

Assembly Bill No. 330–Committee on Education

CHAPTER.....

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; requiring certain actions by a school at the time of a suspension or expulsion of a pupil for committing certain acts; revising the persons to whom the appeals of certain disciplinary determinations may be made; revising requirements for policies for the appeal of suspensions and expulsions; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

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

Section 3.3 of this bill 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 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. **Sections 3.5 and 3.7** of this bill make conforming changes to indicate the proper placement of **section 3.3** in the Nevada Revised Statutes.

Under existing law, the board of trustees of each school district is required to establish a plan to provide for the restorative discipline of pupils, which must be developed with the input of certain school personnel and the parents and guardians of pupils. (NRS 392.4644) Existing law also requires each public school to collect and submit data on the discipline of pupils and categorize such data by various subgroups of pupils. (NRS 392.462) **Section 4** of this bill requires that the data be reported to the superintendent of the school district or to the administrative head of a charter school. **Section 6** also requires the Superintendent of Public Instruction to review data on the disproportionality of punishments and provide a corrective



period for any deficient schools to make progress in addressing any disproportionalities or any insufficiency in such data.

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

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

Existing law provides certain requirements concerning the determination that a pupil is deemed a habitual disciplinary problem. (NRS 392.4655) **Section 9** of this bill revises the persons to whom a pupil or parent or legal guardian of a pupil may appeal such a determination.

Existing law authorizes, under certain circumstances, the suspension, expulsion or permanent expulsion of a pupil who attends a public school, charter school or university school for profoundly gifted pupils and who is at least 11 years of age. (NRS 388A.495, 388C.150, 392.466, 392.467) Existing law further provides that a pupil who is less than 11 years of age may be suspended, expelled or permanently expelled by the public school in which the pupil is enrolled if such a punishment is approved by the board of trustees of the school district. (NRS 392.466) **Section 10** of this bill provides for the suspension, expulsion or permanent expulsion of certain pupils who are at least 11 years of age. **Section 10:** (1) provides that pupils who are less than 11 years of age may, following review and approval by certain school officials, be suspended in certain situations; and (2) prohibits, in general, the expulsion or permanent expulsion of a pupil who is less than 11 years of age.

Under existing law, a public school is prohibited, in general, from permanently expelling a pupil who is less than 11 years of age, except for certain situations in which such a punishment is authorized by the board of trustees of a school district. (NRS 392.466, 392.467) **Section 10** provides that, for a pupil who sells or distributes a controlled substance in certain situations or commits a battery other than a battery intended to result in the bodily injury of an employee of the school in various school settings: (1) the pupil may be suspended if he or she is less than 11 years of age and may also be expelled or permanently expelled if he or she is at least 11 years of age; (2) the suspension of a pupil who is less than 6 years of age must be reviewed by the superintendent of the school district or his or her designee; and (3) if the removal is of a pupil with a disability, such removal must comply with federal law. Additionally, **section 10** provides that, for a pupil who commits a battery which is intended to result in the bodily injury of an employee of the school: (1) the pupil shall be suspended or expelled if he or she is at least 8 years of age; (2) the suspension of a pupil who is less than 6 years of age must be reviewed and approved by the superintendent of the school district or his or her designee; and (3) if the removal is of a pupil with a disability, such removal must comply with federal law. Finally, **section 10** provides that a pupil who is found in possession of a firearm at a public school or an activity or school bus of a public school: (1) shall be suspended, expelled or permanently expelled if he or she is at least 11 years of age; (2) shall be suspended or expelled if he or she is at least 8 but less than



11 years of age; (3) may be suspended if he or she is at least 6 but less than 8 years of age; (4) may be suspended if he or she is less than 6 years of age upon review and approval by the superintendent of the school district or his or her designee; and (5) if the pupil is a pupil with a disability, any removal of the pupil must comply with federal law. **Sections 10 and 11** of this bill: (1) prohibit the permanent expulsion of a pupil who is less than 6 years of age; and (2) authorize a homeless pupil or a pupil in foster care of any age to be suspended or expelled for not more than 5 days if the principal determines that the conduct of the pupil poses an ongoing threat.

Existing law provides that a pupil may not be suspended or expelled unless the pupil is given the opportunity for a hearing. (NRS 392.467) **Section 11** removes the hearing requirement before suspension or expulsion for certain pupils who: (1) pose a danger to other persons or property; (2) threaten to disrupt the academic process; (3) are selling or distributing a controlled substance; or (4) are in possession of a firearm or other dangerous weapon.

