

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

**LCB File No. R199-03**

Effective March 19, 2004

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

AUTHORITY: §1, NRS 388.520.

A REGULATION relating to education; prescribing a deadline by which requests must be made to the Department of Education for exceptions to the maximum number of cases per teacher for special education; and providing other matters properly relating thereto.

**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) 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 teleteaching 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) 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 teleteaching 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.
  4. The maximum enrollment in a unit may be increased by 10 percent, or at least one pupil, without ~~prior~~ *the* approval of the Department.
  5. If a teacher's aide is used in a unit, the maximum size of a class in the unit 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. *A request for an exception must be submitted to the Department within 30 days after the limit set forth in subsection 4 is exceeded.*

**NOTICE OF ADOPTION OF PROPOSED REGULATION  
LCB File No. R199-03**

The State Board of Education adopted regulations assigned LCB File No. R199-03 which pertain to chapter 388 of the Nevada Administrative Code on January 31, 2004.

**Notice date:** 11/6/2003 & 12/30/2003  
**Hearing date:** 12/13/2003 & 1/31/2004

**Date of adoption by agency:** 1/31/2004  
**Filing date:** 3/19/2004

**INFORMATIONAL STATEMENT**

**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.**

The Notice of Workshop to Solicit Comments on proposed revisions to NAC 388.150, Maximum Number of Cases Per Teacher in Unit, Maximum Size of Class; Exceptions (LCB File R199-03), was sent to approximately one-hundred fifty individuals and educational organizations. A workshop was conducted on December 13, 2003, to provide the opportunity for comments by affected parties and the public. There were no comments from the public.

The Notice of Intent to Act Upon a Regulation for a public hearing on Board adoption of regulation language was sent to approximately one-hundred fifty individuals and educational organizations. One public hearing was conducted on January 31, 2004, to provide the opportunity for comments by affected parties and the public. There were no public comments.

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

- a) **Attended Each Hearing:** Workshop:   30   Hearing:   14    
b) **Testified at Each Hearing;** Workshop:   0   Hearing:   0    
**and,**  
c) **Submitted Written Statements:** Workshop:   0   Hearing:   0

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 workshop notice of November 6, 2003, and public hearing notice of December 30, 2003. There were no comments from the public.

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 regulation language in LCB File R199-03 was adopted by the Nevada State Board of Education on January 31, 2004.

**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:**

There is no economic effect on the business which is regulated. 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.