

*Special Education and
Student Discipline*



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SPECIAL EDUCATION AND STUDENT DISCIPLINE

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SUMMARY OF RECOMMENDATIONS

This summary presents the recommendations approved by the Legislative Commission's Subcommittee to Study Special Education and Student Discipline (Assembly Concurrent Resolution No. 44, File No. 156, *Statutes of Nevada 1997*). The subcommittee will submit these proposals to the 70th Session of the Nevada Legislature.

Special Education Funding

1. **Draft and enact legislation, in the form of a resolution, asking the 1999 Nevada Legislature to fully fund the cost of special education services beginning with the 1999-2000 school year. (BDR R-323)**
2. **Send a letter to all Nevada school districts asking for information on how special education unit funding is spent to provide special education departments with needed equipment and textbooks; and what recourse teachers or departments have if they are not receiving that funding from school-site administrators. Districts will be asked to provide this information to the subcommittee chairman and to Legislative Counsel Bureau staff.**

Special Education Programs and Services

3. **Draft and enact legislation requiring the State Department of Education to develop uniform Individual Education Plan (IEP) forms (including the computerization of these forms) and related documents; and require local school districts to use such forms and documents. The legislation would require the use of national standards to identify disabilities and direct the department to provide statewide professional development on how to assess/evaluate students with disabilities. (BDR 34-318)**
4. **Draft and enact legislation, in the form of a resolution, encouraging the State Department of Education to establish an advisory group comprised of teachers, administrators, parents, department staff, and Legislative Counsel Bureau staff to determine alternative criteria by which a student with disabilities may graduate with a standard diploma. In addition, the advisory group should make recommendation to the State Board of Education concerning the allowable use of calculators, spell checkers, oral testing, and other tools deemed appropriate by the student's IEP for special education students who take the proficiency test required by the Board for graduation from high school. (BDR R-320)**
5. **Send a letter to the Superintendent of Public Instruction asking that the State Department of Education's task force on the revision of the *Nevada Administrative Code* concerning caseloads and class sizes consider the following recommended levels.**

- a. **Caseloads:** speech and language pathologist at 40; resource room staff at 18; early childhood staff at 20; other middle school specialized programs at 12; and other elementary specialized programs at 6.
 - b. **Class size:**
 - (1) **Elementary school:** all specialized programs at 6; specialized early childhood programs except autistic and severe emotional handicap at 10; severe emotional handicap, autistic, early childhood, and severe/profound at 4; and resource room at 10. All classes, except for the resource room, should have a full-time teacher assistant.
 - (2) **Secondary school:** autistic/severe/profound and severe emotional handicap at 6; all other specialized programs at 10; and resource room at 12. All classes, except for the resource room, should have a full-time teacher assistant.
 - (3) **General education:** classrooms with a cooperative teacher must be capped at 10 enrolled special education students; classrooms with a consultative teacher must be capped at 6 enrolled special education students; and a weighted formula of 1.5 will be assigned to all special education students included in a general education classroom.
6. **Send a letter to the Superintendent of Public Instruction asking her to develop a list of appropriate screening tools to diagnose conduct disorders in students. This list should be made available to a school district upon its request. The list should be developed in cooperation with staff in the Douglas County School District.**
 7. **Send a letter to the state social service agencies that assist special needs students asking such agencies to notify a school district before a child with special needs is brought back into the school district from a placement pursuant to Chapter 395 of *Nevada Revised Statutes* (NRS), to determine if a program exists to meet the student's needs, and to ascertain the fiscal impact of such a placement. The subcommittee also recommends that these social service agencies notify the State Board of Education when such a placement is made so it can explore funding through the discretionary grant programs of the State Department of Education to help provide services for these students.**

Student Discipline

8. **Amend Chapter 392 of NRS to require schools to notify parents at least seven days before their child is deemed a habitual disciplinary problem as defined by NRS 392.4655. The amendment will allow schools to develop a behavior program for students, request that students and parents attend a counseling or parenting program, and/or assess contract penalties of up to \$100. A student who commits a subsequent**

violation shall be deemed a habitual disciplinary problem under NRS 392.4655. (BDR 34-324)

9. Amend Chapter 392 of NRS to require the State Department of Education to notify school districts of all legislation passed by the Nevada Legislature affecting public schools and all regulations enacted by the State Board of Education within 30 days of the effective date; and require school districts to communicate the same information to parents, teachers, deans, and educational support staff within 30 days of receipt of the notification from the State Department of Education. Such notification must be understandable in English or Spanish. (BDR 34-322)
10. Send a letter to the Legislative Commission asking it to explore imposing penalties on state agencies, school districts, and other governmental entities if such organizations do not implement legislation when it becomes effective.
11. Draft and enact legislation to provide funding, through a state appropriation, for tuition-free summer and intersession programs for all students. (BDR 34-321)

Truancy

12. Amend NRS 392.130 to clarify that “any part of a school day” for the purposes of determining truancy refers only to unexcused absences. In addition, require school districts to adopt policies whereby an excused absence for part of the school day will not be counted as an absence for the full day. (BDR 34-319)
13. Amend NRS 392.142 to: (a) remove the requirement that school principals must report each habitual truant to the appropriate law enforcement agencies; (b) require a school principal to refer students to a school attendance review board when directly requested by a parent or legal guardian; and (c) include the provisions of Sections 11 and 12 of the Second Reprint of Assembly Bill 486 (Chapter 583, *Statutes of Nevada 1997*). (BDR 34-319)
14. Amend NRS 62.224 so that for a first habitual truancy offense, the court shall suspend a driver’s license for at least 30 days but not more than 2 years; and for a second offense, at least 90 days but not more than 2 years. Also amend NRS 62.224 to allow the “judge or his authorized representative” to issue orders for fines or driver’s license suspensions; this will allow the court to handle the expected increase in caseloads in these areas resulting from the changes made by Assembly Bill 486 (Chapter 583, *Statutes of Nevada 1997*). (BDR 34-319)
15. Amend paragraph (g) of NRS 385.347 so that the records of the attendance and truancy of pupils in all grades are reported rather than the annual rate of attendance and truancy. (BDR 34-319)

Teacher and Staff Training

16. Send a letter to the Legislative Committee on Education asking the Committee to expand its Bill Draft Request concerning the establishment of four regional training centers to include the following: all the training mandated by the state; the training currently provided by school districts; training in special education for special education teachers, regular education teachers, and parents of special needs students; and computer/technology training. The letter will ask the Committee to make these centers true professional development centers.
17. Draft and enact legislation providing a one-shot appropriation to the Board of Regents of the University and Community College System of Nevada for the establishment of a teacher corp program. (BDR 34-325)

Other Matters Relating to Education

18. Amend NRS 392.330(b) by inserting “reduced fare” before the word tickets and delete everything after the word pupils. (BDR 34-326)

**REPORT TO THE 70TH SESSION OF THE NEVADA LEGISLATURE BY THE
LEGISLATIVE COMMISSION=S SUBCOMMITTEE TO STUDY
SPECIAL EDUCATION AND STUDENT DISCIPLINE**

I. INTRODUCTION

The 69th Session of the Nevada Legislature adopted Assembly Concurrent Resolution No. 44 (File No. 156, *Statutes of Nevada 1997*) which directed the Legislative Commission to conduct an interim study of special education and student discipline in the state=s public schools. Appendix A contains the text of the resolution. The commission appointed a subcommittee of six legislators to carry out the resolution’s provisions.

The following legislators served on the A.C.R. 44 Subcommittee:

Assemblywoman Chris Giunchigliani, Chairman
Senator Kathy Augustine
Senator Michael A. Schneider
Senator Maurice E. Washington
Assemblyman Mark A. Manendo
Assemblywoman Kathy A. Von Tobel

Legislative Counsel Bureau (LCB) staff services for the subcommittee were provided by Kelan J. Kelly, Senior Research Analyst; Kristin C. Roberts, Deputy Legislative Counsel; Linda Chandler Law, Senior Research Secretary; and Barbara Moss, Research Secretary.

The subcommittee held eight meetings, including a work session, during the course of the study. Six meetings were held in Las Vegas and the other two were in Carson City. These public hearings were conducted through simultaneous video conferences between meeting rooms at the Legislative Building in Carson City and the Grant Sawyer State Office Building in Las Vegas.

During the course of this interim study, the subcommittee received extensive expert and public testimony concerning the following: the method for funding special education in Nevada; special education programs and services offered by school districts and the State Department of Education; the requirements imposed on state and local education agencies by the Federal Government regarding special education; the problems with and impact of legislation enacted in 1997 concerning truancy and student discipline; and practices and needs for training teachers, administrators, and support staff in the areas of special education and student discipline.

The subcommittee obtained testimony and correspondence from concerned citizens, parents of students with special needs, teachers, staff from the State Department of Education, school district officials, the Nevada State Education Association, faculty members from the University of Nevada, Las Vegas College of Education, parents and teachers associations, representatives from

Clark County Legal Services, the Clark County District Attorney's Office, and the Commission on Professional Standards in Education.

At its final meeting and work session, the subcommittee adopted 18 recommendations, including nine bill draft requests (BDRs), for consideration by the 1999 Legislature. The recommendations address the following major topics:

- Special education funding;
- Special education programs and services;
- Student discipline;
- Truancy;
- Teacher and staff training; and
- Other matters relating to education.

This report contains information on recently enacted federal and state legislation regarding special education, truancy, and habitual discipline problems. In addition, it contains a discussion of the other topics under which the subcommittee made its recommendations. The report attempts to present the subcommittee's findings and recommendations in a concise form. A large amount of data was gathered during the study, much of which was provided as exhibits that became part of the minutes of the subcommittee's meetings. All supporting documents and minutes of meetings are on file with the Research Library of LCB.

II. SPECIAL EDUCATION

Special education services are provided directly to students by local school districts and are funded from federal grants, state appropriations, and local dollars. All special education services are delivered in accordance with an Individual Education Plan (IEP) developed for each special needs student as required by federal law. Among other things, the IEP contains goals and objectives for student achievement, placement information, and a description of the supportive services necessary for a student to benefit from special education.

The State Department of Education oversees special education programs provided by school districts. State authority, responsibilities, services, and direction to local districts are outlined in Chapter 395 of the *Nevada Revised Statutes* [NRS] ("Education of Persons with Disabilities") and in Chapter 395 of the *Nevada Administrative Code* [NAC] ("Education of Disabled Persons"). To a great extent, both the State Department and local school districts are bound by federal legislation and regulations governing the provision of services to students with special educational needs. The federal mandates affecting schools and special education programs were recently reauthorized by

the United States Congress as *Public Law 105-17* which amended the Individuals with Disabilities Education Act (IDEA).

IDEA Reauthorization

On June 4, 1997, President Bill Clinton signed the Individuals with Disabilities Education Act Amendments of 1997 into law (*Public Law 105-17*). According to the Congressional Research Service (*CRS Report for Congress 97-535 EPW*), these amendments are comprehensive and address a number of legal and programmatic issues affecting early childhood intervention and special education. Those most directly related to the subcommittee's work include:

- Discipline. Schools now have specific statutory authority to remove certain students with disabilities from classrooms and place them in alternative settings for up to 45 days when these students misbehave. In addition, new, limited authority is provided to hearing officers to change the placement of disabled students;
- Cessation of Educational Services. Disabled students are entitled to special education services even when expelled from school;
- Mediation. Before parents can request a formal due process hearing to resolve differences with the school district about the educational services provided to their disabled child, they must be offered mediation and encouraged by school officials through counseling to first resolve the issues through mediation; and
- Educational Improvement. A disabled child's IEP must relate educational programming for the child to achievement in the general education curriculum. In addition, states are now required to establish performance goals and indicators for disabled pupils and to include such students in formal assessments.

Special Education Enrollments

The special education student population in Nevada has grown at an annual rate of 7 percent over the last two years and it has increased at a faster rate, since 1992, than has the general student population. Special needs students now comprises about 9 percent of the total school population (ages 6 through 17). This 9 percent enrollment figure is lower than the nationwide average of 10.3 percent for special needs students. Overall the percentage of special education students in Nevada from ages 3 through 21 is approximately 10 percent.

Cost of Special Education Programs

The average cost, statewide, for educating a disabled student in Nevada is \$8,625 per year which includes the expenses for general education classes, special education programs, and related services. In 1996, the total cost to educate students with disabilities in Nevada was \$243 million paid from a combination of federal, state, and local dollars.

Special Education Funding

In Nevada, special education services are funded from a combination of local, state, and federal sources. State support is provided through the Distributive School Account (DSA) in two forms. First, the DSA includes an appropriation for the actual number of teachers in the previous fiscal year, including special education teachers, at the current average salary and benefit level plus a percentage “roll-up” for salary increases and student enrollment growth. This amount plus the amounts for other educational expenditures are used to determine a per-pupil basic support guarantee from the state to local school districts. In addition, the Legislature funds a certain number of “units” for special education allocated to school districts each year. A unit is defined as the salary and benefits for one special education teacher. The unit funding can only be used to support special education teacher salaries and benefits.

The Legislature funded 1,976 units in Fiscal Year 1997-1998 at \$27,684 per unit for a total of \$54,723,344. In Fiscal Year 1998-1999, 2,088 units were funded by the Legislature at \$28,248 per unit for a total appropriation of \$58,981,824.

The amount allocated for each unit falls short of the actual costs of salaries and benefits for special education teachers, who normally have more education and experience than other teachers. This requires school districts to use money from the local general fund to pay the difference between the amount funded by the state and the actual cost of providing special education services. For example, officials with the Clark County School District told the subcommittee the excess costs to the district for special education programs are approximately \$20 million annually. Some money is available from federal sources and grants, but it has historically been very small.

Special Education Programs and Services

Nevada school districts provide a wide range of services and programs for students with special needs. In general, the larger, urban districts provide a broader range of services than rural school districts, however all Nevada school districts must meet the needs of students as specified in Individual Education Plans.

Services Available to Students in the Clark County School District

- The Clark County School District provides a wide array of special education services as illustrated by these examples:
- General Education Services, where students with mild disabilities participate in regular classrooms;
- Resource Room Services, where pupils with mild to moderate disabilities are served in a classroom with other students who receive special education services;

- Specialized Classroom Program Services are classes with lower pupil-teacher ratios serving students with moderate to severe disabilities that cannot be adequately addressed in a resource room. Such specialized programs include: Early Childhood Special Education, Specialized Diversely Challenged, Specialized Emotionally Challenged, Specialized Learning Disabled, Specialized Learning Disabled/Speech Language Specialized, and Autism;
- Special School Services are provided to students who have documented educational needs that stem from severe cognitive, emotional-behavioral, and physical delays. Some examples are the Miley Achievement Center which serves students age 6 through 21 who have not progressed in other educational settings, Opportunity School Special Education for students experiencing adjustment problems in the regular classroom, Homebound Special Education or Hospitalization Services for students unable to attend classes due to illness or hospital confinement, and Out of District Placements for those students who cannot be adequately served by existing district programs;
- Technical Assistance, where a network of facilitators, managers, mentors, nurses, psychologists, teachers, teams, and various specialized therapists provide services; and
- Compliance and Monitoring Office which helps staff comply with IDEA requirements.

Services Available to Students in the Washoe County School District

Officials from the Washoe County School district also informed the subcommittee that their district offers a full continuum of special education services including services provided in:

- Seven group homes;
- Two private hospitals;
- A regional developmental center that provides residential care for mentally retarded children;
- Adolescent treatment centers; and
- Resource rooms in all elementary, middle, and high schools.

The district provides such services in cooperation with several divisions within Nevada's Department of Human Resources including the Division of Child and Family Services and the Division of Mental Hygiene and Mental Retardation. In addition, the district employs the following itinerant support staff: a mobility instructor for the blind, adaptive physical education teachers, an audiologist, braille transcribers, classroom aides and assistants, hearing impaired teachers, occupational therapists, physical therapists, program assistants, school psychologists, speech therapists, transitional counselors, and visually blind teachers.

Services Available to Students in Other Districts

The Director of Student Support Services for the Carson City School District also reported a full continuum of services ranging from full inclusion for many students, meaning that they spend almost the entire day in regular classrooms, to self-contained classrooms in elementary schools.

