

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 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:

1 Under existing law, a pupil is required to be expelled or suspended from a
2 public school if he or she commits a battery which results in the bodily injury of a
3 employee of the school or sells or distributes any controlled substance in certain
4 circumstances. (NRS 392.466) Existing law authorizes the expulsion or suspension
5 of a pupil who: (1) is deemed a habitual disciplinary problem; or (2) participates in
6 a program of special education in certain circumstances upon review of the board of
7 trustees of the school district in which the pupil is enrolled. (NRS 392.466,
8 392.467) Existing law also authorizes the board of trustees of a school district to
9 expel or suspend a pupil from a public school in the school district, but prohibits
10 the board of trustees from expelling, suspending or removing a pupil solely because
11 the pupil is deemed a truant. (NRS 392.467)

12 **Section 3.3** of this bill, with certain exceptions, requires a school to provide a
13 plan of action based on restorative justice to a pupil before expelling the pupil.
14 **Sections 7 and 8** of this bill prohibit the permanent expulsion of a pupil who is not
15 more than 10 years of age except in certain limited circumstances. **Section 7**
16 authorizes the suspension or permanent expulsion of a pupil who is at least 11 years
17 of age only after the board of trustees of the school district has reviewed the
18 circumstances and approved the action in accordance with its policy. **Section 7**
19 requires a public school to provide a plan of action based on restorative justice to a
20 pupil who engages in certain actions and is at least 11 years of age before expelling
21 or suspending the pupil. **Section 7** also requires a public school that removes a
22 pupil from school and places the pupil in another school to explain what services
23 will be provided to address the specific needs and behaviors of the pupil at the new



24 school that the current school is unable to provide. **Section 7** requires the school
25 district of the current school of the pupil to coordinate with the new school or the
26 school district of the new school to ensure the new school has the resources
27 necessary to accommodate the pupil. **Section 8** prohibits the board of trustees of a
28 school district from expelling, suspending or removing a pupil solely for offenses
29 related to attendance. **Section 8** also requires a school to conduct an investigation
30 before taking certain disciplinary actions in certain circumstances. **Sections 4 and 5**
31 of this bill make conforming changes.

32 Existing law requires the principal of each public school to establish a plan for
33 the discipline of pupils. (NRS 392.4644) **Section 5.5** of this bill instead requires the
34 board of trustees of each school district to establish such a plan. Existing law
35 authorizes the school in which a pupil who is suspended is enrolled to develop a
36 plan of behavior for the pupil. (NRS 392.4655) **Section 6** of this bill instead
37 requires such a school to develop a plan of behavior and allows the parent or
38 guardian of a pupil to choose for the pupil not to participate in the plan of behavior.

39 Existing law prohibits a pupil who is participating in a program of special
40 education from being suspended from school for more than 10 days or permanently
41 expelled unless the board of trustees of the school district in which the pupil is
42 enrolled has reviewed the circumstances and determined that the action complies
43 with federal law relating to pupils with disabilities. (NRS 392.466, 392.467)
44 **Sections 7 and 8** reduce the number of days that such a pupil can be suspended
45 from 10 to 5.

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

51 **Section 3.7** of this bill requires public schools to collect data on the suspension,
52 expulsion and removal of pupils from a school and report such data to the board of
53 trustees of the school district each quarter.

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. ~~If~~ ~~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.



1 3. A pupil *who is at least 11 years of age and* who poses a
2 continuing danger to persons or property or an ongoing threat of
3 disrupting the academic process, ~~or~~ who is selling or distributing
4 any controlled substance or who is found to be in possession of a
5 dangerous weapon as provided in NRS 392.466 may be removed
6 from the charter school ~~immediately upon being given an~~
7 ~~explanation of the reasons for his or her removal and pending~~
8 ~~proceedings, which must be conducted as soon as practicable after~~
9 ~~removal, for suspension or expulsion of the pupil.]~~ *only after the*
10 *charter school has made a reasonable effort to complete a plan of*
11 *action based on restorative justice with the pupil in accordance*
12 *with the provisions of NRS 392.466 and 392.467.*

13 4. A pupil *who is at least 11 years of age and* who is enrolled
14 in a charter school and participating in a program of special
15 education pursuant to NRS 388.419 ~~, other than a pupil who~~
16 ~~receives early intervening services,]~~ may, in accordance with the
17 procedural policy adopted by the governing body of the charter
18 school for such matters ~~]~~ *and only after the governing body has*
19 *reviewed the circumstances and determined that the action is in*
20 *compliance with the Individuals with Disabilities Education Act,*
21 *20 U.S.C. §§ 1400 et seq., be:*

22 (a) Suspended from the charter school pursuant to this section
23 for not more than ~~[10]~~ 5 days ~~]~~ *for each occurrence.*

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

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

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

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

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

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

43 388C.150 1. The governing body of a university school for
44 profoundly gifted pupils shall adopt:



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

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

4 2. ~~Except as otherwise provided in subsection 3, if~~ *If*
5 suspension or expulsion of a pupil is used as a punishment for a
6 violation of the rules, the university school for profoundly gifted
7 pupils shall ensure that, before the suspension or expulsion, the
8 pupil has been given notice of the charges against him or her, an
9 explanation of the evidence and an opportunity for a hearing. The
10 provisions of chapter 241 of NRS do not apply to any hearing
11 conducted pursuant to this section. Such a hearing must be closed to
12 the public.

13 3. A pupil *who is at least 11 years of age and* who poses a
14 continuing danger to persons or property or an ongoing threat of
15 disrupting the academic process, ~~or~~ who is selling or distributing
16 any controlled substance or who is found to be in possession of a
17 dangerous weapon as provided in NRS 392.466 may be removed
18 ~~from the university school for profoundly gifted pupils immediately~~
19 ~~upon being given an explanation of the reasons for the removal of~~
20 ~~the pupil and pending proceedings, which must be conducted as~~
21 ~~soon as practicable after removal, for his or her suspension or~~
22 ~~expulsion.~~ *only after the university school for profoundly gifted*
23 *pupils has made a reasonable effort to complete a plan of action*
24 *based on restorative justice with the pupil in accordance with the*
25 *provisions of NRS 392.466 and 392.467.*

26 4. A pupil *who is at least 11 years of age and* who is enrolled
27 in a university school for profoundly gifted pupils and participating
28 in a program of special education pursuant to NRS 388.419 ~~other~~
29 ~~than a pupil who receives early intervening services.~~ may, in
30 accordance with the procedural policy adopted by the governing
31 body of the university school for such matters ~~and~~ *and only after the*
32 *governing body has reviewed the circumstances and determined*
33 *that the action is in compliance with the Individuals with*
34 *Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.,* be:

35 (a) Suspended from the university school pursuant to this
36 section for not more than ~~10~~ *5* days ~~for each occurrence.~~

37 (b) ~~Suspended from the university school for more than 10 days~~
38 ~~or permanently~~ *Permanently* expelled from school pursuant to this
39 section. ~~only after the governing body has reviewed the~~
40 ~~circumstances and determined that the action is in compliance with~~
41 ~~the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400~~
42 ~~et seq.~~

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



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

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

5 6. The governing body of a university school for profoundly
6 gifted pupils may adopt rules relating to the truancy of pupils who
7 are enrolled in the university school if the rules are at least as
8 restrictive as the provisions governing truancy set forth in NRS
9 392.130 to 392.220, inclusive. If the governing body adopts rules
10 governing truancy, it shall include the rules in the written rules
11 adopted by the governing body pursuant to subsection 1.

12 **Sec. 3.** Chapter 392 of NRS is hereby amended by adding
13 thereto the provisions set forth as sections 3.3 and 3.7 of this act.

14 **Sec. 3.3.** *1. Except as otherwise provided in NRS 392.466
15 and to the extent practicable, a public school shall provide a plan
16 of action based on restorative justice before expelling a pupil from
17 school. Such a plan of action may include, without limitation:*

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

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

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

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

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

23 (f) *A conference with the principal of the school or his or her
24 designee and any other appropriate personnel.*

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

27 *3. As used in this section:*

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

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

33 **Sec. 3.7.** *Each public school shall collect data on the
34 discipline of pupils. Such data must include, without limitation,
35 the number of expulsions and suspensions of pupils and the
36 number of placements of pupils in another school. Such data must
37 be disaggregated into subgroups of pupils and the types of offense.
38 The principal of each public school shall:*

39 *1. Review the data and take appropriate action; and*

40 *2. Report the data to the board of trustees of the school
41 district each quarter.*

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

43 392.4634 1. Except as otherwise provided in subsection 3, a
44 pupil enrolled in kindergarten or grades 1 to 8, inclusive, may not be



1 disciplined, including, without limitation, pursuant to NRS 392.466,
2 for:

- 3 (a) Simulating a firearm or dangerous weapon while playing; or
- 4 (b) Wearing clothing or accessories that depict a firearm or
5 dangerous weapon or express an opinion regarding a constitutional
6 right to keep and bear arms, unless it substantially disrupts the
7 educational environment.

