

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

- 1 **Sec. 2.** NRS 388.470 is hereby amended to read as follows:
2 388.470 1. Before any child is placed in a special program for pupils
3 with disabilities or gifted and talented pupils:
4 (a) A consultation must be held with his parents or guardian.
5 (b) An examination must be conducted for the purpose of finding the
6 extent to which the child deviates from normal growth and development
7 patterns. The examination must be conducted in accordance with standards
8 prescribed by the state board . ~~{of education.}~~
9 2. A psychiatrist may be consulted in any specific case when the board
10 of trustees of a school district deems it necessary.
11 **3. *The board of trustees of a school district or the governing body of***
12 ***a charter school shall not place a child or authorize the placement of a***
13 ***child in a program for pupils with disabilities solely because the child is a***
14 ***disciplinary problem in school.***
15 **Sec. 3.** This act becomes effective on July 1, 1999.