

FACT SHEET: ASSEMBLY BILL 168

BILL SUMMARY

Assembly Bill 168 requires a school to provide a plan of action based on restorative justice principles before expelling a pupil, with certain exceptions. It also prohibits the permanent expulsion of a pupil who is not more than 10 years of age, under most circumstances. Pupils 11 years of age or older may be suspended or permanently expelled only after the board of trustees of a school district reviews and approves such an action. Additionally, AB 168 prohibits a pupil from being suspended or expelled solely for offenses relating to attendance. The measure requires each school district to adopt progressive discipline plans and make those plans available on the Internet. It also requires a school to develop a plan of behavior for a pupil who has been suspended.

Assembly Bill 168 reduces from ten to five the number of days per occurrence a pupil who is participating in a program of special education may be suspended. Suspensions of these pupils must be reviewed by the governing body of the school in order to ensure compliance with federal law. The provisions of AB 168 apply to public schools, including charter schools and university schools for profoundly gifted pupils. Finally, the bill requires certain schools to collect and report to the board of trustees of the school district data related to the suspension, expulsion, and removal of pupils from school.

EXCLUSIONARY DISCIPLINE

- Research suggests that disciplinary interventions such as suspensions and expulsions negatively affect student achievement, increase the risk of a student dropping out of school, and may lead to future involvement with the criminal justice system.¹

IMPACT

According to Daniel J. Losen of The Center for Civil Rights Remedies at the Civil Rights Project at UCLA, impacts of out-of-school suspension include:

- Loss of instruction
- Lower achievement
- Lower graduation rates
- Heightened risk for gang involvement
- Increased risk of involvement in the juvenile justice system
- Higher crime rate in the community
- Long-term economic costs for the individual and the community

<http://www.ncsl.org/documents/cj/danlosen.pdf>

¹ *Policy Snapshot Suspension and Expulsion*, Education Commission of the States, January 2018, https://www.ecs.org/wp-content/uploads/Suspension_and_Expulsion.pdf.

- The National Conference of State Legislatures reports that:
 - Students with disabilities are more than twice as likely to receive an out-of-school suspension (13 percent) than students without disabilities (6 percent); and
 - Black children represented 48 percent of prekindergarten students receiving more than one out-of-school suspension, despite representing only 18 percent of total prekindergarten enrollment.²
- Data from the Clark County School District demonstrate that expulsions and suspensions disproportionately impact children from African American, Native American, and Latino backgrounds.³
- Zero tolerance discipline policies have been found to have severe impacts on students, both academically and socially.⁴

RESTORATIVE JUSTICE

- Restorative justice is an alternative to traditional school discipline, which focuses on positive learning environments where students learn the skills to deal with conflict and have an opportunity to repair the harm caused by their actions.
- Some of the restorative justice practices for the school setting referred to in AB 168 include:
 - Positive behavioral interventions and support;
 - Plans for behavioral intervention;
 - Referrals to a team of student support;
 - Referrals to an individualized education program team;
 - Referrals to appropriate community-based services; and
 - Conferences with the principal of the school and other appropriate personnel.
- The restorative justice requirements of AB 168 align with recommendations of the Nevada Statewide School Safety Task Force. Specifically, Recommendations 5.3 and 5.4:
 - Require a statewide framework and encourage the use of restorative practices in schools as an alternative to out-of-school consequences for behavioral infractions and the accompanying frustration that sometimes leads students to engage in antisocial or other behaviors that threaten the safety and/or learning of others; and
 - Encourage districts throughout Nevada to institutionalize restorative practices as a preventative measure for antisocial behavior on campuses. Consider Fairfax County Public Schools (in Virginia) as a model.

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² Joellen Kralick, "New State Approaches to Student Discipline," *LegisBrief*, Vol. 24(2), National Conference of State Legislatures, January 2016, <http://www.ncsl.org/research/education/new-state-approaches-to-student-discipline.aspx>.

³ <https://www.leg.state.nv.us/App/InterimCommittee/REL/Document/12254>.

⁴ Russell Skiba, et. al., *Are Zero Tolerance Policies Effective in the Schools? An Evidentiary Review and Recommendations*, American Psychological Association, August 2006, <https://www.apa.org/pubs/info/reports/zero-tolerance-report.pdf>.