
ASSEMBLY BILL NO. 330—COMMITTEE ON EDUCATION

(ON BEHALF OF THE OFFICE OF THE GOVERNOR)

MARCH 17, 2023

Referred to Committee on Education

SUMMARY—Revises provisions governing education.
(BDR 34-1087)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

CONTAINS UNFUNDED MANDATE (§ 6)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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

AN ACT relating to education; requiring a suspension or expulsion in a charter school or a university school for profoundly gifted pupils to be consistent with such punishments in certain public schools; requiring a plan for restorative discipline for public schools to include consideration of certain data relating to pupil discipline; authorizing the Superintendent of Public Instruction to require implementation of an alternative plan for restorative discipline if a public school fails to take certain actions relating to disproportionality in pupil discipline; requiring a plan for restorative discipline to reflect the authority to temporarily remove a pupil from the classroom; authorizing a principal to place limitations on the ability of certain staff to remove certain pupils from the classroom; requiring certain actions by a school at the time of a suspension or expulsion of a pupil for committing certain acts; revising provisions regarding the suspension or expulsion of certain homeless pupils and pupils in foster care; revising requirements for policies for the appeal of suspensions and expulsions; repealing the requirement that the Department of Education, to the extent money is available, develop a statewide framework for restorative justice; and providing other matters properly relating thereto.



Legislative Counsel's Digest:

1 Existing law establishes certain provisions relating to the behavior and
2 discipline of pupils. (NRS 392.4601-392.472) **Sections 2 and 3** of this bill apply
3 these provisions to charter schools and university schools for profoundly gifted
4 pupils.

5 Under existing law, the board of trustees of each school district is required to
6 establish a plan to provide for the restorative discipline of pupils, which must be
7 developed with the input of certain school personnel and the parents and guardians
8 of pupils. (NRS 392.4644) Existing law also requires each public school to collect
9 and submit data on the discipline of pupils and categorize such data by various
10 subgroups of pupils. (NRS 392.462) **Section 6** of this bill removes the reference to
11 a statewide framework for restorative justice developed by the Department of
12 Education, the development of which is repealed by **section 15** of this bill. **Section**
13 **4** of this bill requires that the data be reported to the superintendent of the school
14 district or to the administrative head of a charter school. **Section 6** also requires the
15 Superintendent of Public Instruction to review data on the disproportionality of
16 punishments and provide a corrective period for any deficient schools to make
17 progress in addressing any disproportionalities or any insufficiency in such data.
18 **Section 7** of this bill authorizes a principal to restrict the ability of a teacher or staff
19 member to temporarily remove a pupil from a classroom if the principal determines
20 such removal to be unnecessary.

21 Existing law requires a plan to provide for the restorative discipline of pupils to
22 provide for the temporary removal of a pupil from a classroom or other premises of
23 a public school under certain circumstances. (NRS 392.4645) **Section 7** instead
24 authorizes the temporary removal of a pupil from a classroom or other premises of
25 a public school under such circumstances, and **section 6** requires a plan to provide
26 for the restorative discipline of pupils to include provisions for such a temporary
27 removal.

28 Existing law requires that a pupil who has been removed from the classroom or
29 other premises of a public school must have a conference within 3 days after
30 removal, with certain exceptions. If such a conference is not held within 3 days, the
31 pupil is required to be allowed to return to the classroom or other premises, with
32 certain exceptions. (NRS 392.4646) **Section 8** of this bill removes the requirement
33 if, in the judgment of the principal, the pupil continues to pose a threat and the
34 superintendent has authorized an extension of the removal.

35 Existing law provides certain requirements concerning the determination that a
36 pupil is deemed a habitual disciplinary problem. (NRS 392.4655) **Section 9** of this
37 bill removes the presumption that the behavior of the pupil was caused by
38 homelessness, and instead requires the principal to review available information
39 and make such a determination.

40 Under existing law, certain pupils may be suspended or expelled from school
41 for: (1) committing a battery which results in the bodily injury of an employee of
42 the school; or (2) selling or distributing any controlled substance in certain
43 circumstances. (NRS 392.466) **Section 10** of this bill requires a pupil who commits
44 such an act to be: (1) expelled for the first occurrence; and (2) permanently
45 expelled for the second occurrence. **Section 10** also requires a school to develop
46 and implement a reentry plan based on restorative justice practices following the
47 first occurrence. **Sections 10 and 11** of this bill authorize a homeless pupil or a
48 pupil in foster care of any age to be suspended or expelled for not more than 5 days
49 if the principal determines that the conduct of the pupil poses an ongoing threat.

50 Existing law provides that a pupil may not be suspended or expelled unless the
51 pupil is given the opportunity for a hearing. (NRS 392.467) **Section 11** removes the
52 hearing requirement before suspension or expulsion for certain pupils who: (1) pose
53 a danger to other persons or property; (2) threaten to disrupt the academic process;



54 (3) are selling or distributing a controlled substance; or (4) are in possession of a
55 firearm or other dangerous weapon.

56 Existing law provides certain requirements concerning the process for
57 appealing a suspension or expulsion. (NRS 392.4671) **Section 12** of this bill makes
58 these requirements applicable to significant suspensions, expulsions or permanent
59 expulsions.

60 Existing law requires that, with certain exceptions, a public school must
61 provide a plan of action based on restorative justice to a pupil before removing,
62 suspending or expelling the pupil. (NRS 392.472) **Section 13** of this bill allows a
63 pupil to be temporarily removed in certain circumstances without first providing
64 such a plan.

65 Existing law requires the Department, to the extent money is available, to
66 develop a statewide framework for restorative justice. (NRS 388.1333) **Section 15**
67 repeals that provision.

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

1 **Section 1.** NRS 388.133 is hereby amended to read as follows:

2 388.133 1. The Department shall, in consultation with the
3 governing bodies, educational personnel, local associations and
4 organizations of parents whose children are enrolled in schools
5 throughout this State, and individual parents and legal guardians
6 whose children are enrolled in schools throughout this State,
7 prescribe by regulation a policy for all school districts and schools
8 to provide a safe and respectful learning environment that is free of
9 discrimination based on race, bullying and cyber-bullying.

10 2. The policy must include, without limitation:

11 (a) Requirements and methods for reporting violations of NRS
12 388.135, including, without limitation, violations among teachers
13 and violations between teachers and administrators, coaches and
14 other personnel of a school district or school;

15 (b) Requirements and methods for addressing the rights and
16 needs of persons with diverse gender identities or expressions;

17 (c) Requirements and methods for restorative disciplinary
18 practices ~~[that align with the statewide framework for restorative~~
19 ~~justice if such a framework is developed pursuant to NRS~~
20 ~~388.1333;]~~; and

21 (d) A policy for use by school districts and schools to train
22 members of the governing body and all administrators, teachers and
23 all other personnel employed by the governing body. The policy
24 must include, without limitation:

25 (1) Training in the appropriate methods to facilitate positive
26 human relations among pupils by eliminating the use of
27 discrimination based on race, bullying and cyber-bullying so that
28 pupils may realize their full academic and personal potential;



1 (2) Training in methods to prevent, identify and report
2 incidents of discrimination based on race, bullying and
3 cyber-bullying;

4 (3) Training concerning the needs of persons with diverse
5 gender identities or expressions;

6 (4) Training concerning the needs of pupils with disabilities
7 and pupils with autism spectrum disorder;

8 (5) Methods to promote a positive learning environment;

9 (6) Methods to improve the school environment in a manner
10 that will facilitate positive human relations among pupils; and

11 (7) Methods to teach skills to pupils so that the pupils are
12 able to replace inappropriate behavior with positive behavior.

