

Present: Lingenfelter, Webb, Swallow, Wilson, Tyson, Foote and Prince.  
Absent: None.

Chairman Lingenfelter opened the meeting and stated that the purpose was to provide the members with a hearing on AB 33, a bill that provides compulsory education for handicapped minors. He said that he had invited representatives from the State Board of Education and other interested persons to attend the meeting and present their positions on the bill. To those interested and in attendance he introduced each member of the committee.

Assemblyman Capurro, the introducer of AB 33, was invited to explain his sponsorship of the bill. He stated that the bill as introduced provided for the compulsory education of handicapped children and also that a funding bill will be required. He said that the importance of the bill lies in the additional costs that are necessary for the handicapped in teachers, classrooms, and additional equipment that is needed in the classrooms. We make this compulsory so that the money will be surely spent on this section of the education program and sent directly to the minors instead of being spent upon other programs. AB 33 and the money bill are hand in hand.

Chairman Lingenfelter thanked Assemblyman Capurro for his presentation and excused him from the meeting.

For the record the following interested parties attended this meeting:

Dr. Ted Tower, Director Special Education, University of Nevada - Reno  
Marilyn Perkins, Special Education Teacher, Washoe County  
Mr. Bob Schmitt, Parents Association for Deaf Children  
Geneva Lowrey, Parents Association for Deaf Children  
Mr. Roy S. Berry, Director Special Education, Washoe County  
John R. Gamble, Deputy Superintendent, State Department of Education  
James T. Butler, Nevada State Education Association  
E. L. Newton, Nevada Taxpayers Association  
Esther Nicholson, League of Women Voters  
Mr. Lincoln Liston, Administrative Division, State Department of Education  
John W. Brophy, MD, Reno, Nevada

Chairman Lingenfelter then called upon Mr. Roy Berry.

Mr. Berry introduced himself to the committee as Director of Special Education, Washoe County School District. He stated that he had been with the district since before the time of the Peabody Formula was in effect. Under the Peabody Formula he stated that the program for handicapped children was growing as the attendance grew. He said they were capable then of adding extra teachers and classes. Since the Peabody Formula was changed and the Nevada Plan was adopted, the Washoe School District Special Education program has not grown. He said that in 1965-67 they had 65 teachers. This year they have 65 teachers although their needs have grown. This is not only true in Washoe County but also in the rural programs. Although money was put into the special education program under the Nevada Plan,

certain pressures within the districts and in the Boards of Trustees have resulted in fund allocations being diverted. Among the special pressures cited was in the area of teachers' salaries. He quoted the old saw "to the loudest noise goes the most grease". A form of cannibalism takes over. He said that in 1965 they had ten (10) speech therapists. They have ten speech therapists today but they are not bringing in any money because under the Nevada Plan a child is counted only one time and one time only. Under the Peabody system a special student could count additionally as a special student. Their problem is that the number of children is growing but the program is not growing proportionately. He referred to trainable retarded children, the blind, deaf, and speech handicapped children. Mr. Berry stated that a fact sheet had been prepared for the committee stating the special education position in Nevada at the present time. He said that their proposal in AB 33 was directly opposed to the State Department of Education. He said the Nevada Plan stated that local districts should have the power of allocating the money because they know the needs of district best. Mr. Berry said that it doesn't work that way. Local boards are not capable of withstanding the demands. He said they do have categorical aid but only in driver training. He said he thought that the State should take a leadership role inasmuch as the districts are incapable of doing so. Mr. Berry said that he thought that Dr. Tower from the University of Nevada would support what he was saying.

Chairman Lingenfelter thanked Mr. Berry and asked Dr. Tower is he cared to make his remarks.

