

ASSEMBLY BILL NO. 168—ASSEMBLYMEN
THOMPSON AND TORRES

FEBRUARY 15, 2019

Referred to Committee on Education

SUMMARY—Revises provisions governing the discipline of pupils. (BDR 34-539)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: 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 a school to provide a plan of action based on restorative justice before suspending or expelling a pupil; prohibiting certain pupils from being suspended or expelled in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law excepts certain classes of persons from criminal liability, including: (1) children under the age of 8 years; (2) children between the ages of 8 years and 10 years unless the child is charged with certain serious crimes; and (3) children between the ages of 8 years and 14 years in the absence of clear proof that the child knew at the time of committing an act that it was wrong. (NRS 194.010)

Under existing law, a pupil is required to be expelled or suspended from a public school if he or she commits a battery which results in the bodily injury of an employee of the school or sells or distributes any controlled substance in certain circumstances. (NRS 392.466) Existing law authorizes the expulsion or suspension of a pupil who: (1) is deemed a habitual disciplinary problem; or (2) participates in a program of special education in certain circumstances upon review of the board of trustees of the school district in which the pupil is enrolled. (NRS 392.466, 392.467) Existing law also authorizes the board of trustees of a school district to expel or suspend a pupil from a public school in the school district, but prohibits the board of trustees from expelling, suspending or removing a pupil solely because the pupil is deemed a truant. (NRS 392.467)

Section 3 of this bill, with certain exceptions, requires a school to provide a plan of action based on restorative justice to a pupil before suspending or expelling the pupil. **Sections 7 and 8** of this bill prohibit the expulsion or suspension of a pupil who is excepted from criminal liability except in certain limited circumstances. **Section 7** requires a public school to provide a plan of action based on restorative justice to a pupil who engages in certain actions and is not excepted from criminal liability before expelling or suspending the pupil. **Section 7**



24 authorizes a school to expel a pupil without providing such a plan of action if the
 25 pupil subsequently engages in another prohibited action. **Section 7** also requires a
 26 public school that removes a pupil from school and places the pupil in another kind
 27 of school to explain what services will be provided to address the specific needs
 28 and behaviors of the pupil at the new school that the current school is unable to
 29 provide. **Section 8** prohibits the board of trustees of a school district from
 30 expelling, suspending or removing a pupil solely for offenses related to attendance.
 31 **Sections 4-6** of this bill make conforming changes.

32 Existing law prohibits a pupil who is participating in a program of special
 33 education from being suspended from school for more than 10 days or permanently
 34 expelled unless the board of trustees of the school district in which the pupil is
 35 enrolled has reviewed the circumstances and determined that the action complies
 36 with federal law relating to pupils with disabilities. (NRS 392.466, 392.467)
 37 **Sections 7 and 8** reduce the number of days that such a pupil can be suspended
 38 without a review of the circumstances of the suspension by the board of trustees
 39 from 10 to 5.

40 Existing law authorizes the expulsion, suspension or removal of a pupil of a
 41 charter school or university school for profoundly gifted pupils in certain
 42 circumstances. (NRS 388A.495, 388C.150) **Sections 1 and 2** of this bill apply
 43 similar provisions relating to the discipline of such pupils as are applied to pupils in
 44 other public schools by **sections 3, 7 and 8**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
 SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 388A.495 is hereby amended to read as
 2 follows:

3 388A.495 1. A governing body of a charter school shall
 4 adopt:

5 (a) Written rules of behavior required of and prohibited for
 6 pupils attending the charter school; and

7 (b) Appropriate punishments for violations of the rules.

8 2. ~~Except as otherwise provided in subsection 3, if~~ *If*
 9 suspension or expulsion of a pupil is used as a punishment for a
 10 violation of the rules, the charter school shall ensure that, before the
 11 suspension or expulsion, the pupil and, if the pupil is under 18 years
 12 of age, the parent or guardian of the pupil, has been given notice of
 13 the charges against him or her, an explanation of the evidence and
 14 an opportunity for a hearing. The provisions of chapter 241 of NRS
 15 do not apply to any hearing conducted pursuant to this section. Such
 16 a hearing must be closed to the public.

