WCSD (page 1, [Exhibit D](#)).

Continuing, Mr. Selvaggio said the special education population was stagnant at around 13.3 percent in the 2012-2013 school year. He reported that WCSD was currently addressing an issue of over identification among Latino students within the special education program. (page 4, [Exhibit D](#)).

Assemblywoman Flores asked if WCSD had determined why Hispanic students were being over identified for special education. Mr. Selvaggio confirmed that WCSD was trying to determine why and what measures could be taken to change the trend.

Mr. Selvaggio said that over 80 percent of special education students spent the majority of their day in general education classes. He said the original purpose of special education was to “equal the playing field” for those students who were not in full-time general education classes. Mr. Selvaggio relayed that the district wanted to ensure that whatever was being done in the general education environment, with support from the special education teachers, was also progressing the special education students.

Mr. Selvaggio explained that the elementary and middle school Criterion Reference Test (CRT) reading proficiency rates (2011-2013) reflected an achievement gap in students with an IEP. Elementary schools had a 42 percent gap compared to peers and middle schools had a 50 percent gap compared to peers (page 5, [Exhibit D](#)). He said the math results from the CRT reflected a 36 percent achievement gap in elementary school students and a 41 percent gap in middle school students. Another trend showed a 46 percent graduation gap for students with disabilities compared to their general education peers, creating concern for the district (page 7, [Exhibit D](#)). Although that statistic was consistent in the state, Mr. Selvaggio said that it was a national issue that had to be resolved.

Mr. Selvaggio mentioned that a disproportionality of over identification of students with specific learning disabilities also existed among the free and reduced lunch students, as well as male students compared to female students. He reiterated that over identification was a core issue that had to be resolved.

Mr. Selvaggio pointed out the 5-Year Metrics designed for WCSD (page 9, [Exhibit D](#)). He explained that within 5 years, the district hoped to increase the elementary schools’ IEP proficiency baseline rate from 34 percent to 60 percent in reading, and from 41 percent to 62 percent in math. He said the district hoped to increase the middle schools’ rate from 18 percent to 52 percent in reading, and from 28 percent to 57 percent in math. Mr. Selvaggio said that the goal of the 5-year plan was to increase graduation rates for students with an IEP (currently at 26 percent) and students with specific learning disabilities (currently at 21 percent) to over 50 percent.

Pedro Martinez said that both CCSD and WCSD had a graduation rate of approximately 26 percent for students with an IEP, recognizing the reality that children with disabilities were not performing well academically. He said the WCSD was trying to determine why so many special education students were struggling, noting that a lot of resources were invested in their education. The law required that allocated funds for special education had to be spent, unlike ELL and child poverty programs that could be short-changed by the districts. He explained that the WCSD planned to perform statistical comparisons of children by disability and academic growth, and further examine the quality of the teachers. These measures were in addition to the 5-year plan; however, he felt that the current long-term metrics were still not high enough, and WCSD was talking about doubling and tripling some of those rates.

Mr. Martinez cited concerns about the incentive to over identify students. He defined the revenue sources, stating that 15 percent came from the federal IDEA program, 36 percent from the state, and almost half was funded at the local level (page 12, [Exhibit D](#)). He reiterated that the local district was subsidizing the majority of the program, using local money that could not be spent on general education students. He addressed the special education enrollment percentages of total population within the WCSD, reporting that WCSD's percentage was higher than the state's average, but at the national average of 13 percent. Mr. Martinez commended his colleagues in the CCSD for their special education enrollment being lower than the national average. He noted that the number of severely disabled children was growing significantly, referring to autism and other significant disabilities. He repeated his concern regarding the over identification of Latino and African-American students, particularly male students, within WCSD. He said the district was trying to identify the problem.

Mr. Martinez said that WCSD's special education program received approximately \$10 million from the federal government, \$24 million from the state, and \$33 million from local resources, based on the 2013–2014 school year (page 13, [Exhibit D](#)). He said his presentation understated the costs for special education because it only included teacher units and basic transportation, whereas Clark County included full costs which included nursing, therapists, and many other services. Mr. Martinez said when comparing instructional units, WCSD was similar to CCSD when prorated based on size of the school districts and taking into consideration that WCSD had more students. He said WCSD had to subsidize special education and utilize local resources. He was amenable to spending the money, but disappointed with the results. Mr. Martinez shared his observation in regard to the special education program, stating that although money mattered, money without strategy or an understanding of the issues did not solve the problem, which is what he observed in the WCSD.

Mr. Martinez pointed out that the local education agencies had to provide more instructional units and subsidize the cost of the teacher, because state funding only covered a portion of the cost. He said that the WCSD had many job vacancies in special education, which was consistent across the nation. The district was partnering with local colleges because they have not been satisfied with the quality of their staff. The WCSD was challenged with many children who not only suffered from a disability,

but who also lived in poverty or were ELL. Mr. Martinez stated that teachers were not trained to handle that combination of factors.

Mr. Martinez said the data he provided in today's presentation, including graduation rates, was based on the old standards, not the increased rigor of the new standards.

Mr. Selvaggio said that a national movement was occurring in regard to the alignment of pre-K through 3rd grade standards, which was a critical area in WCSD's restructuring plan. He said 85 percent of the students that were behind in reading at the end of 3rd grade remained struggling readers through 12th grade. This issue created a focus on how WCSD would approach education in the future. Mr. Selvaggio indicated that the district saw a spike of students qualifying for special education in 3rd grade because they were not reading at grade level. He said that once a student was identified for special education, that student generally remained in the program without progressing to grade-level reading. Mr. Selvaggio said that the WCSD had to double its efforts with professional development, because much of the certified staff were not prepared to meet the unique needs of students with disabilities. He said the WCSD's restructuring plan would include a lot of money and effort toward staff development.

Mr. Selvaggio explained that the WCSD had established a partnership with the University of Nevada, Reno (UNR) to structure a paraprofessional to special education teacher pipeline. He said many aides and assistants were multiethnic and had a passion for special education students; therefore, the WCSD dedicated scholarship money for them to attend UNR to acquire their special education license and commit to working with the WCSD. He thought the scholarship fund would address some of the teacher shortage issues.

Mr. Selvaggio said the special education staff had been restructured so that the vast majority of their time was spent working with teachers in mainstream classrooms. He noted that job descriptions in the past were written to be compliance and reactive oriented, rather than being proactive. He said that ongoing staff redevelopment would be implemented into the restructuring plan, as well as data collection, and the mandate for student progress at a satisfactory level; whether through the special education program or by finding other positive interventions.

Mr. Selvaggio closed with the following indirect quote by Will and Charlie Mayo of the Mayo Clinic, and adapted for today's discussion: The best interest of the student is the only interest to be considered.

Ms. Smith said she was not surprised at the outcome of special education students considering the over identification of Latinos, students in poverty and ELL. She said if the district was funding special education, but not fully funding ELL and other needs, only part of the issue was being addressed. Improvement could not be expected because of underfunding, and it was not realistic to expect students to excel if their needs were not being met for total progression. Ms. Smith encouraged Legislators to listen to the facts, echoing that 3rd grade was when students generally started to decline

if certain needs were not being met; Nevada law stated that students could not legally be held back until 6th grade, which created a huge gap in their proficiency levels by the time they reached middle school. She thought intervention should occur earlier instead of passing students on to the next grade level until the curriculum became too difficult for that student. She suggested that funding include a provision to assist with intervention, and remarked that if the school did not meet all the needs of special education students, then their lack of success was not surprising.

Mr. Martinez said students were at a disadvantage because the districts were underfunding ELL and students living in poverty, as well as general education. He thanked the Nevada Legislature and the Governor for the increase in unit funding for special education, the implementation of full-day kindergarten, and reduced class size in kindergarten, stating that those resources were needed in the early years to avoid playing catch up in the future. Mr. Martinez stated that WCSD had significant economic gains across every group and subgroup in 2013, ranging from 5 percent to 9 percent, except for special education. He observed a record number of special education students finishing high school with an adjusted diploma, which did not count for graduation. He explained that an adjusted diploma was when a student earned all of their credits, but did not pass all of the proficiency exams. Mr. Martinez shared a personal story about an African-American student with a learning disability who had passed all of his proficiencies except math. The district learned that the student never had exposure to the correct math content, because he was put on a track for an adjusted diploma. Instead of enrolling the student in a standard algebra course as a freshman, he was enrolled in a remedial algebra course which never exposed him to the content needed to pass the proficiency. Mr. Martinez noted that, when given the opportunity, the student doubled his math score on his high school proficiency exam and passed most of the other sections on the first try. He said the district found that parents were being told not to worry about their child passing the proficiency exams, because the student's "disability" status qualified them for an adjusted diploma. However, the parents were not aware that an adjusted diploma was not the same as a regular diploma, and it would disqualify the child for financial aid if they continued their education after high school. Mr. Martinez reiterated that special education funding was being spent inefficiently, because the needs of ELL, students living in poverty and early education students were not being met. He reiterated that WCSD and CCSD could stand to improve in the area of special education and the districts should be held accountable.

Mr. Martinez commented on the census-data funding method. The WCSD, CCSD and rural districts made up 100 percent of special education students, based on the class of 2013. He said his concern was that the census-data funding source would allocate a \$6 million increase to the charter schools when those schools generally did not service children with special needs. He said that funding method was flawed, because it would not allocate those funds to the attended schools, and it would make the problem worse.

Mr. Burnham asked if the IEP representation among Hispanic students was actually an ELL problem that was not being addressed early enough. He said his personal experience growing up was that some children simply needed another year of education, and he considered it a tragedy if the student had to wait until 6th grade to be retained. He recommended frontloading efforts toward ELL and reading skills in grades 1 through 3 to prepare students to move up versus making a vain effort over the next 9 years to help them catch up. He agreed that holding students back at an earlier age would help prevent social stigmatization.

Mr. Martinez stated that the alignment of pre-K through 3rd grade was significant, and with respect to the increase in funding that occurred in the 2013 Legislative Session, Nevada still did not have full-day kindergarten across the state. He said there were minimal pre-school programs; however, he did acknowledge the Child Find program for children who were diagnosed with disabilities at an early age. He said the lack of these services, combined with the lack of funding for ELL and poverty, created a perfect storm. Mr. Martinez said national studies showed that children with disabilities were challenged by literacy, especially those who were categorized as learning disabled, making it another reason to focus on restructuring pre-K through 3rd grade. He said WCSD was working to graduate even severely disabled students with standard diplomas, and partnered with the Department of Employment, Training and Rehabilitation to expand an employment program that was currently being piloted with local employers. He said the students had a great attitude and were trained on life skills so they learned to be to work on time and could handle advanced labor. Those students were proving to be valuable staff, because they could perform advanced labor, work with technology and assemble things. He thought that public schools owed the children a better opportunity, no matter how disabled.

Mr. Burnham asked if more should be done to make sure students were able to function at a certain level before they moved past 3rd grade.

Mr. Martinez felt that detaining a child was sometimes necessary, preferably before 1st grade, but it was a decision that should involve the family. He said it was not a black and white decision and a good process should be involved.

Mr. Fromdahl asked about the costs related to various disability classifications (page 4, [Exhibit D](#)). He noted that other states and studies included a wide range of classifications in their weighting formula, pointing out that an emotional disturbance disability may only be diagnosed in 3.4 percent of IEP students; however, the cost could be much higher.

Mr. Selvaggio explained that students who spent most of their day in a general education classroom would incur less costs than in a self-contained classroom. Students with intellectual disabilities, or multiple disabilities, cost a lot more because of the lower teacher to student ratios and the additional expense to provide aides, assistants and nurses to support those programs. He said the costs would increase dramatically depending on the severity of the disability.

Mr. Fromdahl implied that the process for identifying students who qualified for ELL or the free and reduced lunch program may be less complicated than the special education program. He asked if the wide range of categories in special education added to the financial challenge when considering placement and services for those students. He noted there could be a large number of schools within a particular district with duplicate programs. He asked if students were being moved off campus to centralize services.

Mr. Selvaggio stated that self-contained programs could not be provided in every local school. Special education students did not always have the opportunity to attend their home school and often had to be transported to the closest school that offered their required services. He said there was an impact in not being able to provide a self-contained program in every local school, but it would drastically increase costs to accommodate that.

Kim Wooden, Deputy Superintendent, Clark County School District, said she started her career in Clark County as a special education teacher 20 years ago. She understood the challenges with special education, but also knew the needs of students with disabilities and their families. She expressed admiration toward the Committee for looking at special education funding options, and was excited to hear that other districts were presenting issues that aligned with Clark County. She felt a revised funding process would provide better results for all students, not just special education students.

Kristine Minnich, Assistant Superintendent, Clark County School District, stated that in the 2012-2013 school year, the CCSD served more than 311,000 students in 357 schools, making it the largest school district in Nevada and the fifth largest district in the nation. She said the CCSD serviced approximately 70 percent of Nevada students, covering nearly 8,000 square miles with sites in urban, suburban and rural locations. In the 2012-2013 school year, the CCSD serviced almost 34,000 students with disabilities, representing 10.6 percent of the district's total enrollment ([Exhibit E](#)). She said the CCSD was well below the state and national levels as a result of ensuring strict compliance with laws that allowed them to appropriately identify students with disabilities.

