

ASSEMBLY BILL NO. 416—ASSEMBLYMEN GIUNCHIGLIANI, WILLIAMS,
DE BRAGA, BACHE, LESLIE, ANDERSON, ARBERRY, BERMAN,
BROWN, BUCKLEY, CEGAVSKE, CHOWNING, CLABORN, COLLINS,
DINI, FREEMAN, GIBBONS, GOLDWATER, KOIVISTO, LEE,
MANENDO, MCCLAIN, MORTENSON, NEIGHBORS, OCEGUERA,
OHRENSCHALL, PARKS, PARNELL, PERKINS, PRICE, SMITH AND
TIFFANY

MARCH 19, 2001

JOINT SPONSORS: SENATORS RAWSON, COFFIN,
WIENER, TITUS AND MATHEWS

Referred to Concurrent Committees on Education
and Ways and Means

SUMMARY—Revises provisions governing special education and class size.
(BDR 34-1085)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State: Contains Appropriation not included in Executive
Budget.

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

AN ACT relating to education; revising provisions governing the establishment of the basic support guarantee for special education program units; prescribing a maximum percentage of pupils with disabilities in a regular education classroom; revising provisions governing class-size reduction; making appropriations for certain early childhood programs; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** NRS 387.1211 is hereby amended to read as follows:
2 387.1211 As used in NRS 387.121 to 387.126, inclusive:
3 1. “Average daily attendance” means the total number of pupils
4 attending a particular school each day during a period of reporting divided
5 by the number of days school is in session during that period.
6 2. “Enrollment” means the count of pupils enrolled in and scheduled to
7 attend programs of instruction of a school district or a charter school at a
8 specified time during the school year.



* A B 4 1 6 *

1 3. "Special education program unit ~~for~~ *for the education of pupils with*
2 *disabilities*" means an organized unit of special education and related
3 services *for the education of pupils with disabilities* which includes full-
4 time services of persons licensed by the superintendent of public
5 instruction or other appropriate licensing body, providing a program of
6 instruction in accordance with minimum standards prescribed by the state
7 board.

8 **Sec. 2.** NRS 387.122 is hereby amended to read as follows:

9 387.122 1. For making the apportionments of the state distributive
10 school account in the state general fund required by the provisions of this
11 Title, the basic support guarantee per pupil for each school district and the
12 basic support guarantee for each special education program unit *for the*
13 *education of pupils with disabilities* maintained and operated during at
14 least 9 months of a school year are established by law for each school year.

15 2. *The basic support guarantee established pursuant to subsection 1*
16 *for each special education program unit for the education of pupils with*
17 *disabilities must not be less than an amount equal to 60 percent of the*
18 *average annual salary plus benefits for the year in which the basic*
19 *support guarantee is established of licensed teachers who teach special*
20 *education in this state.*

21 **Sec. 3.** NRS 387.1221 is hereby amended to read as follows:

22 387.1221 1. The basic support guarantee for any special education
23 program unit *for the education of pupils with disabilities* maintained and
24 operated during a period of less than 9 school months is in the same
25 proportion to the amount established by law for that school year as the
26 period during which the program unit actually was maintained and
27 operated is to 9 school months.

28 2. Any unused allocations for special education program units *for the*
29 *education of pupils with disabilities* may be reallocated to other school
30 districts or charter schools by the superintendent of public instruction. In
31 such a reallocation, first priority must be given to special education
32 programs with statewide implications, and second priority must be given to
33 special education programs maintained and operated within counties whose
34 allocation is less than or equal to the amount provided by law. If there are
35 more unused allocations than necessary to cover programs of first and
36 second priority but not enough to cover all remaining special education
37 programs eligible for payment from reallocations, then payment for the
38 remaining programs must be prorated. If there are more unused allocations
39 than necessary to cover programs of first priority but not enough to cover
40 all programs of second priority, then payment for programs of second
41 priority must be prorated. If unused allocations are not enough to cover all
42 programs of first priority, then payment for programs of first priority must
43 be prorated.

44 3. A school district or a charter school may, after receiving the
45 approval of the superintendent of public instruction, contract with any
46 person, state agency or legal entity to provide a special education program
47 unit for *the education of* pupils ~~with~~ *with disabilities who reside in* the
48 district pursuant to NRS 388.440 to 388.520, inclusive.



