**NEVADA GOVERNOR’S COUNCIL ON DEVELOPMENTAL DISABILITIES**

**DRAFT Position on Education**

Historically, people with disabilities have been excluded from mainstream education and placed in “special schools” or “special education classrooms” away from their “typical” peers.

There are three main laws that address the rights of students with disabilities in public schools: The Individuals with Disabilities Education Act (IDEA) (1975), Section 504 of the Rehabilitation Act (1973), Title II of the Americans with Disabilities Act (ADA) (1990). Title II of the ADA prohibits discrimination by state and local governments, which includes public schools. Section 504 is more limited, it provides civil rights protections to all individuals with disabilities in programs that receive federal funding, which includes most public schools. Both the ADA and Section 504 are nondiscrimination laws that do not provide any funding to the covered entity. IDEA is not an antidiscrimination law; it is a statute that mandates free appropriate public education (FAPE) in the least restrictive environment (LRE) for students with disabilities eligible under IDEA. IDEA provides federal funding to schools to support IDEA eligible students.

# **The Nevada Governor’s Council on Developmental Disabilities (NGCDD) believes that disability is a natural part of the human experience and in no way diminishes the right of individuals to participate in or contribute to society. All students must receive a free appropriate public education that includes fair evaluation, ambitious goals, challenging objectives, the right to progress, individualized supports and services, high quality instruction, and access to the general education curriculum in age-appropriate inclusive settings. Improving educational results for children with disabilities is an essential element of ensuring equality of opportunity, full participation, independent living, and economic self-sufficiency for individuals with disabilities.**

**Policy Recommendations:**

1. Inclusion of children with and without disabilities in mainstream classes is necessary to show value of all students.
2. Ensure all eligible students who require special education or modifications to education, regardless of the nature or severity of their disability, receive Free and Appropriate Public Education (FAPE) in the least restrictive environment (LRE).
3. Non-Discriminatory and Comprehensive Eligibility Evaluations and Appropriate assessments.
4. Provide safe and supportive educational environments, free from corporal punishment, restraint and seclusion, inappropriate and overused suspensions/expulsions, bullying and any other forms of harassment.
5. If needed, school officials, students, and the student's parents/guardians shall work as a team to develop an individualized education plan (IEP) that details how the student will access education services.

Last Review Date: