

ASSEMBLY CONCURRENT RESOLUTION NO. 15—COMMITTEE ON EDUCATION
(ON BEHALF OF LEGISLATIVE COMMISSION’S STUDY OF SPECIAL EDUCATION
AND STUDENT DISCIPLINE)

FEBRUARY 11, 1999

Referred to Committee on Education

SUMMARY—Urges Nevada Legislature to provide money for special education program units in amount that is commensurate with current costs incurred to operate units. (BDR R-323)

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

ASSEMBLY CONCURRENT RESOLUTION—Urging the Nevada Legislature to provide money to school districts for special education program units in an amount that is commensurate with the current costs incurred to maintain and operate the units.

- 1 WHEREAS, The Individuals with Disabilities Education Act (IDEA), 20
2 U.S.C. §§ 1400 et seq., is the Federal Law which seeks to ensure that
3 children with disabilities have access to a free appropriate public
4 education; and
5 WHEREAS, Providing an appropriate education to pupils with disabilities
6 who reside in the State of Nevada is an essential element of fulfilling this
7 state’s important goal of ensuring an equality of opportunity, full
8 participation, independent living and economic self-sufficiency for
9 individuals with disabilities; and
10 WHEREAS, To be eligible for financial support pursuant to IDEA, a state
11 must demonstrate that it provides a free appropriate public education to all
12 children with disabilities residing in the state between 3 and 21 years of
13 age; and
14 WHEREAS, Pursuant to IDEA, a free appropriate public education
15 means special education and related services that are provided at public
16 expense, under public supervision and direction, and without charge; and
17 WHEREAS, In 1973, the Nevada Legislature enacted a law that provides
18 a formula for funding special education which apportions from the state

1 distributive school account a basic support guarantee for each “special
2 education program unit” maintained and operated by a school district
3 during a school year; and

4 WHEREAS, Pursuant to NRS 387.1211, a “special education program
5 unit” is an organized instructional unit which includes full-time services of
6 licensed persons providing a program of instruction in accordance with the
7 minimum standards prescribed by the State Board of Education; and

8 WHEREAS, Pursuant to NRS 388.450, the Nevada Legislature declares
9 that the basic support guarantee for special education program units
10 established by the Legislature for each school year of a biennium
11 establishes financial resources sufficient to provide a reasonably equal
12 educational opportunity for pupils with disabilities who reside in the State
13 of Nevada; and

14 WHEREAS, When the Legislature adopted the formula for funding
15 special education in 1973, the basic support guarantee for each special
16 education program unit maintained and operated by a school district was
17 \$14,500; and

18 WHEREAS, That amount of basic support apportioned by the Legislature
19 from the state distributive school account for each special education
20 program unit adequately provided a school district an amount of money
21 that covered all costs incurred by the school district in 1973 to provide
22 necessary special education and related services, including related
23 personnel costs; and

24 WHEREAS, In 1997, the basic support guarantee for each special
25 education program unit in accordance with the formula was \$27,694 for
26 the 1997-1998 fiscal year, but, the average costs by school districts to
27 provide the requisite education and services significantly exceed this
28 amount; and

29 WHEREAS, The amount of money apportioned by the Legislature from
30 the state distributive school account for special education program units
31 has not increased during the past 25 years commensurately with the costs
32 incurred by many school districts to provide special education and services
33 to pupils with disabilities; and

34 WHEREAS, When a school district does not receive money from the
35 state distributive school account for each special education program unit
36 maintained by the school district in an amount sufficient to cover the total
37 costs for each unit, the school district must draw upon other money in its
38 general fund to pay the difference between the amount of basic support
39 apportioned by the Legislature for the special education program unit and
40 the actual costs incurred by the school district for maintaining and
41 operating the special education program unit; now, therefore, be it

42 RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE
43 CONCURRING, That the members of the 70th session of the Nevada

1 Legislature urge the members of the Senate Standing Committee on
2 Finance and the Assembly Standing Committee on Ways and Means to
3 apportion from the state distributive school account a basic support
4 guarantee for special education program units that provides money to the
5 school districts in an amount that is commensurate with the current costs
6 incurred by the school districts in maintaining and operating the special
7 education program units; and be it further
8 RESOLVED, That the Chief Clerk of the Assembly prepare and transmit
9 a copy of this resolution to the Chairman of the Senate Standing
10 Committee on Finance and the Chairman of the Assembly Standing
11 Committee on Ways and Means.

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