Directors of Special Education from a number of school districts indicated that districts often cooperate to provide advice, consultation, and services.

Problems Encountered By School Districts in Serving Disabled Students

During the course of this study, the subcommittee heard from school district special education directors, teachers, administrators, superintendents, and the parents of students with special needs about many of the problems experienced by districts in providing the services needed by special needs and disabled students. While the range of problems varied between rural and urban school districts, both are experiencing significant difficulties delivering services. The examples below illustrate the extent of these difficulties.

Problems Experienced By Rural Districts

Some of the most common problems associated with special education in rural Nevada school districts included:

- The cost to provide services to the most severely disabled students is overly burdensome;
- The inability to provide the range of services available to students in larger urban districts;
- Difficulty in recruiting special education teachers because of remote locations;
- Difficulty in recruiting occupational therapists, physical therapists, and psychologists because the districts cannot compete with salaries in other locations or with private firms;
- Programs cover vast distances and a myriad of disabilities, and limited resources including equipment, funds, and personnel must be spread over the entire county;
- Lack of training for special education teachers many of whom are currently employed under three-year waivers from the special education certification requirements;
- Lack of adequate funding for special education from the state and federal governments; and
- Too many federal restrictions which dictate what can and cannot be done for special needs students.

Problems Experienced By Urban Districts

The state's urban school districts are also experiencing problems in providing adequate services to special needs children. According to the Director of Special Education and Psychological Services, the Washoe County School District serves approximately 5,400 special education students in all disability categories. The Director indicated that due to the growth in numbers of developmentally delayed pupils, the district is facing difficulties providing adequate programs to children from the age of three years. The Washoe County School District, like its rural neighbors, is experiencing difficulty hiring enough staff to serve the high-need, low-incidence populations, and is spending a large amount of money to train current staff to serve these students. In addition, the district faces problems locating enough classroom space for special education programs, particularly space for Early Childhood programs and settings for students who are mentally retarded, autistic, and seriously emotionally disturbed.

Staff from the Carson City School District also reported experiencing difficulties accessing related educational services, particularly occupational and physical therapy services due to the fact that professionals in these disciplines are able to earn higher salaries in the private sector.

III. STUDENT DISCIPLINE AND TRUANCY

The prevalence of violence and other problems related to student discipline is rising in every state.

In fact, these problems are so severe that one of the National Education Goals states that by the year 2000 "all schools in America will be free of drugs and violence and the unauthorized presence of firearms and alcohol, and offer a disciplined environment that is conducive to learning." In response to this goal, Congress enacted the Gun-Free Schools Act in 1994 as part of the Improving America's Schools Act (*Public Law 103-382*) in an effort to reduce the commission of violent crimes and weapons offenses in schools. This law, among other things, requires the immediate expulsion of a student who brings a gun to school or a school activity. The 1995 Nevada Legislature added the federal requirements relating to weapons possession on school grounds or at school activities to NRS 392.466.

State Actions to Reduce Discipline Problems

Weapons possession is just one of the serious discipline related problems found in schools throughout America. Administrators, teachers, and school police personnel are also dealing with increasing drug and alcohol use and possession, possession of pagers and cellular phones, and habitual truancy among others. In response, states have enacted a variety of measures to combat student discipline problems:

- Eleven states have legislated mandatory alternative schools for disruptive students and another 24 states allow school districts to set up such programs;

- At least 15 states have banned the possession of pagers and cellular phones by students on school grounds. In several states the penalty can be suspension or expulsion;
- State-level policies allowing local school districts to adopt school uniform policies exist in at least 10 states; and
- Some 30 states, including Nevada, have laws requiring the transfer of records concerning students with disciplinary problems between school districts. In some states, information about such students is shared between school districts and law enforcement agencies.

Recent Discipline and Truancy Legislation in Nevada

During the 1997 Legislative Session, Assemblywoman Chris Giunchigliani sponsored two bills which changed statutory provisions concerning truancy and students who present school staff with habitual discipline problems. Both bills were enacted into law and relate directly to the work of the Legislative Commission's Subcommittee to Study Special Education and Student Discipline.

Truancy

Assembly Bill 486 (Chapter 583, *Statutes of Nevada 1997*) is intended to assist local law enforcement, juvenile courts, and schools with problems associated with habitual truants. Truants are at risk of becoming school drop outs, and there is a statistical link between truancy and juvenile crime rates. The goal of this legislation is to keep children in school.

Assembly Bill 486 creates at least one advisory board to review school attendance in each county and specifies the board's membership and duties. The advisory boards must review truancy and attendance matters within the district; identify factors contributing to truancy; establish programs to address the problem; inform parents concerning district truancy and attendance policies; and establish procedures for schools and school districts to report and cite habitual truants.

Further, the bill requires a school principal to report pupils who are habitual truants to the appropriate law enforcement agencies. Upon investigation, the truant may be issued a citation to appear in juvenile court. If the court determines the child is a habitual truant in need of supervision, he may be required to pay a fine of up to \$100, and may be subject to a 30-day driver's license suspension. The court may suspend the fine if the child attends school for 60 consecutive school days. If the court makes a second or subsequent determination that the child is a habitual truant in need of supervision, the fine increases to no more than \$200 with a mandatory driver's license suspension of 60 days. Up to ten hours of community service may also be imposed. The bill provides a mechanism for the reinstatement of a driver's license that has been suspended under this act.

Assembly Bill 486 also changes the exemptions from compulsory school attendance specifying the conditions under which an absence is approved and requiring notification by parents for pupil absences. The measure also requires school officials to notify parents or guardians in writing of

unapproved absences and specifies that the notification contain certain information, including the legal consequences of truancy. The method of delivery of such notifications is also specified.

Assembly Bill 486 also revises the definition of a truant and changes the conditions under which a designation of habitual truant may be made in succeeding school years. The bill requires the State Department of Education to create and maintain an annual record of pupil attendance and truancy rates for each public school. The measure also requires each school board of trustees to include attendance information on pupil report cards. In addition, the bill requires each school district to conduct a study and report its findings and recommendations concerning the feasibility of establishing a “closed campus policy.”

Finally, A.B. 486 appropriates \$500,000 to the State Department of Education. The money must be distributed to each school district in an amount proportionate to the total number of pupils who are enrolled in the county school district. The money is to be used by the districts to support the activities of the advisory board to review school attendance and for school district programs to reduce the rate of truancy.

Discipline of Students

Assembly Bill 376 (Chapter 522, *Statutes of Nevada 1997*) requires local school districts to set the minimum attendance required for promotion to the next higher grade. The bill also specifies the criteria under which a student may be deemed a habitual disciplinary problem. If a student who is a habitual disciplinary problem is found guilty of battery of a school employee, possession of a dangerous weapon, or the sale or distribution of controlled substances, crimes specified in NRS 392.466, the student must be expelled for at least one semester. Any student expelled under these provisions must receive equivalent instruction pursuant to NRS 392.070.

The bill allows local school boards, in consultation with schools, parents, and organizations representing licensed educational personnel, to establish school uniform policies. The measure specifies the contents of such policies and requires that districts that adopt such policies facilitate the acquisition of uniforms for pupils whose parents request financial assistance to purchase them.

In addition, the State Department of Education is required to evaluate the effectiveness of substance abuse programs used in public schools. A report containing recommendations must be submitted to the Legislative Counsel Bureau by December 31, 1998.

School District Discipline Policies

All 17 school districts in Nevada have developed written policies governing student discipline. During the course of this study, subcommittee members collected and reviewed these policies. In general, school districts use the following formal methods to discipline students who have committed infractions of school rules or state laws depending on the seriousness of the infraction or statutory requirements:

- Detention. Students must stay at school beyond the normal dismissal time or on Saturday.
- In-School Suspension. A student is removed from classes and/or school activities for no more than ten school days. During the term of in-school suspension, the student must remain in a separate supervised area.
- Short-Term Suspension. The student is temporarily removed from school and school-sponsored activities usually for ten school days or less.
- Long-Term Suspension. The student is removed from school and all school-sponsored activities for a period of more than ten days and less than a specified period of time (usually less than one year).
- Alternative Educational Placement. Some districts allow the use of an alternative educational placement in lieu of a suspension. In such a placement, the student is removed from the regular school setting and assigned to an alternative setting for a designated period of time. Students assigned to alternative placements must complete all academic assignments and follow specified rules of behavior.
- Expulsion. If a local board of trustees determines that a student's behavior interferes with the educational program or the safety or welfare of school personnel or other students, the student may be removed from further attendance in the school in accordance with state law. In some instances, for example, if a student is found in possession of a dangerous weapon, state law requires the student's immediate expulsion from school.

Districts use a variety of methods to communicate rules and policies concerning discipline to students, teachers, and parents including: assemblies, bulletin boards, discipline procedures reference guides, parent handbooks, student folders, student handbooks, and teacher handbooks.

IV. DISCUSSION OF RECOMMENDATIONS

The subcommittee approved a total of 18 recommendations. These recommendations are included in nine bill draft requests and six subcommittee letters grouped below by subject.

Special Education Funding

The subcommittee heard a great deal of testimony concerning funding for special education programs and services. School district officials and staff from the State Department of Education testified that the amount of funding provided by the state has steadily decreased since 1985, while the amount spent by school districts has increased. In 1985, the state's share of special education funding was 77 percent, local district support accounted for 16 percent and the Federal Government contributed 7 percent. By 1996, the state's share had dropped to 37 percent, local support amounted to 59 percent, and the Federal Government contribution was down to

just 4 percent. A number of rural school district administrators told the subcommittee that the continuing reduction in state support for special education was making it increasingly difficult for their districts to provide students with appropriate programs and services. In addition, the state's largest school district is spending some \$20 million more on special education than the state provides.

To address the fiscal difficulties faced by school districts across Nevada in providing services for students with disabilities, the subcommittee recommends that the 1999 Legislature:

Fully fund the cost of special education services beginning with the 1999-2000 school year. (BDR R-323)

In addition to the need for additional funding, the subcommittee heard testimony from teachers and parents that indicated problems with the allocation of special education funding to the individual school site. Some testimony indicated that special education teachers are not always provided with the necessary resources to provide all the services, including textbooks and equipment, needed by students even where adequate funding is available at the district level. Parents also testified that, in some instances, textbooks are not available for students with disabilities. While the subcommittee indicated its willingness to address these potential problems, members did not feel they had enough information to formulate appropriate recommendations.

Therefore the subcommittee decided to send a letter to:

All Nevada school districts asking for information on how special education unit funding is spent to provide special education departments with needed equipment and textbooks; and what recourse teachers or departments have if they are not receiving that funding from school-site administrators. Districts will be asked to provide this information to the subcommittee chairman and to Legislative Counsel Bureau staff.

Special Education Programs and Services

During the course of this study, the subcommittee held several work sessions on a variety of issues concerning special education to receive input from teachers, parents, administrators, and other interested parties. Participants in these work sessions identified several major problems with the delivery of special education programs and services. First, a large amount of redundant paperwork is required of special education teachers and support staff. Second, the type of paperwork used in special education programs varies from school district to school district. Third, the Individual Education Plan development process is very time-consuming and there is no standardized format used across schools or school districts. Fourth, the methods used to assess a student's specific disability are often not accurate; and these methods are not consistent across school districts. Finally, because State Board of Education regulations currently require students

to pass the Eleventh Grade Proficiency Examination before receiving a standard diploma, most special needs students will not receive such a diploma and many, may in fact, drop out of school.

To address these problems, the subcommittee recommends that the 1999 Legislature:

Require the State Department of Education to develop uniform Individual Education Plan forms (including the computerization of these forms) and related documents; and require local school districts to use such forms and documents. The legislation would require the use of national standards to identify disabilities and direct the department to provide statewide professional development on how to assess and evaluate students with disabilities. (BDR 34-318)

Encourage, by resolution, the State Department of Education to establish an advisory group comprised of teachers, administrators, parents, department staff, and Legislative Counsel Bureau staff to determine alternative criteria by which a student with disabilities may graduate with a standard diploma. In addition, the advisory group should make recommendations to the State Board of Education concerning the allowable use of calculators, spell checkers, oral testing, and other tools deemed appropriate by the student's IEP for special education students who take the proficiency test required by the Board for graduation from high school. (BDR R-320)

The subcommittee received written testimony from the Special Education Committee of the Nevada State Education Association (NSEA) concerning caseloads (the number of IEPs a teacher is responsible for developing) and class sizes (the maximum number of students permitted in a classroom for instruction at one time). This committee was composed of educators who work in special education programs in Nevada public schools. The group reached two principal findings leading to their recommendations to the subcommittee: first, special education teachers must complete an enormous volume of paperwork in order for them to provide services to a student; and second, special education students in large classes tend to experience greater discipline problems than those in smaller classes. Based on these observations the NSEA's Special Education Committee presented a set of recommendations for maximum caseloads and class sizes for special education teachers.

The subcommittee determined that these suggestions deserved further consideration and voted to send a letter to:

The Superintendent of Public Instruction asking that the State Department of Education's task force on the revision of the *Nevada Administrative Code* concerning caseloads and class sizes consider the following recommended levels.

- a. **Caseloads: speech and language pathologist at 40; resource room staff at 18; early childhood staff at 20; other middle school specialized programs at 12; and other elementary specialized programs at 6.**
- b. **Class size:**
 - (1) **Elementary school: all specialized programs at 6; specialized early childhood programs except autistic and severe emotional handicap at 10; severe emotional handicap, autistic, early childhood, and severe/profound at 4; and resource room at 10. All classes, except for the resource room, should have a full-time teacher assistant.**
 - (2) **Secondary school: autistic/severe/profound and severe emotional handicap at 6; all other specialized programs at 10; and resource room at 12. All classes, except for the resource room, should have a full-time teacher assistant.**
 - (3) **General education: classrooms with a cooperative teacher must be capped at 10 enrolled special education students; classrooms with a consultative teacher must be capped at 6 enrolled special education students; and a weighted formula of 1.5 will be assigned to all special education students included in a general education classroom.**

During testimony before the subcommittee, Dr. Ed Kelly, Professor of Education, College of Education, University of Nevada, Las Vegas, explained that there are distinctions between misconduct disordered students and emotionally disturbed children. This is important because students with conduct disorders can be excluded from special education in Nevada, while those with emotional problems typically can receive services. According to Dr. Kelly, students with conduct disorders require consistently effective discipline techniques not subject to mitigation for age, ethnic or socioeconomic status, or gender, not special education placements. Dr. Kelly stressed the danger in placing students with conduct disorders in self-contained placements with students who are truly disabled. In his view, students with conduct disorders often victimize disabled children in such settings. Dr. Kelly further indicated that appropriate tools to diagnose conduct disorders are available and should be used to screen students for potential conduct disorders. Additional testimony indicated that work has been done in the Douglas County School District to develop screening tools to identify students with conduct disorders.

Based on input from Dr. Kelly and others, the subcommittee decided to send a letter to:

The Superintendent of Public Instruction asking her to develop a list of appropriate screening tools to diagnose conduct disorders in students. The list should be made available to school districts upon request. The list should be developed in cooperation with staff in the Douglas County School District.

Several observations were made during the study that foster care and other social service programs operated by state agencies bring special needs students into school districts resulting in an adverse impact on some rural districts. For example, the Director of Special Services for the Lyon County School District testified that placements from such agencies are at times temporary; consequently, after setting up a program, a child is moved to another foster home in another area of the district. The director further indicated there is a need for sensitivity to special needs existing in rural areas.

Subcommittee members agreed that more cooperation is needed between state social service agencies and local school districts and voted to send a letter to:

State social service agencies that assist special needs students asking such agencies to notify a school district before a child with special needs is brought back into the school district from a placement pursuant to Chapter 395 of the *Nevada Revised Statutes*, to determine if a program exists to meet the student's needs, and to ascertain the fiscal impact of such a placement. The subcommittee also recommends that these social service agencies notify the State Board of Education when such a placement is made so it can explore funding through the discretionary grant programs of the State Department of Education to help provide services for these students.