8 2. Simulating a firearm or dangerous weapon includes, without
9 limitation:

- 10 (a) Brandishing a partially consumed pastry or other food item
11 to simulate a firearm or dangerous weapon;
- 12 (b) Possessing a toy firearm or toy dangerous weapon that is 2
13 inches or less in length;
- 14 (c) Possessing a toy firearm or toy dangerous weapon made of
15 plastic building blocks which snap together;
- 16 (d) Using a finger or hand to simulate a firearm or dangerous
17 weapon;
- 18 (e) Drawing a picture or possessing an image of a firearm or
19 dangerous weapon; and
- 20 (f) Using a pencil, pen or other writing or drawing implement to
21 simulate a firearm or dangerous weapon.

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

- 26 (a) Substantially disrupts learning by pupils or substantially
27 disrupts the educational environment at the school;
- 28 (b) Causes bodily harm to another person; or
- 29 (c) Places another person in reasonable fear of bodily harm.

30 4. Except as otherwise provided in subsection 5, a school,
31 school district, board of trustees of a school district or other entity
32 shall not adopt any policy, ordinance or regulation which conflicts
33 with this section.

34 5. The provisions of this section shall not be construed to
35 prohibit a school from establishing and enforcing a policy requiring
36 pupils to wear a school uniform as authorized pursuant to
37 NRS 386.855.

38 6. As used in this section:

- 39 (a) "Dangerous weapon" has the meaning ascribed to it in
40 paragraph (b) of subsection ~~9~~ 11 of NRS 392.466.
- 41 (b) "Firearm" has the meaning ascribed to it in paragraph (c) of
42 subsection ~~9~~ 11 of NRS 392.466.



1 **Sec. 5.** NRS 392.4635 is hereby amended to read as follows:
2 392.4635 1. The board of trustees of each school district shall
3 establish a policy that prohibits the activities of criminal gangs on
4 school property.

5 2. The policy established pursuant to subsection 1 may include,
6 without limitation:

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

9 (b) If the policy includes training:

10 (1) A designation of the grade levels of the pupils who must
11 receive the training.

12 (2) A designation of the personnel who must receive the
13 training, including, without limitation, personnel who are employed
14 in schools at the grade levels designated pursuant to
15 subparagraph (1).

16 ↪ The board of trustees of each school district shall ensure that the
17 training is provided to the pupils and personnel designated in the
18 policy.

19 (c) Provisions which prohibit:

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

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

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

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

30 (a) Local law enforcement agencies;

31 (b) School police officers, if any;

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

34 (d) Organizations which are dedicated to alleviating criminal
35 gangs or assisting members of criminal gangs who wish to
36 disassociate from the gang; and

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

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

40 **Sec. 5.5.** NRS 392.4644 is hereby amended to read as follows:

41 392.4644 1. The ~~principal~~ *board of trustees* of each
42 ~~public~~ school *district* shall establish a plan to provide for the
43 progressive discipline of pupils and on-site review of disciplinary
44 decisions. The plan must:



1 (a) Be developed with the input and participation of teachers ,
2 *school administrators* and other educational personnel and support
3 personnel who are employed ~~at~~ by the school ~~district~~, and the
4 parents and guardians of pupils who are enrolled in ~~the school.~~
5 *schools within the school district.*

6 (b) Be consistent with the written rules of behavior prescribed in
7 accordance with NRS 392.463.

8 (c) Include, without limitation, provisions designed to address
9 the specific disciplinary needs and concerns of ~~the~~ *each* school ~~district~~
10 *within the school district.*

11 (d) Provide for the temporary removal of a pupil from a
12 classroom or other premises of a public school in accordance with
13 NRS 392.4645.

14 (e) *Provide for the placement of a pupil in a different school*
15 *within the school district in accordance with NRS 392.466.*

16 (f) Include the names of any members of a committee to review
17 the temporary alternative placement of pupils required by
18 NRS 392.4647.

