

CHAPTER 395 - EDUCATION OF PERSONS WITH DISABILITIES

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NRS 395.001 Definitions. As used in this chapter, unless the context otherwise requires, the words and terms defined in [NRS 395.0065](#), [395.0075](#) and [395.008](#) have the meanings ascribed to them in those sections.

(Added to NRS by 1969, 279; A 1977, 370; 1979, 835; [1991, 2128](#); [1993, 2165](#); [1995, 961](#))

NRS 395.0065 “Related services” defined. “Related services” means room, board, transportation and such developmental, corrective and other supportive services, as may be required pursuant to minimum standards prescribed by the State Board of Education, to assist a person with a disability to benefit from a special education program.

(Added to NRS by [1991, 2128](#); A [1993, 2163, 2165](#))

NRS 395.0075 “School district” defined. “School district” means a county school district created pursuant to [chapter 386](#) of NRS.

(Added to NRS by [1991, 2128](#); A [1993, 2165](#))

NRS 395.008 “Special education program” defined. “Special education program” means a program which provides instruction specially designed in accordance with minimum standards prescribed by the State Board of Education to meet the unique needs of persons with disabilities.

(Added to NRS by 1977, 370; A [1993, 2163](#))

NRS 395.010 Special education program and related services to be provided to person with disability.

1. The Superintendent of Public Instruction shall provide a special education program and related services to all persons with disabilities who are eligible for benefits pursuant to this chapter.

2. The Superintendent of Public Instruction may carry out the duties required by subsection 1 by:

(a) Making arrangements with the governing body of any institution for persons with disabilities in any state having any such institution.

(b) Placing the person with a disability in a foster home or other residential facility, located in or outside of the school district in which the person with a disability resides, that can provide an appropriate special education program and related services for the person’s particular disability. The Superintendent shall consider the recommendation of the interagency panel in deciding where to place a person with a disability, but the Superintendent has final authority regarding placement pursuant to this subsection.

(c) Making arrangements, if money from the Federal Government is available to cover the entire cost, for the unique special education and related services required to return students to this state who have been placed in an institution outside of the State pursuant to this chapter.

3. The Superintendent of Public Instruction may make all necessary contracts, in accordance with any regulations the State Board of Examiners may prescribe, to carry out the provisions of this section.

[465:32:1956]—(NRS A 1963, 327; 1969, 280; 1977, 370; [1987, 1038](#); [1991, 2128](#); [1993, 2163, 2165](#); [1995, 961](#))

NRS 395.020 Eligibility for benefits. A person with a disability is eligible to receive the benefits provided pursuant to this chapter if:

1. The person is a resident of the State of Nevada;
2. The person is under 22 years of age, except that where the enrollment period for the school year is before his or her 22nd birthday, the person remains eligible to complete that school year irrespective of his or her age;
3. The Department of Education has prescribed minimum standards for the provision of a special education program and related services to persons with such a disability; and
4. The person's school district:
 - (a) Has prepared an appropriate plan for the individualized education of the person with a disability; and
 - (b) Is unable to provide an appropriate special education program and related services for his or her particular disability and grade or level of education.

[466:32:1956]—(NRS A 1969, 280; 1973, 805; 1977, 371; 1979, 835; [1991, 2129](#); [1993, 2164, 2165](#))

NRS 395.030 Application for benefits; action by board of trustees.

1. An adult person with a disability who is eligible to receive benefits pursuant to this chapter or a parent, guardian or other person having the care, custody or control of a person with a disability who is eligible may file an application for those benefits with the board of trustees of the school district in which the person with a disability is a resident.

2. If the board of trustees is satisfied that the school district is unable to provide an appropriate special education program and related services for the particular disability and grade or level of education of the person with a disability, the board shall certify that fact and transmit the application to the Superintendent of Public Instruction.

[467:32:1956]—(NRS A 1969, 280; 1973, 1138; 1977, 1979, 1637; 1983, 504; [1991, 2129](#); [1993, 2164, 2165](#))

NRS 395.040 Duties of Superintendent of Public Instruction upon receipt of application.