Student Discipline

Testimony suggested that even though the 1997 Nevada Legislature enacted several measures to address student discipline, primarily Assembly Bills 376 and 486, which went into effect in July 1997, several school districts had still not implemented the bills' requirements. Specifically, the subcommittee heard that districts were not always doing a good job of communicating with parents concerning students who might be deemed habitual discipline problems. In addition, parents often did not respond to school district requests for their involvement in correcting student behavior problems. Another concern expressed was that parents, teachers, and administrators were not always informed in a timely manner about changes in state law or State Board of Education regulations related to discipline issues.

In response to these concerns, the subcommittee recommends:

Amending Chapter 392 of the *Nevada Revised Statutes* to require schools to notify parents at least seven days before their child is deemed a habitual disciplinary problem as defined by NRS 392.4655. The amendment will allow schools to develop a behavior program for students, request that students and parents attend a counseling or parenting program, and/or be subject to contract penalties of up to \$100. A student who commits a subsequent violation shall be deemed a habitual disciplinary problem under NRS 392.4655. (BDR 34-324)

Amending Chapter 392 of the *Nevada Revised Statutes* to require the State Department of Education to notify school districts of all legislation passed by the Nevada Legislature affecting public schools and all regulations enacted by the State Board of Education within 30 days of the effective date; and require school districts to communicate the same information to parents, teachers, deans, and educational support staff within 30 days of receipt of the notification from the State Department of Education. Such notification must be understandable in English or Spanish. (BDR 34-322)

That the Legislative Commission explore imposing penalties on state agencies, school districts, and other governmental entities if such organizations do not implement legislation when it becomes effective.

The subcommittee heard suggestions from teachers and school officials from across the state regarding methods to address the problems created by disruptive students in the classroom. Significant support was expressed for state-funded tuition-free summer and intersession programs for students with discipline problems. After considerable discussion, the subcommittee decided that such programs should help reduce discipline problems, and increase academic achievement for all pupils.

Therefore, the subcommittee recommends that the 1999 Legislature:

Provide a state appropriation for tuition-free summer and intersession programs for all students. (BDR 34-321)

Truancy

Several individuals expressed concerns about specific provisions of the truancy law passed by the 1997 Legislature (A.B. 486) and asked the subcommittee to recommend changes to the 1999 Legislature.

The superintendent of the Elko County School District asserted that considerable controversy was taking place in the district over NRS 392.130 which states that “a student may be deemed truant for absence for any part of a school day” The difficulty is over defining “any part of a school day,” and the superintendent requested that the Legislature clarify the term to provide for consistency in reporting truancy across the state.

Representatives from the Juvenile Division, Clark County District Attorney’s Office, expressed concerns about several provisions of Assembly Bill 486. First, school districts are required to honor the written request of a parent to excuse a child from school, effectively exempting the student from the state’s compulsory attendance law. Although there was a legitimate reason for this provision to be placed in statute, these representatives argued that the language is too broad and suggested that parental excuses be limited to legitimate educational purposes and that parameters are needed to prevent a parent from providing an arbitrary excuse for a child’s

absence. Second, the penalty section of the truancy law concerning driver's licenses is not consistent with driver's license penalties for a delinquent child. In fact, the 30- or 60-day suspension or prohibition of a driver's license language is more restrictive than the general authority of the juvenile court in dealing with a ward of the court. The suggestion was made to give the juvenile court the same authority over truants as it has over a delinquent child. Third, Chapter 62 of the NRS ("Juvenile Courts") specifically states the court or the court's designated representative may order a driver's license suspended or prohibited. This authority has been interpreted to mean the probation officer, who handles 90 percent of the citations, can be designated as the individual who prepares an order and sends it to Nevada's Department of Motor Vehicles and Public Safety. The suggestion was made to include the "or designee" language for suspension and prohibition of driver's licenses for habitual truancy purposes in order to allow adequate resources to process the anticipated increase in juvenile court caseloads resulting from implementation of A.B. 486.

The subcommittee determined that legislative action is required to implement these suggestions, therefore, it recommends that the 1999 Legislature:

Amend NRS 392.130 to clarify that "any part of a school day" for the purposes of determining truancy refers only to unexcused absences. In addition, require school districts to adopt policies whereby an excused absence for part of the school day will not be counted as an absence for the full day. (BDR 34-319)

Amend NRS 392.142 to: (1) remove the requirement that school principals must report each habitual truant to the appropriate law enforcement agencies; (2) require a school principal to refer students to a school attendance review board when directly requested by a parent or legal guardian; and (3) include the provisions of Sections 11 and 12 of the Second Reprint of Assembly Bill 486 (Chapter 583, *Statutes of Nevada 1997*). (BDR 34-319)

Amend NRS 62.224 so that for a first habitual truancy offense, the court shall suspend a driver's license for at least 30 days but not more than 2 years; and for a second offense, at least 90 days but not more than 2 years. Also amend NRS 62.224 to allow the "judge or his authorized representative" to issue orders for fines or driver's license suspensions; this will allow the court to handle the expected increase in caseloads in these areas resulting from the changes made by Assembly Bill 486 (Chapter 583, *Statutes of Nevada 1997*). (BDR 34-319)

Amend paragraph (g) of NRS 385.347 so that the records of the attendance and truancy of pupils in all grades is reported rather than the annual rate of attendance and truancy. (BDR 34-319)

Teacher and Staff Training

Substantial testimony indicated a significant shortage of training and professional development opportunities for teachers, administrators, and support staff concerning special education and methods for effective student discipline. Most of this testimony centered on a lack of funding for training and development activities. In addition, members were told by school district officials from all areas of Nevada that incentives need to be developed in order to attract more students into teacher training programs in special education.

As one possible solution to the statewide shortage of teacher training, the subcommittee learned that the Legislative Committee on Education has approved a BDR to appropriate funding to four school districts for the next biennium to establish and equip four regional training centers. Funds would be used for professional development activities to train teachers: (1) in the new academic standards for public schools; (2) how to measure pupil achievement and analyze and interpret test scores for school improvement; (3) to teach to a higher level in their content areas; and (4) in methods of teaching basic skills, such as reading instruction using phonics and basic math computations skills.

The subcommittee determined that more state assistance is needed to train teachers and other staff, in the areas of special education, student discipline, and computers and technology so it voted to ask:

The Legislative Committee on Education to expand its Bill Draft Request concerning the establishment of four regional training centers to include the following: all training mandated by the state; the training currently provided by school districts; training in special education for special education teachers, regular education teachers, and parents of special needs students; and computer and technology training. The letter will ask the Committee to make these centers true professional development centers.

The subcommittee also recommends that the 1999 Legislature:

Provide a one-shot appropriation to the Board of Regents of the University and Community College System of Nevada for the establishment of a teacher corps program. (BDR 34-325)

Other Matters Relating to Education

Assembly Bill 376 passed by the 1997 Legislature, authorizes school districts to purchase tickets on public buses for use by high school students to travel to and from school. At the suggestions of the chairman, the subcommittee discussed the merits of allowing school districts to negotiate reduced rates for student transportation in those districts where public transit systems operate. Members decided this would be an appropriate use of school district transportation funds and also decided that the Legislature should consider allowing the use of public transportation by students

for school activities in addition to going to and from school, and removing the law's provisions restricting such use to high school students.

Therefore, the subcommittee voted to recommend that the 1999 Legislature:

Amend NRS 392.330(b) by inserting “reduced fare” before the word tickets and deleted everything after the word pupils. (BDR 34-326)

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APPENDIX A

Assembly Concurrent Resolution No. 44 of the 1997 Legislative Session
(File No. 156, *Statutes of Nevada 1997*)

Assembly Concurrent Resolution No. 44CAssemblymen Williams, Cegavske, Gustavson,
Collins, Chowning, Koivisto, Manendo, Ohrenschall, Von Tobel, Hickey and de
Braga

FILE NUMBER 156

ASSEMBLY CONCURRENT RESOLUTION --Directing the Legislative Commission to appoint
a committee to conduct an interim study of the various needs of pupils in the public
schools in this state.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE
CONCURRING, That the Legislative Commission is hereby directed to appoint an interim
committee composed of six members selected as follows:

1. Three members of the Senate, two of whom served during the 69th legislative session on the
Senate Standing Committee on Human Resources and Facilities; and

2. Three members of the Assembly, two of whom served during the 69th legislative session on
the Assembly Standing Committee on Education, to conduct an interim study of the various needs
of pupils in the public schools in this state; and be it further

RESOLVED, That the committee may, to assist in conducting the interim study, appoint a
nonvoting technical advisory board which must include, without limitation:

1. At least one classroom teacher who currently teaches at a public school within this state;
2. At least one special education teacher who currently teaches at a public school within this
state;

3. At least one person who currently serves as a principal at a public school within this state;
and

4. At least one parent of a pupil who currently attends a public school within this state; and be
it further

RESOLVED, That the study must include:

1. A review and evaluation of the methods for disciplining pupils currently used in the public
schools in this state, including, without limitation, the methods by which the public schools
respond to criminal activity on school grounds by pupils who are enrolled in the public schools;

2. A review and evaluation of the methods currently used in the public schools in this state for
disciplining pupils with disabilities or other special needs who are participating in programs of
special education, including, without limitation, the suspension of such pupils within a 10-day
period, and methods to improve the effectiveness of disciplining those pupils that are in
compliance with the Individuals with Disabilities Education Act (20 U.S.C. §§ 1400 et seq.);

3. An evaluation of the degree of consistency in enforcing the rules of behavior required of
pupils and whether the punishment prescribed for violations of the rules is consistently applied and
commensurate with the violations;

4. An evaluation of methods to increase the degree of consistency in the enforcement of the
rules of behavior required of pupils and the punishment prescribed for violations of the rules;

5. A review and evaluation of disciplinary measures that will reduce disruptive and other
unacceptable behavior of pupils during school hours, including, without limitation, disciplinary

measures that may be enforced during school hours, such as suspensions, detentions and alternative programs of instruction for pupils;

6. A review and evaluation of the methods by which public schools communicate with the parents or legal guardian of a pupil concerning disciplinary problems of the pupil and consideration of methods to improve the communication;

7. A review and evaluation of methods to improve the reports of incidents involving weapons or violence in the public schools that are required to be reported pursuant to NRS 385.347;

8. A review and evaluation of the number of pupils with disabilities and other special needs per classroom and the work load of those pupils, including recommendations for modification of the class size or work load that the committee considers necessary;

9. A review and evaluation of the diagnosis and placement of all pupils with disabilities and other special needs, including, without limitation, diagnosis and placement of pupils:

(a) With fetal alcohol syndrome;

(b) With brain disorders; or

(c) Who were born with an addiction to a controlled substance or drug;

10. A review and evaluation of whether appropriate programs are available for pupils with fetal alcohol syndrome, with brain disorders and who were born with an addiction to a controlled substance or drug and recommendations to improve those programs;

11. A review and evaluation of the methods used by the public schools to incorporate pupils with disabilities and other special needs into the regular classroom and the effect of the incorporation on special education programs, regular classroom instruction and the number of pupils per classroom; and

12. A review and evaluation of any other methods for public schools to improve their ability to meet the various needs of pupils who are enrolled in the public schools in this state; and be it further

RESOLVED, That any recommendations for legislation proposed by the committee must be approved by a majority of the members of the Assembly appointed to the committee and a majority of the members of the Senate appointed to the committee; and be it further

RESOLVED, That the Legislative Commission shall submit a report of the results of the study and any recommendations for legislation to the 70th session of the Nevada Legislature.

APPENDIX B

Letter of Direction from Assemblywoman Chris Giunchigliani to
School District Superintendents, dated September 1, 1998



Nevada Legislature

ASSEMBLY

September 1, 1998

James Parry
Superintendent
Carson City School District
P.O. Box 603
Carson City, Nevada 89702

Dear Mr. Parry:

The Legislative Commission's Subcommittee to Study Special Education and Student Discipline (A.C.R. 44) addressed the issue of funding for training, textbooks, and equipment needs during the course of its review of special education issues this interim. The members of the Subcommittee would like additional information from school districts concerning how state funds are spent in these areas.

At its June 30, 1998, meeting, the Subcommittee voted to request that each school district provide information to the Chairman and Legislative Counsel Bureau staff regarding the manner in which state funding is spent to provide special education departments with the training and equipment needed to provide special education services. In addition, the Subcommittee voted to ask each district to provide information about the use of funding to provide textbooks and equipment for students with disabilities. The members would like to know how much money is allocated to each school site and unit for the purchase of classroom materials, textbooks, and equipment. If a formula is used to allocate these funds, please provide a copy. Also, if inequities exist at the building level, who do teachers contact to remedy the situation. The Subcommittee has also requested that each school district provide information on how it uses state funds to purchase equipment and textbooks for students without disabilities. Finally, the Subcommittee would like to know if teachers use the adopted state textbook list to select textbooks, or are they required to order books from a limited textbook list determined by the school district. Such information should be provided to the Chairman and staff by November 1, 1998.

Very truly yours,

A handwritten signature in cursive script that reads "Chris Giunchigliani".

Chris Giunchigliani
Nevada State Assembly

APPENDIX C

Letter of Direction from Assemblywoman Chris Giunchigliani to
Mary L. Peterson, Superintendent of Public Instruction,
State Department of Education, Concerning Caseloads
and Class Sizes, dated August 28, 1998



Nevada Legislature

ASSEMBLY

August 28, 1998

Mary L. Peterson
Superintendent of Public Instruction
700 East Fifth Street
Carson City, Nevada 89701-5096

Dear Ms. Peterson:

The Legislative Commission's Subcommittee to Study Special Education and Student Discipline addressed the issue of class size and case loads during the course of its review of special education issues this interim. The members of the Subcommittee determined that additional review of the current levels concerning case loads and class sizes is needed.

At its June 30, 1998, meeting, the Subcommittee voted to request that the State Department of Education's task force on the revision of the *Nevada Administrative Code* concerning caseloads and class sizes consider the following recommended levels.

For case loads:

- Speech and language pathologists at 40 students;
- Resource room staff at 18 students;
- Early childhood staff at 20 students;
- Other middle school specialized programs at 12 students; and
- Other elementary specialized programs at six students.

For class sizes in elementary school:

- All specialized programs at six students;

- All specialized early childhood programs except autistic and severe emotional handicap at 10 students;
- Severe emotional handicap, autistic early childhood and severe/profound at four students; and
- Resource rooms at 10 students.

All types of elementary classes specified above except for resource rooms should have a full-time teacher assistant.

For class sizes in secondary school:

- Autistic/severe/profound and severe emotional handicap at six students;
- Other specialized programs at 10 students; and
- Resource rooms at 10 students.

All types of secondary classes specified above except for resource rooms should also have a full-time teacher assistant.

For general education:

- Classrooms with a cooperative teacher must be capped at 10 enrolled special education students;
- Classrooms with a consultative teacher must be capped at six enrolled special education students; and
- A weighted formula of 1.5 will be assigned to all special education students included in a general education classroom.

The subcommittee did not endorse these specific levels, but feels that they should be given full consideration by the task force.

Very truly yours,



Chris Giunchigliani
Nevada State Assembly

CRG/st:spced.L13

APPENDIX D

Letter of Direction from Assemblywoman Chris Giunchigliani to
Mary L. Peterson, Superintendent of Public Instruction,
State Department of Education, Concerning Screening
for Conduct Disorders, dated August 28, 1998



Nevada Legislature

ASSEMBLY

August 28, 1998

Mary L. Peterson
Superintendent of Public Instruction
700 East Fifth Street
Carson City, Nevada 89701-5096

Dear Ms. Peterson:

The Legislative Commission's Subcommittee to Study Special Education and Student Discipline addressed the issue of how to effectively distinguish between students with conduct disorders and pupils with discipline problems not related to conduct disorders during the course of its review of student discipline issues this interim. The members of the Subcommittee determined that school staff need access to methods which would allow them to determine which students have conduct disorders.

