

**PROPOSED REGULATION OF THE
OFFICE FOR A SAFE AND RESPECTFUL LEARNING ENVIRONMENT**

LCB FILE NO. R020-22I

**The following document is the initial draft regulation proposed
by the agency submitted on 02/18/2022**

REQUESTED AMENDMENT TO NAC 392.XXX

EXPLANATION – Matter in *italics* is new; matter in brackets [omitted material] is material to be omitted.

Section 1. Chapter 392 of NAC is hereby amended by adding thereto a new section to read as follows:

1. Pursuant to NRS 392.XXX [(section 5 of AB 194 (2021))], information regarding the policy for appealing a suspension or expulsion of a pupil which is enrolled in the school district, charter school or university school, as applicable, and which is adopted by the board of trustees of each school district and the governing body of a charter school or university school for the profoundly gifted, as applicable, must:

(a) Be provided to the pupil and, if the pupil is under 18 years of age, the parent or legal guardian of the pupil on the same day on which the pupil is suspended or expelled;

(b) Include information regarding the timelines for appealing the suspension or expulsion, as provided in subsection 2;

(c) Be written clearly and in such a way that the pupil and, if the pupils is under 18 years of age, the parent or legal guardian of the pupil can understand each provision of the policy; and

(d) Be provided in as many languages as possible for the benefit of pupils and parents or legal guardians of pupils.

2. The pupil and, if the pupil is under 18 years of age, the parent or legal guardian of the pupil may file an appeal pursuant to the policy which is adopted pursuant to NRS 392.XXX [(section 5 of AB 194 (2021))] by the board of trustees of each school district and the governing body of a charter school or university school for the profoundly gifted, as applicable, within 5 school days of the suspension or expulsion of the pupil.

3. If a pupil and, if the pupil is under 18 years of age, the parent or legal guardian of the pupil, elects to file an appeal of the suspension or expulsion of the pupil within the timeline provided in subsection 2 and according to the provisions of the policy which is adopted pursuant to NRS 392.XXX [(section 5 of AB 194 (2021))], the board of trustees of each school district and the governing body of a charter school or university school for the profoundly gifted, as applicable, must must schedule a hearing within 5 school days of receipt of the appeal.

4. A pupil who is suspending or expelled or is being considered for suspension or expulsion:

(a) May be considered for temporary alternative placement pursuant to NRS 392.4645 if, in the judgement of the principal:

(1) The temporary alternative placement will serve as the least restrictive environment possible, pursuant to NAC 392.XXX [section 6 of AB 194 (2021)];

(2) The pupil does not pose a serious threat to the safety of the school; and

(3) Based on the seriousness of the acts which were the basis for the discipline of the pupil; and

(b) Must be provided education services to prevent the pupil from losing academic credit or becoming disengaged from school during the period the pupil is suspended or expelled.

5. For the purposes of this section:

(a) "Principal" means the lead administrator of a public school, including, without limitation, such an administrator who is referred to by another title;

(b) “Suspend” or “suspension” means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled for more than 2 school days and not more than one school semester; and

(c) “Expel” or “expulsion” has the meaning ascribed to it in NRS 392.XXX [section 12 of AB 67 (2021)].