1. Upon receipt and review of an application for benefits, the Superintendent of Public Instruction may cause a medical, psychological or educational examination of the person with a disability to be conducted at state expense to determine the nature and extent of the disability.

2. If the Superintendent of Public Instruction determines that the school district:

- (a) Has prepared an appropriate plan for the individualized education of the person with a disability; and
 - (b) Is unable to provide an appropriate special education program and related services for the particular disability and grade or level of education of the person with a disability,
- Ê the Superintendent shall make the arrangements for the provision of a special education program and related services.

3. The Superintendent of Public Instruction has final authority regarding the provision of a special education program and related services to any person with a disability.

[468:32:1956]—(NRS A 1963, 327; 1969, 281; 1977, 372; [1991, 2129](#); [1993, 2164, 2165](#); [1995, 679, 962](#))

NRS 395.050 Transportation of person with disability; State to pay for provision of special education program and related services.

1. When arrangements for the provision of a special education program and related services to a person with a disability have been completed by the Superintendent of Public Instruction, the Superintendent shall advise the board of trustees of the school district to make provision, at the expense of the school district, for transporting the person with a disability to a place designated by the Superintendent. The Superintendent shall make necessary arrangements for transporting the person with a disability from the designated place to the institution, foster home or other residential facility and return to the designated place at the expense of the State.

2. The provision of a special education program and related services to a person with a disability pursuant to this chapter must be paid by the State without any charge to the person with a disability or to a parent, guardian or other person having the care, custody or control of the person with a disability.

[469:32:1956]—(NRS A 1963, 327; 1969, 281; 1973, 1138; 1977, 372; 1979, 1637; [1991, 2130](#); [1993, 2165](#); [1995, 962](#))

NRS 395.060 Money to carry out provisions of chapter. Money to carry out the provisions of this chapter may be provided by direct legislative appropriation from the State General Fund, federal grants or any other source of money made available for that purpose.

[470:32:1956]—(NRS A 1981, 1043)

NRS 395.070 Interagency Panel: Responsibility; membership; duties.

1. The Interagency Panel is hereby created. The Panel is responsible for making recommendations concerning the placement of persons with disabilities who are eligible to receive benefits pursuant to this chapter. The Panel consists of:

(a) The Administrator of the Division of Child and Family Services of the Department of Health and Human Services;

(b) The Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services;

(c) The Director of the Department of Health and Human Services; and

(d) The Superintendent of Public Instruction.

2. A member of the Panel may designate a person to represent him or her at any meeting of the Panel. The person designated may exercise all the duties, rights and privileges of the member he or she represents.

3. The Panel shall:

(a) Every time a person with a disability is to be placed pursuant to subsection 2 of [NRS 395.010](#) in a foster home or residential facility, meet to determine the needs of the person and the availability of homes or facilities under the authority of the Department of Health and Human Services after a joint evaluation of that person is completed by the Department of Education and the Department of Health and Human Services;

(b) Determine the appropriate placement of the person, giving priority to homes or facilities under the authority of the Department of Health and Human Services over any home or facility located outside of this State; and

(c) Make a recommendation concerning the placement of the person.

(Added to NRS by [1995, 960](#); A [1999, 114](#))

NRS 395.080 Priority of placement in homes or facilities located in this State. Persons with disabilities who are entitled to benefits pursuant to this chapter must be given priority of placement in homes or facilities which are located in this State and under the authority of the Department of Health and Human Services.

(Added to NRS by [1995, 961](#))

NRS 395.090 Monitoring of children placed in foster homes and residential facilities outside State. The Division of Child and Family Services of the Department of Health and Human Services shall, when monitoring children under its authority whom it has placed in foster homes and residential facilities outside of the State, also monitor the well-being of the persons with disabilities who have been placed in those foster homes and residential facilities pursuant to this chapter, and report to the Superintendent of Public Instruction concerning the condition of those persons with disabilities.

(Added to NRS by [1995, 961](#))