At its June 30, 1998, meeting, the Subcommittee voted to request that the you and your staff develop a list of appropriate screening tools to diagnose conduct disorders in students. This list should then be made available to school district staff upon request. In addition, the Subcommittee suggests that department staff work in cooperation with representatives of the Douglas County School District who have been involved in that district's efforts to identify appropriate tools to diagnose conduct disorders.

Very truly yours,

A handwritten signature in cursive script that reads "Chris Giunchigliani".

Chris Giunchigliani
Nevada State Assembly

CRG/st:spced.L14

APPENDIX E

Letter of Direction from Assemblywoman Chris Giunchigliani
to State Social Service Agencies, dated January 14, 1999



Nevada Legislature

ASSEMBLY

January 14, 1999

Stephen A. Shaw, Administrator
Division of Child and Family Services
Department of Human Resources
711 East Fifth Street
Carson City, Nevada 89701-5092

Dear Mr. Shaw:

The Legislative Commission's Subcommittee to Study Special Education and Student Discipline (A.C.R. 44) addressed the issue of the educational needs of disabled children who are placed in social service programs within certain school districts by State agencies. During the course of its investigation, the subcommittee was told that foster care and other social service programs operated by State agencies bring special needs students into school districts, sometimes resulting in an adverse impact on rural districts. A number of school district administrators indicated a need for more sensitivity on the part of such agencies to the needs of disabled children and to the limited resources of rural school districts. These officials also indicated the need for better cooperation between those districts and State agencies. Subcommittee members agreed that more cooperation is needed between State social service agencies and local school districts to serve the educational needs of disabled children.

At its June 30, 1998, meeting, the subcommittee voted to ask State social service agencies such as the Division of Child and Family Services to notify a school district before a child with special needs is brought back into a school district from a placement made pursuant to Chapter 395 of the *Nevada Revised Statutes*, to determine if a program exists to meet the student's needs, and to ascertain the fiscal impact of such a placement. The subcommittee also recommends that the Division of Child and Family Services notify the State Board of Education when such a placement is made so it can explore funding through the discretionary grant programs of the State Department of Education to help provide services for these students. We appreciate your willingness to explore methods to better coordinate services for special needs students.

Very truly yours,

A handwritten signature in cursive script that reads "Chris Giunchigliani".

Chris Giunchigliani
Nevada State Assemblywoman

CG/dr:L18

cc: Charlotte Crawford, Director,
Department of Human Resources



Nevada Legislature

ASSEMBLY

January 14, 1999

Christopher Thompson, Administrator
Division of Health Care Financing and Policy
Department of Human Resources
1100 East William Street, Suite 116
Carson City, Nevada 89701-4176

Dear Mr. Thompson:

The Legislative Commission's Subcommittee to Study Special Education and Student Discipline (A.C.R. 44) addressed the issue of the educational needs of disabled children who are placed in social service programs within certain school districts by State agencies. During the course of its investigation, the subcommittee was told that foster care and other social service programs operated by State agencies bring special needs students into school districts, sometimes resulting in an adverse impact on rural districts. A number of school district administrators indicated a need for more sensitivity on the part of such agencies to the needs of disabled children and to the limited resources of rural school districts. These officials also indicated the need for better cooperation between those districts and State agencies. Subcommittee members agreed that more cooperation is needed between State social service agencies and local school districts to serve the educational needs of disabled children.

At its June 30, 1998, meeting, the subcommittee voted to ask State social service agencies such as the Division of Health Care Financing and Policy to notify a school district before a child with special needs is brought back into a school district from a placement made pursuant to Chapter 395 of the *Nevada Revised Statutes*, to determine if a program exists to meet the student's needs, and to ascertain the fiscal impact of such a placement. The subcommittee also recommends that the Division of Health Care Financing and Policy notify the State Board of Education when such a placement is made so it can explore funding through the discretionary grant programs of the State Department of Education to help provide services for these students. We appreciate your willingness to explore methods to better coordinate services for special needs students.

Very truly yours,

A handwritten signature in cursive script that reads "Chris Giunchigliani".

Chris Giunchigliani
Nevada State Assemblywoman

CG/dr:L17

cc: Charlotte Crawford, Director,
Department of Human Resources
Mary L. Peterson, Superintendent of Public Instruction

APPENDIX F

Letter of Direction from Assemblywoman Chris Giunchigliani
to the Legislative Commission, dated October 21, 1998



Nevada Legislature

ASSEMBLY

October 21, 1998

Assemblyman Richard Perkins and Members
Legislative Commission
Legislative Building
401 S. Carson Street
Carson City, Nevada 89701-4747

Dear Assemblyman Perkins and Commission Members:

The 1997 Legislature enacted two measures to address student discipline problems in Nevada's public schools, Assembly Bills 376 and 486, which went into effect in July 1997. During the course of its work, the Legislative Commission's Subcommittee to Study Special Education and Student Discipline (A.C.R. 44) found that several school districts had still not implemented the bills' requirements. Specifically, the subcommittee heard that school districts were not always doing a good job communicating with parents concerning truancy problems and students who might be deemed habitual discipline problems as required by the new laws. In addition, testimony indicated that parents, teachers, and administrators were not always informed in a timely manner about changes in state law or State Board of Education regulations related to discipline issues.

The bills enacted by the 1997 Legislature related to student discipline and truancy contain provisions designed to improve student attendance and diminish the amount of disruption to the educational process caused by students with habitual discipline problems with the goal of improving academic achievement for all Nevada students. However, these solutions cannot work if they are not implemented by all school districts.

To address this concern the Subcommittee members voted to ask the Legislative Commission to explore imposing monetary penalties or disincentives on state agencies, school districts, and other governmental entities if such organizations do not implement legislation when it becomes effective. We would appreciate your consideration and willingness to explore this possibility in the near future.

Very truly yours,

A handwritten signature in cursive script that reads "Chris Giunchigliani".

Chris Giunchigliani
Nevada State Assemblywoman

EXHIBIT G

Letter of Direction from Assemblywoman Chris Giunchigliani
to the Legislative Committee on Education,
dated August 28, 1998



Nevada Legislature

ASSEMBLY

August 28, 1998

Senator William J. Raggio and Members
Legislative Committee on Education
Legislative Building
401 S. Carson Street
Carson City, Nevada 89701-4747

Dear Senator Raggio and Committee Members:

The Legislative Commission's Subcommittee to Study Special Education and Student Discipline addressed the issue of teacher training during the course of its review of special education issues this interim. The members of the Subcommittee feel strongly that the Legislature should provide funding for more teacher and staff training to improve the quality of special education in Nevada's public schools.

At its June 30, 1998, meeting, the Subcommittee voted to request that the Legislative Committee on Education consider expanding its bill draft request concerning the appropriation of funding to establish four regional training centers in the Clark County, Douglas County, Elko County, and Washoe County School Districts. The Subcommittee suggests that these training facilities also include the following: all training mandated by the state; the training currently provided by local school districts; training in special education for special education teachers, regular education teachers, and parents of special needs students; and computer and technology training. The subcommittee members agreed that making these centers true professional development centers, accessible to teachers and staff from all school districts, would greatly improve the quality of classroom instruction for all students.

Very truly yours,

A handwritten signature in cursive script that reads "Chris Giunchigliani".

Chris Giunchigliani
Nevada State Assembly

EXHIBIT H

Letter of Direction from Assemblywoman Jan Evans, Chairman,
A.C.R. 57 Interim Committee on Juvenile Justice,
to David C. Sheffield, President, State Board of
Education, dated September 2, 1998



Nevada Legislature

SIXTY-NINTH SESSION

JAN EVANS
ASSEMBLYWOMAN
District No. 30

SPEAKER PRO TEMPORE

COMMITTEES:

Vice Chairman
Ways and Means

Chairman
Subcommittee on K-12 Education
Subcommittee on Human Resources

Member
Commerce

September 2, 1998

Mr. David C. Sheffield, President
State Board of Education
224 Keppler Drive
Elko, NV 89801

Re: Interim Study on Juvenile Justice

Dear Mr. Sheffield:

As you may know, the 1997 Legislature passed Assembly Concurrent Resolution 57 which created the Legislative Commission's Subcommittee to Study the System of Juvenile Justice in Nevada during the interim period between the 1997 and 1999 Legislative Sessions. The interim committee met a total of six times and also held community meetings in Las Vegas, Reno, Carson City, and Fallon. The committee also enlisted the services of a nationally recognized juvenile justice consultant, James C. Howell, Ph.D.

The committee held its final meeting and work session on June 17, 1998, where it considered and passed numerous recommendations. Several of the approved recommendations require assistance from various organizations. As Chairman of the interim committee, I am requesting your assistance in completing work necessary to meet certain objectives identified by the committee.

During the course of the study, the committee heard testimony from school district representatives about alternative educational programs offered by local school districts to youth who could not or were not allowed to access traditional educational programs. For example, youth who had been expelled from public schools or youth who were incarcerated in detention facilities were not afforded educational programs. Testimony revealed, however, that some school districts provided alternative educational programs designed for these groups of youth.

As a follow-up to this testimony, the committee recommended (recommendation number 9) - that a letter be sent to the Nevada State Board of Education asking them to survey all of the school districts in Nevada to determine what types of alternative education programs were available. The survey could possibly be reviewed and considered by the next interim committee on juvenile justice after the 1999 Legislative Session.

DISTRICT OFFICE:

3250 Wilma Drive, Sparks, Nevada 89431

LEGISLATIVE BUILDING:

401 S. Carson Street, Carson City, Nevada 89701-4747 • (702) 684-8505 or 687-5739 • Fax No. (702) 687-4007

Mr. David C. Sheffield, President
September 2, 1998
Page 2

Additionally, a copy of the letter should be sent to the chairmen of the Legislative Committee on Education (SB 482 of the 1997 Legislative Session) and the Interim Study on Special Education and Student Discipline (ACR 44 of the 1997 Legislative Session) to inform them of the recommendations which have been approved by the Subcommittee to Study the System of Juvenile Justice in Nevada.

While a specific due date was not set for the completion of the survey, it is anticipated that the next interim committee on juvenile justice will hold its first meeting in the Fall of 1999. Upon receipt of the survey, copies will be provided to members of both the Legislative Committee on Education and the Interim Committee on Special Education and School Discipline.

I would like to take this opportunity, on behalf of the ACR 57 interim committee to thank you for your help in the continuing efforts to improve the juvenile justice system in Nevada. Please feel free to contact me at any time to discuss these issues. Also, if you would like copies of any interim committee documents or other information, please contact Larry L. Peri, Fiscal Analysis Division, Legislative Counsel Bureau. Larry was the lead staff to the interim committee and he can be reached at 687-6821.

Sincerely,



Assemblywoman Jan Evans, Chairman
ACR 57 Interim Committee on Juvenile Justice

cc: Senator William J. Raggio, Chairman
Legislative Committee on Education
Assemblywoman Chris Giunchigliani, Chairman
Interim Committee on Special Education and Student Discipline
Jeanne Botts, Senior Program Analyst
Legislative Counsel Bureau, Fiscal Analysis Division
Kelan Kelly, Senior Research Analyst
Legislative Counsel Bureau, Research Division
Dan Miles, Senate Fiscal Analyst
Legislative Counsel Bureau, Fiscal Analysis Division
Mark Stevens, Assembly Fiscal Analyst
Legislative Counsel Bureau, Fiscal Analysis Division

EXHIBIT I

Suggested Legislation

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BDR 34-318 Requires Department of Education to prescribe form for developing individualized education programs for pupils with disabilities.....	59
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BDR 34-321 Establishes state program for financial support of intersession school and summer school and requires establishment of local programs.....	89
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BDR R-320 Urges Department of Education to establish advisory group to review requirements for pupil with disability to graduate with standard diploma.....	129
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SUMMARY—Requires department of education to prescribe form for developing individualized education programs for pupils with disabilities.
(BDR 34-318)

FISCAL NOTE: Effect on Local Government: Yes.

Effect on the State or on Industrial Insurance: Yes.

AN ACT relating to education; requiring the department of education to prescribe a form for use by school districts in the development of individualized education programs for pupils with disabilities; requiring the department to provide information to the boards of trustees of school districts concerning the identification and evaluation of pupils with disabilities; and providing other matters properly relating thereto.

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

Section 1. NRS 388.520 is hereby amended to read as follows:

388.520 1. *The department shall:*

(a) Prescribe a form for the uniform development, review and revision of an individualized education program for a pupil with a disability in accordance with 20 U.S.C. § 1414(d); and

(b) Make the form available on a computer disk for use by school districts and, upon request, in any other manner deemed reasonable by the department.

Each school district shall ensure that the form prescribed by the department is used for the development, review and revision of an individualized education program for each pupil with a disability who receives special education in the school district.

2. The state board shall prescribe minimum standards for the special education of pupils with disabilities and gifted and talented pupils.

~~{2-}~~ 3. The minimum standards prescribed by the state board must include standards for programs of instruction or special services maintained for the purpose of serving pupils with:

- (a) Hearing impairments, including, but not limited to, deafness.
- (b) Visual impairments, including, but not limited to, blindness.
- (c) Orthopedic impairments.
- (d) Speech and language impairments.
- (e) Mental retardation.
- (f) Multiple impairments.
- (g) Serious emotional disturbances.

- (h) Other health impairments.
- (i) Specific learning disabilities.
- (j) Autism.
- (k) Traumatic brain injuries.
- (l) Developmental delays.
- (m) Gifted and talented abilities.

~~[3-]~~ 4. No apportionment of state money may be made to any school district or charter school for the instruction of pupils with disabilities and gifted and talented pupils until the program of instruction maintained therein for such pupils is approved by the superintendent of public instruction as meeting the minimum standards prescribed by the state board.

5. *The department shall, upon the request of the board of trustees of a school district, provide information to the board of trustees concerning the identification and evaluation of pupils with disabilities in accordance with the standards prescribed by the state board.*

6. *As used in this section, "individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).*

Sec. 2. 1. On or before October 1, 1999, the department of education shall, in accordance with NRS 388.520, prescribe the form for the development, review and revision of individualized education programs for pupils with disabilities.

2. The board of trustees of each school district in this state shall ensure that the form prescribed by the department of education is used for pupils who are initially evaluated for placement in a program of special education after November 1, 1999. If an individualized education program is initially developed for a pupil with a disability on or before November 1, 1999, the board of trustees of a school district shall ensure that any review or revision of that program after November 1, 1999, complies with the form prescribed by the department of education.

Sec. 3. This act becomes effective on July 1, 1999.

SUMMARY—Makes various changes regarding truancy and discipline of habitual truants. (BDR 34-319)

FISCAL NOTE: Effect on Local Government: Yes.

Effect on the State or on Industrial Insurance: No.

AN ACT relating to pupils; making various changes regarding truancy and the discipline of pupils who are habitual truants; expanding the authority of the advisory boards to review school attendance; expanding the circumstances under which probation officers may serve as juvenile court masters; revising the actions that a juvenile court must take against a pupil who is found to be a habitual truant; repealing the requirement that law enforcement agencies issue citations to pupils who are habitual truants; and providing other matters properly relating thereto.

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

Section 1. NRS 385.347 is hereby amended to read as follows:

385.347 1. The board of trustees of each school district in this state, in cooperation with associations recognized by the state board as representing licensed personnel in

education in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the state board for the quality of the schools and the educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools in the school district.

2. The board of trustees of each school district shall, on or before March 31 of each year, report to the residents of the district concerning:

(a) The educational goals and objectives of the school district.

(b) Pupil achievement for grades 4, 8, 10 and 11 for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

Unless otherwise directed by the department, the board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 389.015 and shall compare the results of those examinations for the current school year with those of previous school years. The report must include, for each school in the district, including, without limitation, each charter school in the district, and each grade in which the examinations were administered:

(1) The number of pupils who took the examinations;

(2) An explanation of instances in which a school was exempt from administering or a pupil was exempt from taking an examination; and

(3) A record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils in attendance in that period.

In addition, the board shall also report the results of other examinations of pupil achievement administered to pupils in the school district in grades other than 4, 8, 10 and 11. The results of these examinations for the current school year must be compared with those of previous school years.