Dr. Tower introduced himself and stated that he was a teacher in Clark County from 1960 to 1963 at the first and secondary levels. He stated that he took his graduate work at the University of South Dakota. He stated that he was presently with the University of Nevada, Reno, as Director of Special Education. Last year, he said, a survey was started under the sponsorship of Title VI of the Department of Education. He said that it was evident the program was hurting and the purpose of the survey was to find what is needed. They found 500 children in 8 counties who are handicapped and that they have nothing in the way of special programs. He said that under the Peabody Formula the State of Nevada ranked in the top ten for its special education programs and that today we are in the bottom ten. He said that a great number of conservative states have gone to the type of legislation represented in AB 33 among which he cited Iowa. He stated that another factor he would like to stress is that if a handicapped child is left to stay in a regular classroom he becomes a part of the dropout count and ends up on welfare. We support him. If he receives the proper education we have found from 70 to 90% of the children are capable of being self supporting and self sustaining. He pays taxes instead of being supported off of the dole. He said he thought it was false economy not to provide the handicapped child with the education that would provide him with the opportunity to be self supporting. He stated that the State Department of Education was using a 2 1/2% increase proportion to cover the growth in number of children needing the program. He said the lowest figure used elsewhere is 10%. This is too great a differential. He said that the latest growth figure indicated 3.2% for retarded children alone. In their survey superintendents were asked why they do not have the programs. They told the survey that the only way they could have

them is if they have to. It is an emotional problem and the only places where the program has grown is where there are people there to fight for it. He said that it should not be necessary to fight for the handicapped children in this manner.

Assemblyman Webb asked Dr. Tower if he had any figures on the anticipated cost of the program growth. Dr. Tower indicated that it would be less than a million dollars. He said that even if the mandatory legislation is passed the program would not serve the need 100% immediately. Florida has estimated it would take five years and California estimated twelve years before they will serve the full amount of handicapped children. He said that he felt the highest immediate cost would be about \$800,000.

Assemblyman Swallow had some question with regard to the compulsory aspects of AB 33. Under the present law a child has to be certified and a parent must sign his permission for the special education program. A parent may remove a child from the program or he may refuse to admit him. The problem of borderline cases was discussed and an example was given where a child in Churchill County was taken into the special education program for two years and today she is back in the classroom and doing fine. Without the special education program available to her at the age she could most benefit from it she may have ended as a dropout completely.

Assemblyman Webb questioned Mr. Berry with regard to the failure of funding for the program growth in Washoe County. It was suggested that the funding provisions do exist in the Nevada Plan but that the school districts in having the final allocation knuckle under to the greatest pressures with the result that other programs receive the funds. Dr. Tower stated that in Clark County Dr. Mason had admitted that they were given a job to do in special education but that they do not support it.

Chairman Lingenfelter asked the representatives of the State Department of Education to present their feelings on this bill.

Mr. Lincoln Liston, Associate Superintendent, stated that the department does have a position to the effect that the local boards of trustees are in a better position to make a decision on how the dollars shall be spent. He said that if they took the position that some dollars must be spent in a certain manner then it would be necessary to do so with all expenditures. He outlined the Nevada Plan formula to the committee whereby the students are placed in four categories and funds are allocated on an A.D.A. basis within the categories. Mr. Liston stated his objection to the resolution that would give financial support to special education for the handicapped on the basis of a "double ADA" count. Attendance of handicapped pupils this school year is currently estimated to be 2,372. If they were counted a second time for basic support, this year's basic support would increase by \$1,148,048. That is the estimated ADA for this year.

Assemblyman Wilson said that it had been stated that prior to the Nevada formula and under the Peabody Plan the handicapped program was in a continuous state of steady progress. He asked what the status was today in comparison. It was developed that the formulas

had different pupil count methods according to the amount of time per day spent under the special education program in relation to the rest of the regular school program and that the allocations under the Nevada Plan have been less than before.

The question of when a county did not have sufficient pupils to support a special education program arose and it was determined that it is possible for one county to place those pupils it could not support a program for into the care of another county. Mr. Liston stated that in such instances the pupil count would go to the county where the program existed and that the resident county would not have that pupil count.

