

Amendment No. 1118

Senate Amendment to Senate Bill No. 49 First Reprint	(BDR 34-405)
<b>Proposed by:</b> Senate Committee on Finance	
<b>Amends:</b> Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION		Initial and Date	SENATE ACTION		Initial and Date
Adopted	<input type="checkbox"/>	Lost <input type="checkbox"/>	Adopted	<input type="checkbox"/>	Lost <input type="checkbox"/>
Concurred In	<input type="checkbox"/>	Not <input type="checkbox"/>	Concurred In	<input type="checkbox"/>	Not <input type="checkbox"/>
Receded	<input type="checkbox"/>	Not <input type="checkbox"/>	Receded	<input type="checkbox"/>	Not <input type="checkbox"/>

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

JWP/EGO



Date: 6/3/2017

S.B. No. 49—Revises provisions relating to funding for pupils with disabilities in public schools. (BDR 34-405)





## SENATE BILL NO. 49—COMMITTEE ON FINANCE

(ON BEHALF OF THE WASHOE COUNTY SCHOOL DISTRICT)

PREFILED NOVEMBER 16, 2016

Referred to Committee on Finance

SUMMARY—Revises provisions relating to funding for pupils with disabilities ~~in public schools~~ (BDR 34-405)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: Yes.

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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; ~~removing the limitation on the number of pupils with disabilities for which additional money is provided to public schools through the basic support guarantee per pupil;~~ requiring an additional apportionment of money from the State Distributive School Account in the State General Fund to certain school districts and charter schools for pupils with disabilities; revising provisions governing the reimbursement of certain hospitals and other facilities for educational services provided to certain children; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law provides for a basic support guarantee to be provided for each pupil who attends public school in this State. The money is paid from the State Distributive School Account in the State General Fund. The amount of the basic support guarantee is established for each school district for each school year according to a formula. Existing law further provides for a statewide multiplier to be applied for pupils with disabilities so that additional funding is provided for such pupils from the ~~(State Distributive School)~~ Account. However, that additional funding is limited to not more than 13 percent of the total pupil enrollment in the school district or charter school, except in limited circumstances. (NRS 387.122) ~~This bill removes the limitation on the number of pupils to whom the multiplier may apply. This bill also requires the additional funding to: (1) be equal or greater than the amount received during Fiscal Year 2017-2018; and (2) satisfy federal requirements for maintenance of effort. In addition, this bill requires the Department of Education to: (1) establish standards for determining whether a pupil has a disability for which the multiplier applies; and (2) conduct such audits as it deems necessary to ensure that the school districts and the State Public Charter School Authority accurately identify pupils to whom the multiplier applies.)~~ If a school district or charter school has reported an enrollment of pupils with disabilities exceeding 13 percent of total pupil enrollment, section 1 of this bill generally requires that an additional apportionment be made from the Account to the school district or charter school, for each such pupil in an amount equal to one-half of the statewide multiplier then in effect for pupils with disabilities.

Under existing law, certain hospitals and other facilities that provide residential treatment to children and also operate a licensed private school are authorized to request reimbursement from the Department of Education for the cost of providing educational services to a child who is verified to be a patient of the hospital or facility and attends the private school for more than 7 school days. Upon receiving such a request, the Department is required to determine the amount of reimbursement as a percentage of the basic support guarantee per pupil and withhold that amount from the school district or charter school where the child would attend school if the child were not in the hospital or facility. (NRS 387.1225) If such a child is a pupil with a disability, section 1.2 of this bill provides that the hospital or facility is also entitled to a corresponding percentage of the statewide multiplier included in the basic support guarantee per pupil and any other money that would otherwise be apportioned for the child to the school district or charter school.

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

**Section 1.** NRS 387.122 is hereby amended to read as follows:

387.122 1. For making the apportionments of the State Distributive School Account in the State General Fund required by the provisions of this title, the basic support guarantee per pupil for each school district is established by law for each school year. The formula for calculating the basic support guarantee may be expressed as an estimated weighted average per pupil, based on the total expenditures for public education in the immediately preceding even-numbered fiscal year, plus any legislative appropriations for the immediately succeeding biennium, minus those local funds not guaranteed by the State pursuant to NRS 387.163.

2. The estimated weighted average per pupil for the State must be calculated as a basic support guarantee for each school district through an equity allocation model that incorporates:

(a) Factors relating to wealth in the school district;

(b) Salary costs;

(c) Transportation; and

(d) Any other factor determined by the Superintendent of Public Instruction after consultation with the school districts and the State Public Charter School Authority.

3. The basic support guarantee per pupil must include a statewide multiplier for pupils with disabilities. Except as otherwise provided in this ~~subsection,~~ section, the funding provided to each school district and charter school through the multiplier for pupils with disabilities is limited to the actual number of pupils with disabilities enrolled in the school district or charter school ~~if~~ ,not to exceed 13 percent of total pupil enrollment for the school district or charter school. ##

4. Except as otherwise provided in this subsection, if a school district or charter school has reported an enrollment of pupils with disabilities equal to more than 13 percent of total pupil enrollment, ~~If the funding which would otherwise be provided to a school district or charter school pursuant to this subsection would be less than the amount received as the basic support guarantee by the school district or charter school for Fiscal Year 2017-2018 or would fail to satisfy the requirements for maintenance of effort under federal law,~~ the school district or charter school must receive ,for each such additional pupil, an amount of money ~~necessary.~~

~~(a) Which equals the amount of money received as the basic support guarantee by the school district or charter school for Fiscal Year 2017-2018; or~~

~~(b) Which is necessary to satisfy the requirements for maintenance of effort under federal law; law,~~

~~as applicable.~~

~~4.1 equal to one-half of the statewide multiplier then in effect for pupils with disabilities. An apportionment made to a school district or charter school pursuant to this subsection is subject to change from year to year in accordance with the number of pupils with disabilities enrolled in the school district or charter school. If the money available for apportionment pursuant to this subsection is insufficient to make the apportionment otherwise required by this subsection, the Superintendent of Public Instruction shall proportionately reduce the amount so apportioned to each school district and charter school. The Department shall account separately for any money apportioned pursuant to this subsection.~~

5. Not later than July 1 of each even-numbered year, the Superintendent of Public Instruction shall review and, if necessary, revise the factors used for the equity allocation model adopted for the previous biennium and present the review and any revisions at a meeting of the Legislative Committee on Education for consideration and recommendations by the Committee. After the meeting, the Superintendent of Public Instruction shall consider any recommendations of the Legislative Committee on Education, determine whether to include those recommendations in the equity allocation model and adopt the model. The Superintendent of Public Instruction shall submit the equity allocation model to the:

(a) Governor for inclusion in the proposed executive budget.

(b) Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature.

6. The Department shall make available updated information regarding the equity allocation model on the Internet website maintained by the Department.

~~6. The Department shall:~~

~~(a) Establish, after consultation with the school districts and the State Public Charter School Authority, standards for determining whether a pupil has a disability for which the multiplier described in subsection 3 applies; and~~

~~(b) Conduct such audits as the Department deems necessary to ensure that each school district and the State Public Charter School Authority has a process in place that accurately determines whether a pupil has a disability for which the multiplier described in subsection 3 applies.~~

Sec. 1.2. NRS 387.1225 is hereby amended to read as follows:

387.1225 1. A hospital or other facility which is licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services that provides residential treatment to children and which operates a private school licensed pursuant to chapter 394 of NRS may request reimbursement from the Department for the cost of providing educational services to a child who:

(a) The Department verifies is a patient or resident of the hospital or facility; and

(b) Attends the private school for more than 7 school days.

2. Upon receiving a request for reimbursement, the Department shall determine the amount of reimbursement to which the hospital or facility is entitled as a percentage of the basic support guarantee per pupil and withhold that amount from the ~~county~~ school district or charter school where the child would attend school if the child were not placed in the hospital or facility. If the child is a pupil with a disability, the hospital or facility is also entitled to a corresponding percentage of the statewide multiplier included in the basic support guarantee per

1 pupil pursuant to NRS 387.122 and any other money that would otherwise be  
2 apportioned for the child to the school district or charter school. The Department  
3 shall distribute the money withheld from the ~~county~~ school district or charter  
4 school to the hospital or facility.

5 3. For the purposes of subsection 2, the amount of reimbursement to which  
6 the hospital or facility is entitled must be calculated on the basis of the number of  
7 school days the child is a patient or resident of the hospital or facility and attends  
8 the private school, including the 7 school days prescribed in paragraph (b) of  
9 subsection 1, in proportion to the number of days of instruction scheduled for  
10 that school year by the board of trustees of the school district or the charter  
11 school, as applicable.

12 4. The Department shall adopt any regulations necessary to carry out the  
13 provisions of this section.

14 ~~4.4~~ 5. As used in this section:

15 (a) "Hospital" has the meaning ascribed to it in NRS 449.012.

16 (b) "Private school" has the meaning ascribed to it in NRS 394.103.

17 **Sec. 1.5. NRS 388.429 is hereby amended to read as follows:**

18 388.429 1. The Legislature declares that funding provided for each school  
19 year establishes financial resources sufficient to ensure a reasonably equal  
20 educational opportunity to pupils with disabilities residing in Nevada through the  
21 use of the statewide multiplier to the basic support guarantee prescribed by NRS  
22 387.122.

23 2. Subject to the provisions of NRS 388.417 to 388.469, inclusive, the board  
24 of trustees of each school district shall make such special provisions as may be  
25 necessary for the education of pupils with disabilities.

26 3. The board of trustees of a school district in a county whose population is  
27 less than 700,000 may provide early intervening services. Such services must be  
28 provided in accordance with the Individuals with Disabilities Education Act, 20  
29 U.S.C. §§ 1400 et seq., and the regulations adopted pursuant thereto.

30 4. The board of trustees of a school district shall establish uniform criteria  
31 governing eligibility for instruction under the special education programs provided  
32 for by NRS 388.417 to 388.469, inclusive. The criteria must prohibit the placement  
33 of a pupil in a program for pupils with disabilities solely because the pupil is a  
34 disciplinary problem in school. The criteria are subject to such standards as may be  
35 prescribed by the State Board.

36 **Sec. 2.** This act becomes effective on July 1, 2017.