

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. (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; 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 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) 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



19 facility and attends the private school for more than 7 school days. Upon receiving
20 such a request, the Department is required to determine the amount of
21 reimbursement as a percentage of the basic support guarantee per pupil and
22 withhold that amount from the school district or charter school where the child
23 would attend school if the child were not in the hospital or facility. (NRS 387.1225)
24 If such a child is a pupil with a disability, **section 1.2** of this bill provides that the
25 hospital or facility is also entitled to a corresponding percentage of the statewide
26 multiplier included in the basic support guarantee per pupil and any other money
27 that would otherwise be apportioned for the child to the school district or charter
28 school.

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

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

2 387.122 1. For making the apportionments of the State
3 Distributive School Account in the State General Fund required by
4 the provisions of this title, the basic support guarantee per pupil for
5 each school district is established by law for each school year. The
6 formula for calculating the basic support guarantee may be
7 expressed as an estimated weighted average per pupil, based on the
8 total expenditures for public education in the immediately preceding
9 even-numbered fiscal year, plus any legislative appropriations for
10 the immediately succeeding biennium, minus those local funds not
11 guaranteed by the State pursuant to NRS 387.163.

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

- 15 (a) Factors relating to wealth in the school district;
16 (b) Salary costs;
17 (c) Transportation; and

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

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

29 4. *Except as otherwise provided in this subsection, if* a school
30 district or charter school has reported an enrollment of pupils with
31 disabilities equal to more than 13 percent of total pupil enrollment,
32 the school district or charter school must receive *, for each such*



1 *additional pupil, an amount of money ~~necessary to satisfy the~~*
2 *~~requirements for maintenance of effort under federal law.~~*

3 ~~—4.1~~ *equal to one-half of the statewide multiplier then in effect*
4 *for pupils with disabilities. An apportionment made to a school*
5 *district or charter school pursuant to this subsection is subject to*
6 *change from year to year in accordance with the number of pupils*
7 *with disabilities enrolled in the school district or charter school. If*
8 *the money available for apportionment pursuant to this subsection*
9 *is insufficient to make the apportionment otherwise required by*
10 *this subsection, the Superintendent of Public Instruction shall*
11 *proportionately reduce the amount so apportioned to each school*
12 *district and charter school. The Department shall account*
13 *separately for any money apportioned pursuant to this subsection.*

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

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

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

28 ~~5.1~~ 6. The Department shall make available updated
29 information regarding the equity allocation model on the Internet
30 website maintained by the Department.

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

32 387.1225 1. A hospital or other facility which is licensed by
33 the Division of Public and Behavioral Health of the Department of
34 Health and Human Services that provides residential treatment to
35 children and which operates a private school licensed pursuant to
36 chapter 394 of NRS may request reimbursement from the
37 Department for the cost of providing educational services to a child
38 who:

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

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

42 2. Upon receiving a request for reimbursement, the Department
43 shall determine the amount of reimbursement to which the hospital
44 or facility is entitled as a percentage of the basic support guarantee
45 per pupil and withhold that amount from the ~~county~~ school district



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1 or charter school where the child would attend school if the child
2 were not placed in the hospital or facility. *If the child is a pupil*
3 *with a disability, the hospital or facility is also entitled to a*
4 *corresponding percentage of the statewide multiplier included in*
5 *the basic support guarantee per pupil pursuant to NRS 387.122*
6 *and any other money that would otherwise be apportioned for the*
7 *child to the school district or charter school.* The Department shall
8 distribute the money withheld from the ~~county~~ school district or
9 charter school to the hospital or facility.

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

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

20 ~~4.1~~ 5. As used in this section:

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

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

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

25 388.429 1. The Legislature declares that funding provided for
26 each school year establishes financial resources sufficient to ensure
27 a reasonably equal educational opportunity to pupils with
28 disabilities residing in Nevada through the use of the *statewide*
29 multiplier to the basic support guarantee prescribed by
30 NRS 387.122.

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

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

40 4. The board of trustees of a school district shall establish
41 uniform criteria governing eligibility for instruction under the
42 special education programs provided for by NRS 388.417 to
43 388.469, inclusive. The criteria must prohibit the placement of a
44 pupil in a program for pupils with disabilities solely because the



- 1 pupil is a disciplinary problem in school. The criteria are subject to
- 2 such standards as may be prescribed by the State Board.
- 3 **Sec. 2.** This act becomes effective on July 1, 2017.