(c) The ratio of pupils to teachers in kindergarten and at each grade level for each elementary school in the district and the district as a whole, including, without limitation, each charter school in the district, the average class size for each required course of study for each secondary school in the district and the district as a whole, including, without limitation, each charter school in the district, and other data concerning licensed and unlicensed employees of the school district.

(d) A comparison of the types of classes that each teacher has been assigned to teach with the qualifications and licensure of the teacher, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(e) The total expenditure per pupil for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(f) The curriculum used by the school district, including:

(1) Any special programs for pupils at an individual school; and

(2) The curriculum used by each charter school in the district.

(g) ~~{The annual rate}~~ **Records** of the attendance and truancy of pupils in all grades, including, without limitation, the average daily attendance of pupils, for each school in

the district and the district as a whole, including, without limitation, each charter school in the district.

(h) The annual rate of pupils who drop out of school in grades 9 to 12, inclusive, for each such grade, for each school in the district and for the district as a whole.

(i) Records of attendance of teachers who provide instruction, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(j) Efforts made by the school district and by each school in the district, including, without limitation, each charter school in the district, to increase:

(1) Communication with the parents of pupils in the district; and

(2) The participation of parents in the educational process and activities relating to the school district and each school, including, without limitation, the existence of parent organizations and school advisory committees.

(k) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school in the district.

(l) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school in the district.

(m) Records of the suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467.

(n) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(o) Each source of funding for the school district.

(p) For each high school in the district, including, without limitation, each charter school in the district, the percentage of pupils who graduated from that high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university or community college within the University and Community College System of Nevada.

(q) The technological facilities and equipment available at each school, including, without limitation, each charter school, and the district's plan to incorporate educational technology at each school.

(r) Such other information as is directed by the superintendent of public instruction.

3. The superintendent of public instruction shall:

(a) Prescribe forms for the reports required pursuant to subsection 2 and provide the forms to the respective school districts.

(b) Provide statistical information and technical assistance to the school districts to ensure that the reports provide comparable information with respect to each school in each district and among the districts.

(c) Consult with a representative of the:

(1) Nevada State Education Association;

- (2) Nevada Association of School Boards;
- (3) Nevada Association of School Administrators;
- (4) Nevada Parent Teachers Association;
- (5) Budget division of the department of administration; and
- (6) Legislative counsel bureau,

concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

4. On or before April 15 of each year, the board of trustees of each school district shall submit to ~~the advisory~~ *each* board to review school attendance created in the county pursuant to NRS 392.126 the information required in paragraph (g) of subsection 2.

Sec. 2. Chapter 392 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this act.

Sec. 3. 1. *If a pupil is a habitual truant, the school in which the pupil is enrolled shall take reasonable actions designed, as applicable, to encourage, enable or convince the pupil to attend school. If such action by the school does not result in a sufficiently improved record of attendance by the pupil and, except as otherwise provided in subsection 2, the pupil has six or more unapproved absences in 1 school year, the school shall submit a written referral of the pupil to the board to review school attendance in the county. If more than one board to review school attendance has been*

created in the county, the school shall submit the written referral to the board that is designated for that school.

2. Upon the request of a parent or legal guardian of a pupil, a school shall submit a written referral of a pupil who has three or more unapproved absences in 1 school year to the board to review school attendance in the county. If more than one board to review school attendance has been created in the county, the school shall submit the written referral to the board that is designated for that school.

3. A written referral of a pupil to a board to review school attendance must include the dates on which the pupil was truant from school and all action taken by the school to assist the pupil to attend school. The board to review school attendance may request clarification of any information contained in the written referral or any additional information that the board considers necessary. The school shall provide written notice of the referral to the parents or legal guardian of the pupil. The written notice must include, without limitation:

(a) The name and address of the pupil referred;

(b) A written explanation of the reason for the referral;

(c) A summary of the provisions of section 4 of this act; and

(d) The address and telephone number of the board to review school attendance.

Sec. 4. 1. Not more than 10 days after the referral of a pupil to a board to review school attendance, the board shall, in cooperation with the parents or legal guardian of the pupil, set a date, time and place for a hearing to identify the factors

and problems that have led to the status of the pupil as a habitual truant. The pupil and his parents or legal guardian shall attend the hearing held by the board. The hearing must be closed to the public. The chairman of a board to review school attendance may issue subpoenas for a hearing conducted pursuant to this section:

(a) In accordance with section 10 of this act, to the parent or legal guardian of a pupil who has been referred to the board or any other person that the board considers necessary to the hearing.

(b) In accordance with section 11 of this act, to a pupil who has been referred to the board.

2. If a pupil and his parents or legal guardian do not attend the hearing, the chairman of the board shall sign a petition pursuant to NRS 62.130 alleging that the pupil is a child in need of supervision.

3. If a board to review school attendance determines that the status of a pupil as a habitual truant can be adequately addressed through participation by the pupil in programs and services available in the community, the board shall order the pupil to participate in such programs and services. If the pupil does not agree to participate in such programs and services, the chairman of the board shall sign a petition pursuant to NRS 62.130 alleging that the pupil is a child in need of supervision. If the pupil agrees to participate in such programs and services, the board, the pupil and the parents or legal guardian of the pupil shall enter into a written agreement that:

(a) Sets forth the findings of the board;

(b) Sets forth the terms and conditions of the pupil's participation in the programs and services designated by the board;

(c) Adequately informs the pupil and his parents or legal guardian that if the pupil or his parents or legal guardian do not comply with the terms of the written agreement, the chairman of the board is legally obligated to sign a petition pursuant to NRS 62.130 alleging that the pupil is a child in need of supervision;

(d) Adequately informs the pupil and his parents or legal guardian of the actions that a court must take pursuant to NRS 62.224 if the court finds that the child is in need of supervision; and

(e) Contains the signature of the chairman of the board, the pupil and the parents or legal guardian of the pupil.

The parents or legal guardian of the pupil shall, upon the request of the board, provide proof satisfactory to the board that the pupil is participating in the programs and services set forth in the written agreement.

4. The chairman of a board to review school attendance shall sign a petition in accordance with NRS 62.130 alleging that a pupil is a child in need of supervision if:

(a) The pupil and his parents or legal guardian fail to attend a hearing set by the board pursuant to subsection 1;

(b) The board determines that the status of a pupil as a habitual truant cannot be adequately addressed by requiring the pupil to participate in programs and services available in the community;

(c) The pupil does not consent to participation in programs and services pursuant to subsection 3; or

(d) The pupil or his parents or legal guardian violates the terms of the written agreement entered into pursuant to subsection 3.

5. If a chairman signs such a petition, the chairman shall:

(a) Submit to the juvenile court that will hear the case written documentation of all efforts made by the board to address the status of the pupil as a habitual truant; and

(b) Make recommendations to the juvenile court regarding the appropriate disposition of the case.

Sec. 5. NRS 392.126 is hereby amended to read as follows:

392.126 1. There is hereby created in each county at least one ~~[advisory]~~ board to review school attendance. The membership of each such board may consist of:

(a) One probation officer in the county who works on cases relating to juveniles, appointed by the judge or judges of the juvenile court of the county;

(b) One representative of a law enforcement agency in the county who works on cases relating to juveniles, appointed by the judge or judges of the juvenile court of the county;

(c) One representative of the district attorney for the county, appointed by the district attorney;

(d) One parent or legal guardian of a pupil who is enrolled in a public school in the county, appointed by the president of the board of trustees of the school district;

(e) One member of the board of trustees of the school district, appointed by the president of the board of trustees;

(f) One school counselor or school teacher employed by the school district, appointed by an organization or association that represents licensed educational personnel in the school district;

(g) One deputy sheriff in the county, appointed by the sheriff of the county; and

(h) One representative of the local office of the division of child and family services of the department of human resources, appointed by the executive head of that office.

2. If more than one board to review school attendance is created in a county, the board of trustees of the school district in the county shall designate the schools within the school district for which each board to review school attendance shall carry out the duties prescribed in NRS 392.128.

3. The members of each such board shall elect a chairman from among their membership.

~~{3-}~~ 4. Each member of such a board must be appointed for a term of 2 years. A vacancy in the membership of the board must be filled in the same manner as the original appointment for the remainder of the unexpired term.

~~{4-}~~ 5. Each member of such a board serves without compensation, except that, for each day or portion of a day during which a member of the board attends a meeting of the

board or is otherwise engaged in the business of the board, he is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally. The board of trustees of the school district shall pay the per diem allowance and travel expenses from the general fund of the school district.

Sec. 6. NRS 392.127 is hereby amended to read as follows:

392.127 The board of trustees of each school district shall provide administrative support to ~~the advisory~~ *each* board to review school attendance created ~~for~~ *in* its county pursuant to NRS 392.126.

Sec. 7. NRS 392.128 is hereby amended to read as follows:

392.128 1. Each ~~advisory~~ board to review school attendance created pursuant to NRS 392.126 shall:

(a) Review the records of the ~~rate of~~ attendance and truancy of pupils submitted to the ~~advisory~~ board to review school attendance by the board of trustees of the school district pursuant to subsection 4 of NRS 385.347;

(b) Identify factors that contribute to the ~~rate of~~ truancy of pupils in the school district;

(c) Establish programs to reduce the ~~rate of~~ truancy of pupils in the school district;

(d) At least annually, evaluate the effectiveness of those programs;

(e) Establish a procedure for schools and school districts for the reporting of the status of pupils as habitual truants ; and ~~the issuance of citations pursuant to NRS 392.142;~~
~~and~~

(f) Inform the parents and legal guardians of the pupils who are enrolled in the schools within the district of the policies and procedures adopted pursuant to the provisions of this section.

If more than one board to review school attendance is created in a county, the chairman of each board shall ensure that the members of the boards work cooperatively to carry out the duties prescribed in this subsection.

2. ~~[An advisory]~~ A board to review school attendance created in a county pursuant to NRS 392.126 may use money appropriated by the legislature and any other money made available to the ~~[advisory]~~ board for the use of programs to reduce the truancy of pupils in the school district. ~~[The advisory]~~ A board to review school attendance shall, on a quarterly basis, provide to the board of trustees of the school district an accounting of the money used by the ~~[advisory]~~ board to review school attendance to reduce the ~~[rate of]~~ truancy of pupils in the school district.

Sec. 8. NRS 392.130 is hereby amended to read as follows:

392.130 1. Within the meaning of this chapter, a pupil shall be deemed a truant who is absent from school without the written approval of his teacher or the principal of the school, unless the pupil is physically or mentally unable to attend school. The teacher or principal shall give his written approval for a pupil to be absent if an emergency exists or upon the request of a parent or legal guardian of the pupil. Before a pupil may attend or otherwise participate in school activities outside the classroom during regular classroom hours, he must receive the approval of the teacher or principal.

2. ~~[Absence]~~ *An unapproved absence* for any part of a *school* day shall be deemed a truancy for the purposes of this section.

3. *The board of trustees of each school district shall establish a policy that establishes the conditions under which a pupil who has an approved absence for part of the school day will not be deemed absent for the full school day.*

4. If a pupil is physically or mentally unable to attend school, the parent or legal guardian or other person having control or charge of the pupil shall notify the teacher or principal of the school orally or in writing within 3 days after the pupil returns to school.

~~[4-]~~ 5. An absence which has not been approved pursuant to subsection 1 or ~~[3]~~ 4 shall be deemed an unapproved absence. In the event of an unapproved absence, the teacher, attendance officer or other school official shall deliver or cause to be delivered a written notice of truancy to the parent, legal guardian or other person having control or charge of the child. The written notice must be delivered to the parent, legal guardian or other person who has control of the child. The written notice must inform the parents or legal guardian of such absences in a form specified by the department.

~~[5-]~~ 6. As used in this section, “physically or mentally unable to attend” does not include a physical or mental condition for which a pupil is excused pursuant to NRS 392.050.

Sec. 9. Chapter 62 of NRS is hereby amended by adding thereto the provisions set forth as sections 10 and 11 of this act.

Sec. 10. 1. The chairman of a board to review school attendance created pursuant to NRS 392.126 may issue a subpoena to compel the attendance of an adult to be a witness, give testimony and produce books and papers, as applicable, at a hearing conducted by the board pursuant to section 4 of this act. A subpoena must be signed by the chairman of the board or a person designated by the chairman for this purpose. If an adult fails to comply with a subpoena, the chairman of the board may apply to the court for enforcement of the subpoena. The court may, upon receipt of an application for enforcement, compel the attendance of witnesses, the giving of testimony and the production of books and papers as required by the subpoena.

2. If a witness refuses to attend or testify or produce any books or papers required by the subpoena, the chairman of the board to review school attendance may report to the court by petition, setting forth:

(a) That due notice has been given of the time and place of attendance of the witness or the production of the books and papers;

(b) That the witness has been subpoenaed in accordance with this section; and

(c) That the witness has failed and refused to attend or produce the books or papers required by subpoena before the chairman of the board to review school attendance named in the subpoena, or has refused to answer questions propounded to him in the course of the hearing,

and asking an order of the court compelling the witness to attend and testify or produce the books or papers before the chairman.

3. *The court, upon petition of the chairman of the board to review school attendance, shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in the order, the time to be not more than 10 days after the date of the order, and then and there show cause why he has not attended or testified or produced the books or papers before the chairman of the board to review school attendance. A certified copy of the order must be served upon the witness. If it appears to the court that the subpoena was regularly issued by the chairman of the board to review school attendance, the court shall thereupon enter an order that the witness appear before the chairman at the time and place fixed in the order and testify or produce the required books or papers, and upon failure to obey the order, the witness must be dealt with as for contempt of court.*

4. *An adult subject to the jurisdiction of the court pursuant to this section is subject to the provisions of NRS 62.281 and has available to him all of the rights, remedies and writs guaranteed by the constitution and the laws of this state to a defendant who is charged with having committed a criminal offense in this state.*

Sec. 11. 1. *The chairman of a board to review school attendance created pursuant to NRS 392.126 may issue a subpoena to a child who has been referred to the board pursuant to section 3 of this act to compel the child to attend, give testimony or produce books and papers, as applicable, at a hearing conducted pursuant to section 4 of this act. A subpoena must be signed by the chairman of the board or a person designated by the chairman for this purpose. If a child fails to comply with a subpoena,*

the chairman of the board may apply to the court for enforcement of the subpoena. The court may, upon receipt of an application for enforcement, compel the child to attend, give testimony and produce books and papers as required by the subpoena.

2. If a child refuses to attend or testify or produce any books or papers required by the subpoena, the chairman of the board to review school attendance may report to the court by petition, setting forth:

(a) That due notice has been given of the time and place of attendance of the child or the production of the books and papers;

(b) That the child has been subpoenaed in accordance with this section; and

(c) That the child has failed and refused to attend or produce the books or papers required by subpoena before the chairman named in the subpoena, or has refused to answer questions propounded to him in the course of the hearing, and asking an order of the court compelling the child to attend and testify or produce the books or papers before the chairman.

3. The court, upon petition of the chairman of the board to review school attendance, shall enter an order directing the child to appear before the court at a time and place to be fixed by the court in the order, the time to be not more than 10 days after the date of the order, and then and there show cause why he has not attended or testified or produced the books or papers before the chairman. A certified copy of the order must be served upon the child. If it appears to the court that the subpoena was regularly issued by the chairman, the court shall thereupon enter an order that the

child appear before the chairman at the time and place fixed in the order and testify or produce the required books or papers. Failure to obey the order shall be deemed to be a delinquent act, and proceedings may be brought against the child pursuant to the provisions of this chapter.

Sec. 12. NRS 62.043 is hereby amended to read as follows:

62.043 ~~{The}~~ *Except as otherwise provided in section 10 of this act, the court has such jurisdiction over adults as is incidental to its jurisdiction over children, including jurisdiction over the parents, guardians and custodians of children adjudicated to be delinquent or in need of supervision. An adult subject to the jurisdiction of the court pursuant to this section is subject to the provisions of NRS 62.281 and has available to him all of the rights, remedies and writs guaranteed by the constitution and the laws of this state to a defendant who is charged with having committed a criminal offense in this state.*

Sec. 13. NRS 62.090 is hereby amended to read as follows:

62.090 1. The judge, in his discretion, may appoint any person qualified by previous experience, training and demonstrated interest in the welfare of children as master. The master, upon the order of the judge in proceedings arising under the provisions of this chapter, may swear witnesses and take evidence. No probation officer may act as master unless the proceeding concerns ~~{only a minor}~~ a:

(a) *Minor* traffic offense ~~{-}~~; or

(b) Child who is alleged to be in need of supervision because he is a habitual truant.