17 3. A pupil *who is not excepted from criminal liability*
 18 *pursuant to NRS 194.010 and* who poses a continuing danger to
 19 persons or property or an ongoing threat of disrupting the academic
 20 process, ~~or~~ who is selling or distributing any controlled substance
 21 or who is found to be in possession of a dangerous weapon as
 22 provided in NRS 392.466 may be removed from the charter school
 23 ~~immediately upon being given an explanation of the reasons for his~~



1 ~~or her removal and pending proceedings, which must be conducted~~
2 ~~as soon as practicable after removal, for suspension or expulsion of~~
3 ~~the pupil.]~~ *only after the charter school has made a reasonable*
4 *effort to complete a plan of action based on restorative justice with*
5 *the pupil in accordance with the provisions of NRS 392.466 and*
6 *392.467.*

7 4. A pupil *who is not excepted from criminal liability*
8 *pursuant to NRS 194.010 and* who is enrolled in a charter school
9 and participating in a program of special education pursuant to NRS
10 388.419 ~~[, other than a pupil who receives early intervening~~
11 ~~services.]~~ may, in accordance with the procedural policy adopted by
12 the governing body of the charter school for such matters, be:

13 (a) Suspended from the charter school pursuant to this section
14 for not more than ~~[40]~~ 5 days.

15 (b) Suspended from the charter school for more than ~~[40]~~ 5 days
16 or permanently expelled from school pursuant to this section only
17 after the governing body has reviewed the circumstances and
18 determined that the action is in compliance with the Individuals with
19 Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.

20 5. A copy of the rules of behavior, prescribed punishments and
21 procedures to be followed in imposing punishments must be:

22 (a) Distributed to each pupil at the beginning of the school year
23 and to each new pupil who enters school during the year.

24 (b) Available for public inspection at the charter school.

25 6. The governing body of a charter school may adopt rules
26 relating to the truancy of pupils who are enrolled in the charter
27 school if the rules are at least as restrictive as the provisions
28 governing truancy set forth in NRS 392.130 to 392.220, inclusive. If
29 a governing body adopts rules governing truancy, it shall include the
30 rules in the written rules adopted by the governing body pursuant to
31 subsection 1.

32 **Sec. 2.** NRS 388C.150 is hereby amended to read as follows:

33 388C.150 1. The governing body of a university school for
34 profoundly gifted pupils shall adopt:

35 (a) Written rules of behavior for pupils enrolled in the university
36 school, including, without limitation, prohibited acts; and

37 (b) Appropriate punishments for violations of the rules.

38 2. ~~[Except as otherwise provided in subsection 3, if]~~ *If*
39 suspension or expulsion of a pupil is used as a punishment for a
40 violation of the rules, the university school for profoundly gifted
41 pupils shall ensure that, before the suspension or expulsion, the
42 pupil has been given notice of the charges against him or her, an
43 explanation of the evidence and an opportunity for a hearing. The
44 provisions of chapter 241 of NRS do not apply to any hearing



1 conducted pursuant to this section. Such a hearing must be closed to
2 the public.

3 3. A pupil *who is not excepted from criminal liability*
4 *pursuant to NRS 194.010 and* who poses a continuing danger to
5 persons or property or an ongoing threat of disrupting the academic
6 process, ~~or~~ who is selling or distributing any controlled substance
7 or who is found to be in possession of a dangerous weapon as
8 provided in NRS 392.466 may be removed ~~[from the university~~
9 ~~school for profoundly gifted pupils immediately upon being given~~
10 ~~an explanation of the reasons for the removal of the pupil and~~
11 ~~pending proceedings, which must be conducted as soon as~~
12 ~~practicable after removal, for his or her suspension or expulsion.]~~
13 *only after the university school for profoundly gifted pupils has*
14 *made a reasonable effort to complete a plan of action based on*
15 *restorative justice with the pupil in accordance with the provisions*
16 *of NRS 392.466 and 392.467.*

17 4. A pupil *who is not excepted from criminal liability*
18 *pursuant to NRS 194.010 and* who is enrolled in a university school
19 for profoundly gifted pupils and participating in a program of
20 special education pursuant to NRS 388.419 ~~[, other than a pupil who~~
21 ~~receives early intervening services,]~~ may, in accordance with the
22 procedural policy adopted by the governing body of the university
23 school for such matters, be:

24 (a) Suspended from the university school pursuant to this
25 section for not more than ~~[10]~~ 5 days.