Mr. Jim Butler of the Nevada Education Association stated that at a recent state meeting the teachers had recognized the need for additional support for the special education phase of the state program. He stated that he did not feel that teacher demands for salary increases should be regarded as the cause for lack of funding of the special education program.

Mr. Liston told the committee that in all allocation areas the complaint is common from each area to the effect that its area does not receive its due share of the total allocation available. It then becomes necessary for determinations to be made on the best advice available. He stated that he did not feel that determination should not be made on the state level.

Mr. Bob Schmitt representing the Parents Association for Deaf Children stated that under the present statutes it is clearly prescribed that the State Department of Education has the responsibility for supporting the special education programs and that their failure to do so was responsible for this effort to make mandatory the allocations for support.

Mr. Berry stated that the allocations specified under the formulas do not materialize in fact and cited that of the \$477 allocated to Washoe County per pupil that only \$270 was received from the state with the rest being made up by the district.

Assemblyman Prince stated that about a quarter million dollars presently is being spent to send students out of state for special education programs. It was developed that some students fall in categories demanding services not offered by the regular school education programs including the special education program and examples were cited. Dr. John Brophy, a specialist in ear, nose and throat medicine, introduced himself to the committee and supported evidence that deaf children, for example, should be started in special education as early as age 3. It was pointed out that some of the necessary programs are very costly and under the regular program have to be abandoned for that reason.

Chairman Lingenfelter thanked all of the interested parties for appearing before the committee and excused them from the meeting.

The committee briefly discussed the hearing and agreed that the money allocated to be spent on special education should be so spent. Chairman Lingenfelter stated that the bill would be considered further at the meeting Thursday at morning recess.

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ADDENDUM TO MINUTES - COMMITTEE ON EDUCATION, 55th ASSEMBLY SESSION,  
JANUARY 29, 1969.

This addendum should be entered as page 5 of the above meeting's minutes.

Chairman Lingenfelter stated that he had been given a proposed bill, BDR 34-595, that provides for negotiation and settlement of disputes between boards of trustees and professional employees of school districts concerning terms and conditions of employment. He stated that the committee had been asked to introduce the bill on the assembly floor.

Prince moved BDR 34-595 be introduced by the committee.  
Wilson seconded.  
Motion unanimously passed.

The meeting then adjourned.

Under the present law, the Nevada Plan, monies are not ear-marked for Special Education. Since Special Education is not mandatory, the school districts do not have to provide these programs. For example: Nye County has closed its Special Education program; Washoe County had 374 students five years ago, 619 two years ago and currently there are 674, but no new teachers have been hired. Churchill County has enough students for a new class, but no money to open one; a Lander County child now goes to school in Washoe County for the first time--at the age of ten years.

Nevada now serves only 25 percent of the handicapped population in the public schools. Utah serves 50 percent with future plans for 85 percent; Wyoming serves 50-60 percent with plans to triple funding at the next legislative session. Idaho serves 45 percent, future plans calling for 90 percent; Arizona serves 50-60 percent, future plans for 85 percent and California serves as many special education children as Nevada has school children. Minnesota tripled their programs in the last three years; Iowa passed mandatory education laws; Florida passed mandatory education laws last year and within three years will serve 98 percent of the children needing Special Education services.

Information recently released by the United States Office of Education states the average cost of educating a handicapped child as \$1600 per year. ~~During the 1965-66 school year~~ In Nevada during the 1965-66 school year \$1000 to \$1300 (depending on the County) per year was spent per child by those counties with Special Education. This was the last year special funds were allotted for educating handicapped children. Now, under the Nevada Plan, only \$474 to \$512 is being allotted for each child in Special Education. This is the same apportionment granted to school districts for educating normal children.

The United States Office of Education statistics also state that 10 percent

of the children in our schools need Special Education either full or part-time. The Nevada State Department of Education has recognized only 2-½ percent of our school population as needing special help.