2. Each master who is first appointed after July 1, 1981, shall attend instruction at the National College of Juvenile and Family Law in Reno, Nevada, in a course designed for the training of new judges of the juvenile courts on the first occasion when such instruction is offered after he is appointed.

3. The compensation of a master in juvenile sessions may not be taxed against the parties, but when fixed by the judge must be paid out of appropriations made for the expenses of the district court.

4. The judge may direct that the facts in any juvenile court proceeding, from the inception of the matter, be found by the master in the same manner as in the district court. Within 10 days after the evidence before him is closed, the master shall file with the judge all papers relating to the case, written findings of fact and recommendations.

5. Notice in writing of the master's findings and recommendations, together with the notice of right of appeal as provided in this section, must be given by the master, or someone designated by him, to the parent, guardian or custodian, if any, of the child, to the child's attorney, to the district attorney, and to any other person concerned. A hearing by the court must be allowed if a person entitled to notice files with the court a request for a hearing and the request is filed within 5 days after the giving of the notice. The findings and recommendations of the master, upon approval by the court evidenced by signature, constitute a decree of the court.

Sec. 14. NRS 62.130 is hereby amended to read as follows:

62.130 1. A petition alleging that a child is delinquent or a petition for revocation may be signed by any person, including the district attorney, who has knowledge of the facts alleged, or is informed of them and believes that they are true.

2. A petition alleging that a child is in need of supervision may be signed only by:

(a) A representative of a public or private agency licensed or authorized to provide care or supervision of children;

(b) A representative of a public or private agency providing social service for families; ~~{or}~~

(c) A school officer, law enforcement officer or probation officer ~~{,}~~; *or*

(d) *The chairman of a board to review school attendance pursuant to section 4 of this act.*

3. The district attorney shall prepare and sign every petition alleging delinquency or need of supervision, and shall represent the petitioner in all proceedings.

4. The petition must be entitled, "In the Matter of, a child," and must be verified by the person who signs it.

5. The petition must set forth specifically:

(a) The facts which bring the child within the jurisdiction of the court as indicated in NRS 62.040, and the date when delinquency occurred or need of supervision arose. ~~{,}~~

(b) The name, date of birth and address of the residence of the child. ~~{,}~~

(c) The names and address of the residence of his parents, guardian or custodian, and spouse if any. If neither of his parents, guardian or custodian resides or can be found within ~~the~~ *this* state, or if their addresses are unknown, the petition must state the name of any known adult relative residing within ~~the~~ *this* state, or if there is none, the known adult relative residing nearest to the court . ~~;-and~~

(d) Whether the child is in custody, and if so, the place of detention and the time he was taken into custody.

6. When any of the facts required by subsection 5 are not known, the petition must so state.

Sec. 15. NRS 62.224 is hereby amended to read as follows:

62.224 1. In addition to any other action authorized pursuant to the provisions of this chapter, if a child is found to be in need of supervision because he is a habitual truant, the court shall:

(a) The first time the child is found to be in need of supervision because he is a habitual truant:

(1) Order the child to pay a fine of not more than \$100 pursuant to paragraph (1) of subsection 1 of NRS 62.211 and the administrative assessment required by NRS 62.223;
and

(2) If the child is 14 years of age or older, order the suspension of the child's driver's license for *at least* 30 days ~~;-~~ *but not more than 2 years*. If the child does not

possess a driver's license, the court shall prohibit the child from applying for a driver's license for *at least* 30 days ~~[-]~~ *but not more than 2 years*:

(I) Immediately following the date of the order if the child is eligible to apply for a driver's license; or

(II) After the date he becomes eligible to apply for a driver's license if the child is not eligible to apply for a driver's license.

(b) The second or any subsequent time the child is found to be in need of supervision because he is a habitual truant:

(1) Order the child to:

(I) Pay a fine of not more than \$200 pursuant to paragraph (I) of subsection 1 of NRS 62.211 and the administrative assessment required by NRS 62.223;

(II) Perform not more than 10 hours of community service in compliance with the provisions of subsection 3; or

(III) Comply with the requirements set forth in both sub-subparagraphs (I) and (II); and

(2) If the child is 14 years of age or older, order the suspension of the child's driver's license for ~~[60 days]~~ *at least 90 days but not more than 2 years*. If the child does not possess a driver's license, the court shall prohibit the child from applying for a driver's license for ~~[60 days]~~ *at least 90 days but not more than 2 years*:

(I) Immediately following the date of the order if the child is eligible to apply for a driver's license; or

(II) After the date he becomes eligible to apply for a driver's license if the child is not eligible to apply for a driver's license.

2. The ~~juvenile~~ court may suspend the payment of a fine ordered pursuant to paragraph (a) of subsection 1 if the child attends school for 60 consecutive school days after the imposition of the fine, or has a valid excuse acceptable to his teacher or the principal for any absence from school within that period.

3. The community service ordered pursuant to subsection 1 must be performed:

(a) For and under the supervising authority of a county, city, town or other political subdivision or agency of this state or a charitable organization that renders service to the community or its residents; and

(b) At the child's school of attendance, if practicable.

4. If the court issues an order suspending a child's driver's license pursuant to subsection 1, the ~~judge~~ *court* shall require the child to surrender to the court all driver's licenses then held by the child.

Sec. 16. NRS 483.495 is hereby amended to read as follows:

483.495 The department shall by regulation:

1. Except as otherwise provided in *NRS 62.2263 and 62.227 and* paragraph (h) of subsection 1 of NRS 62.211 , ~~[, subsection 7 of NRS 62.224, NRS 62.2263 and 62.227,]~~ set forth any tests and other requirements which are a condition for the reinstatement of a license after any suspension, revocation, cancellation or voluntary surrender of the license. The tests and requirements:

(a) Must provide for a fair evaluation of a person's ability to operate a motor vehicle;
and

(b) May allow for the waiver of certain tests or requirements as the department deems necessary.

2. Set forth the circumstances under which the administrator may, for good cause shown, rescind the revocation, suspension or cancellation of a license, or shorten the period for the suspension of a license.

Sec. 17. NRS 392.142 is hereby repealed.

Sec. 18. The amendatory provisions of section 15 of this act do not apply to children who are found in need of supervision because they are habitual truants if all acts of truancy were committed before July 1, 1999.

Sec. 19. This act becomes effective on July 1, 1999.

TEXT OF REPEALED SECTION

392.142 Habitual truant: Name of pupil reported to law enforcement agency; issuance of citation to appear before juvenile court; form of citation.

1. The principal of a school shall report to the appropriate local law enforcement agency the name of any pupil enrolled in that school who is a habitual truant.

2. Upon receipt of such a report, if it appears after investigation that the pupil is a habitual truant, the law enforcement agency shall prepare a written citation directing the pupil to appear in the proper juvenile court.

3. A copy of the citation must be delivered to the pupil and to the parent, guardian or any other person who has control or charge of the pupil by:

(a) The local law enforcement agency;

(b) A school police officer employed by the board of trustees of the school district; or

(c) An attendance officer appointed by the board of trustees of the school district.

4. The citation must be in the form prescribed for misdemeanor citations in NRS 171.1773.

SUMMARY—Establishes state program for financial support of intersession school and summer school and requires establishment of local programs.
(BDR 34-321)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: Contains Appropriation
not included in Executive Budget.

AN ACT relating to education; establishing a state program for the financial support of local programs of intersession school and summer school; requiring the boards of trustees of school districts to establish similar local programs; authorizing schools to submit applications for participation in a local program; requiring the superintendent of public instruction to apportion money to school districts for the local programs; making an appropriation; and providing other matters properly relating thereto.

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

Section 1. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this act.

Sec. 2. *As used in sections 2 to 10, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Intersession school” means instruction that is provided between regularly scheduled sessions of school in a school that operates on a year-round schedule or other alternative schedule.*

Sec. 4. *“Local program” means a local program of intersession school or summer school established by the board of trustees of a school district pursuant to section 7 of this act.*

Sec. 5. *“Summer school” means instruction that is provided during the summer months in a school that operates on a regular school schedule which is not a year-round schedule or other alternative schedule.*

Sec. 6. 1. *The state program for the financial support of local programs of intersession school and summer school is hereby established to assist school districts in providing intersession school and summer school.*

2. *On or before July 1 of each year, the superintendent of public instruction shall, within the limits of money available for the state program by legislative appropriation or otherwise, apportion the money available for the state program for that year among the school districts. The money available for the state program must be apportioned to*

each school district in proportion to the total number of pupils enrolled in public schools within the school district on the last day of the first month of the school year preceding the school year for which the money is being provided.

3. The board of trustees of a school district may expend not more than 1 percent per year of the money appropriated pursuant to this section to pay the costs incurred in administering the local program.

Sec. 7. The board of trustees of each school district shall:

1. Establish a local program of intersession school or summer school, or both, within the school district. The local program established by the board of trustees must include, without limitation:

(a) The criteria for the eligibility of schools within the school district to participate in the local program;

(b) The criteria for a pupil to earn academic credit for purposes of promotion to the next grade or graduation from junior high, middle school or high school by completing course work in intersession school or summer school; and

(c) The method by which the success of the local program will be evaluated.

2. Adopt rules and policies to carry out the provisions of sections 2 to 10, inclusive, of this act, including, without limitation, the process for submission of an application by a school to participate in the local program, the deadline for submission of an application and the contents of the application.

3. *Submit a written description of the local program to the department.*

Sec. 8. 1. *A school may submit an application to the board of trustees of the school district to participate in the local program. The application must be on a form provided by the board of trustees.*

2. *Upon receipt of such an application, the board of trustees of a school district, or a designee of the board of trustees, shall review the application and, if the application meets the criteria for eligibility adopted by the board of trustees, approve the application.*

3. *The board of trustees of a school district shall apportion the money available for the local program among the schools whose applications have been approved. A school whose application is designed to serve pupils at risk or a school that is designated as demonstrating inadequate achievement pursuant to NRS 385.367, may, if money is available, receive additional money.*

4. *As used in this section, "pupil at risk" has the meaning ascribed to it in NRS 386.500.*

Sec. 9. 1. *If a school participates in a local program, the school shall provide intersession school or summer school, as applicable, for pupils:*

(a) *Who are referred to intersession school or summer school as a result of disciplinary problems. A teacher of a pupil who causes disciplinary problems within the classroom may refer a pupil to participate in intersession school or summer school.*

(b) Who lack sufficient course work or academic credit to graduate from junior high, middle school or high school.

(c) Who desire to obtain additional academic credit or complete additional course work.

(d) Who are referred by a teacher or counselor for additional assistance with certain classes.

2. If a school participates in a local program, the school may, if money is available after the money is allotted for the instruction required by subsection 1, offer participation in intersession school or summer school, as applicable, to all other pupils who are enrolled in the school.

3. Except as otherwise provided in subsection 4, a school shall not charge a fee or tuition to a pupil who is enrolled in intersession school or summer school.

4. Except as otherwise provided in subsection 5, if a pupil who is referred for participation in intersession school or summer school pursuant to paragraph (a) of subsection 1 enrolls in intersession school or summer school, the school shall require the pupil or the parent or legal guardian of the pupil to pay a fee of \$15 for each class of intersession school or summer school that the pupil enrolls in if:

(a) The pupil, as a result of his behavior, did not obtain a sufficient number of academic credits or satisfactorily complete course work for the school year; or

(b) The teacher who referred the pupil submits a statement that the pupil failed to pass a course as a result of lack of effort by the pupil.

5. *If a pupil or his parent or legal guardian is financially unable to pay the fee required by subsection 4, the pupil shall perform service for the school, as prescribed by the principal of the school, for at least 5 hours.*

6. *A school that receives money pursuant to subsection 4 shall use the money to pay for field trips or to offer additional courses of intersession school or summer school.*

Sec. 10. *On or before July 1 of each year, the board of trustees of a school district shall submit a report to the superintendent of public instruction on a form provided by the superintendent of public instruction. The report must contain the following information regarding the operation of the local program in the immediately preceding 12 months:*

1. *A list of which schools within the school district operated intersession school or summer school, or both;*

2. *A list of the courses of instruction that were offered at each school that participated in the local program;*

3. *A statement of the total enrollment of pupils in intersession school or summer school, as applicable, for the year, including, without limitation, the number of pupils described in paragraphs (a) to (d), inclusive, of subsection 1 of section 9 of this act who enrolled in intersession school or summer school;*

4. *The evaluation of the local program in accordance with the method for evaluation established by the board of trustees pursuant to section 7 of this act;*

5. *A statement of the costs incurred by the schools that participated in the local program to operate intersession school or summer school;*

6. *A statement of the financial resources necessary for the schools that participated in the local program to continue to operate intersession school or summer school; and*

7. *Such other information as the department requires.*

Sec. 11. 1. There is hereby appropriated from the state general fund to the department of education for the state program established pursuant to section 6 of this act for the financial support of local programs of intersession school and summer school:

For the fiscal year 1999-2000	\$2,000,000
For the fiscal year 2000-2001	\$2,000,000

2. Any remaining balance of the appropriation made by subsection 1 for:

(a) The fiscal year 1999-2000 must be transferred and added to the money appropriated for the fiscal year 2000-2001.

(b) The fiscal year 2000-2001, including any money added thereto pursuant to paragraph (a), must not be committed for expenditure after June 30, 2001, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 12. On or before August 1, 1999, the boards of trustees of each school district shall establish a program for intersession school or summer school, or both, in accordance with sections 2 to 10, inclusive, of this act.

Sec. 13. This act becomes effective upon passage and approval.

SUMMARY—Requires communication of certain information to school districts, parents and educational personnel. (BDR 34-322)

FISCAL NOTE: Effect on Local Government: Yes.

Effect on the State or on Industrial Insurance: Yes.

AN ACT relating to public schools; requiring the superintendent of public instruction to provide certain information concerning statutes and regulations affecting public schools and pupils to the boards of trustees of school districts; requiring the boards of trustees to provide similar information to parents and educational personnel; and providing other matters properly relating thereto.

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

Section 1. NRS 385.210 is hereby amended to read as follows:

385.210 1. The superintendent of public instruction shall prescribe a convenient form of school register for the purpose of securing accurate returns from the teachers of public schools.

2. The superintendent shall prepare pamphlet copies of the ~~[school law,]~~ *codified statutes relating to schools*, and shall transmit a copy to each school, school trustee ~~[,]~~ and other school officer in ~~[the state. When]~~ *this state*. If additions or amendments are made to ~~[the school law, he]~~ *these codified statutes*, the superintendent shall have ~~[them]~~ *the additions or amendments* printed and transmitted immediately thereafter. Each pamphlet ~~[shall]~~ *must* be marked "State property—to be turned over to your successor in office." *Each school shall maintain a copy of the pamphlet with any additions or amendments in the school library for public reference.*

3. *In addition to the requirements set forth in subsection 2, the superintendent shall provide to the board of trustees of each school district a memorandum that describes each statute newly enacted by the legislature and each regulation newly adopted by the department or the state board which affects the public schools in this state and the pupils who are enrolled in the public schools in this state. Such a memorandum must include, without limitation, a concise plan for carrying out each statute and regulation described in the memorandum, the date on which the statute or regulation becomes effective and the date by which it must be carried into effect by a school district or public school. Each such memorandum, must be made available not later than 30 days after the statute or regulation described in that memorandum becomes effective. Not later than 30 days after receipt of each such memorandum from the superintendent, the board of trustees of a school district shall provide written notice of the information contained in the memorandum to each parent or legal guardian of a*

pupil who is enrolled in a public school within the school district and all teachers, administrators and other educational personnel who are employed by the board of trustees. If the parent or legal guardian of a pupil cannot understand English, the notice must be provided in a language that the parent or legal guardian can understand or, if necessary, provided orally to the parent or legal guardian in a language that he can understand.

