

**REVISED ADOPTED REGULATION OF THE  
STATE BOARD OF EDUCATION**

**LCB File No. R027-00**

Effective July 1, 2000

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

AUTHORITY: §§1-3, NRS 385.080 and 388.520.

**Section 1.** NAC 388.150 is hereby amended to read as follows:

388.150 1. Except as otherwise provided in this section, the maximum number of cases per teacher in a unit for:

- (a) ~~[The hearing impaired, moderately mentally retarded or orthopedically impaired is 20.~~
- ~~—(b) The gifted and talented is 65.~~
- ~~—(c) The deaf and blind is 4.~~
- ~~—(d) Pupils with specific learning disabilities is 24.~~
- ~~—(e) The mildly mentally retarded is 24.~~
- ~~—(f) The severely or profoundly mentally retarded is 12.~~
- ~~—(g) Pupils with speech and language impairments is 60.~~
- ~~—(h) Pupils with speech and language impairments who are in a self-contained language program is 12.~~
- ~~—(i) Pupils with multiple impairments, serious emotional disturbances or traumatic brain injuries is 15.~~
- ~~—(j) Pupils with visual impairments is 16.~~

~~—(k) Pupils with orthopedic impairments or a health impairment described in subsection 1 of NAC 388.402 who are confined at home or in a hospital is 10 per week, or 14 per week if a teacher's aide is used in the unit.~~

~~—(l) Pupils in an early childhood program that is an integrated or self-contained center-based program is 24.~~

~~—(m) Pupils who are autistic is 12.~~

~~—(n) Pupils with a health impairment described in subsection 1 of NAC 388.402 is 20.~~

~~—2. The maximum number of cases per teacher in a unit for itinerant home-based early childhood education or related services must be determined in the course of developing the individualized educational program for each pupil in the unit, on the basis of geographic considerations and according to the needs of each pupil and his parents.~~

~~—3. In a departmentalized program, the maximum number of cases per teacher is to be determined according to the number of individualized educational programs for which each teacher is responsible.~~

~~—4.] *School-age pupils who are placed in programs for mild to moderate disabilities, who receive instruction from a generalist and who receive special education services through a consultative method, resources method or any combination of methods of instruction is:*~~

~~(1) *Twenty-two for pupils with specific learning disabilities.*~~

~~(2) *Twenty-two for pupils with serious emotional disturbance.*~~

~~(3) *Twenty-two for pupils with mild mental retardation.*~~

~~(b) *School-age pupils who are placed in programs for moderate to severe disabilities, who receive instruction from a specialist and who receive special education services primarily in a self-contained classroom is:*~~

- (1) Twenty for pupils with specific learning disabilities.*
  - (2) Fifteen for pupils with serious emotional disturbance.*
  - (3) Twenty for pupils with moderate mental retardation.*
  - (4) Twelve for pupils with severe to profound mental retardation.*
- (c) All other school-age pupils who are placed in specialized programs and who receive instruction from a specialist is:*
- (1) Twenty for pupils with hearing impairments.*
  - (2) Fifteen for pupils with multiple impairments.*
  - (3) Four for pupils with deaf-blindness.*
  - (4) Twenty for pupils with orthopedic impairments and health impairments.*
  - (5) Ten for pupils with orthopedic impairments and health impairments receiving special education services in a home or hospital.*
  - (6) Fifteen for pupils with orthopedic impairments and health impairments receiving special education services through the tele-teaching method of instruction.*
  - (7) Fifty for pupils with speech and language impairments receiving speech and language therapy services.*
  - (8) Twelve for pupils with speech and language impairments receiving special education services in a self-contained classroom.*
  - (9) Sixteen for pupils with visual impairments.*
  - (10) Fifteen for pupils with traumatic brain injury.*
  - (11) Twelve for pupils with autism.*
  - (12) Sixty-five for pupils who are gifted and talented.*

*(d) Pupils under the age of 6 years who are placed in early childhood nonspecialized programs and who receive special education services in a center-based classroom, integrated setting or through a consultative method of instruction is 22.*

2. Except as otherwise provided in this section, the maximum size of a class per instructional period for:

~~(a) [The hearing impaired, orthopedically impaired, severely or profoundly mentally retarded, visually impaired, seriously emotionally disturbed or pupils with multiple impairments, autism or a health impairment described in subsection 1 of NAC 388.402 is 6.~~