13 **Sec. 2.** NRS 388A.495 is hereby amended to read as follows:

14 388A.495 1. A governing body of a charter school shall
15 adopt:

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

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

19 2. ~~HF~~ *A pupil enrolled in a charter school shall only be*
20 *suspended or expelled in a manner consistent with the*
21 *requirements for the suspension or expulsion of a pupil enrolled*
22 *in a public school within a school district as set forth in NRS*
23 *392.4601 to 392.472, inclusive.*

24 3. *Except as otherwise provided in NRS 392.467, if*
25 *suspension or expulsion of a pupil is used as a punishment for a*
26 *violation of the rules, the charter school shall ensure that, ~~before~~ at*
27 *the time of the suspension or expulsion, the pupil and, if the pupil is*
28 *under 18 years of age, the parent or guardian of the pupil, ~~has been~~*
29 *are given notice of the charges against him or her, an explanation of*
30 *the evidence and an opportunity for a hearing. If a pupil is*
31 *significantly suspended, ~~or~~ expelled ~~or~~ permanently expelled,*
32 *the pupil or, if the pupil is under 18 years of age, the parent or*
33 *guardian of the pupil may appeal the significant suspension ,*
34 *expulsion or permanent expulsion in accordance with the*
35 *provisions of NRS 392.4671. The charter school shall ensure that a*
36 *pupil who is significantly suspended, ~~or~~ expelled or permanently*
37 *expelled and is appealing the significant suspension , expulsion or*
38 *permanent expulsion or a pupil who is being considered for*
39 *significant suspension , expulsion or permanent expulsion*
40 *continues to attend school and receives an appropriate education in*
41 *the least restrictive environment possible as required by NRS*
42 *392.4673. The provisions of chapter 241 of NRS do not apply to any*
43 *hearing or proceeding conducted pursuant to this section. Such a*
44 *hearing or proceeding must be closed to the public.*



~~3. A pupil who is at least 11 years of age and who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, who is selling or distributing any controlled substance or who is found to be in possession of a dangerous weapon as provided in NRS 392.466 may be removed from the charter school only after the charter school has made a reasonable effort to complete a plan of action based on restorative justice with the pupil in accordance with the provisions of NRS 392.466 and 392.467.]~~

~~4. [A pupil with a disability who is at least 11 years of age and who is enrolled in a charter school may, in accordance with the procedural policy adopted by the governing body of the charter school for such matters and only after the governing body or its designee has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:~~

~~—(a) Suspended from the charter school pursuant to this section for not more than 5 days for each occurrence of proscribed conduct.~~

~~—(b) Expelled from school pursuant to this section.~~

~~—(c) Permanently expelled from school pursuant to this section.~~

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

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

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

~~6.] 5. The governing body of a charter school may adopt rules relating to the truancy of pupils who are enrolled in the charter school if the rules are at least as restrictive as the provisions governing truancy set forth in NRS 392.130 to 392.220, inclusive. If a governing body adopts rules governing truancy, it shall include the rules in the written rules adopted by the governing body pursuant to subsection 1.~~

~~7.] 6. As used in this section:~~

(a) “Expel” or “expulsion” has the meaning ascribed to it in NRS 392.4603.

(b) “Permanently expelled” means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled:

(1) Except as otherwise provided in subparagraph (2), without the possibility of returning to the school in which the pupil is currently enrolled or another public school within the school district; and

(2) With the possibility of enrolling in a program or public school for alternative education for pupils who are expelled or permanently expelled after being permanently expelled.



1 (c) ~~["Pupil with a disability" has the meaning ascribed to it in~~
2 ~~NRS 388.417.] "Significantly suspended" has the meaning~~
3 ~~ascribed to "significant suspension" in NRS 392.4655.~~

4 (d) "Suspend" or "suspension" has the meaning ascribed to it in
5 NRS 392.4607.

6 **Sec. 3.** NRS 388C.150 is hereby amended to read as follows:

7 388C.150 1. The governing body of a university school for
8 profoundly gifted pupils shall adopt:

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

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

12 2. ~~[[H]]~~ *A pupil enrolled in a university school for profoundly*
13 *gifted pupils shall only be suspended or expelled in a manner*
14 *consistent with the requirements for the suspension or expulsion*
15 *of a pupil enrolled in a public school within a school district as set*
16 *forth in NRS 392.4601 to 392.472, inclusive.*

17 3. *Except as otherwise provided in NRS 392.467, if*
18 *suspension or expulsion of a pupil is used as a punishment for a*
19 *violation of the rules, the university school for profoundly gifted*
20 *pupils shall ensure that, ~~[before]~~ at the time of the suspension or*
21 *expulsion, the pupil ~~[has been]~~ is given notice of the charges against*
22 *him or her, an explanation of the evidence and an opportunity for a*
23 *hearing. If a pupil is significantly suspended, ~~[or]~~ expelled ~~[]~~ or*
24 *permanently expelled, the pupil or, if the pupil is under 18 years of*
25 *age, the parent or guardian of the pupil may appeal the significant*
26 *suspension, expulsion or permanent expulsion in accordance with*
27 *the provisions of NRS 392.4671. The university school shall ensure*
28 *that a pupil who is significantly suspended, ~~[or]~~ expelled or*
29 *permanently expelled and is appealing the significant suspension,*
30 *expulsion or permanent expulsion or a pupil who is being*
31 *considered for significant suspension, expulsion or permanent*
32 *expulsion continues to attend school and receives an appropriate*
33 *education in the least restrictive environment possible as required by*
34 *NRS 392.4673. The provisions of chapter 241 of NRS do not apply*
35 *to any hearing or proceeding conducted pursuant to this section.*
36 *Such a hearing or proceeding must be closed to the public.*

37 ~~[3.— A pupil who is at least 11 years of age and who poses a~~
38 ~~continuing danger to persons or property or an ongoing threat of~~
39 ~~disrupting the academic process, who is selling or distributing any~~
40 ~~controlled substance or who is found to be in possession of a~~
41 ~~dangerous weapon as provided in NRS 392.466 may be removed~~
42 ~~only after the university school for profoundly gifted pupils has~~
43 ~~made a reasonable effort to complete a plan of action based on~~
44 ~~restorative justice with the pupil in accordance with the provisions~~
45 ~~of NRS 392.466 and 392.467.]~~



1 4. ~~[A pupil with a disability who is at least 11 years of age and~~
2 ~~who is enrolled in a university school for profoundly gifted pupils~~
3 ~~may, in accordance with the procedural policy adopted by the~~
4 ~~governing body of the university school for such matters and only~~
5 ~~after the governing body or its designee has reviewed the~~
6 ~~circumstances and determined that the action is in compliance with~~
7 ~~the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400~~
8 ~~et seq., be:~~

9 ~~—(a) Suspended from the university school pursuant to this~~
10 ~~section for not more than 5 days for each occurrence of proscribed~~
11 ~~conduct.~~

12 ~~—(b) Expelled from school pursuant to this section.~~

13 ~~—(c) Permanently expelled from school pursuant to this section.~~

14 ~~—5.]~~ A copy of the rules of behavior, prescribed punishments
15 and procedures to be followed in imposing punishments must be:

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

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

20 ~~[6.]~~ 5. The governing body of a university school for
21 profoundly gifted pupils may adopt rules relating to the truancy of
22 pupils who are enrolled in the university school if the rules are at
23 least as restrictive as the provisions governing truancy set forth in
24 NRS 392.130 to 392.220, inclusive. If the governing body adopts
25 rules governing truancy, it shall include the rules in the written rules
26 adopted by the governing body pursuant to subsection 1.

27 ~~[7.]~~ 6. As used in this section:

28 (a) “Expel” or “expulsion” has the meaning ascribed to it in
29 NRS 392.4603.

30 (b) “Permanently expelled” means the disciplinary removal of a
31 pupil from the school in which the pupil is currently enrolled:

32 (1) Except as otherwise provided in subparagraph (2),
33 without the possibility of returning to the school in which the pupil
34 is currently enrolled or another public school within the school
35 district; and

36 (2) With the possibility of enrolling in a program or public
37 school for alternative education for pupils who are expelled or
38 permanently expelled after being permanently expelled.