Ms. Minnich relayed that the growth rate of students with disabilities was comparable to the growth rate of general enrollment in the CCSD. She explained that IDEA was the federal law that governed how public agencies provided special education and related services to students with disabilities, and clarified that qualification for services was not automatic; the disability must result in the student needing additional services to participate in school. Expenditures to implement special education and related services could be costly; therefore, funding was a key component. Ms. Minnich explained the following three main components of the identification process (page 4, [Exhibit E](#)):

1. Students were referred as possibly needing special education supports.
2. Federal and state regulations defining the procedures to evaluate and determine eligibility were used to look at the educational needs of the student.
3. A group of district personnel, along with the parents, reviewed the student's evaluation results and determined whether the student had a disability. The same personnel identified the supports that were needed for that student to be successful.

Additionally, Ms. Minnich noted that general education students were educated from kindergarten through 12th grade, and students with special needs could be identified as early as age 3, and educated until their 22nd birthday.

Ms. Minnich addressed the services available to students from age 3 to 21 (page 6, [Exhibit E](#)). She said the services depended on the individualized needs of that child, as determined by the IEP team, and that federal law required the IEP team to develop an IEP and a transition plan for all students in special education aged 16 and above. The state law requirement for developing a transition plan was age 14 and above. She said the coordinated activities included vocational education, continuing and adult education, integrated employment and independent living.

Ms. Minnich explained that in the 2012-2013 school year, over 2,200 teacher units provided direct instruction to approximately 34,000 students with disabilities in the CCSD (page 8, [Exhibit E](#)). She said it was an ongoing challenge to secure licensed teachers in high-need areas, and that the CCSD's teacher unit vacancy rate averaged 6.0 percent, approximately 220 vacancies, at any given time. Additional to the instructional support, over 1,000 teacher units were allocated to provide direct support for related services to identify the students. She said the CCSD was obligated under federal mandate to provide related services, in which many cases required hiring outside contractors at an average cost of nearly \$90,000 per unit. Approximately 100 contractors were hired in the 2012-2013 school year to provide these mandated services. Ms. Minnich pointed out that many of the buses were specifically equipped for wheelchair access, thereby contributing to the high cost of transportation.

Ms. Minnich informed the Committee that all students are considered general education students first, and were placed with their general education peers to the greatest extent appropriate. She said Nevada Administrative Code (NAC) specified the caseload and class size requirements for special education programs. She referred the Committee to page 11 ([Exhibit E](#)), a display of the average DSA allocation and the average per-pupil cost, depending on the level of support required. She explained that a student in a general education classroom, receiving support from a resource teacher beyond the \$5,457 DSA allocation, would require an additional \$4,703, on average, to support that child.

Ms. Minnich said that in addition to program placement, the IEP team may determine that a student required physical therapy or one-to-one aid. For example, health services may be required on an intermittent basis, such as tube feedings for a student

with medical needs. In contrast, some students may require a full-time registered nurse while in school and during transportation. Ms. Minnich referenced a list of additional services and the annual per-pupil cost (page 12, [Exhibit E](#)). Ms. Minnich presented three examples to further explain how costs of services could range significantly (page 13, [Exhibit E](#)).

Ms. Minnich emphasized two main points: 1) The CCSD ensured that all students were provided with the necessary supports required by federal and state law, and 2) the necessary services and supports resulted in costs over and above the DSA allocation provided to the general education students. She said when IDEA was enacted, it was estimated that children with disabilities cost approximately twice as much as their general education peers. That estimate was used by Congress to determine the 40 percent federal contribution. In reality, special education federal funds currently contributed 12 percent of the total cost of educating students with disabilities in the CCSD. Ms. Minnich explained that this continued underfunding, in combination with inequitable state funding, translated into local agencies funding 70 percent of the costs. She highlighted the three main concerns with the current funding formula:

1. The state's unit funding had not kept pace with the actual number of units in demand, or with the growth and salaries/benefits of teachers. Additionally, the unit represented the value of a teacher and did not consider support from instructional aides that may be included in the unit.
2. There did not appear to be a systematic process for the allocation of special education units to school districts.
3. The value of the unit.

Ms. Minnich explained that the average teacher's salary in the CCSD was \$75,512, including benefits. In the 2012-2013 school year, the state allocated 1,938 units to CCSD, valued at \$39,678 per unit. The CCSD had to fund \$7 million to compensate for the difference between the actual cost of a teacher and a unit from the state. Additionally, CCSD allocated another 1,520 teacher units to cover the needs.

