

ASSEMBLY BILL NO. 313—ASSEMBLYMEN GIUNCHIGLIANI, CHOWNING, PARKS, EVANS, BUCKLEY, ANDERSON, BACHE, FREEMAN, KOIVISTO, MCCLAIN, DE BRAGA, WILLIAMS, SEGERBLOM, COLLINS, MANENDO, LEE, OHRENSCHALL, GOLDWATER, THOMAS, NEIGHBORS, BERMAN, GIBBONS AND PRICE

FEBRUARY 24, 1999

Referred to Committee on Education

SUMMARY—Revises provisions governing education. (BDR 34-1331)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: Yes.

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

AN ACT relating to education; clarifying the provisions governing the discipline of pupils with disabilities; prohibiting the placement of a child in a program for pupils with disabilities solely because the child is a disciplinary problem in school; prescribing the academic subjects for public schools; requiring the state board of education to adopt certain courses of study; requiring that pupils be instructed in certain additional subjects relating to American government; repealing certain courses of study; and providing other matters properly relating thereto.

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

- 1 **Section 1.** NRS 386.550 is hereby amended to read as follows:
2 386.550 A charter school shall:
3 1. Comply with all laws and regulations relating to discrimination and
4 civil rights.
5 2. Remain nonsectarian, including, without limitation, in its
6 educational programs, policies for admission and employment practices.
7 3. Refrain from charging tuition or fees, levying taxes or issuing bonds.
8 4. Comply with any plan for desegregation ordered by a court that is in
9 effect in the school district in which the charter school is located.
10 5. Comply with the provisions of chapter 241 of NRS.

1 6. Schedule and provide annually at least as many days of instruction
2 as are required of other public schools located in the same school district as
3 the charter school is located.

4 7. Cooperate with the board of trustees of the school district in the
5 administration of the achievement and proficiency examinations
6 administered pursuant to NRS 389.015 to the pupils who are enrolled in the
7 charter school.

8 8. Comply with applicable statutes and regulations governing the
9 achievement and proficiency of pupils in this state.

10 9. Provide *instruction in the core academic subjects set forth in*
11 *subsection 1 of section 6 of this act, as applicable for the grade levels of*
12 *pupils who are enrolled in the charter school, and provide* at least the
13 courses of instruction that are required of pupils by statute or regulation for
14 promotion to the next grade or graduation from a public high school and
15 require the pupils who are enrolled in the charter school to *receive that*
16 *instruction and* take those courses of study. This subsection does not
17 preclude a charter school from offering, or requiring the pupils who are
18 enrolled in the charter school to take, other courses of study that are
19 required by statute or regulation.

20 10. Provide instruction on acquired immune deficiency syndrome and
21 the human reproductive system, related to communicable diseases and
22 sexual responsibility in accordance with NRS 389.065.

23 11. Adhere to the same transportation policy that is in effect in the
24 school district in which the charter school is located.

25 **Sec. 2.** NRS 386.585 is hereby amended to read as follows:

26 386.585 1. A governing body of a charter school shall adopt:

27 (a) Written rules of behavior required of and prohibited for pupils
28 attending the charter school; and

29 (b) Appropriate punishments for violations of the rules.

30 2. Except as otherwise provided in subsection 3, if suspension or
31 expulsion of a pupil is used as a punishment for a violation of the rules, the
32 charter school shall ensure that, before the suspension or expulsion, the
33 pupil has been given notice of the charges against him, an explanation of
34 the evidence and an opportunity for a hearing. The provisions of chapter
35 241 of NRS do not apply to any hearing conducted pursuant to this section.
36 Such a hearing must be closed to the public.

37 3. A pupil who poses a continuing danger to persons or property or an
38 ongoing threat of disrupting the academic process or who is selling or
39 distributing any controlled substance or who is found to be in possession of
40 a dangerous weapon as provided in NRS 392.466 may be removed from the
41 charter school immediately upon being given an explanation of the reasons
42 for his removal and pending proceedings, which must be conducted as soon
43 as practicable after removal, for his suspension or expulsion.

1 4. A pupil who is enrolled in a charter school and participating in a
2 program of special education pursuant to NRS 388.520, other than a pupil
3 who is gifted and talented, may, in accordance with the procedural policy
4 adopted by the governing body of the charter school for such matters, be:

5 (a) Suspended from the charter school pursuant to this section for not
6 more than 10 days.