19 (g) *Be posted on the Internet website maintained by the school*
20 *district.*

21 2. On or before September 15 of each year, the principal of
22 each public school shall:

23 (a) Review the plan *established by subsection 1* in consultation
24 with the teachers , *school administrators* and other educational
25 personnel and support personnel who are employed at the school ~~district~~
26 *and the parents and guardians of pupils and the pupils who are*
27 *enrolled in the school;*

28 (b) Based upon the review, ~~make~~ *recommend to the board of*
29 *trustees of the school district* revisions to the plan, as recommended
30 by the teachers , *school administrators* and other educational
31 personnel and support personnel ~~district~~ *and the parents and guardians*
32 *of pupils and the pupils who are enrolled in the school,* if
33 necessary;

34 (c) Post a copy of the plan or the revised plan, ~~as applicable,~~ *as*
35 *provided by the school district,* on the Internet website maintained
36 by the school ~~for school district;~~ *and*

37 (d) Distribute to each teacher , *school administrator* and all
38 educational support personnel who are employed at or assigned to
39 the school a written or electronic copy of the plan or the revised
40 plan, ~~as applicable; and~~

41 ~~—(e) Submit a copy of the plan or the revised plan, as applicable,~~
42 ~~to the superintendent of schools of the school district.]~~ *as provided*
43 *by the school district.*



1 3. ~~[On or before October 15 of each year, the superintendent of~~
2 ~~schools of each school district shall submit a report to the board of~~
3 ~~trustees of the school district that includes:~~

4 ~~—(a) A compilation of the plans submitted pursuant to this~~
5 ~~subsection by each school within the school district.~~

6 ~~—(b) The name of each principal, if any, who has not complied~~
7 ~~with the requirements of this section.~~

8 ~~—4.]~~ On or before November 15 of each year, the board of
9 trustees of each school district shall:

10 (a) Submit a written report to the Superintendent of Public
11 Instruction ~~[based upon the compilation submitted pursuant to~~
12 ~~subsection 3]~~ that reports the progress of each school within the
13 district in complying with the requirements of this section; and

14 (b) Post a copy of the report on the Internet website maintained
15 by the school district.

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

17 392.4655 1. Except as otherwise provided in this section, a
18 principal of a school shall deem a pupil enrolled in the school a
19 habitual disciplinary problem if the school has written evidence
20 which documents that in 1 school year:

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

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

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

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

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



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

5 (c) An explanation that, pursuant to subsection ~~3~~ 5 of NRS
6 392.466, a pupil who is deemed a habitual disciplinary problem may
7 be:

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

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

13 (d) If the pupil has a disability and is participating in a program
14 of special education pursuant to NRS 388.419, an explanation of the
15 effect of subsection ~~8~~ 10 of NRS 392.466, including, without
16 limitation, that if it is determined in accordance with 20 U.S.C. §
17 1415 that the pupil's behavior is not a manifestation of the pupil's
18 disability, he or she may be suspended or expelled from school in
19 the same manner as a pupil without a disability; and

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

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

25 5. If a pupil is suspended, the school in which the pupil is
26 enrolled ~~may~~ shall develop, in consultation with the pupil and the
27 parent or legal guardian of the pupil, a plan of behavior for the
28 pupil. *The parent or legal guardian of the pupil may choose for*
29 *the pupil not to participate in the plan of behavior. If the parent or*
30 *legal guardian of the pupil chooses for the pupil not to participate,*
31 *the school shall inform the parent or legal guardian of the*
32 *consequences of not participating in the plan of behavior.* Such a
33 plan must be designed to prevent the pupil from being deemed a
34 habitual disciplinary problem and may include, without limitation:

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

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

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

41 (2) Deemed to be a habitual disciplinary problem pursuant to
42 this section.

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



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

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

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

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

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

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

24 392.466 1. Except as otherwise provided in this section, any
25 pupil who commits a battery which results in the bodily injury of an
26 employee of the school or who sells or distributes any controlled
27 substance while on the premises of any public school, at an activity
28 sponsored by a public school or on any school bus ~~[must, for the~~
29 ~~first occurrence, be suspended or expelled from that school,~~
30 ~~although the pupil may be placed in another kind of school, for at~~
31 ~~least a period equal to one semester for that school. For a second~~
32 ~~occurrence, the pupil must be permanently expelled from that school~~
33 ~~and;] and who is at least 11 years of age shall meet with the school~~
34 ~~and his or her parent or legal guardian. The school shall provide a~~
35 ~~plan of action based on restorative justice to the parent or legal~~
36 ~~guardian of the pupil. The pupil may be expelled from the school,~~
37 ~~in which case the pupil shall:~~