39 (c) ~~“Pupil with a disability” has the meaning ascribed to it in~~
40 ~~NRS 388.417.]~~ **“Significantly suspended” has the meaning**
41 **ascribed to “significant suspension” in NRS 392.4655.**

42 (d) “Suspend” or “suspension” has the meaning ascribed to it in
43 NRS 392.4607.



1 **Sec. 4.** NRS 392.462 is hereby amended to read as follows:
2 392.462 Each public school shall collect data on the discipline
3 of pupils. Such data must include, without limitation, the number of
4 expulsions and suspensions of pupils and the number of placements
5 of pupils in another school. Such data must be disaggregated into
6 the subgroups of pupils listed in subsection 2 of NRS 385A.250 and
7 the types of offense. The principal of each public school shall:

8 1. Review the data and take appropriate action;
9 2. Report the data to the ~~board of trustees~~ *superintendent* of
10 the school district *or the administrative head of the charter school*
11 *or university school for profoundly gifted pupils, as applicable,*
12 each quarter; and

13 3. To the extent allowed by the Family Educational Rights and
14 Privacy Act of 1974, 20 U.S.C. § 1232g, post the data on the
15 Internet website maintained by the public school.

16 **Sec. 5.** NRS 392.4634 is hereby amended to read as follows:
17 392.4634 1. ~~Except as otherwise provided in subsection 3, a)~~
18 *A* pupil enrolled in kindergarten or grades 1 to 8, inclusive, may not
19 be disciplined, including, without limitation, pursuant to NRS
20 392.466, for:

21 (a) Simulating a firearm or dangerous weapon while playing; or
22 (b) Wearing clothing or accessories that depict a firearm or
23 dangerous weapon or express an opinion regarding a constitutional
24 right to keep and bear arms,

25 ↳ unless it substantially disrupts the educational environment ~~H~~,
26 *creates a risk of harm to another person or places another person*
27 *in reasonable fear of harm.*

28 2. Simulating a firearm or dangerous weapon includes, without
29 limitation:

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

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

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

36 (d) Using a finger or hand to simulate a firearm or dangerous
37 weapon;

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

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

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



1 ~~—(a) Substantially disrupts learning by pupils or substantially~~
2 ~~disrupts the educational environment at the school;~~

3 ~~—(b) Causes bodily harm to another person; or~~

4 ~~—(c) Places another person in reasonable fear of bodily harm.~~

5 ~~—4. Except as otherwise provided in subsection 5, a school,~~
6 ~~school district, board of trustees of a school district or other entity~~
7 ~~shall not adopt any policy, ordinance or regulation which conflicts~~
8 ~~with this section.~~

9 ~~—5.]~~ The provisions of this section shall not be construed to
10 prohibit a school from establishing and enforcing a policy requiring
11 pupils to wear a school uniform as authorized pursuant to
12 NRS 386.855.

13 ~~[6.]~~ 4. As used in this section:

14 (a) “Dangerous weapon” has the meaning ascribed to it in
15 NRS 392.466.

16 (b) “Firearm” has the meaning ascribed to it in NRS 392.466.

17 **Sec. 6.** NRS 392.4644 is hereby amended to read as follows:

18 392.4644 1. The ~~[board of trustees]~~ *superintendent* of each
19 school district ~~[;]~~ *and the administrative head of each charter*
20 *school and university school for profoundly gifted pupils* shall
21 establish a plan to provide for the restorative discipline of pupils and
22 on-site review of disciplinary decisions. The plan must:

23 (a) Be developed with the input and participation of teachers,
24 school administrators and other educational personnel and support
25 personnel who are employed by the school district, pupils who are
26 enrolled in schools within the school district and the parents and
27 guardians of pupils who are enrolled in schools within the school
28 district.

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

31 (c) Include, without limitation, provisions designed to address
32 the specific disciplinary needs and concerns of each school within
33 the school district.

34 (d) Provide restorative disciplinary practices which include,
35 without limitation:

36 (1) Holding a pupil accountable for his or her behavior;

37 (2) Restoration or remedies related to the behavior of the
38 pupil;

39 (3) Relief for any victim of the pupil; and

40 (4) Changing the behavior of the pupil.

41 (e) ~~[Provide for]~~ *Include provisions that authorize* the
42 temporary removal of a pupil from a classroom or other premises of
43 a public school ~~[in accordance with]~~ *pursuant to* NRS 392.4645.

44 (f) Provide for the placement of a pupil in a different school
45 ~~[within the school district]~~ in accordance with NRS 392.466.



1 (g) Include the names of any members of a committee to review
2 the temporary alternative placement of pupils required by
3 NRS 392.4647.

4 (h) ~~[Be in accordance with the statewide framework for~~
5 ~~restorative justice developed pursuant to NRS 388.1333, including,~~
6 ~~without limitation, by addressing]~~ *Include consideration of the*
7 *results of the data collected and reported pursuant to NRS 392.462*
8 *and include methods for addressing* the occurrences of the
9 suspension, expulsion or removal of pupils from school that
10 disproportionately affect pupils who belong to a group of pupils
11 listed in subsection 2 of NRS 385A.250.

12 ~~[(i) Be posted on the Internet website maintained by the school~~
13 ~~district.]~~

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

16 (a) Review the plan established by subsection 1 in consultation
17 with the teachers, school administrators and other educational
18 personnel and support personnel who are employed at the school ,
19 ~~[and]~~ the parents and guardians of pupils and the pupils who are
20 enrolled in the school ~~[;]~~ *and, if applicable, the organizational team*
21 *established pursuant to NRS 388G.700;*

22 (b) Determine whether and to what extent the occurrences of the
23 suspension, expulsion or removal of pupils from school
24 disproportionately affect pupils who belong to a group of pupils
25 listed in subsection 2 of NRS 385A.250; *and*

26 (c) Based upon the review, recommend to the board of trustees
27 of the school district *or governing body of the charter school or*
28 *university school for profoundly gifted pupils, as applicable,*
29 revisions to the plan, as recommended by the teachers, school
30 administrators and other educational personnel and support
31 personnel , ~~[and]~~ the parents and guardians of pupils and the pupils
32 who are enrolled in the school ~~[;]~~ *and, if applicable, the*
33 *organizational team established pursuant to NRS 388G.700,* if
34 necessary . ~~;~~

35 ~~—(d) Post a copy of the plan or the revised plan, as provided by~~
36 ~~the school district, on the Internet website maintained by the school;~~
37 ~~and~~

38 ~~—(e) Distribute to each teacher, school administrator and all~~
39 ~~educational support personnel who are employed at or assigned to~~
40 ~~the school a written or electronic copy of the plan or the revised~~
41 ~~plan, as provided by the school district.]~~

42 3. *On or before September 30 of each year, the board of*
43 *trustees of each school district and the governing body of each*
44 *charter school or university school for profoundly gifted pupils*
45 *shall issue a revised plan that appropriately reflects comments*



1 *provided by teachers, school administrators, other educational*
2 *personnel and support personnel and, if applicable, organizational*
3 *teams pursuant to subsection 2.*

4 4. *Not more than 14 days after the receipt of the revised plan*
5 *issued pursuant to subsection 3, the principal of each school shall:*

6 (a) *Post a copy of the plan or the revised plan on the Internet*
7 *website maintained by the school; and*

8 (b) *Distribute to each teacher, school administrator and all*
9 *educational support personnel who are employed at or assigned to*
10 *the school and, if applicable, the organizational team a written or*
11 *electronic copy of the plan or the revised plan.*

12 5. *On or before November 15 of each year, the board of*
13 *trustees of each school district and the governing body of each*
14 *charter school or university school for profoundly gifted pupils*
15 *shall:*