1 **Sec. 4.** Chapter 388 of NRS is hereby amended by adding thereto a
2 new section to read as follows:

3 *The total number of pupils with disabilities that may be assigned to a*
4 *regular education classroom with pupils who do not have disabilities*
5 *must not exceed 30 percent of the total number of pupils in the*
6 *classroom.*

7 **Sec. 5.** NRS 388.440 is hereby amended to read as follows:
8 388.440 As used in NRS 388.440 to 388.5315, inclusive ~~†~~ , and

9 *section 4 of this act:*

10 1. "Gifted and talented pupil" means a person under the age of 18
11 years who demonstrates such outstanding academic skills or aptitudes that
12 he cannot progress effectively in a regular school program and therefore
13 needs special instruction or special services.

14 2. "Pupil with a disability" means a person under the age of 22 years
15 who deviates either educationally, physically, socially or emotionally so
16 markedly from normal patterns that he cannot progress effectively in a
17 regular school program and therefore needs special instruction or special
18 services.

19 **Sec. 6.** NRS 388.450 is hereby amended to read as follows:

20 388.450 1. The legislature declares that the basic support guarantee
21 for each special education program unit *for the education of pupils with*
22 *disabilities* established by law for each school year establishes financial
23 resources sufficient to ensure a reasonably equal educational opportunity to
24 pupils with disabilities ~~†and gifted and talented pupils residing†~~ in Nevada.

25 2. Subject to the provisions of NRS 388.440 to 388.520, inclusive, the
26 board of trustees of each school district shall make such special provisions
27 as may be necessary for the education of pupils with disabilities and gifted
28 and talented pupils.

29 3. The board of trustees of a school district shall establish uniform
30 criteria governing eligibility for instruction under the special education
31 programs provided for by NRS 388.440 to 388.520, inclusive. The criteria
32 must prohibit the placement of a pupil in a program for pupils with
33 disabilities solely because the pupil is a disciplinary problem in school. The
34 criteria are subject to such standards as may be prescribed by the state
35 board.

36 **Sec. 7.** NRS 388.700 is hereby amended to read as follows:

37 388.700 1. Except as otherwise provided in subsections ~~†2, 3, and 6,†~~
38 *4, 5 and 8*, after the last day of the first month of the school year, the ratio
39 in each school district of pupils per class ~~†in kindergarten and grades 1, 2~~
40 ~~and 3†~~ *where core curriculum is taught* per licensed teacher designated to
41 teach those classes full time must not exceed ~~†15 to 1 in classes where core~~
42 ~~curriculum is taught.†~~ :

43 (a) *For kindergarten, 16 to 1.*

44 (b) *For grades 1, 2 and 3, 15 to 1.*

45 In determining this ratio, all licensed educational personnel who teach
46 kindergarten or grade 1, 2 or 3 must be counted except teachers of art,
47 music, physical education or special education, counselors, librarians,
48 administrators, deans and specialists.



1 2. *For purposes of the ratios set forth in subsection 1, two teachers*
2 *may be assigned to teach in the same classroom through a system of team*
3 *teaching or any other arrangement only if the total number of pupils in*
4 *the classroom does not exceed 35 pupils.*

5 3. *Except as otherwise provided in this subsection, a teacher who*
6 *teaches physical education at an elementary school may not be*
7 *responsible for teaching, during one class period, more than 30 pupils in*
8 *a physical education classroom. If a teacher's aide is assigned, a teacher*
9 *may be responsible for not more than 40 pupils during one class period*
10 *in a physical education classroom.*

11 4. A school district may, within the limits of any plan adopted pursuant
12 to NRS 388.720, assign a pupil whose enrollment in a grade occurs after
13 the last day of the first month of the school year to any existing class
14 regardless of the number of pupils in the class.

15 ~~13-1~~ 5. The state board may grant to a school district a variance from
16 the limitation on the number of pupils per class set forth in subsection 1 for
17 good cause, including the lack of available financial support specifically
18 set aside for the reduction of pupil-teacher ratios.

19 ~~14-1~~ 6. The state board shall, on or before February 1 of each odd-
20 numbered year, report to the legislature on:

21 (a) Each variance granted by it during the preceding biennium,
22 including the specific justification for the variance.