7 (b) Suspended from the charter school for more than 10 days or
8 permanently expelled from school pursuant to this section only after the
9 ~~governing~~ :

10 *(1) Pupil's individualized education program team has conducted a*
11 *review in accordance with 20 U.S.C. § 1415(k) and determined that the*
12 *behavior of the pupil is not a manifestation of his disability. In*
13 *conducting the review, the individualized education program team shall*
14 *not presume that the behavior of the pupil is a manifestation of his*
15 *disability.*

16 *(2) Governing* body has reviewed the circumstances and determined
17 that the action is in compliance with the Individuals with Disabilities
18 Education Act , ~~14~~ 20 U.S.C. §§ 1400 et seq. ~~14~~

19 5. A copy of the rules of behavior, prescribed punishments and
20 procedures to be followed in imposing punishments must be:

21 (a) Distributed to each pupil at the beginning of the school year and to
22 each new pupil who enters school during the year.

23 (b) Available for public inspection at the charter school.

24 6. The governing body of a charter school may adopt rules relating to
25 the truancy of pupils who are enrolled in the charter school if the rules are
26 at least as restrictive as the provisions governing truancy set forth in NRS
27 392.130 to 392.220, inclusive. If a governing body adopts rules governing
28 truancy, it shall include the rules in the written rules adopted by the
29 governing body pursuant to subsection 1.

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

32 **Sec. 3.** NRS 388.380 is hereby amended to read as follows:

33 388.380 1. Except as otherwise provided in subsection 2, the board
34 of trustees of a school district in a county whose population is 100,000 or
35 more shall and any other board of trustees of a school district may:

36 (a) Establish and maintain occupational schools or classes giving
37 instruction in the subjects approved by the state board for occupational
38 education.

39 (b) Raise and expend money for the establishment and maintenance of
40 occupational schools or classes.

41 2. The board of trustees of each school district shall incorporate into
42 the curriculum:

1 (a) Occupational guidance and counseling ~~in accordance with NRS~~
2 ~~389.180;~~ and

3 (b) Technology . ~~in accordance with the courses of study adopted by the state board pursuant~~
4 ~~to NRS 389.170 and 389.180.]~~

5 **Sec. 4.** NRS 388.450 is hereby amended to read as follows:

6 388.450 1. The legislature declares that the basic support guarantee
7 for each special education program unit established by law for each school
8 year establishes financial resources sufficient to ensure a reasonably equal
9 educational opportunity to pupils with disabilities and gifted and talented
10 pupils residing in Nevada.

11 2. Subject to the provisions of NRS 388.440 to 388.520, inclusive, the
12 board of trustees of each school district shall make such special provisions
13 as may be necessary for the education of pupils with disabilities and gifted
14 and talented pupils.

15 3. The board of trustees of a school district shall establish uniform
16 criteria governing eligibility for instruction under the special education
17 programs provided for by NRS 388.440 to 388.520, inclusive. *The criteria*
18 *must prohibit the placement of a pupil in a program for pupils with*
19 *disabilities solely because the pupil is a disciplinary problem in school.*
20 The criteria are subject to such standards as may be prescribed by the state
21 board . ~~[of education.]~~

22 **Sec. 5.** NRS 388.470 is hereby amended to read as follows:

23 388.470 1. Before any child is placed in a special program for pupils
24 with disabilities or gifted and talented pupils:

25 (a) A consultation must be held with his parents or guardian.

26 (b) An examination must be conducted for the purpose of finding the
27 extent to which the child deviates from normal growth and development
28 patterns. The examination must be conducted in accordance with standards
29 prescribed by the state board . ~~[of education.]~~

30 2. A psychiatrist may be consulted in any specific case when the board
31 of trustees of a school district deems it necessary.