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

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



1 2. *An employee who is a victim of a battery which results in*
2 *the bodily injury of an employee of the school may appeal to the*
3 *school the plan of action provided pursuant to subsection 1 if:*

4 (a) *The employee feels any actions taken pursuant to such*
5 *plan are inappropriate; and*

6 (b) *For a pupil who committed the battery and is participating*
7 *in a program of special education pursuant to NRS 388.419, the*
8 *board of trustees of the school district has reviewed the*
9 *circumstances and determined that such an appeal is in*
10 *compliance with the Individuals with Disabilities Education Act,*
11 *20 U.S.C. §§ 1400 et seq.*

12 3. Except as otherwise provided in this section, any pupil who
13 is found in possession of a firearm or a dangerous weapon while on
14 the premises of any public school, at an activity sponsored by a
15 public school or on any school bus must, for the first occurrence, be
16 expelled from the school for a period of not less than 1 year,
17 although the pupil may be placed in another kind of school for a
18 period not to exceed the period of the expulsion. For a second
19 occurrence, the pupil must be permanently expelled from the school
20 and:

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

23 (b) Enroll in a program of independent study provided pursuant
24 to NRS 389.155 for pupils who have been suspended or expelled
25 from public school or a program of distance education provided
26 pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies
27 for enrollment and is accepted for enrollment in accordance with the
28 requirements of the applicable program.

29 ~~3.~~ 4. *If a school is unable to retain a pupil in the school*
30 *pursuant to subsection 1 for the safety of any person or because*
31 *doing so would not be in the best interest of the pupil, the pupil*
32 *may be suspended, expelled or placed in another school. If a pupil*
33 *is placed in another school, the current school of the pupil shall*
34 *explain what services will be provided to the pupil at the new*
35 *school that the current school is unable to provide to address the*
36 *specific needs and behaviors of the pupil. The school district of the*
37 *current school of the pupil shall coordinate with the new school or*
38 *the board of trustees of the school district of the new school to*
39 *create a plan of action based on restorative justice for the pupil*
40 *and to ensure that any resources required to execute the plan of*
41 *action based on restorative justice are available at the new school.*

42 5. Except as otherwise provided in this section, if a pupil is
43 deemed a habitual disciplinary problem pursuant to NRS 392.4655,
44 *the pupil is at least 11 years of age and the school has made a*



1 *reasonable effort to complete a plan of action based on restorative*
2 *justice with the pupil,* the pupil may be:

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

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

8 ~~[4.]~~ 6. If the pupil is expelled, or the period of the pupil's
9 suspension is for one school semester, the pupil must:

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

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

18 ~~[5.]~~ 7. The superintendent of schools of a school district may,
19 for good cause shown in a particular case in that school district,
20 allow a modification to ~~[the]~~ a suspension or expulsion
21 ~~[requirement, as applicable, of subsection 1, 2 or 3]~~ pursuant to
22 *subsections 1 to 5, inclusive,* if such modification is set forth in
23 writing. *The superintendent shall allow such a modification if the*
24 *superintendent determines that a plan of action based on*
25 *restorative justice may be used successfully.*

26 ~~[6.]~~ 8. This section does not prohibit a pupil from having in his
27 or her possession a knife or firearm with the approval of the
28 principal of the school. A principal may grant such approval only in
29 accordance with the policies or regulations adopted by the board of
30 trustees of the school district.

31 ~~[7.— Any pupil in grades 1 to 6, inclusive, except a pupil who~~
32 ~~has been found to have possessed a firearm in violation of~~
33 ~~subsection 2.]~~

34 9. *Except as otherwise provided in this section, a pupil who is*
35 *not more than 10 years of age must not be permanently expelled*
36 *from school. In extraordinary circumstances, a school may*
37 *request an exception to this subsection from the board of trustees*
38 *of the school district. A pupil who is at least 11 years of age* may
39 be suspended from school or permanently expelled from school
40 pursuant to this section only after the board of trustees of the school
41 district has reviewed the circumstances and approved this action in
42 accordance with the procedural policy adopted by the board for such
43 issues.



1 ~~[8.]~~ 10. A pupil *who is at least 11 years of age and* who is
2 participating in a program of special education pursuant to NRS
3 388.419 ~~[, other than a pupil who receives early intervening~~
4 ~~services,]~~ may, in accordance with the procedural policy adopted by
5 the board of trustees of the school district for such matters ~~[,]~~ *and*
6 *only after the board of trustees of the school district has reviewed*
7 *the circumstances and determined that the action is in compliance*
8 *with the Individuals with Disabilities Education Act, 20 U.S.C. §§*
9 *1400 et seq.*, be:

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

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

20 ~~—9.]~~ 11. As used in this section:

21 (a) “Battery” has the meaning ascribed to it in paragraph (a) of
22 subsection 1 of NRS 200.481.