~~—(b) The gifted and talented is 20.~~

~~—(c) Pupils who are deaf and blind is 4.~~

~~—(d) The mildly mentally retarded, pupils with specific learning disabilities or pupils who are developmentally delayed and in center-based programs is 12.~~

~~—(e) The moderately mentally retarded or pupils with traumatic brain injuries is 10.~~

~~—(f) The orthopedically impaired or pupils with a health impairment described in subsection 1 of NAC 388.402 who receive homebound instruction by television is 15.~~

~~—(g) Pupils with speech and language impairments who are in a program for the language impaired is 8.~~

~~—(h) Pupils in early childhood programs for pupils with:~~

~~——(1) Hearing impairments, visual impairments, moderate mental retardation, serious emotional disturbances, orthopedic impairments, a health impairment described in subsection 1 of NAC 388.402 and multiple impairments is 6.~~

~~——(2) Speech and language impairments, mild mental retardation and specific learning disabilities is 8.~~

~~—(3) Severe mental retardation is 5.~~

~~—5.—~~ School-age pupils who are placed in programs for mild to moderate disabilities, who receive instruction from a generalist and who receive special education services through a consultative method, a resources method or any combination of methods of instruction is:

- (1) Twelve for pupils with specific learning disabilities.
- (2) Twelve for pupils with serious emotional disturbance.
- (3) Twelve for pupils with mild mental retardation.

(b) School-age pupils who are placed in programs for moderate to severe disabilities, who receive instruction from a specialist and who receive special education services primarily in a self-contained classroom is:

- (1) Twelve for pupils with specific learning disabilities.
- (2) Six for pupils with serious emotional disturbance.
- (3) Ten for pupils with moderate mental retardation.
- (4) Six for pupils with severe to profound mental retardation.

(c) All other school-age pupils who are placed in specialized programs and who receive instruction from a specialist is:

- (1) Six for pupils with hearing impairments.
- (2) Six for pupils with multiple impairments.
- (3) Four for pupils with deaf-blindness.
- (4) Six for pupils with orthopedic impairments and health impairments.
- (5) Fifteen for pupils with orthopedic impairments and health impairments receiving special education services through a tele-teaching method of instruction.

*(6) Eight for pupils with speech and language impairments receiving special education services in a self-contained classroom.*

*(7) Six for pupils with visual impairments.*

*(8) Eight for pupils with traumatic brain injury.*

*(9) Six for pupils with autism.*

*(10) Twenty for pupils who are gifted and talented.*

*(d) Pupils under the age of 6 years who are placed in early childhood nonspecialized programs and who receive special education services in a center-based classroom, integrated setting or through a consultative method of instruction is 12.*

*(e) Pupils under the age of 6 years who are placed in early childhood specialized programs is 6.*

3. In the case of a heterogeneous program, the maximum number of cases per teacher and the maximum size of the class is to be determined according to the area of disability represented by the majority of the pupils in the program.

~~[6.]~~ 4. The maximum enrollment in a unit may be increased by 10 percent, or at least one pupil, without prior approval of the department.

~~[7.]~~ 5. If a teacher's aide is used in a unit, the maximum size of a class in the unit ~~may be increased by not more than:~~

~~—(a) Four pupils in a unit for pupils who have multiple impairments or a health impairment described in subsection 1 of NAC 388.402 or are gifted and talented, hearing impaired, learning disabled, mildly or moderately mentally retarded, orthopedically impaired, seriously emotionally disturbed, speech and language impaired or visually impaired.~~

~~—(b) Two pupils in a unit for pupils who are severely or profoundly mentally retarded, have traumatic brain injuries or autism.~~

~~—(c) Two pupils in an early childhood program for pupils who have multiple impairments or a health impairment described in subsection 1 of NAC 388.402 or are hearing impaired, learning disabled, mildly or moderately mentally retarded, orthopedically impaired, seriously emotionally disturbed, speech and language impaired or visually impaired.~~

~~—(d) One pupil in a unit for pupils who are deaf and blind.~~

~~—8. ] for:~~

*(a) School-age pupils who are placed in programs for mild to moderate disabilities, who receive instruction from a generalist and who receive special education services through a consultative method, resources method or any combination of methods of instruction is:*

*(1) Sixteen for pupils with specific learning disabilities.*

*(2) Sixteen for pupils with serious emotional disturbance.*

*(3) Sixteen for pupils with mild mental retardation.*

*(b) School-age pupils who are placed in programs for moderate to severe disabilities, who receive instruction from a specialist and who receive special education services primarily in a self-contained classroom is:*