Ms. Minnich communicated that 20 states introduced a weighted funding formula to address excess costs (page 21, [Exhibit E](#)). She explained the funding sources could be weighted on various factors: a student's specific disability, the instructional arrangements, whether in a resource setting or self-contained setting, or the level of support provided. She implied that some states determined if a student could be identified in multiple categories. They compared weights and used the highest weight to fund that particular student. She noted that CCSD had approximately 7,000 students identified in need of special education support, as well as ELL.

Ms. Minnich described the census-funding formula option, which provided funding based on the overall percentage of total students in a school district, not just students eligible for special education and related services.

Ms. Minnich closed by stating that the special education system in the United States was one of the most heavily regulated and underfunded of all federal mandates.

Ms. Waller asked if the DSA per-pupil amount was a base number or if it included additional special education unit funding. Ms. Minnich replied that the DSA allocation was the base amount and other contributions were in addition to that number.

Senator Roberson observed that CCSD's special education population made up 10.6 percent of the district's total enrollment, and WCSD's was 13.3 percent. He noted the 25 percent difference, proportionally, and questioned the disparity. He asked if the CCSD was under identifying special education students or if the WCSD was over identifying students.

Mr. Martinez replied that WCSD was at the national average and he would be more concerned if total enrollment was significantly above the national average. He did not think the CCSD was under identifying students. Mr. Martinez said he was more concerned about the lack of results compared to the amount of money being spent on special education, and less concerned with the number of children being identified for special education.

Senator Roberson said he appreciated and agreed with the information that was presented. He repeated his question about why there was a 25 percent special education enrollment difference between the two largest school districts in Nevada.

Ms. Wooden recognized that the national enrollment average was 12 percent, running as high as 21 percent in some areas. She said that CCSD followed the required protocols and standards for identification purposes, starting at age 3, through the Child Find obligations. Therefore, she did not think the WCSD or the CCSD was over or under identifying the special education population. She thought the disparity that Senator Roberson mentioned was the result of meeting the needs of the population served in those districts.

Ms. Corrales asked if a parent could request an IEP for their child based on classroom performance. Her understanding was that the identification process was certified through district procedures and that the child had to meet one of the disability categories. She asked if the identification process was driven by the parents.

Ms. Wooden stated that a special education student could be identified in multiple ways: 1) the child was previously identified in the Age 0-2 program, and was referred to the district at age 3 to be identified under one of the eligibility categories under IDEA and the State of Nevada identification process. Ms. Wooden noted the identification process included strict protocols that had to be followed by school psychologists and parents, and 2) the child may come from another county or another state. She said out-of-state students had to be found eligible by the State of Nevada and identified within one of the eligible IDEA categories. There was reciprocity for instate transfer students, however, they still had to be identified within one of the eligible IDEA categories.

Mr. Martinez stated that enrollment was driven by the population served from each district. He said that WCSD saw a large increase of special education students with a wide range of autism levels. He suggested that the state examine enrollment by county, implying that some families from surrounding counties were transporting their children to the larger schools within WCSD. Mr. Martinez stated that, with the national special education population average at 12.9 percent, he would be more concerned if WCSD's average was at 20 percent versus 13.3 percent.

Assemblywoman Flores asked if the disparity between the WCSD and CCSD, in regard to special education funding, was being compared "apples to apples." In terms of the DSA per-pupil funding, Assemblywoman Flores asked if WCSD's presentation included a comparison of additional funding that padded the DSA allocation to special education, such as the additional \$2,000 contribution per pupil that CCSD received at the local level. She questioned if that was part of the funding disparity, and reiterated her concern of using good comparative analysis.

Mr. Martinez said the CCSD broke down their per student cost in more detail, including costs for support services over and above the instructional units. He said the WCSD presentation did not include the cost of additional services, making CCSD's overall cost much more accurate. He said WCSD's number was understated; however, on a per student basis, the two districts were not much different.

Senator Roberson said he was not criticizing CCSD or WCSD in terms of the identification process, but as new funding models were taken into consideration, it was important not to incentivize over or under identification of students. He thought it was important to determine the reason why there was a 25 percent disparity between the school districts as the Committee discussed a new funding method for special education in the 2015 Legislative Session.

Chair Denis requested that the presenters follow up with a more specific answer to Senator Roberson's question, so the issue could be taken into consideration as the Task Force moved forward.