26 (b) Suspended from the university school for more than ~~[10]~~ 5
27 days or permanently expelled from school pursuant to this section
28 only after the governing body has reviewed the circumstances and
29 determined that the action is in compliance with the Individuals with
30 Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.

31 5. A copy of the rules of behavior, prescribed punishments and
32 procedures to be followed in imposing punishments must be:

33 (a) Distributed to each pupil at the beginning of the school year
34 and to each new pupil who enters the university school for
35 profoundly gifted pupils during the year.

36 (b) Available for public inspection at the university school.

37 6. The governing body of a university school for profoundly
38 gifted pupils may adopt rules relating to the truancy of pupils who
39 are enrolled in the university school if the rules are at least as
40 restrictive as the provisions governing truancy set forth in NRS
41 392.130 to 392.220, inclusive. If the governing body adopts rules
42 governing truancy, it shall include the rules in the written rules
43 adopted by the governing body pursuant to subsection 1.



1 **Sec. 3.** Chapter 392 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 1. *Except as otherwise provided in NRS 392.466 and to the*
4 *extent practicable, a public school shall provide a plan of action*
5 *based on restorative justice before suspending or expelling a pupil*
6 *from school. Such a plan of action may include, without*
7 *limitation:*

8 (a) *Positive behavioral interventions and support;*

9 (b) *A plan for behavioral intervention;*

10 (c) *A referral to a team of student support;*

11 (d) *A referral to an individualized education program team;*

12 (e) *A referral to appropriate community-based services; and*

13 (f) *A conference with the principal of the school and any other*
14 *appropriate personnel.*

15 2. *The Department shall adopt regulations necessary to carry*
16 *out the provisions of this section.*

17 3. *As used in this section:*

18 (a) *“Individualized education program team” has the meaning*
19 *ascribed to it in 20 U.S.C. § 1414(d)(1)(B).*

20 (b) *“Restorative justice” means nonpunitive intervention and*
21 *support provided by the school to a pupil to improve the behavior*
22 *of the pupil and remedy any harm caused by the pupil.*

23 **Sec. 4.** NRS 392.4634 is hereby amended to read as follows:

24 392.4634 1. Except as otherwise provided in subsection 3, a
25 pupil enrolled in kindergarten or grades 1 to 8, inclusive, may not be
26 disciplined, including, without limitation, pursuant to NRS 392.466,
27 for:

28 (a) Simulating a firearm or dangerous weapon while playing; or

29 (b) Wearing clothing or accessories that depict a firearm or
30 dangerous weapon or express an opinion regarding a constitutional
31 right to keep and bear arms, unless it substantially disrupts the
32 educational environment.

33 2. Simulating a firearm or dangerous weapon includes, without
34 limitation:

35 (a) Brandishing a partially consumed pastry or other food item
36 to simulate a firearm or dangerous weapon;

37 (b) Possessing a toy firearm or toy dangerous weapon that is 2
38 inches or less in length;

39 (c) Possessing a toy firearm or toy dangerous weapon made of
40 plastic building blocks which snap together;

41 (d) Using a finger or hand to simulate a firearm or dangerous
42 weapon;

43 (e) Drawing a picture or possessing an image of a firearm or
44 dangerous weapon; and



1 (f) Using a pencil, pen or other writing or drawing implement to
2 simulate a firearm or dangerous weapon.

3 3. A pupil who simulates a firearm or dangerous weapon may
4 be disciplined when disciplinary action is consistent with a policy
5 adopted by the board of trustees of the school district and such
6 simulation:

7 (a) Substantially disrupts learning by pupils or substantially
8 disrupts the educational environment at the school;

9 (b) Causes bodily harm to another person; or

10 (c) Places another person in reasonable fear of bodily harm.

11 4. Except as otherwise provided in subsection 5, a school,
12 school district, board of trustees of a school district or other entity
13 shall not adopt any policy, ordinance or regulation which conflicts
14 with this section.

15 5. The provisions of this section shall not be construed to
16 prohibit a school from establishing and enforcing a policy requiring
17 pupils to wear a school uniform as authorized pursuant to
18 NRS 386.855.