It costs the State of Nevada approximately \$5000 per year to support a child in the Nevada State Hospital. It would cost less than \$2000 to provide these services through schools and the children could remain in the home.

Eight of our rural Counties have no services forhandicapped children. A survey taken in 1968 found over 500 children in these eight counties in need of services fo the handicapped.

Nevada is the only state in the United States that does not provide either mandatory legislation or special funds for their handicapped children.

On January 21, 1969, AB-33 was introduced to rectify the inadequacies in funding for handicapped education.

Your support is earnestly solicited.

Nevada's handicapped children need your help NOW!!

For questions or additional information, contact: Parents Association for Deaf Children, Reno, Nevada; Geneva Lowry, 786-0335 or Bob Schmitt at 747-3307.

NRS 392.050 provides that any child with physical or mental condition, or attitude is such as to prevent or render inadvisable his attendance at school or his application to study, may be excused from school attendance.

AB 33 would remove these conditions for exception to compulsory school attendance.

NRS 388.450 permits a school district to make special provisions as in its judgment may be necessary for the education of physically or mentally handicapped minors.

AB 33 would mandate that a school district make special provisions as may be necessary for the education of physically or handicapped minors.

AB 33 would increase the basic support to a school district by an amount equal to the product of its basic support per pupil times the average daily attendance of its physically or mentally handicapped minors receiving special education services.

Attendance of handicapped pupils this school year is currently estimated to be 2,372. If they were counted a second time for basic support, this year's basic support would increase by \$1,148,048.

Seven of the seventeen counties do not offer handicapped education programs. They are Esmeralda, Eureka, Humboldt, Lander, Nye, Pershing, and Storey. Two of these counties have fewer than 100 pupils; one less than 200. Only Nye and Humboldt counties have more than 1,000 pupils. Reasons for not providing services can relate to either financial or organization and facility problems. Both Humboldt county and Nye county district administrators have reported that financial problems are the major reason why no programs are being offered.

NEVADA'S HANDICAPPED PUPILS

11

A.B. #33

Facts to Consider:

1. 1957 - 1966. An "extra" \$500.00 was allocated to local school districts by the State of Nevada to support the special program for each handicapped pupil
2. With the adoption of the "Nevada Plan" of school financing, the \$500.00 was lost as an identifiable "extra" for handicapped children.
3. As a result:
  - (a) Five (5) classes for handicapped pupils that were present in 1966, are not in operation today!
  - (b) State A.D.A. enrollment in Special Education has decreased by over 200 pupils since 1966.
4. The current funding proposal of the State Department of Education to rectify this situation is based upon 2 1/2% estimate of handicapped children. A reasonable, conservative estimate, supported by Nevada school district experience and the U.S. Office of education, is 10%.

The following groups have adopted legislative resolutions (see sample),

Nevada Congress of P.T.A. (entire State group)

Nevada State Education Association

Nevada Legislative Committee for the Mentally Retarded

Legislative Resolution Committee of the Democratic Party.

Nevada Association for the Deaf and Hard of Hearing

Las Vegas Area Council of P.T.A.

Variety School (for handicapped children) P.T.A.

Clark County Classroom Teachers

Nevada Association for Retarded Children

## Resolution 68-18 FUNDING FOR SPECIAL EDUCATION

The Nevada State Education Association strongly urges the Nevada State Legislature to enact ~~mandatory~~ legislation requiring all districts to establish and maintain programs for all exceptional children residing within their district.

The Nevada State Legislature must provide the necessary monies to establish and maintain these programs by granting 2 basic support formula apportionments for each child enrolled in a special education program. These monies must be used exclusively for the education of the exceptional child.

The above mentioned programs must be certified and approved by the Nevada State Department of Education. In cases where the establishment of a program is not feasible, the district shall make provisions for the education of such pupils by paying the cost of educating said pupil(s) in a neighboring district which maintains the necessary program.