4. The superintendent shall, if directed by the state board, prepare and publish a bulletin as the official publication of the department.

Sec. 2. NRS 386.360 is hereby amended to read as follows:

386.360 1. *The board of trustees of a school district shall ensure that each parent or legal guardian of a pupil who is enrolled in a public school within the school district and all teachers, administrators and other educational personnel who are employed by the board of trustees receive information concerning the statutes and regulations affecting the system of public schools in this state and the pupils who are enrolled in the public schools in this state in accordance with the provisions of subsection 3 of NRS 385.210.*

2. Each board of trustees may prescribe and enforce rules, not inconsistent with law or rules prescribed by the state board, ~~[of education,]~~ for its own government and the government of public schools under its charge.

~~[2-]~~ 3. Each board of trustees shall prescribe rules for the granting of permission to carry or possess a weapon pursuant to NRS 202.265.

Sec. 3. The superintendent of public instruction and the board of trustees of each school district shall provide information on statutes and regulations in accordance with the amendatory provisions of subsection 3 of section 1 of this act for all statutes and regulations that are effective on or after July 1, 1999.

Sec. 4. This act becomes effective on July 1, 1999.

SUMMARY—Authorizes schools to develop contracts of behavior for certain pupils.

(BDR 34-324)

FISCAL NOTE: Effect on Local Government: Yes.

Effect on the State or on Industrial Insurance: No.

AN ACT relating to pupils; requiring schools to notify parents before pupils are deemed habitual disciplinary problems; authorizing schools, under certain circumstances, to develop contracts of behavior designed to prevent pupils from being deemed habitual disciplinary problems; and providing other matters properly relating thereto.

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

Section 1. NRS 392.4655 is hereby amended to read as follows:

392.4655 ~~{A pupil shall be deemed}~~

1. Except as otherwise provided in this section, a school shall deem a pupil who is enrolled in the school a habitual disciplinary problem if the school ~~{in which the pupil is enrolled}~~ has written evidence which documents that in ~~{one}~~ 1 school year:

~~{1-}~~ (a) The pupil has threatened or extorted, or attempted to threaten or extort, another pupil or a teacher or other personnel employed by the school;

~~{2-}~~ (b) The pupil has been suspended for initiating at least two fights on school property; or

~~{3-}~~ (c) The pupil has a record of five suspensions from the school for any reason.

2. *If a pupil is suspended for initiating a fight on school property and the fight is the first fight that the pupil has initiated on school property during that school year, or if a pupil receives four suspensions on his record within 1 school year, the school in which the pupil is enrolled shall provide written notice to the parent or legal guardian of the pupil that contains:*

(a) A description of the acts committed by the pupil and the dates on which those acts were committed;

(b) An explanation that if the pupil commits the same act an additional time during the current school year, he will be deemed a habitual disciplinary problem;

(c) An explanation that, pursuant to subsection 3 of NRS 392.466, a pupil who is deemed a habitual disciplinary problem must be suspended or expelled from school for a period equal to at least one school semester;

(d) If the pupil has a disability and is participating in a program of special education pursuant to NRS 388.520, an explanation of the effect of subsection 6 of NRS 392.466, including, without limitation, that if it is determined in accordance with 20 U.S.C. § 1415 that the pupil's behavior is not a manifestation of his disability, he

may be suspended or expelled from school in the same manner as a pupil without a disability; and

(e) If applicable, a summary of the provisions of subsection 3.

3. If a pupil is suspended for initiating a fight on school property and the fight is the first fight that the pupil has initiated on school property during that school year, or if a pupil receives four suspensions on his record within 1 school year, the school in which the pupil is enrolled may develop, in consultation with the pupil and the parent or legal guardian of the pupil, a contract of behavior for the pupil. Such a contract must be designed to prevent the pupil from being deemed a habitual disciplinary problem and may include, without limitation, a voluntary agreement by:

(a) The parent or legal guardian to attend school with his child.

(b) The pupil and his parent or legal guardian to attend counseling, programs or services available in the school district or community.

(c) The pupil and his parent or legal guardian to pay a contractual penalty of \$100 if they fail to abide by the conditions set forth in the contract.

If the pupil commits the same act for which notice was provided pursuant to subsection 2 after he enters into a contract of behavior, the pupil shall be deemed a habitual disciplinary problem.

4. If a pupil commits an act the commission of which qualifies him to be deemed a habitual disciplinary problem pursuant to subsection 1, the school shall provide written notice to the parent or legal guardian of the pupil that contains:

(a) A description of the qualifying act and any previous such acts committed by the pupil and the dates on which those acts were committed;

(b) An explanation that pursuant to subsection 3 of NRS 392.466, a pupil who is a habitual disciplinary problem must be suspended or expelled from school for a period equal to at least one school semester;

(c) If the pupil has a disability and is participating in a program of special education pursuant to NRS 388.520, an explanation of the effect of subsection 6 of NRS 392.466, including, without limitation, that if it is determined in accordance with 20 U.S.C. § 1415 that the pupil's behavior is not a manifestation of his disability, he may be suspended or expelled from school in the same manner as a pupil without a disability; and

(d) If applicable, a summary of the provisions of subsection 5.

The school shall provide the notice at least 7 days before the school deems the pupil a habitual disciplinary problem.

5. Before a school deems a pupil a habitual disciplinary problem and suspends or expels the pupil, the school may develop, in consultation with the pupil and the parent or legal guardian of the pupil, a contract of behavior for the pupil. Such a contract must be designed to prevent the pupil from being deemed a habitual disciplinary problem and may include, without limitation, a voluntary agreement by:

(a) The parent or legal guardian to attend school with his child.

(b) The pupil and his parent or legal guardian to attend counseling, programs or services available in the school district or community.

(c) The pupil and his parent or legal guardian to pay a contractual penalty of \$100 if they fail to abide by the conditions set forth in the contract.

If the pupil violates the conditions of the contract or commits the same act for which notice was provided pursuant to subsection 4 after he enters into a contract of behavior, the pupil shall be deemed a habitual disciplinary problem.

6. A pupil may, pursuant to the provisions of this section, enter into one contract of behavior per school year.

7. If a school collects money for a contractual penalty pursuant to subsection 3 or 5, the school shall cause the money to be deposited for use in the programs, if any, of the county school district that are designed to reduce the number of the pupils who are deemed habitual disciplinary problems. If the county school district does not have such programs, the school shall cause the money to be deposited for use by the advisory board to review school attendance created in that county pursuant to NRS 392.126.

Sec. 2. NRS 392.466 is hereby amended to read as follows:

392.466 1. Except as otherwise provided in this section, any pupil who commits a battery which results in the bodily injury of an employee of the school, sells or distributes any controlled substance or is found in possession of a dangerous weapon, while on the premises of any public school, at an activity sponsored by a public school or on any school bus must, for the first occurrence, be suspended or expelled from that

school, although he may be placed in another kind of school, for at least a period equal to one semester for that school. For a second occurrence, the pupil must:

(a) Be permanently expelled from that school; and

(b) Receive equivalent instruction authorized by the state board pursuant to NRS 392.070.

2. Except as otherwise provided in this section, any pupil who is found in possession of a firearm while on the premises of any public school, at an activity sponsored by a public school or on any school bus must, for the first occurrence, be expelled from the school for a period of not less than 1 year, although he may be placed in another kind of school for a period not to exceed the period of the expulsion. For a second occurrence, the pupil must:

(a) Be permanently expelled from the school; and

(b) Receive equivalent instruction authorized by the state board pursuant to NRS 392.070.

The superintendent of schools of a school district may, in a particular case in that school district, allow an exception to the expulsion requirement of this subsection.

3. Except as otherwise provided in this section, ~~{any pupil who is}~~ *if a pupil is deemed a habitual disciplinary problem* ~~[as set forth in]~~ *pursuant to NRS 392.4655 , the pupil* must be suspended or expelled from the school for a period equal to at least one semester for that school. For the period of his suspension or expulsion, the pupil must receive equivalent instruction authorized by the state board pursuant to NRS 392.070.

4. This section does not prohibit a pupil from having in his possession a knife or firearm with the approval of the principal of the school. A principal may grant such approval only in accordance with the policies or regulations adopted by the board of trustees of the school district.

5. Any pupil in grades 1 to 6, inclusive, except a pupil who has been found to have possessed a firearm in violation of subsection 2, may be suspended from school or permanently expelled from school pursuant to this section only after the board of trustees of the school district has reviewed the circumstances and approved this action in accordance with the procedural policy adopted by the board for such issues.

6. A pupil who is participating in a program of special education pursuant to NRS 388.520, other than a pupil who is gifted and talented, may, in accordance with the procedural policy adopted by the board of trustees of the school district for such matters, be:

(a) Suspended from school pursuant to this section for not more than 10 days. Such a suspension may be imposed pursuant to this paragraph for each occurrence of conduct proscribed by subsection 1.

(b) Suspended from school for more than 10 days or permanently expelled from school pursuant to this section only after the board of trustees of the school district has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act , ~~{~~ 20 U.S.C. §§ 1400 et seq. ~~}~~

7. As used in this section:

(a) "Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

(b) "Dangerous weapon" includes, without limitation, a blackjack, slung shot, billy, sand-club, sandbag, metal knuckles, dirk or dagger, a nunchaku, switchblade knife or trefoil, as defined in NRS 202.350, a butterfly knife or any other knife described in NRS 202.350, or any other object which is used, or threatened to be used, in such a manner and under such circumstances as to pose a threat of, or cause, bodily injury to a person.

(c) "Firearm" includes, without limitation, any pistol, revolver, shotgun, explosive substance or device, and any other item included within the definition of a "firearm" in 18 U.S.C. § 921, as that section existed on July 1, 1995.

Sec. 3. This act becomes effective on July 1, 1999.

SUMMARY—Provides for establishment of program for recruitment and professional development of teachers. (BDR 34-325)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget.

AN ACT relating to education; requiring the department of education to establish a program for the recruitment and professional development of teachers; providing for the partial repayment of student loans of certain licensed teachers; providing for the reimbursement of certain costs incurred by teachers in obtaining endorsements in certain fields of specialization; authorizing the board of regents to administer a program of financial aid for students who are enrolled in teaching programs; making appropriations; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN

SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 391 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. *The department shall establish a program for the recruitment and professional development of teachers to encourage licensed teachers to:*

- 1. Teach in areas of this state in which a shortage of teachers exists.*
- 2. Obtain an endorsement in a field of specialization where a shortage of teachers exists.*

Sec. 3. *The program established by the department pursuant to section 2 of this act must be designed to:*

- 1. Offer an equitable opportunity for all teachers to participate in the program.*
- 2. Recruit teachers for participation in the program. The recruitment must include, without limitation:*

(a) Publication of information regarding the program to provide repayment of student loans pursuant to section 4 of this act and the program for the reimbursement of costs pursuant to section 5 of this act to:

- (1) Students who are enrolled in institutions of higher education;*
- (2) Organizations that include students who wish to become teachers;*
- (3) Organizations that represent licensed educational personnel; and*
- (4) The licensed educational personnel in the public schools in this state.*

(b) Methods to encourage pupils who are enrolled in high schools to enter the field of teaching, including, without limitation, pupils who are of diverse racial, ethnic and

cultural backgrounds and pupils who are disadvantaged, economically or otherwise.

The department shall work in cooperation with:

(1) The boards of trustees of the school districts of this state to determine the most effective methods to identify such pupils.

(2) The board of regents to recruit pupils into the program to provide loans pursuant to sections 8 to 15, inclusive, of this act, to students who are enrolled in programs of the University and Community College System of Nevada that provide courses of study and training for the education of teachers.

Sec. 4. 1. The department shall:

(a) Work annually in cooperation with the boards of trustees of the school districts to designate areas in this state in which a shortage of teachers exists.

(b) Assist licensed teachers in obtaining employment within the areas designated pursuant to paragraph (a).

(c) Maintain a list available for public inspection that contains the areas designated pursuant to paragraph (a).

(d) To the extent that money is available for the program by legislative appropriation or otherwise, administer a program for the repayment of student loans on behalf of eligible licensed teachers who teach in public schools that are located in areas of this state in which a shortage of teachers exists.

2. *Regardless of whether he attended an institution of higher education in this state, a teacher is eligible for the repayment of student loans pursuant to this section if he:*

- (a) Submits an application on a form provided by the department;*
- (b) Holds a current license to teach issued pursuant to chapter 391 of NRS; and*
- (c) Teaches full time in a public school for at least one full school year in an area of the state designated pursuant to subsection 1 as an area in this state in which a shortage of teachers exists.*

3. *Repayments made pursuant to this section must not exceed \$5,000 for each year the applicant teaches full time in a public school in a designated area in this state.*

Sec. 5. The department shall:

1. *Work annually in cooperation with the boards of trustees of the school districts to identify fields of specialization where a shortage of teachers exists.*

2. *Assist licensed teachers in obtaining an endorsement in a field of specialization identified pursuant to subsection 1.*

3. *Maintain a list available for public inspection that contains the fields of specialization identified pursuant to subsection 1.*

4. *To the extent that money is available for the program by legislative appropriation or otherwise, administer a program pursuant to which a teacher who holds a current license to teach issued pursuant to chapter 391 of NRS may submit an application on a form provided by the department for reimbursement of the costs*

incurred by the teacher in obtaining an endorsement in a field of specialization. The reimbursement must not exceed an amount equal to the actual verified costs incurred by a teacher in obtaining the endorsement or \$2,000, whichever is less.

Sec. 6. 1. The department shall:

(a) Prepare an annual report that includes:

(1) The number of teachers who received money for repayment of student loans pursuant to section 4 of this act and the amount of money that was provided for each teacher;

(2) The number of teachers who received money for reimbursement of costs pursuant to section 5 of this act and the amount of money that was provided for each teacher; and

(3) An evaluation of the success of the programs administered by the department pursuant to sections 2 to 6, inclusive, of this act.

(b) On or before December 31 of each year, submit a copy of the report required by paragraph (a) to the director of the legislative counsel bureau for transmission to:

(1) In an even-numbered year, the next regular session of the legislature.

(2) In an odd-numbered year, the legislative commission.

(c) Adopt regulations to carry out the provisions of sections 2 to 6, inclusive, of this act, including, without limitation, the process for submission of an application pursuant to sections 4 and 5 of this act and the necessary contents of each application.

2. *The department may:*

(a) *Apply for federal grants of money available for the programs that it administers pursuant to sections 2 to 6, inclusive, of this act, if any.*

(b) *Expend not more than 5 percent of all money appropriated to the department to carry out the provisions of sections 2 to 6, inclusive, of this act to establish and administer the programs required by those sections.*

Sec. 7. Chapter 396 of NRS is hereby amended by adding thereto the provisions set forth as sections 8 to 15, inclusive, of this act.

Sec. 8. 1. *The board of regents may administer, directly or through a designated officer or employee of the system, a program to provide loans for fees, books and living expenses to students who are enrolled in programs of the system that provide courses of study and training for the education of teachers.*

2. *Each student to whom such a loan is made must:*

(a) *Have been a bona fide resident of this state for at least 6 months before his matriculation in the system;*

(b) *At the time the loan is made, be enrolled in a program of the system to become a licensed teacher;*

(c) *Fulfill all requirements for classification as a full-time student showing progression towards completion of the program; and*

(d) *Maintain at least a 2.00 grade-point average in each class and at least a 2.75 overall grade-point average, on a 4.0 grading scale.*

3. *Each such loan must be made upon the following terms:*

(a) All loans must bear interest at 8 percent per annum beginning the date when the student receives the loan.

(b) Each student who receives a loan shall repay the loan with interest after the termination of his education for which the loan is made unless the amount owed is reduced pursuant to section 10 of this act. The loan must be repaid in monthly installments over the period allowed with the first installment due 1 year after the date of the termination of his education for which the loan is made. The amounts of the installments must not be less than \$50 and may be calculated to allow a smaller payment at the beginning of the period for repayment, with each succeeding payment gradually increasing so that the total amount due will be paid within the period of repayment. The period for repayment of the loans must be:

(1) Five years for loans which total less than \$10,000.