19 6. As used in this section:

20 (a) "Dangerous weapon" has the meaning ascribed to it in
21 paragraph (b) of subsection ~~9~~ 10 of NRS 392.466.

22 (b) "Firearm" has the meaning ascribed to it in paragraph (c) of
23 subsection ~~9~~ 10 of NRS 392.466.

24 **Sec. 5.** NRS 392.4635 is hereby amended to read as follows:

25 392.4635 1. The board of trustees of each school district shall
26 establish a policy that prohibits the activities of criminal gangs on
27 school property.

28 2. The policy established pursuant to subsection 1 may include,
29 without limitation:

30 (a) The provision of training for the prevention of the activities
31 of criminal gangs on school property.

32 (b) If the policy includes training:

33 (1) A designation of the grade levels of the pupils who must
34 receive the training.

35 (2) A designation of the personnel who must receive the
36 training, including, without limitation, personnel who are employed
37 in schools at the grade levels designated pursuant to
38 subparagraph (1).

39 ↪ The board of trustees of each school district shall ensure that the
40 training is provided to the pupils and personnel designated in the
41 policy.

42 (c) Provisions which prohibit:

43 (1) A pupil from wearing any clothing or carrying any
44 symbol on school property that denotes membership in or an
45 affiliation with a criminal gang; and



1 (2) Any activity that encourages participation in a criminal
2 gang or facilitates illegal acts of a criminal gang.

3 (d) Provisions which provide for the suspension or expulsion
4 *pursuant to NRS 392.466 and 392.467* of pupils who violate the
5 policy.

6 3. The board of trustees of each school district may develop the
7 policy required pursuant to subsection 1 in consultation with:

8 (a) Local law enforcement agencies;

9 (b) School police officers, if any;

10 (c) Persons who have experience regarding the actions and
11 activities of criminal gangs;

12 (d) Organizations which are dedicated to alleviating criminal
13 gangs or assisting members of criminal gangs who wish to
14 disassociate from the gang; and

15 (e) Any other person deemed necessary by the board of trustees.

16 4. As used in this section, "criminal gang" has the meaning
17 ascribed to it in NRS 213.1263.

18 **Sec. 6.** NRS 392.4655 is hereby amended to read as follows:

19 392.4655 1. Except as otherwise provided in this section, a
20 principal of a school shall deem a pupil enrolled in the school a
21 habitual disciplinary problem if the school has written evidence
22 which documents that in 1 school year:

23 (a) The pupil has threatened or extorted, or attempted to threaten
24 or extort, another pupil or a teacher or other personnel employed by
25 the school two or more times or the pupil has a record of five
26 suspensions from the school for any reason; and

27 (b) The pupil has not entered into and participated in a plan of
28 behavior pursuant to subsection 5.

29 2. At least one teacher of a pupil who is enrolled in elementary
30 school and at least two teachers of a pupil who is enrolled in junior
31 high, middle school or high school may request that the principal of
32 the school deem a pupil a habitual disciplinary problem. Upon such
33 a request, the principal of the school shall meet with each teacher
34 who made the request to review the pupil's record of discipline. If,
35 after the review, the principal of the school determines that the
36 provisions of subsection 1 do not apply to the pupil, a teacher who
37 submitted a request pursuant to this subsection may appeal that
38 determination to the board of trustees of the school district. Upon
39 receipt of such a request, the board of trustees shall review the initial
40 request and determination pursuant to the procedure established by
41 the board of trustees for such matters.

42 3. If a pupil is suspended, the school in which the pupil is
43 enrolled shall provide written notice to the parent or legal guardian
44 of the pupil that contains:



1 (a) A description of the act committed by the pupil and the date
2 on which the act was committed;

3 (b) An explanation that if the pupil receives five suspensions on
4 his or her record during the current school year and has not entered
5 into and participated in a plan of behavior pursuant to subsection 5,
6 the pupil will be deemed a habitual disciplinary problem;

7 (c) An explanation that, pursuant to subsection ~~3~~ 4 of NRS
8 392.466, a pupil who is deemed a habitual disciplinary problem may
9 be:

10 (1) Suspended from school for a period not to exceed one
11 school semester as determined by the seriousness of the acts which
12 were the basis for the discipline; or

13 (2) Expelled from school under extraordinary circumstances
14 as determined by the principal of the school;

15 (d) If the pupil has a disability and is participating in a program
16 of special education pursuant to NRS 388.419, an explanation of the
17 effect of subsection ~~8~~ 9 of NRS 392.466, including, without
18 limitation, that if it is determined in accordance with 20 U.S.C. §
19 1415 that the pupil's behavior is not a manifestation of the pupil's
20 disability, he or she may be suspended or expelled from school in
21 the same manner as a pupil without a disability; and

22 (e) A summary of the provisions of subsection 5.