Tyler Hall, Executive Director, Support Services, Clark County School District, and former Principal, Variety School, Las Vegas, stated that it may be costly to educate students with disabilities, but that it was worth the investment. He said that a special education teacher does not think about the cost, instead they think about the services and support needed for each individual student to be successful in school. He said occupational and physical therapists, and other related service providers were focused on providing needed support to allow students access to educational opportunities, while school staff was focused on both instructional and behavioral strategies and interventions based on the needs of students. Mr. Hall said, as a principal, it was an awesome feeling to see students come to school, and after intensive, explicit instruction by dedicated staff, see those students make progress. He said it was challenging to watch staff leave school exhausted and perplexed, yet it was a joy to greet those same people the next morning, rejuvenated with smiles and excitement. Mr. Hall indicated

that every student was important, without exception and excuses. He thanked the Committee for the opportunity to share information regarding the services and supports that were provided to meet the individualized needs of students in the CCSD. He also thanked the Committee for their work.

Mr. Burnham asked if CCSD's statistics were similar to WCSD's in terms of over representation of Hispanic students with an IEP. He also asked if CCSD experienced a similar lack of success with children not reading at grade level by the 3rd grade.

Ms. Wooden said that the CCSD commissioned Vanderbilt University in 2003 to perform an analysis of their data pertaining to special education. She explained that the national bar for being considered over represented or disproportionate was 3.0, which meant a student was three times more likely to be represented in any given category. The CCSD was not disproportionate under that criteria, and did not exceed the federal national standards; however, a disproportionality was found in the "emotional disturbance" category for African-American males. In 2003, the CCSD implemented staff training on cultural competency, and continued that training with school psychologists to bring awareness to whether any staff member had a bias before going into an evaluation. She said the training helped the disproportionality rate; therefore, she continued to address the issue. She felt that if a student was twice as likely to end up in a category with a disability because of his/her ethnicity, then there was still a problem. She said that over representation in the Hispanic category had not been seen in a while, noting that the original analysis reflected that Hispanic students were 2.4 times as likely to be represented in the hearing impaired category, which was a small number overall. Ms. Wooden stated that the CCSD researched the availability of health care access at an early age, and were able to address the issue by connecting social work services with families in need. Ms. Wooden stated that the Washoe and Clark County school districts were aligned in regard to the level of success with literacy proficiencies by 3rd grade. However, she said literacy at an early age needed to be addressed and plans were in action to address those needs.

Mr. Burnham asked if the mandate to retain a child started in 6th grade. Ms. Wooden replied that the decision to retain a child with a disability was decided by the IEP team. She said the IEP team, including the parents and staff, focused on the particular needs of the student and the situation. She said the determination to retain a student was very situational, but typically students with disabilities were not retained due to the nature of their disability.

Mr. Burnham asked if the IEP findings on Hispanic students were actually ELL related, and if ELL efforts needed to be frontloaded at very early ages. He voiced concern that if the district did not adequately address literacy by 3rd grade, more money would be spent bringing the student to an appropriate level, ending with a lesser result.

Ms. Wooden agreed that early identification was important. She said students who entered CCSD's pre-K setting, because they had been identified as developmentally delayed or ELL challenged were provided assistance to improve their social, behavioral,

literacy and academic skills. She noted that the student's English language skills were also addressed to ensure the student was on track. Ms. Wooden stated that 62 percent of students who were identified as having a disability under the "developmentally delayed" category exited into general education settings for kindergarten, which was due to the efforts of the teachers and staff that worked with those students, both prior and during the pre-K setting. She added that the student may not exit special education completely, but they exited into a general education setting and were able to handle the general education curriculum in kindergarten.

Mr. Martinez commended the CCSD for bringing their numbers below the national average, stating that very few large districts in the country accomplished that. He said that districts in Chicago, New York, Los Angeles and Philadelphia reported numbers way above the national average. He said the WCSD was at the national average, which was not good or bad, and they were researching some of the early intervention practices that Clark County applied. Mr. Martinez referred to the CCSD as the "quiet leader" in the country in regard to early intervention, stating they did not get enough credit.

In regard to Senator Roberson's comments regarding over and under identification of students, Mr. Martinez said the law required districts to serve all children diagnosed with an IEP, whether the special education population was 20 percent of the total population or 7 percent. He said services at an early age, such as full-day kindergarten, preschool, ELL, and children living in poverty, were all interrelated, making the situation very complicated. Mr. Martinez said the reality was that some districts were shortchanged on units; therefore, districts had to subsidize teacher salaries. The combined cost of additional nurses, psychologists, therapists and other related costs complicated the numbers even more.