16 (a) *Submit a written report to the Superintendent of Public*
17 *Instruction that reports the progress of each school ~~within the~~*
18 *district] in complying with the requirements of this section,*
19 *including, without limitation, addressing the occurrences of the*
20 *suspension, expulsion or removal of pupils from school that*
21 *disproportionately affect pupils who belong to a group of pupils*
22 *listed in subsection 2 of NRS 385A.250; and*

23 (b) *Post a copy of the report on the Internet website maintained*
24 *by the school district ~~;~~*

25 ~~— 4. — As used in this section, “restorative justice” has the meaning~~
26 ~~ascribed to it in NRS 392.472.] , charter school or university school~~
27 ~~for profoundly gifted pupils, as applicable.~~

28 6. *If the Superintendent of Public Instruction determines that*
29 *the data collected pursuant to NRS 392.462 indicates*
30 *disproportionality in disciplinary actions or is insufficient to*
31 *determine whether disproportionality exists, the Superintendent*
32 *shall issue a written notice to the school district, charter school or*
33 *university school for profoundly gifted pupils, as applicable, listing*
34 *the specific areas of concern and providing a specific corrective*
35 *period for the school district, charter school or university school*
36 *for profoundly gifted pupils, as applicable, to implement a*
37 *framework to reduce the disproportionality or correct the*
38 *insufficiency of the data, as applicable. The specific corrective*
39 *period shall be at least 12 months and not more than 36 months,*
40 *and shall include required monitoring of the progress made by the*
41 *school district, charter school or university school for profoundly*
42 *gifted pupils, as applicable. If, following the conclusion of the*
43 *specific corrective period, the school district, charter school or*
44 *university school for profoundly gifted pupils, as applicable, fails*
45 *to:*



1 (a) *Make measurable progress in addressing the*
2 *disproportionality or insufficiency listed in the notice received*
3 *pursuant to this subsection; or*

4 (b) *Provide the required progress reports,*
5 *↪ the Superintendent of Public Instruction may issue an*
6 *alternative plan for the school district, charter school or university*
7 *school for profoundly gifted pupils, as applicable, for mandatory*
8 *implementation.*

9 **Sec. 7.** NRS 392.4645 is hereby amended to read as follows:

10 392.4645 1. ~~[Except as otherwise provided in subsection 5,~~
11 ~~the plan established pursuant to NRS 392.4644 must provide for the~~
12 ~~temporary removal of a]~~ A pupil *may be temporarily removed* from
13 a classroom or other premises of a public school if, in the judgment
14 of the teacher or other staff member responsible for the classroom or
15 other premises, as applicable, the pupil has engaged in behavior that
16 seriously interferes with the ability of the teacher to teach the other
17 pupils in the classroom and with the ability of the other pupils to
18 learn or with the ability of the staff member to discharge his or her
19 duties. ~~[The plan must provide that, upon]~~ *Upon* the removal of a
20 pupil from a classroom or any other premises of a public school
21 pursuant to this section, the principal of the school shall provide an
22 explanation of the reason for the removal of the pupil to the pupil
23 and offer the pupil an opportunity to respond to the explanation.
24 Within 24 hours after the removal of a pupil pursuant to this section,
25 the principal of the school shall notify the parent or legal guardian
26 of the pupil of the removal.

27 2. Except as otherwise provided in subsection 3, a pupil who is
28 removed from a classroom or any other premises of a public school
29 pursuant to this section may be assigned to a temporary alternative
30 placement pursuant to which the pupil:

31 (a) Is separated, to the extent practicable, from pupils who are
32 not assigned to a temporary alternative placement;

33 (b) Studies or remains under the supervision of appropriate
34 personnel of the school district; and

35 (c) Is prohibited from engaging in any extracurricular activity
36 sponsored by the school.

37 3. The principal shall not assign a pupil to a temporary
38 alternative placement if the suspension or expulsion of a pupil who
39 is removed from the classroom pursuant to this section is:

40 (a) Required by NRS 392.466; or

41 (b) Authorized by NRS 392.467 and the principal decides to
42 proceed in accordance with that section.

43 ↪ If the principal proceeds in accordance with NRS 392.466 or
44 392.467, the pupil must be removed from school in accordance with



1 those sections and the provisions of NRS 392.4642 to 392.4648,
2 inclusive, do not apply to the pupil.

3 4. A public school must offer a pupil who is removed from a
4 classroom or any other premises of the public school pursuant to this
5 section for more than 2 school days:

6 (a) Education services to prevent the pupil from losing academic
7 credit or becoming disengaged from school during the period the
8 pupil is removed from a classroom or any other premises of the
9 public school; and

10 (b) Appropriate positive behavioral interventions and support,
11 trauma-informed support and a referral to a school social worker or
12 school counselor.

13 5. ~~Before~~ *When* removing a pupil from a classroom or any
14 other premises of a public school pursuant to this section for more
15 than 1 school day, the principal of the school must contact the local
16 educational agency liaison for homeless pupils designated in
17 accordance with the McKinney-Vento Homeless Assistance Act of
18 1987, 42 U.S.C. §§ 11301 et seq., or a contact person at a school,
19 including, without limitation, a school counselor or school social
20 worker, to make a determination of whether the pupil is a homeless
21 pupil.

22 6. *If, in the reasonable judgment of the principal, a teacher*
23 *or other staff member has unnecessarily removed a pupil from the*
24 *classroom pursuant to subsection 1, the principal may limit the*
25 *ability of the teacher or staff member to temporarily remove any*
26 *pupil from the classroom. If such a determination is made, the:*

27 (a) *Teacher or staff member may temporarily remove a pupil*
28 *from the classroom with the prior approval of the principal;*

29 (b) *Principal shall provide written notice to the superintendent*
30 *of the school district or the administrative head of the charter*
31 *school or university school for profoundly gifted pupils, as*
32 *applicable, or his or her designee regarding the limitation imposed*
33 *on the teacher or staff member, the term of the limitation and the*
34 *plan of corrective action to be taken by the school, principal and*
35 *teacher or staff member; and*

36 (c) *Teacher or staff member whose ability to temporarily*
37 *remove a pupil from the classroom has been limited shall have the*
38 *ability to appeal the decision to the superintendent of the school*
39 *district or the administrative head of the charter school or*
40 *university school for profoundly gifted pupils, as applicable, or his*
41 *or her designee.*

42 7. As used in this section, “homeless pupil” has the meaning
43 ascribed to the term “homeless children and youths” in 42 U.S.C. §
44 11434a(2).



1 **Sec. 8.** NRS 392.4646 is hereby amended to read as follows:

2 392.4646 1. Except as otherwise provided in this section, not
3 later than 3 school days after a pupil is removed from a classroom or
4 any other premises of a public school pursuant to NRS 392.4645, a
5 conference must be held with:

6 (a) The pupil;

7 (b) A parent or legal guardian of the pupil, unless the pupil is an
8 unaccompanied pupil;

9 (c) The principal of the school; and

10 (d) The teacher or other staff member who removed the pupil.

11 ➔ The principal shall give an oral and written notice of the
12 conference to each person who is required to participate.

13 2. After receipt of the notice required pursuant to subsection 1,
14 the parent or legal guardian of the pupil may, not later than 3 school
15 days after the removal of the pupil, request that the date of the
16 conference be postponed. The principal shall accommodate such a
17 request. If the date of the conference is postponed pursuant to this
18 subsection, the principal shall send written notice to the parent or
19 legal guardian confirming that the conference has been postponed at
20 the request of the parent or legal guardian.

21 3. If a parent or legal guardian of a pupil refuses to attend a
22 conference, the principal of the school shall send a written notice to
23 the parent or legal guardian confirming that the parent or legal
24 guardian has waived the right to a conference provided by this
25 section and authorized the principal to recommend the placement of
26 the pupil pursuant to subsection 6.