Signed

Ann L. Berry and

Helen Jydstrup

Be it resolved that the Title VI E.S.E.A. Advisory Committee of the State of Nevada, wishes to object strongly to the 1969-71 extra funding proposal of Nevada State Department of Education which attempts to provide a formula allotment for handicapped education to local school districts in order to implement, maintain and provide for growth of these special programs. This committee feels the E.S.E.A. calculation does not reflect a realistic expectation of a school district's needs in need of Special Education. Further, and of the utmost importance to the Title VI committee, this State Department funding proposal prevents a local school district from funding Title VI programs the year after receiving a grant through lack of adequate local and state financial resources identified for Handicapped Education.

*Howard L. Mann*  
Signature

*Carl M. [unclear]*  
Signature

*James R. [unclear]*  
Signature

*Thomas F. [unclear]*  
Signature

*Robert R. [unclear]*  
Signature

*Robert R. [unclear]*  
Signature

*William R. Hammer*  
Signature

*Robert [unclear]*  
Signature

*Bob [unclear]*  
Signature

*Don [unclear]*  
Signature

*Ed [unclear]*  
Signature

*Wood [unclear]*  
Signature

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*[unclear]*  
Signature

*This shows any special revision of each  
due to unusual handicapped attendance.*

### III. Handicapped Education

This is a high cost program that was included in the original formula calculations in February, 1967. Districts that maintained programs at the same proportion as 1966-67 have experienced no impact from the factor. Those who then had no programs and want to initiate programs can look forward to no special state assistance until after programs are started, and the next support formula calculation can include them.

One proposal to consider is to include an allotment for handicapped education in the basic support formula calculated by multiplying 2% of a district's A.D.A. by \$560.

Results and comparisons of this procedure would be as follows:

County	Handicapped A.D.A.		2% of 1968-69 A.D.A.	Difference	Effect on Basic Support	Per-Pupil Basic Support
	1966-67	1968-69				
Churchill	70	67	61	- 6	- \$3,360	- \$1.38
Clark	1,690	1,529	1,536	+ 9	+ 5,040	+ .03
Douglas	0	12	37	+ 15	+ 8,400	+ 5.69
Elko	10	12	87	+ 75	+ 42,000	+ 12.04
Esmeralda	0	0	1	+ 1	+ 560	+ 11.66
Eureka	0	0	4	+ 4	+ 2,240	+ 12.95
Humboldt	0	0	40	+ 40	+ 22,400	+ 14.11
Lander	0	0	15	+ 15	+ 8,400	+ 14.09
Lincoln	10	19	17	- 2	- 1,120	- 1.60
Lyon	9	20	50	+ 30	+ 16,800	+ 8.47
Mineral	19	18	44	+ 26	+ 14,560	+ 8.36
Nye	7	0	29	+ 29	+ 16,240	+ 13.69
Ormsby	95	73	87	+ 24	+ 7,840	+ 2.24
Perishing	0	0	16	+ 16	+ 8,960	+ 14.24
Storey	0	0	2	+ 2	+ 1,120	+ 12.04
Washoe	640	586	604	+ 18	+ 10,080	+ 4.47
White Pine	40	36	62	+ 26	+ 14,560	+ 5.88
Totals	2,590	2,372	2,694	+ 312	+ \$174,720	+ \$1.62

*484<sup>00</sup> Cost  
Add 1,148,048<sup>00</sup>*

RULES OF PROCEDURE - COMMITTEE ON EDUCATION  
55th Session of the Assembly, 1969

1. A quorum of the Committee will consist of 4 members.
2. A majority of the entire Committee (4 members) will be required in order for action on a measure before the Committee. Such actions would be:
  - A. To pass out or hold a bill
  - B. To amend a bill
  - C. To amend or add to these rules
3. Five votes will be required to bring a matter previously disposed before the Committee for reconsideration. This includes matters disposed in the absence of a member. However, in event of excused absence, the member may request a matter be hold over until he is present.
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