Ms. Corrales asked if CCSD and WCSD considered using virtual learning for students that did not have high-impact disabilities. She recalled the 6 percent teacher unit vacancy rate and asked how the virtual learning environment was utilized to fill that gap.

Ms. Wooden said that students with learning disabilities who had less needs, or were higher functioning, had access to virtual learning. She said the IEP team determined whether the student could work independently and manage the curriculum; however, she had seen success in a virtual environment with special education inside and outside the general education classroom. She said the students would have more opportunity for virtual instruction as the district moved toward blended learning; however, the critical labor shortage needs in special education remained a problem. She noted that the goal was to provide the best environment for students, which was different for every child.

Mr. Burnham asked what percentage of IEP students were deemed high cost, and the number of those students.

Ms. Wooden said she did not have a specific number available; however, she estimated about 450 students fell into the high-cost pool. She noted there were additional

students on comprehensive campuses with full-time nurses or assistants. She said she could provide that information to the Committee.

Mr. Burnham asked if a specific number delineated when a student became high cost. Ms. Wooden replied that a sliding scale was used to determine that number. She explained that a student in a general education environment with limited services was probably not high cost, and the Department of Education determined that threshold.

Mr. Burnham asked what percentage of the total IEP special education costs were from high-cost students. Ms. Wooden replied that she would retrieve that information from the Department of Education and provide an answer to the Committee.

VII. OVERVIEW OF THE RECOMMENDATIONS RELATED TO SPECIAL EDUCATION FUNDING IN THE REPORT ENTITLED “STUDY OF A NEW METHOD OF FUNDING FOR PUBLIC SCHOOLS IN NEVADA” PUBLISHED BY THE AMERICAN INSTITUTES FOR RESEARCH ON SEPTEMBER 25, 2012, FOR THE 2011-12 INTERIM COMMITTEE TO STUDY A NEW METHOD FOR FUNDING PUBLIC SCHOOLS.

Mr. Thorley said that S.B. 500 created the Task Force and required it to conduct a review of the AIR report that was issued in the 2011-12 Interim, titled *The Study of a New Method for Funding Public Schools in Nevada*. He pointed out the recommendations that AIR made as it related to special education and he explained that two of the issues related to the lack of growth in the number of units, and the lack of growth of the dollar amount associated with each unit. Another related issue was that the funding for a unit of special education could only be applied toward a licensed teacher. The AIR report noted that other instructional and non-instructional support was required for special needs students to learn, such as aides, transportation and information technology devices. Mr. Thorley said that AIR could not identify formal documentation, within statute and state procedures, that described how special education funding was allocated or how the number of units were assigned to each district. He said the allocations were done biannually through the education funding bill, but nothing was found in statute that defined the process. Lastly, AIR noted a large disparity between the number of special education students per special education unit, and by district. He explained that one district in the state had three special education students per unit versus another district that had 17.2 special education students per unit. The units did not appear to be equitably distributed based on AIR’s review.

Mr. Thorley described the four funding method recommendations submitted by AIR:

1. A fixed allocation per pupil, a method that divided the amount of available funds by the number of special education students in the state, resulting in a set amount per pupil. AIR acknowledged that it was an equitable method that was fairly simple and straight forward. However, it did not take into account specific learning disabilities and the costs associated with educating students with diverse learning disabilities. This method could incentivize the over identification of students with disabilities.

2. Weighted per-pupil funding, weighted by disability or by service provided. Research and national trend leaned toward weighting by services provided. AIR acknowledged this method as equitable, and that it accounted for the variability in costs of educating different students. However, this method could incentivize the over identification of students with disabilities, or over incentivize the act of classifying students into a high-cost disability category.
3. Weighted per-pupil funding, weighted by grouping districts together. For example, the DSA equity allocation method used group averages to mitigate the incentivizing of over identifying students in special education categories, eliminating the ability for one district to drive the costs of special education statewide.
4. Census-based approach. AIR recommended that this approach be utilized in conjunction with a contingency account, which would be available to the districts as an insurance policy or catastrophic aid. It was noted that there were a number of rural districts in Nevada where one or two high-cost special education students could cause financial strain on the district.