27 4. Except as otherwise provided in this subsection, a pupil must
28 not return to the classroom or other premises of the public school
29 from which the pupil was removed before the conference is held. If
30 the conference is not held within 3 school days after the removal of
31 the pupil, the pupil, including, without limitation, an unaccompanied
32 pupil or a pupil in foster care, must be allowed to return to the
33 classroom or other premises unless:

34 (a) The parent or legal guardian of the pupil refuses to attend the
35 conference;

36 (b) The failure to hold a conference is attributed to the action or
37 inaction of the pupil, including, without limitation, an
38 unaccompanied pupil or a pupil in foster care, or the parent or legal
39 guardian of the pupil; ~~or~~

40 (c) The parent or legal guardian requested that the date of the
41 conference be postponed ~~or~~; *or*

42 (d) *If:*

43 (1) *In the judgment of the principal, there is a reasonable*
44 *expectation that the pupil poses a threat to employees of the school*
45 *or other pupils enrolled at the school; and*



1 (2) *The principal has received written authorization from*
2 *the superintendent of the school district or the administrative head*
3 *of the charter school or university school for profoundly gifted*
4 *pupils, as applicable, to extend the period for which the pupil is*
5 *removed from the classroom or other premises of the public*
6 *school.*

7 5. During the conference, the teacher who removed the pupil
8 from the classroom, the staff member who removed the pupil from
9 the other premises of the public school or the principal shall provide
10 the pupil and, if the pupil is not an unaccompanied pupil, the pupil's
11 parent or legal guardian with an explanation of the reason for the
12 removal of the pupil from the classroom or other premises. The
13 pupil and, if the pupil is not an unaccompanied pupil, the pupil's
14 parent or legal guardian must be granted an opportunity to respond
15 to the explanation of the pupil's behavior and to indicate whether
16 the removal of the pupil from the classroom or other premises was
17 appropriate in their opinion based upon the behavior of the pupil. If
18 the pupil is a homeless pupil, the conference must include
19 consideration of and interventions to mitigate the impact of
20 homelessness on the behavior of the pupil.

21 6. Upon conclusion of the conference or, if a conference is not
22 held pursuant to subsection 3 not later than 3 school days after the
23 removal of a pupil from a classroom or other premises of a public
24 school ~~§~~ *or such period as deemed appropriate by the*
25 *superintendent or administrative head, as applicable, pursuant to*
26 *paragraph (d) of subsection 4,* the principal shall recommend
27 whether to return the pupil to the classroom or other premises or
28 continue the temporary alternative placement of the pupil if the
29 pupil has been assigned to a temporary alternative placement.

30 7. As used in this section:

31 (a) "Foster care" has the meaning ascribed to it in 45 C.F.R. §
32 1355.20.

33 (b) "Homeless pupil" has the meaning ascribed to the term
34 "homeless children and youths" in 42 U.S.C. § 11434a(2).

35 (c) "Unaccompanied pupil" has the meaning ascribed to the term
36 "unaccompanied youth" in 42 U.S.C. § 11434a(6).

37 **Sec. 9.** NRS 392.4655 is hereby amended to read as follows:

38 392.4655 1. Except as otherwise provided in this section, a
39 principal of a school shall deem a pupil enrolled in the school a
40 habitual disciplinary problem if the school has written evidence
41 which documents that in 1 school year:

42 (a) The pupil has threatened or extorted, or attempted to threaten
43 or extort, another pupil or a teacher or other personnel employed by
44 the school two or more times or the pupil has a record of five
45 significant suspensions from the school for any reason;



1 (b) The pupil has not entered into and participated in a plan of
2 behavior pursuant to subsection 6; and

3 (c) The behavior of the pupil was not caused by homelessness,
4 as determined in consultation with the local educational agency
5 liaison for homeless pupils designated in accordance with the
6 McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§
7 11301 et seq., or a contact person at a school, including, without
8 limitation, a school counselor or school social worker.

9 2. ~~[A]~~ *Following an assessment of all available information,*
10 *a principal of a school shall ~~presume that~~ make a reasonable*
11 *determination whether* the behavior of the pupil was caused by
12 homelessness ~~[unless the principal determines the behavior was not~~
13 ~~caused by homelessness]~~ pursuant to subsection 1.

14 3. At least one teacher of a pupil who is enrolled in elementary
15 school and at least two teachers of a pupil who is enrolled in junior
16 high, middle school or high school may request that the principal of
17 the school deem a pupil a habitual disciplinary problem. Upon such
18 a request, the principal of the school shall meet with each teacher
19 who made the request to review the pupil's record of discipline. If,
20 after the review, the principal of the school determines that the
21 provisions of subsection 1 do not apply to the pupil, a teacher who
22 submitted a request pursuant to this subsection may appeal that
23 determination to the ~~[board of trustees]~~ *superintendent* of the school
24 district ~~[]~~ *or the administrative head of the charter school or*
25 *university school for profoundly gifted pupils, as applicable.* Upon
26 receipt of such a request, the ~~[board of trustees]~~ *superintendent or*
27 *administrative head* shall review the initial request and
28 determination pursuant to the procedure established by the board of
29 trustees *of the school district or the governing body of the charter*
30 *school or university school for profoundly gifted pupils, as*
31 *applicable,* for such matters.

32 4. If a pupil is suspended, the school in which the pupil is
33 enrolled shall provide written notice to the parent or legal guardian
34 of the pupil or, if the pupil is an unaccompanied pupil, the pupil that
35 contains:

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

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

43 (c) An explanation that, pursuant to subsection 5 of NRS
44 392.466, a pupil who is deemed a habitual disciplinary problem may
45 be:



- 1 (1) Suspended from school; or
- 2 (2) Expelled from school under extraordinary circumstances
- 3 as determined by the principal of the school;

4 (d) If the pupil is a pupil with a disability, an explanation of the
5 effect of subsection 10 of NRS 392.466, including, without
6 limitation, that if it is determined in accordance with 20 U.S.C. §
7 1415 that the pupil's behavior is not a manifestation of the pupil's
8 disability, he or she may be suspended or expelled from school in
9 the same manner as a pupil without a disability; and

10 (e) A summary of the provisions of subsection 6.

11 5. A school shall provide the notice required by subsection 4
12 for each suspension on the record of a pupil during a school year.
13 Such notice must be provided at least 7 days before the school
14 deems the pupil a habitual disciplinary problem.

15 6. If a pupil is suspended, the school in which the pupil is
16 enrolled shall develop, in consultation with the pupil and the parent
17 or legal guardian of the pupil, a plan of behavior for the pupil. The
18 parent or legal guardian of the pupil or, if the pupil is an
19 unaccompanied pupil, the pupil may choose for the pupil not to
20 participate in the plan of behavior. If the parent or legal guardian of
21 the pupil or the pupil chooses for the pupil not to participate, the
22 school shall inform the parent or legal guardian or the pupil of the
23 consequences of not participating in the plan of behavior. Such a
24 plan must be designed to prevent the pupil from being deemed a
25 habitual disciplinary problem and may include, without limitation:

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

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

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

32 (2) Deemed to be a habitual disciplinary problem pursuant to
33 this section.

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

36 (d) A voluntary agreement by the pupil and, if the pupil is not an
37 unaccompanied pupil, the pupil's parent or legal guardian to attend
38 counseling, programs or services available in the school district or
39 community.

40 (e) A voluntary agreement by the pupil and, if the pupil is not an
41 unaccompanied pupil, the pupil's parent or legal guardian that the
42 pupil will attend summer school, intersession school or school on
43 Saturday, if any of those alternatives are offered by the school
44 district.



1 7. If a pupil commits the same act for which notice was
2 provided pursuant to subsection 4 after he or she enters into a plan
3 of behavior pursuant to subsection 6, the pupil shall be deemed to
4 have not successfully completed the plan of behavior and may be
5 deemed a habitual disciplinary problem.