*(1) Sixteen for pupils with specific learning disabilities.*

*(2) Ten for pupils with serious emotional disturbance.*

*(3) Fourteen for pupils with moderate mental retardation.*

*(4) Eight for pupils with severe to profound mental retardation.*

*(c) All other school-age pupils who are placed in specialized programs and who receive instruction from a specialist is:*

- (1) Ten for pupils with hearing impairments.*
  - (2) Ten for pupils with multiple impairments.*
  - (3) Five for pupils with deaf-blindness.*
  - (4) Ten for pupils with orthopedic impairments and health impairments.*
  - (5) Nineteen for pupils with orthopedic impairments and health impairments receiving special education services in the home or at a hospital.*
  - (6) Twelve for pupils with speech and language impairments receiving special education services in a self-contained classroom.*
  - (7) Ten for pupils with visual impairments.*
  - (8) Ten for pupils with traumatic brain injury.*
  - (9) Eight for pupils with autism.*
  - (10) Twenty-four for pupils who are gifted and talented.*
- (d) Pupils under the age of 6 years who are placed in early childhood nonspecialized programs and who receive special education services in a center-based classroom, integrated setting or through a consultative method of instruction is 14.*
- (e) Pupils under the age of 6 years who are placed in early childhood specialized programs is 8.*

6. The maximum number of cases per teacher in each unit for a specific disability must not exceed the number prescribed pursuant to this section for the disability represented by the majority of pupils in the unit even if some or all of the pupils in the unit attend classes in a regular educational environment and the special education teacher only provides collaborative or consulting services regarding such pupils.



~~¶~~ 7. Exceptions to the maximum enrollments prescribed in this section may be made with the written approval of the department.

**Sec. 2.** For the 2000-2001 school year, a school district is required to comply with the amendatory provisions of this regulation only to the extent that the school district receives new and unencumbered money for this purpose.

**Sec. 3.** This regulation becomes effective on July 1, 2000.

**LCB File No. R027-00**

**NOTICE OF ADOPTION**

The Nevada State Board of Education/Nevada State Board for Occupational Education held a Workshop to Solicit Comments and public hearing(s) on the following:

Affected Regulation	LCB File #	Adoption Date
NAC 388, Special Education Caseload/Class Size	R 027-00	March 18, 2000

**INFORMATIONAL STATEMENT**

NEVADA DEPARTMENT OF EDUCATION

NEVADA STATE BOARD OF EDUCATION  
NEVADA STATE BOARD FOR OCCUPATIONAL EDUCATION

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED  
BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066  
NAC 388, Special Education  
(LCB File #R 027-00)

**IMPACT STATEMENT**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) 388, Special Education:

**1. A description of how public comment was solicited, a summary of public response, and explanation how other interested persons may obtain a copy of the summary.**

Notice of Workshop to Solicit Comments on Proposed Regulations was sent to approximately one-hundred twenty-five individuals and educational organizations. One workshop was held March 18, 2000. There were comments from the public.

The Notice of Intent to Act Upon a Regulation for public hearing on the proposed revisions was sent to approximately one-hundred twenty-five individuals and educational organizations. One public hearing was conducted on March 18, 2000, to provide the opportunity for comments by affected parties and the public. Public response focused on proposed caseload/class size reductions. There were comments from the public.

**2. The Number of Persons Who:**

- a) **Attended Each Hearing:**      Workshop: 30    First Hearing: 36      Second Hearing: n/a
- b) **Testified at Each Hearing:**    Workshop: 3    First Hearing: 9      Second Hearing: n/a

and,

c) **Submitted Written Statements:** Workshop: 0 First Hearing: 5 Second Hearing: n/a

Five written comments were received in support of the proposed changes: 1) March 18, 2000, Memorandum from Nancy Kuhles in support of verbal comments; 2) E-mail of March 17, 2000 from Linda S. Jackson; 3) Memorandum of January 11, 1993, from Jean Braman, Chair, Speech Pathologist Action Committee; 4) Nevada Speech Language Hearing Association Official Guidelines; and, 5) Letter of March 14, 2000, from Assemblywoman Chris Giunchigliani.

A copy of any written comments may be obtained by calling LaDonna Byrd, Board Secretary, at the Department of Education (775) 687-9225, or by writing to the Department of Education, 700 East Fifth Street, Carson City, Nevada 89701-5096.

**3. A description of how comment was solicited from affected businesses, a summary of the response and an explanation how other interested parties may obtain a copy of the summary.**

Comment was solicited through the workshop and public hearing notices of February 16, 2000.

