

**PROPOSED REGULATION OF
THE DEPARTMENT OF EDUCATION**

LCB File No. R020-22

March 29, 2022

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

AUTHORITY: § 1, section 8 of Assembly Bill No. 194, chapter 196, Statutes of Nevada 2021, at page 924 (NRS 392.4609).

A REGULATION relating to education; establishing certain requirements relating to the discipline of pupils; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Department of Education to adopt various regulations relating to the behavior and discipline of pupils. (Section 8 of Assembly Bill No. 194, chapter 196, Statutes of Nevada 2021, at page 924 (NRS 392.4609)) Existing law requires the board of trustees of each school district and the governing body of each charter school and university school for profoundly gifted pupils to adopt a policy allowing a pupil or, if the pupil is under 18 years of age, the parent or legal guardian of the pupil to appeal the suspension or expulsion of the pupil. The policy must provide, without limitation, that: (1) the board of trustees of the school district or the governing body of the charter school or university school, or a designee, as applicable, may authorize the suspension or expulsion of a pupil within the timeline established by the Department; (2) the board of trustees of the school district or the governing body of the charter school or university school, or a designee, as applicable, is required to notify the pupil and the parent or legal guardian of the pupil, as applicable, of the suspension or expulsion, of the right to appeal the suspension or expulsion and information on the appeal policy; (3) the pupil or the parent or legal guardian of the pupil, as applicable, is authorized to appeal the suspension or expulsion within the timeline established by the Department; and (4) the board of trustees of the school district or the governing body of the charter school or university school, or a designee, as applicable, is required to schedule a hearing on an appeal within the timeline established by the Department. (Section 5 of Assembly Bill No. 194, chapter 196, Statutes of Nevada 2021, at page 923 (NRS 392.4671)) Existing law requires each school district, charter school and university school, as applicable, to provide an education in the least restrictive environment possible to a pupil who is suspended or expelled and is appealing the suspension or expulsion or a pupil who is being considered for suspension or expulsion. (NRS 388A.495 and 388C.150, as amended by sections 2 and 3 of Assembly Bill No. 194, chapter 196, Statutes of Nevada 2021, at pages 921 and 922; section 6 of Assembly Bill No. 194, chapter 196, Statutes of Nevada 2021, at page 924 (NRS 392.4673)) This regulation establishes: (1) requirements for proper notification to a pupil and the parent or legal guardian of the pupil, if the pupil is less than 18 years of age, of the policy

to appeal a suspension or expulsion; (2) a 5-day timeline for a pupil or, if the pupil is less than 18 years of age, the parent or legal guardian of the pupil to appeal the suspension or expulsion; (3) a 5-day timeline for a hearing to be scheduled upon receipt of such an appeal; (4) the method for determining whether a pupil who is suspended or expelled or is being considered for suspension or expulsion may be considered for temporary alternative placement; and (5) that education services are required to be provided to the pupil to prevent the pupil from losing academic credit or being disengaged from school during the period the pupil is suspended or expelled.

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

1. If a pupil is suspended or expelled from a public school, the board of trustees of the school district or the governing body of the charter school or university school for profoundly gifted pupils in which the pupil is enrolled or the designee of the board of trustees or governing body, as applicable, shall provide, on the same day that the pupil is suspended or expelled, a notice of the policy for appealing a suspension or expulsion of a pupil adopted by the board of trustees or governing body, as applicable, pursuant to section 5 of Assembly Bill No. 194, chapter 196, Statutes of Nevada 2021, at page 923 (NRS 392.4671), to the pupil and the parent or legal guardian of the pupil, if the pupil is less than 18 years of age. A notice provided pursuant to this subsection must:

(a) Include information regarding the timelines for appealing the suspension or expulsion, as applicable, pursuant to subsection 2;

(b) Be written clearly and in a manner that allows the pupil and the parent or legal guardian of the pupil, if the pupil is less than 18 years of age, to understand each provision of the policy; and

(c) To the extent practicable, be provided in as many languages as possible.

2. Not later than 5 school days after receiving notification of the suspension or expulsion of the pupil pursuant to section 5 of Assembly Bill No. 194, chapter 196, Statutes of Nevada

2021, at page 923 (NRS 392.4671), the pupil or the parent or legal guardian of the pupil, if the pupil is less than 18 years of age, may file an appeal pursuant to the policy adopted by the board of trustees of the school district or the governing body of the charter school or university school for profoundly gifted pupils, as applicable, pursuant to section 5 of Assembly Bill No. 194, chapter 196, Statutes of Nevada 2021, at page 923 (NRS 392.4671).

3. Not later than 5 school days after receiving notification of an appeal of a suspension or expulsion made pursuant to the policy adopted pursuant to section 5 of Assembly Bill No. 194, chapter 196, Statutes of Nevada 2021, at page 923 (NRS 392.4671), the board of trustees of the school district or the governing body of the charter school or university school for profoundly gifted pupils or the designee of the board of trustees or governing body, as applicable, must schedule a hearing.

4. A pupil who is suspended 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 judgment of the principal after consideration of the seriousness of the acts which were the basis for the discipline of the pupil:

(1) The temporary alternative placement will serve as the least restrictive environment possible, pursuant to section 6 of Assembly Bill No. 194, chapter 196, Statutes of Nevada 2021, at page 924 (NRS 392.4673); and

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

(b) Must be provided education services to prevent the pupil from losing academic credit or becoming disengaged from school during the period of suspension or expulsion.

5. As used in this section:

(a) “Expel” or “expulsion” has the meaning ascribed to it in section 12 of Assembly Bill No. 67, chapter 384, Statutes of Nevada 2021, at page 2329 (NRS 392.4603).

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

(c) “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.