23 4. A school shall provide the notice required by subsection 3
24 for each suspension on the record of a pupil during a school year.
25 Such notice must be provided at least 7 days before the school
26 deems the pupil a habitual disciplinary problem.

27 5. If a pupil is suspended, the school in which the pupil is
28 enrolled may develop, in consultation with the pupil and the parent
29 or legal guardian of the pupil, a plan of behavior for the pupil. Such
30 a plan must be designed to prevent the pupil from being deemed a
31 habitual disciplinary problem and may include, without limitation:

32 (a) A plan for graduating if the pupil is deficient in credits and
33 not likely to graduate according to schedule.

34 (b) Information regarding schools with a mission to serve pupils
35 who have been:

36 (1) Expelled or suspended from a public school, including,
37 without limitation, a charter school; or

38 (2) Deemed to be a habitual disciplinary problem pursuant to
39 this section.

40 (c) A voluntary agreement by the parent or legal guardian to
41 attend school with his or her child.

42 (d) A voluntary agreement by the pupil and the pupil's parent or
43 legal guardian to attend counseling, programs or services available
44 in the school district or community.



1 (e) A voluntary agreement by the pupil and the pupil's parent or
2 legal guardian that the pupil will attend summer school, intersession
3 school or school on Saturday, if any of those alternatives are offered
4 by the school district.

5 6. If a pupil commits the same act for which notice was
6 provided pursuant to subsection 3 after he or she enters into a plan
7 of behavior pursuant to subsection 5, the pupil shall be deemed to
8 have not successfully completed the plan of behavior and may be
9 deemed a habitual disciplinary problem.

10 7. A pupil may, pursuant to the provisions of this section, enter
11 into one plan of behavior per school year.

12 8. The parent or legal guardian of a pupil who has entered into
13 a plan of behavior with a school pursuant to this section may appeal
14 to the board of trustees of the school district a determination made
15 by the school concerning the contents of the plan of behavior or
16 action taken by the school pursuant to the plan of behavior. Upon
17 receipt of such a request, the board of trustees of the school district
18 shall review the determination in accordance with the procedure
19 established by the board of trustees for such matters.

20 **Sec. 7.** NRS 392.466 is hereby amended to read as follows:

21 392.466 1. Except as otherwise provided in this section, any
22 pupil who commits a battery which results in the bodily injury of an
23 employee of the school or who sells or distributes any controlled
24 substance while on the premises of any public school, at an activity
25 sponsored by a public school or on any school bus ~~must, for the~~
26 ~~first occurrence, be suspended or expelled from that school,~~
27 ~~although the pupil may be placed in another kind of school, for at~~
28 ~~least a period equal to one semester for that school. For a second~~
29 ~~occurrence, the pupil must be permanently expelled from that school~~
30 ~~and:] and who is not excepted from criminal liability pursuant to~~
31 *NRS 194.010 shall meet with the school and his or her parent or*
32 *legal guardian. The school shall provide a plan of action based on*
33 *restorative justice to the parent or legal guardian of the pupil. For*
34 *a subsequent occurrence, the pupil may be expelled from the*
35 *school, in which case the pupil shall:*

36 (a) Enroll in a private school pursuant to chapter 394 of NRS,
37 become an opt-in child or be homeschooled; or

38 (b) Enroll in a program of independent study provided pursuant
39 to NRS 389.155 for pupils who have been suspended or expelled
40 from public school or a program of distance education provided
41 pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies
42 for enrollment and is accepted for enrollment in accordance with the
43 requirements of the applicable program.