(2) Eight years for loans which total \$10,000 or more, but less than \$20,000.

(3) Ten years for loans which total \$20,000 or more.

4. *A delinquency charge may be assessed on an installment that is delinquent 10 days or more in the amount of 8 percent of the installment or \$4, whichever is greater, but not more than \$15.*

5. *If a person is delinquent in repayment, the reasonable costs of collection and an attorney's fee may be recovered from the person.*

6. *As used in this section, "bona fide resident" has the meaning ascribed to it in NRS 396.540.*

Sec. 9. 1. *The loans made pursuant to sections 8 to 15, inclusive, of this act must not exceed the following amounts per student per semester. If the student is enrolled in a program of:*

(a) *A community college, \$1,700.*

(b) *A university, \$2,005.*

2. *Money loaned pursuant to sections 8 to 15, inclusive, of this act must be allocated among the campuses of the system in amounts that will allow the same percentage of eligible students from each campus who are enrolled in programs that provide courses of study and training for the education of teachers to receive loans.*

Sec. 10. 1. *Except as otherwise provided in this section, a student who receives a loan pursuant to sections 8 to 15, inclusive, of this act shall repay the loan and accrued interest in full pursuant to the terms of the loan. A recipient who:*

(a) *Holds a license to teach issued pursuant to chapter 391 of NRS; and*

(b) *Teaches full time for at least 1 school year in a public school in an identified area of this state in which a shortage of teachers exists,*

may apply to the board of regents to request a reduction in the amount of the loan and interest that must be repaid. The board of regents shall reduce the amount owed by the applicant upon receipt of credible evidence that the applicant taught full time for at least 1 school year in a public school in an area identified pursuant to subsection 3.

For each such year of qualified teaching service, the board of regents shall reduce the amount owed by an amount equal to the average amount owed per academic year during which the applicant received the loans.

2. The board of regents may adopt:

(a) Regulations which extend the time for completing the qualified teaching service beyond 5 years for persons who are granted extensions because of hardship;

(b) Regulations which grant prorated reductions in the amount due in exchange for the actual amount of qualified teaching service, for cases in which the period of the qualified teaching service is at least 1 year but not equal to 1 complete school year per academic year during which the applicant received the loans; and

(c) Such other regulations as are necessary to carry out the provisions of sections 8 to 15, inclusive, of this act.

3. The board of regents shall, in cooperation with the boards of trustees of school districts in this state:

(a) Identify the areas of this state in which a shortage of teachers exists.

(b) Recruit pupils who are enrolled in high schools in this state into the program to provide loans to students pursuant to sections 8 to 15, inclusive, of this act.

Sec. 11. The board of regents or its designee may require:

1. A student to acquire, as security for a student loan, insurance on his life and on his health or against his disability, or both.

2. *That a financially responsible person agree to be jointly liable with the recipient for the repayment of the loan.*

Sec. 12. *The board of regents or its designee may require, upon notice to a recipient of a loan, that he repay the balance and any unpaid interest on the loan immediately if:*

1. *An installment is not paid within 30 days after it is due;*
2. *The recipient fails to notify the board of regents or its designee, within 30 days,*
of:

- (a) A change of name or of the address of his home or place of employment; or*
 - (b) The termination of the education for which he received the loan; or*
3. *The recipient fails to comply with a requirement or perform an obligation he is required to perform pursuant to an agreement with the board of regents or its designee.*

Sec. 13. *A recipient of a loan pursuant to sections 8 to 15, inclusive, of this act shall comply with the regulations adopted by the board of regents. If a recipient fails to comply, the board of regents or its designee may:*

1. *For each infraction, impose a fine of not more than \$200 against the recipient in 1 academic year, and may deny additional money to the recipient if he fails to pay the fine when due;*
2. *Increase the portion of a future loan to be repaid by the recipient; and*
3. *Extend the time by which the recipient is required to teach in this state in lieu of repaying his loan.*

Sec. 14. 1. The board of regents or its designee may, after receiving an application stating the reasons therefor, grant an extension of the period for the repayment of a loan in case of hardship arising out of the circumstances of a recipient. The extension must be for a period that will reasonably alleviate that hardship.

2. Applications for extensions must be filed within the time prescribed by regulation of the board of regents.

Sec. 15. The board of regents shall:

1. Receive, invest, disburse and account for all money received for the program.

2. Report to the governor and the legislature on or before September 1 of each year immediately preceding a regular session of the legislature, setting forth in detail the transactions conducted by the board of regents relating to the program during the biennium ending June 30 of that year.

3. Make such recommendations for legislation that the board of regents considers appropriate for the program.

Sec. 16. 1. There is hereby appropriated from the state general fund to the department of education the sum of \$100,000 for the:

(a) Establishment of the program for the recruitment and professional development of teachers pursuant to sections 2 and 3 of this act.

(b) Repayment of loans pursuant to section 4 of this act.

(c) Reimbursement of costs pursuant to section 5 of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2001, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 17. 1. There is hereby appropriated from the state general fund to the board of regents the sum of \$100,000 for loans to students who are enrolled in programs of the University and Community College System of Nevada that provide courses of study and training for the education of teachers in accordance with sections 8 to 15, inclusive, of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2001, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 18. The department of education shall:

1. Not later than August 1, 1999, designate areas of this state in which a shortage of teachers exists for the purposes of section 4 of this act.

2. Not later than August 1, 1999, identify fields of specialization where a shortage of teachers exists for the purposes of section 5 of this act.

3. Not later than September 30, 1999, establish the program for the recruitment and professional development of teachers in accordance with the provisions of sections 2 and 3 of this act.

4. Not later than September 30, 1999, adopt regulations required by section 6 of this act.

Sec. 19. The department of education shall not:

1. Provide for the repayment of student loans pursuant to section 4 of this act unless a licensed teacher teaches for the 1999-2000 school year or after in an area of this state in which a shortage of teachers exists.

2. Reimburse, pursuant to section 5 of this act, the costs incurred by a teacher in obtaining an endorsement in a field of specialization if the teacher obtained the endorsement before October 1, 1999.

Sec. 20. 1. This section and sections 16 and 17 of this act become effective upon passage and approval.

2. Section 4 of this act becomes effective upon passage and approval for the purpose of designating areas of this state in which a shortage of teachers exists and on October 1, 1999, for all other purposes.

3. Section 5 of this act becomes effective upon passage and approval for the purpose of identifying fields of specialization where a shortage of teachers exists and on October 1, 1999, for all other purposes.

4. Section 6 of this act becomes effective upon passage and approval for the purpose of adopting regulations and on July 1, 1999, for all other purposes.

5. Sections 1 to 3, inclusive, 7 to 15, inclusive, and 18 and 19 of this act become effective on July 1, 1999.

SUMMARY—Revises provisions governing transportation of pupils on public buses.

(BDR 34-326)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: No.

AN ACT relating to the transportation of pupils; revising provisions governing the authority of the boards of trustees of school districts to purchase tickets for the transportation of pupils on public buses; authorizing fully regulated carriers to provide reduced rates to the boards of trustees of school districts for the transportation of pupils; and providing other matters properly relating thereto.

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

Section 1. NRS 392.330 is hereby amended to read as follows:

392.330 1. In addition to the purposes authorized by NRS 392.320, a board of trustees may use transportation funds of the school district for:

(a) Arranging and paying for transportation, in accordance with subsection 2, by motor vehicles or otherwise, by contract or such other arrangement as the board *of*

trustees finds most economical, expedient and feasible and for the best interests of the school district.

(b) Purchasing tickets *at reduced rates* for *the transportation of pupils on* public buses . [~~for use by pupils enrolled in high school to travel to and from school.~~

~~2. Such transportation may]~~

2. *Transportation may* be arranged and contracted for by a board of trustees with:

(a) Any railroad company holding a certificate of public convenience and necessity issued by the public utilities commission of Nevada or bus company or other licensed common carrier holding a certificate of public convenience and necessity issued by the transportation services authority.

(b) The owners and operators of private automobiles or other private motor vehicles, including parents of pupils who attend school and are entitled to transportation. When required by the board of trustees, every such private automobile or other private motor vehicle regularly transporting pupils must be insured in the amount required by regulation of the state board against the loss and damage described in subsection 2 of NRS 392.320.

Sec. 2. NRS 706.351 is hereby amended to read as follows:

706.351 1. It is unlawful for:

(a) A fully regulated carrier to furnish any pass, frank, free or reduced rates for transportation to any state, city, district, county or municipal officer of this state or to any person other than those specifically enumerated in this section.

(b) Any person other than those specifically enumerated in this section to receive any pass, frank, free or reduced rates for transportation.

2. This section does not prevent the carriage, storage or hauling free or at reduced rates of passengers or property for charitable organizations or purposes for the United States, the State of Nevada or any political subdivision thereof.

3. This chapter does not prohibit a fully regulated common carrier from giving free or reduced rates for transportation of persons to:

(a) Its own officers, commission agents or employees, or members of any profession licensed under Title 54 of NRS retained by it, and members of their families.

(b) Inmates of hospitals or charitable institutions and persons over 60 years of age.

(c) Persons who are physically handicapped or mentally handicapped and who present a written statement from a physician to that effect.

(d) Persons injured in accidents or wrecks and physicians and nurses attending such persons.

(e) Persons providing relief in cases of common disaster.

(f) Attendants of livestock or other property requiring the care of an attendant, who must be given return passage to the place of shipment, if there is no discrimination among shippers of a similar class.

(g) Officers, agents, employees or members of any profession licensed under Title 54 of NRS, together with members of their families, who are employed by or affiliated with

other common carriers, if there is an interchange of free or reduced rates for transportation.

(h) Indigent, destitute or homeless persons when under the care or responsibility of charitable societies, institutions or hospitals, together with the necessary agents employed in such transportation.

(i) Students of institutions of learning [~~]~~, *whether the free or reduced rate is given directly to a student or to the board of trustees of a school district on behalf of a student.*

(j) Groups of persons participating in a tour for a purpose other than transportation.

4. This section does not prohibit common motor carriers from giving free or reduced rates for the transportation of property of:

(a) Their officers, commission agents or employees, or members of any profession licensed under Title 54 of NRS retained by them, or pensioned or disabled former employees, together with that of their dependents.

(b) Witnesses attending any legal investigations in which such carriers are interested.

(c) Persons providing relief in cases of common disaster.

(d) Charitable organizations providing food and items for personal hygiene to needy persons or to other charitable organizations within this state.

5. This section does not prohibit the authority from establishing reduced rates, fares or charges for specified routes or schedules of any common motor carrier providing

transit service if the reduced rates, fares or charges are determined by the authority to be in the public interest.

6. Only fully regulated common carriers may provide free or reduced rates for the transportation of passengers or household goods, pursuant to the provisions of this section.

7. As used in this section, "employees" includes:

- (a) Furloughed, pensioned and superannuated employees.
- (b) Persons who have become disabled or infirm in the service of such carriers.
- (c) Persons who are traveling to enter the service of such a carrier.

Sec. 3. This act becomes effective on July 1, 1999.

SUMMARY—Urges Department of Education to establish advisory group to review requirements for pupil with disability to graduate with standard diploma.

(BDR R-320)

_____ CONCURRENT RESOLUTION—Urging the Department of Education to establish an advisory group to review the requirements for a pupil with a disability to graduate from high school with a standard diploma.

WHEREAS, The Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400 et seq., is the federal law which seeks to ensure that children with disabilities have access to a free appropriate public education; and

WHEREAS, Providing a free appropriate public education to pupils with disabilities who reside in Nevada is an essential element of fulfilling this state's important goal of ensuring equality of opportunity, full participation, independent living and economic self-sufficiency for persons with disabilities; and

WHEREAS, Pursuant to IDEA and the regulations adopted by the State Board of Education to carry out IDEA, an individualized education program must be developed for each pupil with a disability that includes a written statement of the annual goals for the pupil which must be designed to enable the pupil to participate and progress in the general curriculum; and

WHEREAS, An individualized education program for a pupil with a disability must also include a statement of the modifications, if any, in the administration of statewide examinations of pupil achievement that are necessary for the pupil with a disability to participate in the examinations; and

WHEREAS, If the team of persons developing a pupil's individualized education program determines that the pupil will not participate in a particular statewide examination or a particular part of a statewide examination, the individualized education program must include a statement explaining why the examination is not appropriate for the pupil and how the pupil will otherwise be tested; and

WHEREAS, Nevada law requires the administration of achievement and proficiency examinations to pupils who are enrolled in public schools before the completion of grades 4, 8, 10 and 11; and

WHEREAS, Nevada law prohibits the issuance of a diploma to a pupil until he has passed the high school proficiency examination; and

WHEREAS, The State Board of Education has adopted regulations providing that a pupil with a disability is entitled to graduate from high school with an adjusted diploma if he fulfills all the requirements which are outlined in his individualized education program but does not otherwise fulfill the requirements for a standard diploma; and

WHEREAS, These statutes and regulations have been interpreted so that a pupil with a disability cannot graduate from high school with a standard diploma if his individualized education program:

1. Exempts him from taking the high school proficiency examination; or
2. Requires the pupil to take the examination with modifications or accommodations that are not considered appropriate for graduation from high school with a standard diploma; now, therefore, be it

RESOLVED BY THE _____ OF THE STATE OF NEVADA, THE _____
CONCURRING, That the members of the 70th session of the Nevada Legislature hereby urge the Department of Education to establish an advisory group consisting of special education teachers, other teachers, administrators in the public schools, parents of pupils who are enrolled in programs of special education, members of the staff of the Department of Education and members of the staff of the Legislative Counsel Bureau to review this issue and recommend any additional criteria by which a pupil with a disability should be eligible to graduate from high school with a standard diploma; and be it further

RESOLVED, That the Department of Education is also urged to ask the advisory group to consider which accommodations and modifications in the administration of the high school proficiency examination to pupils with disabilities should be determined appropriate for graduation from high school with a standard diploma, including, without limitation, the acceptable use of calculators and spell checkers and the provision of oral testing; and be it further

RESOLVED, That if such an advisory group is established during the 1999-2001 legislative interim, the Department of Education is directed to submit a copy of any findings and recommendations on this subject by the advisory group to the Director of the

Legislative Counsel Bureau for transmittal to the 71st session of the Nevada Legislature;
and be it further

RESOLVED, That the _____ of the _____ prepare and transmit a copy
of this resolution to the Superintendent of Public Instruction and the President of the State
Board of 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)

_____ 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.

WHEREAS, The Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400 et seq., is the Federal Law which seeks to ensure that children with disabilities have access to a free appropriate public education; and

WHEREAS, Providing an appropriate education to pupils with disabilities who reside in the State of Nevada is an essential element of fulfilling this state's important goal of ensuring an equality of opportunity, full participation, independent living and economic self-sufficiency for individuals with disabilities; and

WHEREAS, To be eligible for financial support pursuant to IDEA, a state must demonstrate that it provides a free appropriate public education to all children with disabilities residing in the state between 3 and 21 years of age; and

WHEREAS, Pursuant to IDEA, a free appropriate public education means special education and related services that are provided at public expense, under public

supervision and direction, and without charge; and

WHEREAS, In 1973, the Nevada Legislature enacted a law that provides a formula for funding special education which apportions from the state distributive school account a basic support guarantee for each "special education program unit" maintained and operated by a school district during a school year; and

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

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

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

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

personnel costs; and

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

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

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

RESOLVED BY THE _____ OF THE STATE OF NEVADA, THE _____
CONCURRING, That the members of the 70th session of the Nevada Legislature urge the members of the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means to apportion from the state distributive school account a basic support guarantee for special education program units that provides money to the

school districts in an amount that is commensurate with the current costs incurred by the school districts in maintaining and operating the special education program units; and be it further

RESOLVED, That the _____ of the _____ prepare and transmit a copy of this resolution to the Chairman of the Senate Standing Committee on Finance and the Chairman of the Assembly Standing Committee on Ways and Means.