Mr. Thorley said that AIR recommended a three to five year phase-in period for any new funding formula, to allow districts time to adjust and limit some of the harm to districts that might lose funding based on a new funding formula. He indicated that AIR also recommended a hold-harmless provision, which could help satisfy some of the MOE pertaining to the federal IDEA law.

Mr. Thorley said that the 2011-12 Interim Committee, New Method for Funding Public Schools (S.B.11), made the following recommendations: 1) That Nevada consider a census-based approach with a contingency fund, 2) the Department of Education create a standalone procedures manual that addressed how special education funding was to be allocated, and 3) introduce a bill draft request (BDR). Mr. Thorley explained that Senate Bill 477 was introduced in the 2013 Legislative Session, requiring the Department of Education to update the way special education funding was allocated on a periodic basis, and to add information to statute that addressed how the funding was to be allocated. He noted that, ultimately, the bill did not pass.

Chair Denis stated that he asked staff to put together a quick reference guide of AIR's current and past recommendations.

Ms. Corrales asked if the MOE was required at the school, district, or state level, and Mr. Thorley replied that he believed the MOE was required at the district level.

Ms. Corrales asked if the MOE was mandated by state or federal law, and Mr. Martinez clarified that federal law mandated that a district was not allowed to reduce the amount spent on special education. He said the mandate was added decades ago in order to protect funding for the special education population and could only be changed by Congress.

Ms. Waller clarified that the MOE was also required at the state level. She said state dollars were required to be maintained at the prior year expenditure level.

Ms. Lawrence said she generated the MOE reports for the last nine years for both the state and district in order to hold each accountable. She said it was important to note that special education dollars from the state were separate from the federal education dollars, and were calculated in different funds.

Ms. Osgood said special education funding was different than ELL funding, because it was federally mandated. She asked if there was any data indicating how the funding responsibility was shared between the state and the district. Ms. Osgood asked how the state versus district funding in Nevada compared to other states.

Mr. Thorley said he would obtain the information from the districts and the Department of Education and provide it to the Committee.

Mr. Martinez stated that the formula used to determine federal funding was consistent nationwide, unlike Title I, and was based on the population of each district. He said when the federal, state and local resources were combined, Nevada ranked 48th in the country in regard to dollars spent on education, including general education, ELL and special education.

VIII. PUBLIC COMMENT.

April Tatum Mendlem presented information in regard to the wireless networks installed in schools. She said if the CCSD continued to upgrade the wireless networks it would result in a lot more children needing special education, because the networks were harmful to their health. She explained that a computer directly wired to an Internet connection contained shielding and insulation for protection, whereas wireless networks blasted frequencies between the router and the computer, causing the children to become part of the circuit. She stated that she attended past CCSD board meetings, speaking on seven or eight occasions, and was told that the frequency levels were in compliance with FCC guidelines. Ms. Mendlem said those guidelines were set in 1996 when public usage patterns were very different, wireless was not as prevalent and children did not use cell phones. She stated those levels were never meant for children. She encouraged the Task Force to research “Wi-Fi in Schools,” and she provided an informational CD.

Senator Roberson asked Ms. Mendlem if she was suggesting that CCSD not install wireless networking in the schools because it physically harmed children.

Ms. Mendlem said she was not suggesting that schools should not install wireless networks, and she was not against technology. She said based on information from the World Health Organization, National Institutes of Health, and other doctors and organizations, Wi-Fi was extremely strong and accumulative, stating that 1,000 devices

had to be connected at the same time. She said the causality was reported to Health Canada by a man named Curtis Bennett in 2010, and that the information was never sent “up the chain.” She said this information was discussed in continuing education courses for medical credits. She suggested that schools limit Wi-Fi to one classroom.

Assemblyman Hickey related his question to the topic of funding public schools and asked if the Task Force would consider NCSL as a future agenda item. Specifically, he was interested in how other states, and school districts within those states, funded their capital and ongoing maintenance and safety needs. He said he knew it was an issue in Nevada and thought it might be considered when researching new funding methods.

Chair Denis stated that the Task Force was already on a limited timeframe to address current agenda items. He said he would recommend that it be added to the agenda for the Interim Committee on Education to discuss.

Chair Denis announced that the next Task Force meeting would occur at the end of May to allow the Technical Advisory Committee time to make progress on their tasks.

IX. ADJOURNMENT.

The meeting was adjourned at 12:45 p.m.

Respectfully submitted,

Judy Lyons, Transcribing Secretary

Carla Ulrych, Transcribing Secretary

APPROVED:

Senator Moises Denis, Chairman

Date: _____