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

8 9. The parent or legal guardian of a pupil or, if the pupil is an
9 unaccompanied pupil, a pupil who has entered into a plan of
10 behavior with a school pursuant to this section may appeal to the
11 ~~{board of trustees}~~ *superintendent* of the school district *or the*
12 *administrative head of the charter school or university school for*
13 *profoundly gifted pupils, as applicable*, a determination made by
14 the school concerning the contents of the plan of behavior or action
15 taken by the school pursuant to the plan of behavior. Upon receipt of
16 such a request, the ~~{board of trustees}~~ *superintendent* of the school
17 district *or the administrative head of the charter school or*
18 *university school for profoundly gifted pupils, as applicable*, shall
19 review the determination in accordance with the procedure
20 established by the board of trustees *of the school district or the*
21 *governing body of the charter school or university school for*
22 *profoundly gifted pupils, as applicable*, for such matters.

23 10. As used in this section:

24 (a) "Significant suspension" means the school in which the pupil
25 is enrolled:

26 (1) Prohibits the pupil from attending school for 3 or more
27 consecutive days; and

28 (2) Requires a conference or some other form of
29 communication with the parent or legal guardian of the pupil before
30 the pupil is allowed to return to school.

31 (b) "Unaccompanied pupil" has the meaning ascribed to the
32 term "unaccompanied youth" in 42 U.S.C. § 11434a(6).

33 **Sec. 10.** NRS 392.466 is hereby amended to read as follows:

34 392.466 1. Except as otherwise provided in this section, any
35 pupil who commits a battery which results in the bodily injury of an
36 employee of the school or who sells or distributes any controlled
37 substance while on the premises of any public school, at an activity
38 sponsored by a public school or on any school bus ~~{and who is at~~
39 ~~least 11 years of age shall meet with the school and his or her parent~~
40 ~~or legal guardian. The school}~~ shall ~~{provide a plan of action based~~
41 ~~on restorative justice to the parent or legal guardian of the pupil or,~~
42 ~~if the pupil is an unaccompanied pupil, the pupil. The pupil may}~~,
43 *for the first occurrence*, be ~~{suspended or}~~ expelled from the school
44 ~~{, in which case the pupil shall:} or be assigned to a temporary~~
45 *alternative placement pursuant to subsection 2 of NRS 392.4645.*



1 *Following such a removal, the school must develop a reentry plan*
2 *for the pupil that is based on restorative justice practices and, if*
3 *the pupil is not an unaccompanied pupil, provide such a plan to*
4 *the parent or legal guardian of the pupil. For the second*
5 *occurrence, the pupil shall be permanently expelled from the*
6 *school and:*

7 (a) Enroll in a private school pursuant to chapter 394 of NRS or
8 be homeschooled; or

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

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

18 (a) The employee feels any actions taken pursuant to such plan
19 are inappropriate; and

20 (b) For a pupil with a disability who committed the battery, the
21 board of trustees of the school district *or governing body of the*
22 *charter school or university school for profoundly gifted pupils, as*
23 *applicable*, or its designee has reviewed the circumstances and
24 determined that such an appeal is in compliance with the Individuals
25 with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.

26 3. Except as otherwise provided in this section, any pupil of
27 any age, including, without limitation, a pupil with a disability, who
28 is found in possession of a firearm or a dangerous weapon while on
29 the premises of any public school, at an activity sponsored by a
30 public school or on any school bus must, for the first occurrence, be
31 expelled from the school for a period of not less than 1 year,
32 although the pupil may be placed in another kind of school for a
33 period not to exceed the period of the expulsion. For a second
34 occurrence, the pupil must be permanently expelled from the school.

35 4. If a school is unable to retain a pupil in the school pursuant
36 to subsection 1 for the safety of any person or because doing so
37 would not be in the best interest of the pupil, the pupil may be
38 suspended, expelled or placed in another school. If a pupil is placed
39 in another school, the current school of the pupil shall explain what
40 services will be provided to the pupil at the new school that the
41 current school is unable to provide to address the specific needs and
42 behaviors of the pupil. The ~~school district of the~~ current school of
43 the pupil shall coordinate with the new school to create a plan of
44 action based on restorative justice for the pupil and to ensure that



1 any resources required to execute the plan of action based on
2 restorative justice are available at the new school.

3 5. Except as otherwise provided in this section, if a pupil is
4 deemed a habitual disciplinary problem pursuant to NRS 392.4655
5 ~~[, the pupil is at least 11 years of age]~~ and the school has made a
6 reasonable effort to complete a plan of action based on restorative
7 justice with the pupil, based on the seriousness of the acts which
8 were the basis for the discipline, the pupil may be:

9 (a) Suspended from the school; or

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

12 6. If the pupil is expelled, or the period of the pupil's
13 suspension is for one school semester, the pupil must:

14 (a) Enroll in a private school pursuant to chapter 394 of NRS or
15 be homeschooled; or

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

22 7. The superintendent of schools of a school district *or the*
23 *administrative head of a charter school or university school for*
24 *profoundly gifted pupils* may, for good cause shown in a particular
25 case, ~~[in that school district,]~~ allow a modification to a suspension
26 or expulsion pursuant to subsections 1 to 5, inclusive, if such
27 modification is set forth in writing. ~~[The superintendent shall allow~~
28 ~~such a modification if the superintendent determines that a plan of~~
29 ~~action based on restorative justice may be used successfully.]~~

30 8. This section does not prohibit a pupil from having in his or
31 her possession a knife or firearm with the approval of the principal
32 of the school. A principal may grant such approval only in
33 accordance with the policies or regulations adopted by the board of
34 trustees of the school district ~~[]~~ *or the governing body of the*
35 *charter school or university school for profoundly gifted pupils, as*
36 *applicable.*

37 9. Except as otherwise provided in this subsection and
38 subsection 3 ~~[]~~ *or 10*, a pupil who is less than 11 years of age must
39 not be permanently expelled from school. In extraordinary
40 circumstances, a school may request an exception to this subsection
41 from the ~~[board of trustees]~~ *superintendent* of the school district ~~[]~~
42 *or the administrative head of a charter school or university school*
43 *for profoundly gifted pupils, as applicable.* A pupil who is at least
44 11 years of age may be suspended, expelled or permanently expelled
45 from school pursuant to this section ~~[only after the board of trustees~~



1 ~~of the school district or its designee has reviewed the circumstances~~
2 ~~and approved this action in accordance with the procedural policy~~
3 ~~adopted by the board for such issues.]~~ *only if the suspension,*
4 *expulsion or permanent expulsion is conducted consistent with*
5 *policies adopted by the board of trustees or governing body, as*
6 *applicable, pursuant to NRS 392.467.*

7 10. Except as otherwise provided in subsection 3, a pupil with
8 a disability ~~[who is at least 11 years of age]~~ may, in accordance with
9 the procedural policy adopted by the board of trustees of the school
10 district *or governing body of the charter school or university*
11 *school for profoundly gifted pupils, as applicable,* for such matters
12 and only after ~~[the board of trustees of the school district or its~~
13 ~~designee has reviewed]~~ *an administrative review of* the
14 circumstances and ~~[determined]~~ *a determination* that the action is in
15 compliance with the Individuals with Disabilities Education Act, 20
16 U.S.C. §§ 1400 et seq., be:

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

21 (b) Expelled from school pursuant to this section.

22 (c) Permanently expelled from school pursuant to this section.

