

DISCLAIMER

Electronic versions of the exhibits in these minutes may not be complete.

This information is supplied as an informational service only and should not be relied upon as an official record.

Original exhibits are on file at the Legislative Counsel Bureau Research Library in Carson City.

Contact the Library at (775) 684-6827 or library@lcb.state.nv.us.

March 19, 2003

SB 234

My name is Robin Kincaid and I am from Nevada Parents Encouraging Parents. Nevada PEP is Nevada's Parent Training and Information Center for families who have children with disabilities. Nevada PEP provides support and information statewide to over 6,000 families who are attempting to obtain appropriate educational services for their children.

Due process is a federally protected process used to insure the rights of children with disabilities. We work closely with families of children with disabilities who may experience several years of dissatisfaction before going forward with a due process request. Sometimes families wait to initiate litigation because they may think a new teacher, school or promises made by the school district might help resolve the problem. We support parents finding solutions at the lowest level and this often takes time. If this bill is passed, parents would be forced by time lines into going to hearing much sooner. Although the figure is unknown, it is likely that this bill could generate an increase in due process filings, which could impact cost of education for all children in Nevada. Due process is not about specific alleged violations, it is about children that are not receiving supports and services or making progress in school.

A well-trained experienced Due Process Hearing Officer would be in a better position to rule if a issue or complaint should be set aside due to timeliness of the information. This new legislation could impact the ability for parents to have a fair hearing, since one year of information may not be enough history for a Hearing Officer to determine appropriate services and programming for a child. At the very least, further clarification is needed in this bill to provide a better understanding of the beginning of the one-year timeline. *For example, a child named John has an Individualized Educational Program that indicates he is supposed to receive Occupational Therapy one time per week for 40 minutes. The school district does not provide the therapy for the first three months of the school year and the parent after many attempts to resolve the issue files due process in the fourth month. Does the timeline begin at the date of when the parent first spoke to the administrator? Does the timeline begin when the child does not receive the services during the three- month period? Does the timeline begin when the parent files due process?*

Parents of children with disabilities face many challenges in securing appropriate educational programming for their child. Legislation that contains time limits/deadlines will impact the rights of parents to obtain appropriate services for their child. We encourage you to remember children with disabilities and their right to protection under the federal law IDEA (Individuals with Disabilities Education Act).

EXHIBIT F Senate Comm. on HR and Facilities

Date: 03-19-03 Page 1 of 1