23 (b) “Dangerous weapon” includes, without limitation, a
24 blackjack, slungshot, billy, sand-club, sandbag, metal knuckles, dirk
25 or dagger, a nunchaku or trefoil, as defined in NRS 202.350, a
26 butterfly knife or any other knife described in NRS 202.350, a
27 switchblade knife as defined in NRS 202.265, or any other object
28 which is used, or threatened to be used, in such a manner and under
29 such circumstances as to pose a threat of, or cause, bodily injury to a
30 person.

31 (c) “Firearm” includes, without limitation, any pistol, revolver,
32 shotgun, explosive substance or device, and any other item included
33 within the definition of a “firearm” in 18 U.S.C. § 921, as that
34 section existed on July 1, 1995.

35 (d) *“Restorative justice” has the meaning ascribed to it in*
36 *subsection 3 of section 3.3 of this act.*

37 ~~[10.]~~ 12. The provisions of this section do not prohibit a pupil
38 who is suspended or expelled from enrolling in a charter school that
39 is designed exclusively for the enrollment of pupils with disciplinary
40 problems if the pupil is accepted for enrollment by the charter
41 school pursuant to NRS 388A.453 or 388A.456. Upon request, the
42 governing body of a charter school must be provided with access to
43 the records of the pupil relating to the pupil’s suspension or
44 expulsion in accordance with applicable federal and state law before



1 the governing body makes a decision concerning the enrollment of
2 the pupil.

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

4 392.467 1. Except as otherwise provided in subsections ~~[4]~~ 5
5 and ~~[5]~~ 6 and **NRS 392.466**, the board of trustees of a school district
6 may authorize the suspension or expulsion of any pupil *who is at*
7 *least 11 years of age* from any public school within the school
8 district. *Except as otherwise provided in NRS 392.466, a pupil who*
9 *is not more than 10 years of age must not be permanently expelled*
10 *from school.*

11 2. Except as otherwise provided in subsection ~~[5]~~ 6, no pupil
12 may be suspended or expelled until the pupil has been given notice
13 of the charges against him or her, an explanation of the evidence and
14 an opportunity for a hearing, except that a pupil who ~~[poses a~~
15 ~~continuing danger to persons or property or an ongoing threat of~~
16 ~~disrupting the academic process or who is selling or distributing any~~
17 ~~controlled substance or]~~ is found to be in possession of a **firearm or**
18 **a dangerous weapon** as provided in NRS 392.466 may be removed
19 from the school immediately upon being given an explanation of the
20 reasons for his or her removal and pending proceedings, to be
21 conducted as soon as practicable after removal, for the pupil's
22 suspension or expulsion.

23 3. *The board of trustees of a school district may authorize the*
24 *expulsion, suspension or removal of a pupil who has been charged*
25 *with a crime from the school at which the pupil is enrolled*
26 *regardless of the outcome of any criminal or delinquency*
27 *proceedings brought against the pupil only if the school:*

28 (a) *Conducts an independent investigation of the conduct of*
29 *the pupil; and*

30 (b) *Gives notice of the charges brought against the pupil by the*
31 *school to the pupil.*

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

35 ~~[4]~~ 5. The board of trustees of a school district shall not
36 authorize the expulsion, suspension or removal of any pupil from
37 the public school system solely **for offenses related to attendance**
38 **or** because the pupil is declared a truant or habitual truant in
39 accordance with NRS 392.130 or 392.140.

40 ~~[5]~~ 6. A pupil who is participating in a program of special
41 education pursuant to NRS 388.419, other than a pupil who receives
42 early intervening services, may, in accordance with the procedural
43 policy adopted by the board of trustees of the school district for such
44 matters ~~[5]~~ **and only after the board of trustees of the school district**
45 **has reviewed the circumstances and determined that the action is**



1 *in compliance with the Individuals with Disabilities Education*
2 *Act, 20 U.S.C. §§ 1400 et seq.*, be:

3 (a) Suspended from school pursuant to this section for not more
4 than ~~[10]~~ 5 days ~~[.]~~ *for each occurrence.*

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

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