23 11. A homeless pupil or a pupil in foster care ~~[who is at least~~
24 ~~11 years of age]~~ may be suspended ~~[or expelled]~~ from school
25 pursuant to this section ~~[only]~~ *for not more than 5 days if,*
26 *following a review of all available information, the principal*
27 *determines that the conduct of the pupil poses an ongoing threat*
28 *to the pupil or other persons at the school and* if a determination is
29 made that the behavior that led to the consideration for suspension
30 or expulsion was not caused by homelessness or being in foster care.
31 The person responsible for making a determination of whether or
32 not the behavior was caused by homelessness or being in foster care
33 shall ~~[presume that the behavior was caused by homelessness or~~
34 ~~being in foster care unless the person determines that the behavior~~
35 ~~was not caused by homelessness or being in foster care pursuant to~~
36 ~~this subsection. A]~~ *make a reasonable* determination ~~[that the~~
37 ~~behavior was not caused by homelessness must be made in~~
38 ~~consultation]~~ *following:*

39 (a) *A review of all relevant information;*

40 (b) *Consultation* with the local educational agency liaison for
41 homeless pupils designated in accordance with the McKinney-Vento
42 Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq., or a
43 contact person at a school, including, without limitation, a school
44 counselor or school social worker ~~[. A determination that the~~



1 ~~behavior was not caused by being in foster care must be made in~~
2 ~~consultation]; and~~

3 (c) *Consultation* with an advocate for pupils in foster care at the
4 school in which the pupil is enrolled or the school counselor of the
5 pupil.

6 12. *The principal of a public school may reduce the period of*
7 *suspension or convert an expulsion to a suspension for a pupil*
8 *who distributes a controlled substance while on the premises of a*
9 *public school, at an activity sponsored by a public school or on a*
10 *school bus if:*

11 (a) *The pupil is less than 11 years of age;*

12 (b) *The pupil has not engaged in such proscribed conduct*
13 *before; and*

14 (c) *After a thorough review of the facts and circumstances, the*
15 *principal determines that the pupil did not know that the substance*
16 *being distributed was a controlled substance.*

17 13. The provisions of chapter 241 of NRS do not apply to any
18 hearing or proceeding conducted pursuant to this section. Such
19 hearings or proceedings must be closed to the public.

20 ~~H3-] 14.~~ 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) "Foster care" has the meaning ascribed to it in 45 C.F.R. §
36 1355.20.

37 (e) "Homeless pupil" has the meaning ascribed to the term
38 "homeless children and youths" in 42 U.S.C. § 11434a(2).

39 (f) "Permanently expelled" means the disciplinary removal of a
40 pupil from the school in which the pupil is currently enrolled:

41 (1) Except as otherwise provided in subparagraph (2),
42 without the possibility of returning to the school in which the pupil
43 is currently enrolled or another public school within the school
44 district; and



(2) With the possibility of enrolling in a program or public school for alternative education for pupils who are expelled or permanently expelled after being permanently expelled.

(g) "Restorative justice" has the meaning ascribed to it in NRS 392.472.

(h) "Unaccompanied pupil" has the meaning ascribed to the term "unaccompanied youth" in 42 U.S.C. § 11434a(6).

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

Sec. 11. NRS 392.467 is hereby amended to read as follows:

392.467 1. Except as otherwise provided in subsections 5 and 6, ~~and NRS 392.466,~~ the board of trustees of a school district *or governing body of a charter school or university school for profoundly gifted pupils, as applicable*, or its designee may authorize the suspension or expulsion of any pupil who is at least 11 years of age from ~~any~~ a public school. ~~within the school district.~~ Except as otherwise provided in ~~this subsection and subsection 3 of~~ NRS 392.466, a pupil who is less than 11 years of age must not be permanently expelled from school ~~. In~~ *absent* extraordinary circumstances. ~~[- a school may request an exception to the prohibition set forth in this subsection against permanently expelling a pupil who is less than 11 years of age from school from the board of trustees of the school district.]~~

2. Except as otherwise provided in subsection 6, no pupil may be suspended or expelled until the pupil has been given notice of the charges against him or her, an explanation of the evidence and an opportunity ~~for~~ *to schedule* a hearing, except that a pupil who ~~is~~ :

- (a) *Poses a continuing danger to persons or property;*
- (b) *Is an ongoing threat of disrupting the academic process;*
- (c) *Is selling or distributing any controlled substance; or*
- (d) *Is found to be in possession of a firearm or a dangerous weapon as provided in NRS 392.466,*

➔ may be removed from the school immediately upon being given an explanation of the reasons for his or her removal and pending proceedings, to be conducted as soon as practicable after removal, for the pupil's suspension or expulsion.



1 3. The board of trustees of a school district *or governing body*
2 *of a charter school or university school for profoundly gifted*
3 *pupils, as applicable*, or its designee may authorize the expulsion,
4 suspension or removal of a pupil who has been charged with a crime
5 from the school at which the pupil is enrolled regardless of the
6 outcome of any criminal or delinquency proceedings brought
7 against the pupil only if the school:

8 (a) Conducts an independent investigation of the conduct of the
9 pupil; and

10 (b) Gives notice of the charges brought against the pupil by the
11 school to the pupil.

12 4. The provisions of chapter 241 of NRS do not apply to any
13 hearing or proceeding conducted pursuant to this section. Such
14 hearings or proceedings must be closed to the public.

15 5. The board of trustees of a school district *or governing body*
16 *of a charter school or university school for profoundly gifted*
17 *pupils, as applicable*, or its designee shall not authorize the
18 expulsion, suspension or removal of any pupil from the public
19 school system solely for offenses related to attendance or because
20 the pupil is declared a truant or habitual truant in accordance with
21 NRS 392.130 or 392.140.

22 6. A pupil with a disability may, in accordance with the
23 procedural policy adopted by the board of trustees of the school
24 district *or governing body of the charter school or university*
25 *school for profoundly gifted pupils, as applicable*, for such matters
26 and only after ~~[the board of trustees of the school district or its~~
27 ~~designee has reviewed]~~ *an administrative review of* the
28 circumstances and ~~[determined]~~ *a determination* that the action is in
29 compliance with the Individuals with Disabilities Education Act, 20
30 U.S.C. §§ 1400 et seq., be:

31 (a) Suspended from school pursuant to this section for not more
32 than ~~[5]~~ *10* days for each occurrence of proscribed conduct.

33 (b) Expelled from school pursuant to this section.

34 (c) Permanently expelled from school pursuant to this section.

35 7. A homeless pupil or a pupil in foster care ~~[who is at least 11~~
36 ~~years of age]~~ may be suspended ~~[or expelled]~~ from school pursuant
37 to this section ~~[only]~~ *for not more than 5 days if, following a*
38 *review of all available information, the principal determines that*
39 *the conduct of the pupil poses an ongoing threat to the pupil or*
40 *other persons at the school and* if a determination is made that the
41 behavior that led to the consideration for suspension or expulsion
42 was not caused by homelessness or being in foster care. The person
43 responsible for making a determination of whether or not the
44 behavior was caused by homelessness or being in foster care shall
45 ~~[presume that the behavior was caused by homelessness or being in~~



1 ~~foster care unless the person determines that the behavior was not~~
2 ~~caused by homelessness or being in foster care pursuant to this~~
3 ~~subsection. A] **make a reasonable** determination [that the behavior~~
4 ~~was not caused by homelessness must be made in consultation]~~
5 **following:**

6 (a) **A review of all relevant information;**

7 (b) **Consultation** with the local educational agency liaison for
8 homeless pupils designated in accordance with the McKinney-Vento
9 Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq., or a
10 contact person at a school, including, without limitation, a school
11 counselor or school social worker [~~. A determination that the~~
12 ~~behavior was not caused by being in foster care must be made in~~
13 ~~consultation]; **and**~~

14 (c) **Consultation** with an advocate for pupils in foster care at the
15 school in which the pupil is enrolled or the school counselor of the
16 pupil.

17 8. As used in this section:

18 (a) "Foster care" has the meaning ascribed to it in 45 C.F.R. §
19 1355.20.