32 *3. The board of trustees of a school district or the governing body of*
33 *a charter school shall not place a child or authorize the placement of a*
34 *child in a program for pupils with disabilities solely because the child is a*
35 *disciplinary problem in school.*

36 **Sec. 6.** Chapter 389 of NRS is hereby amended by adding thereto a
37 new section to read as follows:

38 *1. The following subjects are designated as the core academic*
39 *subjects that must be taught, as applicable for grade levels, in all public*
40 *schools, the Caliente youth center and the Nevada youth training center:*

41 (a) *English, including reading, composition and writing;*

42 (b) *Mathematics;*

- 1 (c) Science; and
- 2 (d) Social studies, which includes only the subjects of history,
- 3 geography, economics and government.
- 4 2. Except as otherwise provided in this subsection, in addition to the
- 5 core academic subjects, the following subjects must be taught as
- 6 applicable for grade levels and to the extent practicable in all public
- 7 schools, the Caliente youth center and the Nevada youth training center:
- 8 (a) The arts;
- 9 (b) Computer education and technology;
- 10 (c) Health; and
- 11 (d) Physical education.

12 If the state board requires the completion of course work in a subject
13 area set forth in this subsection for graduation from high school or
14 promotion to the next grade, a public school shall offer the required
15 course work. Unless a subject is required for graduation from high
16 school or promotion to the next grade, a charter school is not required to
17 comply with this subsection.

18 3. The state board shall adopt regulations establishing courses of
19 study and the grade levels for which the courses of study apply for:

- 20 (a) The academic subjects set forth in subsections 1 and 2.
- 21 (b) Citizenship and physical training for pupils enrolled in high
- 22 school.
- 23 (c) Physiology, hygiene and cardiopulmonary resuscitation.
- 24 (d) The prevention of suicide.
- 25 (e) Instruction relating to child abuse.
- 26 (f) The economics of the American system of free enterprise.
- 27 (g) American Sign Language.
- 28 (h) Environmental education.
- 29 (i) Adult roles and responsibilities.

30 A course of study established for paragraph (a) may include one or more
31 of the subjects listed in paragraphs (b) to (i), inclusive.

32 **Sec. 7.** NRS 389.010 is hereby amended to read as follows:

33 389.010 Except as otherwise provided in ~~NRS 389.170 and~~ 389.180,
34 boards of trustees of school districts shall enforce in schools the courses of
35 study prescribed and adopted by the state board.

36 **Sec. 8.** NRS 389.020 is hereby amended to read as follows:

37 389.020 1. In all public schools, the Caliente youth center and the
38 Nevada youth training center, instruction must be given in American
39 government, including , but not limited to , the ~~essentials of the~~ :

40 (a) **Essentials of:**

41 (1) The Constitution of the United States, ~~the constitution~~
42 including, without limitation, the Bill of Rights;

43 (2) The Constitution of the State of Nevada ~~the origin~~ ;

- 1 (3) *The Declaration of Independence;*
- 2 (4) *The Federalist Papers;*
- 3 (5) *Abraham Lincoln's Gettysburg Address;*
- 4 (6) *The Emancipation Proclamation; and*
- 5 (7) *George Washington's Farewell Address;*
- 6 (b) *Origin* and history of the constitutions ~~{and the study}~~ ; and
- 7 (c) *Study* of and devotion to American institutions and ideals.

8 2. The instruction required ~~fin~~ by subsection 1 must be given during at
9 least 1 year of the elementary school grades and for a period of at least 1
10 year in all high schools.

11 **Sec. 9.** NRS 392.466 is hereby amended to read as follows:

12 392.466 1. Except as otherwise provided in this section, any pupil
13 who commits a battery which results in the bodily injury of an employee of
14 the school, sells or distributes any controlled substance or is found in
15 possession of a dangerous weapon, while on the premises of any public
16 school, at an activity sponsored by a public school or on any school bus
17 must, for the first occurrence, be suspended or expelled from that school,
18 although he may be placed in another kind of school, for at least a period
19 equal to one semester for that school. For a second occurrence, the pupil
20 must:

21 (a) Be permanently expelled from that school; and

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

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

31 (a) Be permanently expelled from the school; and

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

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

37 3. Except as otherwise provided in this section, any pupil who is a
38 habitual disciplinary problem as set forth in NRS 392.4655 must be
39 suspended or expelled from the school for a period equal to at least one
40 semester for that school. For the period of his suspension or expulsion, the
41 pupil must receive equivalent instruction authorized by the state board
42 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~~ :

(1) Pupil's individualized education program team has conducted a review in accordance with 20 U.S.C. § 1415(k) and determined that the behavior of the pupil is not a manifestation of his disability. In conducting the review, the individualized education program team shall not presume that the behavior of the pupil is a manifestation of his disability.

(2) 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 , ~~H~~ 20 U.S.C. §§ 1400 et seq. ~~D-I~~

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.

1 *(d) "Individualized education program team" has the meaning*
2 *ascribed to it in 20 U.S.C. § 1414(d)(1)(B).*

3 **Sec. 10.** NRS 392.467 is hereby amended to read as follows:

4 392.467 1. Except as otherwise provided in subsections 4 and 5, the
5 board of trustees of a school district may authorize the suspension or
6 expulsion of any pupil from any public school within the school district.

7 2. Except as otherwise provided in subsection 5, no pupil may be
8 suspended or expelled until he has been given notice of the charges against
9 him, an explanation of the evidence and an opportunity for a hearing,
10 except that a pupil who poses a continuing danger to persons or property or
11 an ongoing threat of disrupting the academic process or who is selling or
12 distributing any controlled substance or is found to be in possession of a
13 dangerous weapon as provided in NRS 392.466 may be removed from the
14 school immediately upon being given an explanation of the reasons for his
15 removal, and pending proceedings, to be conducted as soon as practicable
16 after removal, for his suspension or expulsion.

17 3. The provisions of chapter 241 of NRS do not apply to any hearing
18 conducted pursuant to this section. Such hearings must be closed to the
19 public.

20 4. The board of trustees of a school district shall not authorize the
21 expulsion, suspension or removal of any pupil from the public school
22 system solely because the pupil is declared a truant or habitual truant in
23 accordance with NRS 392.130 or 392.140.

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

28 (a) Suspended from school pursuant to this section for not more than 10
29 days.

30 (b) Suspended from school for more than 10 days or permanently
31 expelled from school pursuant to this section only after the ~~board~~ :

32 *(1) Pupil's individualized education program team has conducted a*
33 *review in accordance with 20 U.S.C. § 1415(k) and determined that the*
34 *behavior of the pupil is not a manifestation of his disability. In*
35 *conducting the review, the individualized education program team shall*
36 *not presume that the behavior of the pupil is a manifestation of his*
37 *disability.*

38 *(2) Board* of trustees of the school district has reviewed the
39 circumstances and determined that the action is in compliance with the
40 Individuals with Disabilities Education Act , ~~the~~ 20 U.S.C. §§ 1400 et seq.

41 ~~the~~

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

3 **Sec. 11.** 1. The subjects taught in public schools pursuant to
4 subsections 1 and 2 of section 6 of this act must be in accordance with the
5 standards of content and performance established for grade levels by the
6 council to establish academic standards for public schools pursuant to
7 section 45 of chapter 473, Statutes of Nevada 1997, at page 1780.

8 2. The courses of study established by the state board of education
9 pursuant to paragraph (a) of subsection 3 of section 6 of this act must
10 comply with and carry out the standards of content and performance that
11 are submitted to the state board of education by the council to establish
12 academic standards for public schools pursuant to section 45 of chapter
13 473, Statutes of Nevada 1997, at page 1780.

14 **Sec. 12.** NRS 389.050, 389.060, 389.063, 389.075, 389.080, 389.083,
15 389.085, 389.110, 389.120, 389.130, 389.140, 389.170 and 389.190 are
16 hereby repealed.

17 **Sec. 13.** This act becomes effective on July 1, 1999.

LEADLINES OF REPEALED SECTIONS

389.050 Instruction in high school in citizenship and physical training; employment of teachers of physical training.

389.060 Instruction in physiology, hygiene and cardiopulmonary resuscitation.

389.063 Instruction on prevention of suicide.

389.075 Instruction relating to child abuse.

389.080 Instruction in economics of American system of free enterprise.

389.083 American Sign Language: Approval of course work; credit as foreign language.

389.085 Automobile driver education program: Establishment; appropriations; apportionments to school districts and charter schools; restrictions on expenditures.

389.110 Environmental education: Instruction in environmental preservation and protection, principles of ecology and conservation of resources.

389.120 Environmental education: Counseling programs.

389.130 Environmental education: Programs for outdoor education and camping.

389.140 Environmental education: Duties of superintendent of public instruction.

389.170 Course of study: Technology.

389.190 Course of study: Adult roles and responsibilities.

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