At the Workshop to Solicit Comments on March 18, 2000, three individuals from the public gave comments regarding the proposed revisions: Dr. Walt Rulffes, Assistant Superintendent, Clark County School District, felt it was important that funds have been set aside for the school districts to use for the class size/caseload reductions; Darlene Schottle, Senior Director, Student Support Services, Washoe County School District, was interested in the impact on the federal funds already being provided to school districts; and, Joe Rzeminski, Speech Language Pathologist, Las Vegas, wondered what would occur if the school districts are not able to use all of the available funds. Mrs. Dopf, Team Leader, Department of Education Educational Equity Team, explained that the \$4 million set aside are new funds and will not impact current discretionary funds. She also clarified that IFC would need to give direction for any unused funds.

At the public hearing held March 18, 2000, nine individuals spoke to the proposed regulation changes: Nancy Kuhles, Speech Pathologist, Washoe County School District, spoke in support of the reductions in caseload/class sizes per proposed revisions to NAC 388, special education; Jennifer Lamb, Speech language Pathologist, Washoe County School District, concurred with Ms. Kuhles comments and read the E-mail of March 17, 2000, from Linda S. Jackson, Lyon County School District; Joe Rzeminski, Speech Language Pathologist, Las Vegas, addressed the impact of caseload size on the individual service to students, referring to the January 11, 1993, memorandum from Jean Braman, Chair, Speech Pathologist Action Committee, which identifies that there was a problem of large caseload numbers at that time; Dr. Walt Rulffes, Assistant Superintendent, Clark County School District, stated that, although the school district supports the proposed reduced class sizes and caseloads for special education, there is a concern for the possible fiscal impact on the 2000-2001 budget if funds are removed from existing services. He questioned the new federal funds being made available without additional federal requirements and whether the compliance requirements related to maintenance of effort apply; Angela Flora, Speech Language Pathologist, Washoe County School District, expressed support for the reduced caseloads and demonstrated a voice output device used for children who cannot speak; Dr. Darlene Schottle, Senior Director, Student Support Services, Washoe County School District, spoke about the fiscal concerns if the federal funds are not available on an ongoing basis, and if the funds can be used to purchase equipment or to hire classroom aides and assistants; Randi Figurski, President, Nevada Speech-Language-Hearing Association, advised that the national average caseload for a Speech Language Pathologist in non-public settings is approximately forty-three students per month in comparison to caseloads of fifty-three students for public

schools and pointed out several issues: 1) a concern for attracting qualified individuals into Nevada where the caseloads are too high; 2) the low morale of educators; and, 3) the impact on the student who receives a reduced quality of service; Kay Walker, Director of Student Services, Nye County School District, expressed the concern of the school district with the continuation of the funding to support the caseload reductions and questioned the \$4 million funds being able to meet the needs of all of the school district to implement the proposed reductions; and, Debbie Cahill, Director of Government Relations, Nevada State Education Association, testified in support of the proposed special education caseload/class size reductions with an implementation date of July 1, 2000.

A copy of the summary and/or minutes of the public hearing may be obtained by calling LaDonna Byrd, Board Secretary, at the Department of Education (775) 687-9225, or by writing to the Department of Education at 700 East Fifth Street, Carson City, Nevada 89701-5096.

**4. If the regulation was adopted with or without change to any part of the proposed regulation, a summary of the reasons for adopting.**

The permanent regulation language was adopted by the Nevada State Board of Education at the public hearing held March 18, 2000, without change for an effective date of July 1, 2000, and with a condition that the funds for the intended purpose are based on the receipt of new and unencumbered revenue for the 2000-2001 school year.

**5. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:**

The possible economic effect on the local school districts has been projected to be \$4,600,000.00 for the first year of implementation to meet the reduced caseloads and class sizes. The Interim Finance Committee (IFC) has directed the Department of Education to set aside \$4,000,000.00 from the July 1, 2000, IDEA funds for the purpose of meeting the class size/caseload reductions. There is no estimated economic effect on the public, either adversely or beneficially, nor immediate or long term.

**6. The estimated cost to the agency for enforcement of the adopted regulation.**

There is no additional cost to the agency for enforcement of this regulation.

**7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

No other state or government agency regulations will be overlapped or duplicated by the above noted regulations. There is no duplication or overlap of federal regulations.

**8. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**

There are none.

**9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

This regulation does not provide or involve a new fee.