20 (b) "Homeless pupil" has the meaning ascribed to the term
21 "homeless children and youths" in 42 U.S.C. § 11434a(2).

22 (c) "Permanently expelled" means the disciplinary removal of a
23 pupil from the school in which the pupil is currently enrolled:

24 (1) Except as otherwise provided in subparagraph (2),
25 without the possibility of returning to the school in which the pupil
26 is currently enrolled or another public school within the school
27 district; and

28 (2) With the possibility of enrolling in a program or public
29 school for alternative education for pupils who are expelled or
30 permanently expelled after being permanently expelled.

31 **Sec. 12.** NRS 392.4671 is hereby amended to read as follows:

32 392.4671 1. The board of trustees of each school district and
33 the governing body of each charter school or university school for
34 profoundly gifted pupils, as applicable, shall adopt a policy for
35 appealing the **significant** suspension , **expulsion** or **permanent**
36 expulsion of a pupil enrolled in the school district, charter school or
37 university school, as applicable. The policy must provide, without
38 limitation, that:

39 (a) The board of trustees of a school district, the governing body
40 of a charter school or university school for profoundly gifted pupils
41 or the designee of the board of trustees or governing body, as
42 applicable, may authorize the **significant** suspension , **expulsion** or
43 **permanent** expulsion of a pupil within the timeline established by
44 the Department pursuant to NRS 392.4609;



1 (b) Within the timeline established by the Department pursuant
2 to NRS 392.4609, the board of trustees of a school district, the
3 governing body of a charter school or university school for
4 profoundly gifted pupils or the designee of the board of trustees or
5 governing body, as applicable, shall notify the pupil and, if the pupil
6 is under 18 years of age, the parent or legal guardian of the pupil
7 who is ~~[suspended]~~ *given a significant suspension, expelled* or
8 *permanently* expelled of:

9 (1) The *significant* suspension, *expulsion* or *permanent*
10 *expulsion*;

11 (2) The right to appeal the *significant* suspension, *expulsion*
12 *or permanent* expulsion; and

13 (3) Information on the appeal policy adopted by the board of
14 trustees of the school district or the governing body of the charter
15 school or university school, as applicable;

16 (c) A pupil or, if the pupil is under 18 years of age, the parent or
17 legal guardian of the pupil, who is ~~[suspended]~~ *given a significant*
18 *suspension, expelled or permanently* expelled may file an appeal
19 with the board of trustees of the school district, the governing body
20 of the charter school or university school for profoundly gifted
21 pupils or the designee of the board of trustees or governing body, as
22 applicable, within the timeline established by the Department
23 pursuant to NRS 392.4609;

24 (d) The board of trustees of a school district, the governing body
25 of a charter school or university school for profoundly gifted pupils
26 or the designee of the board of trustees or governing body, as
27 applicable, shall schedule a hearing on an appeal of a *significant*
28 *suspension, expulsion or permanent* expulsion of a pupil within the
29 timeline established by the Department pursuant to NRS 392.4609;
30 and

31 (e) After conducting a hearing pursuant to this subsection, the
32 board of trustees of a school district, the governing body of a charter
33 school or university school for profoundly gifted pupils or the
34 designee of the board of trustees or governing body, as applicable,
35 may not increase the initial *significant* suspension or expulsion of a
36 pupil.

37 2. The board of trustees of a school district, the governing body
38 of a charter school or university school for profoundly gifted pupils
39 or the designee of the board of trustees or governing body, as
40 applicable, shall post the appeal policy on the Internet website of the
41 school district and each school within the district or of the charter
42 school or university school, as applicable.

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



1 **4. As used in this section:**

2 (a) *“Permanently expelled”* has the meaning ascribed to it in
3 **NRS 392.466.**

4 (b) *“Significant suspension”* has the meaning ascribed to it in
5 **NRS 392.4655.**

6 **Sec. 13.** NRS 392.472 is hereby amended to read as follows:

7 392.472 1. Except as otherwise provided in NRS **392.4645**
8 **and** 392.466 and to the extent practicable, a public school shall
9 provide a plan of action based on restorative justice before removing
10 a pupil from a classroom or other premises of the public school or
11 suspending or expelling a pupil from school.

12 2. The Department shall develop one or more examples of a
13 plan of action which may include, without limitation:

- 14 (a) Positive behavioral interventions and support;
15 (b) A plan for behavioral intervention;
16 (c) A referral to a team of student support;
17 (d) A referral to an individualized education program team;
18 (e) A referral to appropriate community-based services; and
19 (f) A conference with the principal of the school or his or her
20 designee and any other appropriate personnel.

21 3. The Department may approve a plan of action based on
22 restorative justice that meets the requirements of this section
23 submitted by a public school.

24 4. The Department, in consultation with the Office for a Safe
25 and Respectful Learning Environment, shall post on its Internet
26 website a guidance document that includes, without limitation:

27 (a) A description of ~~[the statewide framework for restorative~~
28 ~~justice developed pursuant to NRS 388.1333 and]~~ the requirements
29 of this section and NRS 392.462;

30 (b) A timeline for implementation of the requirements of this
31 section and NRS 392.462 by a public school;

32 (c) One or more models of restorative justice and best practices
33 relating to restorative justice;

34 (d) A curriculum for professional development relating to
35 restorative justice and references for one or more consultants or
36 presenters qualified to provide additional information or training
37 relating to restorative justice; and

38 (e) One or more examples of a plan of action based on
39 restorative justice developed pursuant to subsection 2.

40 5. As used in this section:

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

43 (b) “Restorative justice” means nonpunitive intervention and
44 support provided by the school to a pupil to improve the behavior of
45 the pupil and remedy any harm caused by the pupil.



1 **Sec. 14.** The provisions of NRS 354.599 do not apply to any
2 additional expenses of a local government that are related to the
3 provisions of this act.

4 **Sec. 15.** NRS 388.1333 is hereby repealed.

5 **Sec. 16.** This act becomes effective upon passage and
6 approval.

TEXT OF REPEALED SECTION

388.1333 Development of statewide framework for restorative justice by Department.

1. To the extent that money is available, the Department shall develop a statewide framework for restorative justice. The statewide framework must, without limitation:

(a) In accordance with NRS 392.472, establish standards for a plan of action based on restorative justice to enable a public school to address the unique needs of pupils enrolled in the school;

(b) Provide for the identification of and address the needs of homeless pupils, unaccompanied pupils or pupils in foster care;

(c) Address the occurrences of the suspension, expulsion or removal of pupils from school that disproportionately affect pupils who belong to a group of pupils listed in subsection 2 of NRS 385A.250;

(d) Provide for the improvement of school climate, culture and safety and pupil outcomes by providing information on, without limitation:

- (1) Multi-tiered systems of support;
- (2) Early warning systems;
- (3) Positive behavioral interventions and support;
- (4) The provision of school social workers;
- (5) Curriculum on social and emotional learning; and
- (6) Trauma-informed practices; and

(e) Provide for training for teachers, administrators and other school staff in:

- (1) Child and adolescent development;
- (2) Restorative justice, including, without limitation, positive behavioral interventions and support, conflict resolution and de-escalation techniques; and

- (3) Psychology, trauma and chronic stress, the effect of trauma and chronic stress on pupils and learning and effective responses to trauma and chronic stress.



2. The Department may apply for grants, gifts and donations of money to carry out the objectives of the statewide framework for restorative justice.

3. As used in this section:

(a) “Foster care” has the meaning ascribed to it in 45 C.F.R. § 1355.20.

(b) “Homeless pupil” has the meaning ascribed to the term “homeless children and youths” in 42 U.S.C. § 11434a(2).

(c) “Restorative justice” has the meaning ascribed to it in NRS 392.472.

(d) “Unaccompanied pupil” has the meaning ascribed to the term “unaccompanied youth” in 42 U.S.C. § 11434a(6).

