

SENATE BILL NO. 126—COMMITTEE ON HUMAN RESOURCES AND FACILITIES

FEBRUARY 5, 1999

Referred to Committee on Human Resources and Facilities

SUMMARY—Prohibits placement of pupils in special education programs for disciplinary reasons. (BDR 34-1069)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

~

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

AN ACT relating to education; prohibiting a school district or charter school from placing a child in a program for pupils with disabilities solely because the child is a disciplinary problem; prohibiting the superintendent of public instruction from approving a special education program of a school district or charter school under certain circumstances; 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 388.450 is hereby amended to read as follows:
2 388.450 1. The legislature declares that the basic support guarantee
3 for each special education program unit established by law for each school
4 year establishes financial resources sufficient to ensure a reasonably equal
5 educational opportunity to pupils with disabilities and gifted and talented
6 pupils residing in Nevada.
7 2. Subject to the provisions of NRS 388.440 to 388.520, inclusive, the
8 board of trustees of each school district shall make such special provisions
9 as may be necessary for the education of pupils with disabilities and gifted
10 and talented pupils.

1 3. The board of trustees of a school district shall establish uniform
2 criteria governing eligibility for instruction under the special education
3 programs provided for by NRS 388.440 to 388.520, inclusive. ***The criteria***
4 ***must prohibit the placement of a pupil in a program for pupils with***
5 ***disabilities solely because the pupil is a disciplinary problem in school.***
6 The criteria are subject to such standards as may be prescribed by the state
7 board . ~~{of education.}~~

8 **Sec. 2.** NRS 388.470 is hereby amended to read as follows:

9 388.470 1. Before any child is placed in a special program for pupils
10 with disabilities or gifted and talented pupils:

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

12 (b) An examination must be conducted for the purpose of finding the
13 extent to which the child deviates from normal growth and development
14 patterns. The examination must be conducted in accordance with standards
15 prescribed by the state board . ~~{of education.}~~

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

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

22 **Sec. 3.** NRS 388.520 is hereby amended to read as follows:

23 388.520 1. The state board shall prescribe minimum standards for the
24 special education of pupils with disabilities and gifted and talented pupils.

25 2. The minimum standards prescribed by the state board must include
26 standards for programs of instruction or special services maintained for the
27 purpose of serving pupils with:

28 (a) Hearing impairments, including, but not limited to, deafness.

29 (b) Visual impairments, including, but not limited to, blindness.

30 (c) Orthopedic impairments.

31 (d) Speech and language impairments.

32 (e) Mental retardation.

33 (f) Multiple impairments.

34 (g) Serious emotional disturbances.

35 (h) Other health impairments.

36 (i) Specific learning disabilities.

37 (j) Autism.

38 (k) Traumatic brain injuries.

39 (l) Developmental delays.

40 (m) Gifted and talented abilities.

- 1 3. No apportionment of state money may be made to any school district
2 or charter school for the instruction of pupils with disabilities and gifted
3 and talented pupils until the program of instruction maintained therein for
4 such pupils is approved by the superintendent of public instruction as
5 meeting the minimum standards prescribed by the state board. ***The***
6 ***superintendent of public instruction shall not approve, or shall revoke his***
7 ***approval of, the program of instruction of a:***
8 (a) ***School district if the board of trustees of the school district places a***
9 ***pupil or authorizes the placement of a pupil in a program for pupils with***
10 ***disabilities solely because the pupil is a disciplinary problem in school.***
11 (b) ***Charter school if the governing body of the charter school places a***
12 ***pupil or authorizes the placement of a pupil in a program for pupils with***
13 ***disabilities solely because the pupil is a disciplinary problem in school.***
14 **Sec. 4.** This act becomes effective on July 1, 1999.

~