44 2. Except as otherwise provided in this section, any pupil who
45 is found in possession of a firearm or a dangerous weapon while on



1 the premises of any public school, at an activity sponsored by a
2 public school or on any school bus must, for the first occurrence, be
3 expelled from the school for a period of not less than 1 year,
4 although the pupil may be placed in another kind of school for a
5 period not to exceed the period of the expulsion. For a second
6 occurrence, the pupil must be permanently expelled from the school
7 and:

8 (a) Enroll in a private school pursuant to chapter 394 of NRS,
9 become an opt-in child or be homeschooled; or

10 (b) Enroll in a program of independent study provided pursuant
11 to NRS 389.155 for pupils who have been suspended or expelled
12 from public school or a program of distance education provided
13 pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies
14 for enrollment and is accepted for enrollment in accordance with the
15 requirements of the applicable program.

16 3. *If a school is unable to retain a pupil in the school*
17 *pursuant to subsection 1 for the safety of any person or because*
18 *doing so would not be in the best interest of the pupil, the pupil*
19 *may be suspended, expelled or placed in another kind of school. If*
20 *a pupil is placed in another kind of school, the current school of*
21 *the pupil shall explain what services will be provided to the pupil*
22 *at the new school that the current school is unable to provide to*
23 *address the specific needs and behaviors of the pupil.*

24 4. Except as otherwise provided in this section, if a pupil is
25 deemed a habitual disciplinary problem pursuant to NRS 392.4655,
26 *the pupil is not excepted from criminal liability pursuant to NRS*
27 *194.010 and the school has made a reasonable effort to complete a*
28 *plan of action based on restorative justice with the pupil,* the pupil
29 may be:

30 (a) Suspended from the school for a period not to exceed one
31 school semester as determined by the seriousness of the acts which
32 were the basis for the discipline; or

33 (b) Expelled from the school under extraordinary circumstances
34 as determined by the principal of the school.

35 ~~4.]~~ 5. If the pupil is expelled, or the period of the pupil's
36 suspension is for one school semester, the pupil must:

37 (a) Enroll in a private school pursuant to chapter 394 of NRS,
38 become an opt-in child or be homeschooled; or

39 (b) Enroll in a program of independent study provided pursuant
40 to NRS 389.155 for pupils who have been suspended or expelled
41 from public school or a program of distance education provided
42 pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies
43 for enrollment and is accepted for enrollment in accordance with the
44 requirements of the applicable program.



1 ~~[5.]~~ 6. The superintendent of schools of a school district may,
2 for good cause shown in a particular case in that school district,
3 allow a modification to ~~[the]~~ a suspension or expulsion
4 ~~[requirement, as applicable, of subsection 1, 2 or 3]~~ pursuant to
5 *subsections 1 to 4, inclusive*, if such modification is set forth in
6 writing. *The superintendent shall allow such a modification if the*
7 *superintendent determines that a plan of action based on*
8 *restorative justice may be used successfully.*

9 ~~[6.]~~ 7. This section does not prohibit a pupil from having in his
10 or her possession a knife or firearm with the approval of the
11 principal of the school. A principal may grant such approval only in
12 accordance with the policies or regulations adopted by the board of
13 trustees of the school district.

14 ~~[7. Any pupil in grades 1 to 6, inclusive, except a pupil who~~
15 ~~has been found to have possessed a firearm in violation of~~
16 ~~subsection 2.]~~

17 8. *Except as otherwise provided in this section, a pupil who is*
18 *excepted from criminal liability pursuant to NRS 194.010 must not*
19 *be suspended from school or permanently expelled from school. In*
20 *extraordinary circumstances, a school may request an exception to*
21 *this subsection from the board of trustees of the school district. A*
22 *pupil who is not excepted from criminal liability pursuant to NRS*
23 *194.010 may be suspended from school or permanently expelled*
24 *from school pursuant to this section only after the board of trustees*
25 *of the school district has reviewed the circumstances and approved*
26 *this action in accordance with the procedural policy adopted by the*
27 *board for such issues.*

28 ~~[8.]~~ 9. A pupil *who is not excepted from criminal liability*
29 *pursuant to NRS 194.010 and* who is participating in a program of
30 special education pursuant to NRS 388.419 ~~[, other than a pupil who~~
31 ~~receives early intervening services,]~~ may, in accordance with the
32 procedural policy adopted by the board of trustees of the school
33 district for such matters, be:

34 (a) Suspended from school pursuant to this section for not more
35 than ~~[10]~~ 5 days. Such a suspension may be imposed pursuant to
36 this paragraph for each occurrence of conduct proscribed by
37 subsection 1.