23 (b) The data reported to it by the various school districts pursuant to
24 subsection 2 of NRS 388.710, including an explanation of that data, and
25 the current pupil-teacher ratios per class in kindergarten and grades 1, 2
26 and 3.

27 ~~15-1~~ 7. The department shall, on or before November 15 of each year,
28 report to the chief of the budget division of the department of
29 administration and the fiscal analysis division of the legislative counsel
30 bureau:

31 (a) The number of teachers employed;

32 (b) The number of teachers employed in order to attain the ratio
33 required by subsection 1;

34 (c) The number of pupils enrolled; and

35 (d) The number of teachers assigned to teach in the same classroom
36 with another teacher or in any other arrangement other than one teacher
37 assigned to one classroom of pupils,
38 during the current school year in kindergarten and grades 1, 2 and 3 for
39 each school district.

40 ~~16-1~~ 8. The provisions of this section do not apply to a charter school.

41 **Sec. 8.** 1. There is hereby appropriated from the state general fund
42 to the department of education the sum of \$2,500,000 for a grant program
43 whereby school districts and community-based organizations may apply to
44 provide early childhood education and family literacy programs designed
45 for preschool children and their parents.

46 2. The board of trustees of a school district or a community-based
47 organization may submit an application to the department of education for
48 the establishment or expansion of an early childhood education and family



1 literacy program for preschool children and their parents. An application
2 must include a:

3 (a) Written description of the program, which must focus on the
4 acquisition and development of skills for children 3 and 4 years of age; and

5 (b) Statement of assurance prepared by the board of trustees or
6 community-based organization that it will offer admission to the program:

7 (1) Free of charge to preschool children who are from families of
8 low-income; and

9 (2) To all other preschool children on a sliding scale based upon
10 family income.

11 3. The department of education shall award grants of money from the
12 appropriation made by subsection 1 on a competitive basis. A school
13 district or community-based organization that receives a grant of money
14 shall:

15 (a) Use the money to provide the program described in the application;
16 and

17 (b) Offer admission to the program:

18 (1) Free of charge to preschool children who are from families of
19 low-income; and

20 (2) To all other preschool children on a sliding scale based upon
21 family income.

22 4. Any balance remaining from the appropriation made by subsection
23 1 must not be committed for expenditure after June 30, 2003, and reverts to
24 the state general fund as soon as all payments of money committed have
25 been made.

26 **Sec. 9.** 1. There is hereby appropriated from the state general fund
27 to the Economic Opportunity Board of Clark County the sum of
28 \$2,500,000, for the expansion of its Head Start program to increase the
29 number of preschool children who participate in the Head Start program.

30 2. The money appropriated by subsection 1 must be used to expand the
31 facilities and for any other costs related to increasing the number of
32 preschool children who participate in the Head Start program of the
33 Economic Opportunity Board of Clark County.

34 3. Any balance remaining from the appropriation made by subsection
35 1 must not be committed for expenditure after June 30, 2003, and reverts to
36 the state general fund as soon all payments of money committed have been
37 made.

38 **Sec. 10.** Notwithstanding the amendatory provisions of section 2 of
39 this act to the contrary, the basic support guarantee established by the
40 legislature for each special education program unit for the education of
41 pupils with disabilities for:

42 1. The fiscal year 2001-2002, must not be less than an amount equal to
43 56 percent of the average annual salary plus benefits for that year of
44 licensed teachers who teach special education in this state.

45 2. The fiscal year 2002-2003, must not be less than an amount equal to
46 57 percent of the average annual salary plus benefits for that year of
47 licensed teachers who teach special education in this state.



1 3. The fiscal year 2003-2004, must not be less than an amount equal to
2 58 percent of the average annual salary plus benefits for that year of
3 licensed teachers who teach special education in this state.

4 4. The fiscal year 2004-2005, must not be less than an amount equal to
5 59 percent of the average annual salary plus benefits for that year of
6 licensed teachers who teach special education in this state.

7 **Sec. 11.** 1. This section and sections 1, 2, 3, 6, 8, 9 and 10 of this act
8 become effective upon passage and approval.

9 2. Sections 4, 5 and 7 of this act become effective on July 1, 2001.

