
SENATE BILL NO. 213—SENATOR O’CONNELL

FEBRUARY 18, 1999

Referred to Committee on Human Resources and Facilities

SUMMARY—Provides for certain public educational services for children in private schools, charter schools and home schools. (BDR 34-37)

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; requiring the boards of trustees of school districts to provide certain educational services under certain circumstances to children in private schools, charter schools and home schools; requiring the boards of trustees of school districts to provide certain programs of special education and related services to children who receive instruction at home; 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 386.560 is hereby amended to read as follows:
2 386.560 1. A charter school may contract with the board of trustees
3 of the school district in which the charter school is located to perform any
4 service relating to the operation of the charter school, including, without
5 limitation, transportation and the provision of health services for the pupils
6 who are enrolled in the charter school.
7 2. A charter school may use any public facility located within the
8 school district in which the charter school is located. A charter school may
9 use school buildings owned by the school district only upon approval of the
10 board of trustees of the school district and during times that are not regular
11 school hours.
12 3. ***Upon the request of a parent or legal guardian of a child who is***
13 ***enrolled in a charter school, the board of trustees of the school district in***
14 ***which the charter school is located shall authorize the child to participate***
15 ***in a class or extracurricular activity at a public school within the school***
16 ***district if:***

1 ***(a) Space for the child in the class or extracurricular activity is***
2 ***available; and***

3 ***(b) The parent or legal guardian demonstrates to the satisfaction of***
4 ***the board of trustees that the child is qualified to participate in the class***
5 ***or extracurricular activity.***

6 ***If the board of trustees of a school district authorizes a child to***
7 ***participate in a class or extracurricular activity pursuant to this***
8 ***subsection, the board of trustees is not required to provide transportation***
9 ***for the child to attend the class or activity.***

10 **Sec. 2.** NRS 392.070 is hereby amended to read as follows:

11 392.070 1. Attendance required by the provisions of NRS 392.040
12 ~~{shall}~~ **must** be excused when satisfactory written evidence is presented to
13 the board of trustees of the school district in which the child resides that the
14 child is receiving at home or in some other school equivalent instruction of
15 the kind and amount approved by the state board . ~~{of education.}~~

16 **2. The board of trustees of each school district shall provide**
17 **programs of special education and related services for children who are**
18 **exempt from compulsory attendance pursuant to subsection 1 and**
19 **receive instruction at home. The programs of special education and**
20 **related services required by this section must be made:**

21 ***(a) Only if a child would otherwise be eligible for participation in***
22 ***programs of special education and related services pursuant to NRS***
23 ***388.440 to 388.520, inclusive;***

24 ***(b) In the same manner that the board of trustees provides, as***
25 ***required by 20 U.S.C. § 1412, for the participation of pupils with***
26 ***disabilities who are enrolled in private schools within the school district***
27 ***voluntarily by their parents or legal guardians; and***

28 ***(c) In accordance with the same requirements set forth in 20 U.S.C. §***
29 ***1412 which relate to the participation of pupils with disabilities who are***
30 ***enrolled in private schools within the school district voluntarily by their***
31 ***parents or legal guardians.***

32 **3. Except as otherwise provided in subsection 2 for programs of**
33 **special education and related services, upon the request of a parent or**
34 **legal guardian of a child who is enrolled in a private school or who**
35 **receives instruction at home, the board of trustees of the school district in**
36 **which the child resides shall authorize the child to participate in a class**
37 **or extracurricular activity at a public school within the school district if:**

38 ***(a) Space for the child in the class or extracurricular activity is***
39 ***available; and***

40 ***(b) The parent or legal guardian demonstrates to the satisfaction of***
41 ***the board of trustees that the child is qualified to participate in the class***
42 ***or extracurricular activity.***

1 *If the board of trustees of a school district authorizes a child to*
2 *participate in a class or extracurricular activity pursuant to this*
3 *subsection, the board of trustees is not required to provide transportation*
4 *for the child to attend the class or activity.*

5 *4. The programs of special education and related services required*
6 *by subsection 2 may be offered at a public school, the home of a child or*
7 *another location that is appropriate.*

8 *5. The department may adopt such regulations as are necessary for*
9 *the boards of trustees of school districts to provide the programs of*
10 *special education and related services required by subsection 2.*

11 *6. As used in this section, "related services" has the meaning*
12 *ascribed to it in 20 U.S.C. § 1401(22).*

13 **Sec. 3.** NRS 392.466 is hereby amended to read as follows:

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

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

24 (b) Receive equivalent instruction authorized by the state board pursuant
25 to **subsection 1 of** NRS 392.070.

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

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

34 (b) Receive equivalent instruction authorized by the state board pursuant
35 to **subsection 1 of** NRS 392.070.