38 (b) Suspended from school for more than ~~[10]~~ 5 days or
39 permanently expelled from school pursuant to this section only after
40 the board of trustees of the school district has reviewed the
41 circumstances and determined that the action is in compliance with
42 the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400
43 et seq.

44 ~~[9.]~~ 10. As used in this section:



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

3 (b) "Dangerous weapon" includes, without limitation, a
4 blackjack, slungshot, billy, sand-club, sandbag, metal knuckles, dirk
5 or dagger, a nunchaku or trefoil, as defined in NRS 202.350, a
6 butterfly knife or any other knife described in NRS 202.350, a
7 switchblade knife as defined in NRS 202.265, or any other object
8 which is used, or threatened to be used, in such a manner and under
9 such circumstances as to pose a threat of, or cause, bodily injury to a
10 person.

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

15 (d) *"Restorative justice" has the meaning ascribed to it in*
16 *subsection 2 of section 3 of this act.*

17 ~~HO. 11.~~ The provisions of this section do not prohibit a pupil
18 who is suspended or expelled from enrolling in a charter school that
19 is designed exclusively for the enrollment of pupils with disciplinary
20 problems if the pupil is accepted for enrollment by the charter
21 school pursuant to NRS 388A.453 or 388A.456. Upon request, the
22 governing body of a charter school must be provided with access to
23 the records of the pupil relating to the pupil's suspension or
24 expulsion in accordance with applicable federal and state law before
25 the governing body makes a decision concerning the enrollment of
26 the pupil.

27 **Sec. 8.** NRS 392.467 is hereby amended to read as follows:

28 392.467 1. Except as otherwise provided in subsections 4 and
29 ~~5~~ *and NRS 392.466*, the board of trustees of a school district may
30 authorize the suspension or expulsion of any pupil *who is not*
31 *excepted from criminal liability pursuant to NRS 194.010* from any
32 public school within the school district. *Except as otherwise*
33 *provided in NRS 392.466, a pupil who is excepted from criminal*
34 *liability pursuant to NRS 194.010 must not be suspended from*
35 *school or permanently expelled from school.*

36 2. Except as otherwise provided in subsection 5, no pupil may
37 be suspended or expelled until the pupil has been given notice of the
38 charges against him or her, an explanation of the evidence and an
39 opportunity for a hearing, except that a pupil who ~~poses a~~
40 ~~continuing danger to persons or property or an ongoing threat of~~
41 ~~disrupting the academic process or who is selling or distributing any~~
42 ~~controlled substance or~~ is found to be in possession of a *firearm or*
43 *a* dangerous weapon as provided in NRS 392.466 may be removed
44 from the school immediately upon being given an explanation of the
45 reasons for his or her removal and pending proceedings, to be



1 conducted as soon as practicable after removal, for the pupil's
2 suspension or expulsion.

3 3. The provisions of chapter 241 of NRS do not apply to any
4 hearing conducted pursuant to this section. Such hearings must be
5 closed to the public.

6 4. The board of trustees of a school district shall not authorize
7 the expulsion, suspension or removal of any pupil from the public
8 school system solely *for offenses related to attendance or* because
9 the pupil is declared a truant or habitual truant in accordance with
10 NRS 392.130 or 392.140.

11 5. A pupil who is participating in a program of special
12 education pursuant to NRS 388.419, other than a pupil who receives
13 early intervening services, may, in accordance with the procedural
14 policy adopted by the board of trustees of the school district for such
15 matters, be:

16 (a) Suspended from school pursuant to this section for not more
17 than ~~10~~ 5 days.

18 (b) Suspended from school for more than ~~10~~ 5 days or
19 permanently expelled from school pursuant to this section only after
20 the board of trustees of the school district has reviewed the
21 circumstances and determined that the action is in compliance with
22 the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400
23 et seq.

24 **Sec. 9.** This act becomes effective on July 1, 2019.



