

## (REPRINTED WITH ADOPTED AMENDMENTS)

## FIRST REPRINT

A.B. 416

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; revising provisions governing class-size reduction; making appropriations for certain early childhood programs; and providing other matters properly relating thereto.

- 1 WHEREAS, Improving educational results for pupils with disabilities is
- 2 an essential element of the goal of this state to ensure equality of
- 3 opportunity, full participation, independent living and economic self-
- 4 sufficiency for persons with disabilities; and
- 5 WHEREAS, It is important for the school districts in this state to
- 6 recognize the practice commonly referred to as “mainstreaming,” which
- 7 ensures that pupils with disabilities receive appropriate educational
- 8 services in a manner that allows those pupils to participate in regular
- 9 school programs and the general curriculum to the maximum extent
- 10 possible; and
- 11 WHEREAS, If a disproportionate number of pupils with disabilities are
- 12 assigned to a regular education classroom, it may place an undue burden



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1 upon the regular education teacher and may impede the learning  
2 environment to such an extent that the beneficial effects of mainstreaming  
3 are diminished; and

4 WHEREAS, The boards of trustees of the school districts in this state  
5 should adopt policies or regulations providing that the total number of  
6 pupils with disabilities that may be assigned to a regular education  
7 classroom with pupils who do not have disabilities must not exceed, to the  
8 extent practicable, 30 percent of the total number of pupils in the  
9 classroom; now, therefore,

10  
11 THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
12 SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:  
13

14 **Section 1.** NRS 387.1211 is hereby amended to read as follows:

15 387.1211 As used in NRS 387.121 to 387.126, inclusive:

16 1. "Average daily attendance" means the total number of pupils  
17 attending a particular school each day during a period of reporting divided  
18 by the number of days school is in session during that period.

19 2. "Enrollment" means the count of pupils enrolled in and scheduled to  
20 attend programs of instruction of a school district or a charter school at a  
21 specified time during the school year.

22 3. "Special education program unit ~~for~~ *for the education of pupils with*  
23 *disabilities*" means an organized unit of special education and related  
24 services *for the education of pupils with disabilities* which includes full-  
25 time services of persons licensed by the superintendent of public  
26 instruction or other appropriate licensing body, providing a program of  
27 instruction in accordance with minimum standards prescribed by the state  
28 board.

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

30 387.122 **1.** For making the apportionments of the state distributive  
31 school account in the state general fund required by the provisions of this  
32 Title, the basic support guarantee per pupil for each school district and the  
33 basic support guarantee for each special education program unit *for the*  
34 *education of pupils with disabilities* maintained and operated during at  
35 least 9 months of a school year are established by law for each school year.

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

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

43 387.1221 **1.** The basic support guarantee for any special education  
44 program unit *for the education of pupils with disabilities* maintained and  
45 operated during a period of less than 9 school months is in the same  
46 proportion to the amount established by law for that school year as the  
47 period during which the program unit actually was maintained and  
48 operated is to 9 school months.



1       2. Any unused allocations for special education program units *for the*  
2 *education of pupils with disabilities* may be reallocated to other school  
3 districts or charter schools by the superintendent of public instruction. In  
4 such a reallocation, first priority must be given to special education  
5 programs with statewide implications, and second priority must be given to  
6 special education programs maintained and operated within counties whose  
7 allocation is less than or equal to the amount provided by law. If there are  
8 more unused allocations than necessary to cover programs of first and  
9 second priority but not enough to cover all remaining special education  
10 programs eligible for payment from reallocations, then payment for the  
11 remaining programs must be prorated. If there are more unused allocations  
12 than necessary to cover programs of first priority but not enough to cover  
13 all programs of second priority, then payment for programs of second  
14 priority must be prorated. If unused allocations are not enough to cover all  
15 programs of first priority, then payment for programs of first priority must  
16 be prorated.

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

22       **Secs. 4. and 5.** (Deleted by amendment.)

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

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

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

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

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

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

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

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



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

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

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

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

19 ~~13-1~~ *5. The state board may grant to a school district a variance from*  
20 *the limitation on the number of pupils per class set forth in subsection 1 for*  
21 *good cause, including the lack of available financial support specifically*  
22 *set aside for the reduction of pupil-teacher ratios.*

23 ~~14-1~~ *6. The state board shall, on or before February 1 of each odd-*  
24 *numbered year, report to the legislature on:*

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

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

31 ~~15-1~~ *7. The department shall, on or before November 15 of each year,*  
32 *report to the chief of the budget division of the department of*  
33 *administration and the fiscal analysis division of the legislative counsel*  
34 *bureau:*

35 (a) The number of teachers employed;

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

38 (c) The number of pupils enrolled; and

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

44 ~~16-1~~ *8. The provisions of this section do not apply to a charter school.*

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



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1     2. The board of trustees of a school district or a community-based  
2 organization may submit an application to the department of education for  
3 the establishment or expansion of an early childhood education and family  
4 literacy program for preschool children and their parents. An application  
5 must include a:  
6     (a) Written description of the program, which must focus on the  
7 acquisition and development of skills for children 3 and 4 years of age; and  
8     (b) Statement of assurance prepared by the board of trustees or  
9 community-based organization that it will offer admission to the program:  
10     (1) Free of charge to preschool children who are from families of  
11 low-income; and  
12     (2) To all other preschool children on a sliding scale based upon  
13 family income.  
14     3. The department of education shall award grants of money from the  
15 appropriation made by subsection 1 on a competitive basis. A school  
16 district or community-based organization that receives a grant of money  
17 shall:  
18     (a) Use the money to provide the program described in the application;  
19 and  
20     (b) Offer admission to the program:  
21     (1) Free of charge to preschool children who are from families of  
22 low-income; and  
23     (2) To all other preschool children on a sliding scale based upon  
24 family income.  
25     4. Any balance remaining from the appropriation made by subsection  
26 1 must not be committed for expenditure after June 30, 2003, and reverts to  
27 the state general fund as soon as all payments of money committed have  
28 been made.  
29     **Sec. 9.** 1. There is hereby appropriated from the state general fund  
30 to the Economic Opportunity Board of Clark County the sum of  
31 \$2,500,000, for the expansion of its Head Start program to increase the  
32 number of preschool children who participate in the Head Start program.  
33     2. The money appropriated by subsection 1 must be used to expand the  
34 facilities and for any other costs related to increasing the number of  
35 preschool children who participate in the Head Start program of the  
36 Economic Opportunity Board of Clark County.  
37     3. Any balance remaining from the appropriation made by subsection  
38 1 must not be committed for expenditure after June 30, 2003, and reverts to  
39 the state general fund as soon all payments of money committed have been  
40 made.  
41     **Sec. 10.** Notwithstanding the amendatory provisions of section 2 of  
42 this act to the contrary, the basic support guarantee established by the  
43 legislature for each special education program unit for the education of  
44 pupils with disabilities for:  
45     1. The fiscal year 2001-2002, must not be less than an amount equal to  
46 56 percent of the average annual salary plus benefits for that year of  
47 licensed teachers who teach special education in this state.



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

4     3. The fiscal year 2003-2004, must not be less than an amount equal to  
5     58 percent of the average annual salary plus benefits for that year of  
6     licensed teachers who teach special education in this state.

7     4. The fiscal year 2004-2005, must not be less than an amount equal to  
8     59 percent of the average annual salary plus benefits for that year of  
9     licensed teachers who teach special education in this state.

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

12    2. Section 7 of this act becomes effective on July 1, 2001.