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

39 3. Except as otherwise provided in this section, any pupil who is a
40 habitual disciplinary problem as set forth in NRS 392.4655 must be
41 suspended or expelled from the school for a period equal to at least one

1 semester for that school. For the period of his suspension or expulsion, the
2 pupil must receive equivalent instruction authorized by the state board
3 pursuant to **subsection 1 of** NRS 392.070.

4 4. This section does not prohibit a pupil from having in his possession
5 a knife or firearm with the approval of the principal of the school. A
6 principal may grant such approval only in accordance with the policies or
7 regulations adopted by the board of trustees of the school district.

8 5. Any pupil in grades 1 to 6, inclusive, except a pupil who has been
9 found to have possessed a firearm in violation of subsection 2, may be
10 suspended from school or permanently expelled from school pursuant to
11 this section only after the board of trustees of the school district has
12 reviewed the circumstances and approved this action in accordance with the
13 procedural policy adopted by the board for such issues.

14 6. A pupil who is participating in a program of special education
15 pursuant to NRS 388.520, other than a pupil who is gifted and talented,
16 may, in accordance with the procedural policy adopted by the board of
17 trustees of the school district for such matters, be:

18 (a) Suspended from school pursuant to this section for not more than 10
19 days. Such a suspension may be imposed pursuant to this paragraph for
20 each occurrence of conduct proscribed by subsection 1.

21 (b) Suspended from school for more than 10 days or permanently
22 expelled from school pursuant to this section only after the board of
23 trustees of the school district has reviewed the circumstances and
24 determined that the action is in compliance with the Individuals with
25 Disabilities Education Act, ~~{~~ 20 U.S.C. §§ 1400 et seq. ~~}~~

26 7. As used in this section:

27 (a) "Battery" has the meaning ascribed to it in paragraph (a) of
28 subsection 1 of NRS 200.481.

29 (b) "Dangerous weapon" includes, without limitation, a blackjack, slung
30 shot, billy, sand-club, sandbag, metal knuckles, dirk or dagger, a nunchaku,
31 switchblade knife or trefoil, as defined in NRS 202.350, a butterfly knife or
32 any other knife described in NRS 202.350, or any other object which is
33 used, or threatened to be used, in such a manner and under such
34 circumstances as to pose a threat of, or cause, bodily injury to a person.

35 (c) "Firearm" includes, without limitation, any pistol, revolver, shotgun,
36 explosive substance or device, and any other item included within the
37 definition of a "firearm" in 18 U.S.C. § 921, as that section existed on July
38 1, 1995.

39 **Sec. 4.** NRS 394.103 is hereby amended to read as follows:

40 394.103 "Private schools" means private elementary and secondary
41 educational institutions. The term does not include a home in which
42 instruction is provided to a child **who is** excused from compulsory
43 attendance pursuant to **subsection 1 of** NRS 392.070.

1 **Sec. 5.** NRS 483.270 is hereby amended to read as follows:

2 483.270 1. The department may issue a restricted license to any pupil
3 between the ages of 14 and 18 years who is attending:

4 (a) A public school in a school district in this state in a county whose
5 population is less than 35,000 or in a city or town whose population is less
6 than 25,000 when transportation to and from school is not provided by the
7 board of trustees of the school district, if the pupil meets the requirements
8 for eligibility adopted by the department pursuant to subsection 5; or

9 (b) A private school meeting the requirements for approval ~~under~~ **by**
10 **the state board of education pursuant to subsection 1 of** NRS 392.070
11 when transportation to and from school is not provided by the private
12 school,
13 and it is impossible or impracticable to furnish such pupil with private
14 transportation to and from school.

15 2. An application for the issuance of a restricted license under this
16 section must:

17 (a) Be made upon a form provided by the department.

18 (b) Be signed and verified as provided in NRS 483.300.

19 (c) Contain such other information as may be required by the
20 department.

21 3. Any restricted license issued pursuant to this section:

22 (a) Is effective only for the school year during which it is issued or for a
23 more restricted period.

24 (b) Authorizes the licensee to drive a motor vehicle on a street or
25 highway only while going to and from school, and at a speed not in excess
26 of the speed limit set by law for school buses.

27 (c) May contain such other restrictions as the department may deem
28 necessary and proper.

29 (d) May authorize the licensee to transport as passengers in a motor
30 vehicle driven by him, only while he is going to and from school, members
31 of his immediate family, or other minor persons upon written consent of the
32 parents or guardians of such minors, but in no event may the number of
33 passengers so transported at any time exceed the number of passengers for
34 which the vehicle was designed.

35 4. No restricted license may be issued under the provisions of this
36 section until the department is satisfied fully as to the applicant's
37 competency and fitness to drive a motor vehicle.

38 5. The department shall adopt regulations that set forth the
39 requirements for eligibility of a pupil to receive a restricted license
40 pursuant to paragraph (a) of subsection 1.

41 **Sec. 6.** This act becomes effective on July 1, 1999.