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

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

Section 13.5 of this bill amends Assembly Bill No. 285 to resolve a conflict.

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

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

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

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

2. The policy must include, without limitation:

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

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



(c) Requirements and methods for restorative disciplinary practices that align with the statewide framework for restorative justice if such a framework is developed pursuant to NRS 388.1333; and

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

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

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

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

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

(5) Methods to promote a positive learning environment;

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

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

3. *As used in this section, "restorative justice" has the meaning ascribed to it in NRS 392.472.*

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

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

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

(b) Appropriate punishments for violations of the rules.

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

3. ***Except as otherwise provided in NRS 392.467, if suspension or expulsion of a pupil is used as a punishment for a violation of the rules, the charter school shall ensure that, ~~[before]~~ at the time of the suspension or expulsion, the pupil and, if the pupil is under 18 years of age, the parent or guardian of the pupil, ~~[has been]~~ are given notice of the charges against him or her, an explanation of***



the evidence and an opportunity for a hearing. If a pupil is *significantly* suspended, ~~[or]~~ expelled ~~[.]~~ *or permanently expelled*, the pupil or, if the pupil is under 18 years of age, the parent or guardian of the pupil may appeal the *significant* suspension, *expulsion* or *permanent* expulsion in accordance with the provisions of NRS 392.4671. The charter school shall ensure that a pupil who is *significantly* suspended, ~~[or]~~ expelled *or permanently expelled* and is appealing the *significant* suspension, *expulsion* or *permanent* expulsion or a pupil who is being considered for *significant* suspension, *expulsion* or *permanent* expulsion continues to attend school and receives an appropriate education in the least restrictive environment possible as required by NRS 392.4673. The provisions of chapter 241 of NRS do not apply to any hearing or proceeding conducted pursuant to this section. Such a 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.

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

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

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

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

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

(b) Appropriate punishments for violations of the rules.

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

3. ~~Except as otherwise provided in NRS 392.467, if suspension or expulsion of a pupil is used as a punishment for a violation of the rules, the university school for profoundly gifted pupils shall ensure that, [before] at the time of the suspension or expulsion, the pupil [has been] is given notice of the charges against him or her, an explanation of the evidence and an opportunity for a hearing. If a pupil is significantly suspended, [or] expelled [] or permanently expelled, the pupil or, if the pupil is under 18 years of age, the parent or guardian of the pupil may appeal the significant suspension, expulsion or permanent expulsion in accordance with the provisions of NRS 392.4671. The university school shall ensure~~



that a pupil who is *significantly* suspended, ~~for~~ expelled *or permanently expelled* and is appealing the *significant* suspension, *expulsion* or *permanent* expulsion or a pupil who is being considered for *significant* suspension, *expulsion* or *permanent* expulsion continues to attend school and receives an appropriate education in the least restrictive environment possible as required by NRS 392.4673. The provisions of chapter 241 of NRS do not apply to any hearing or proceeding conducted pursuant to this section. Such a 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 only after the university school for profoundly gifted pupils 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 university school for profoundly gifted pupils may, in accordance with the procedural policy adopted by the governing body of the university 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 university 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, proscribed 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 the university school for profoundly gifted pupils during the year.~~

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

~~{6.} 5. The governing body of a university school for profoundly gifted pupils may adopt rules relating to the truancy of pupils who are enrolled in the university 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 the 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.

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

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

Sec. 3.3. Chapter 392 of NRS 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 NRS 392.4671, to the pupil and, if the pupil is less than 18 years of age, the parent or legal guardian of the pupil. 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, if the pupil is less than 18 years of age, the parent or legal guardian of the pupil, 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



NRS 392.4671, the pupil or, if the pupil is less than 18 years of age, the parent or legal guardian of the pupil 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 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 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 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, "principal" means the lead administrator of a public school, including, without limitation, such an administrator who is referred to by another title.

Sec. 3.5. NRS 392.4601 is hereby amended to read as follows:

392.4601 As used in NRS 392.4601 to 392.472, inclusive, *and section 3.3 of this act*, unless the context otherwise requires, the words and terms defined in NRS 392.4603, 392.4605 and 392.4607 have the meanings ascribed to them in those sections.

Sec. 3.7. NRS 392.4609 is hereby amended to read as follows:

392.4609 The Department shall adopt any regulations necessary to carry out the provisions of NRS 392.4601 to 392.472, inclusive, *and section 3.3 of this act*, including, without limitation, regulations which establish timelines for the purposes of subsection 1 of NRS 392.4671.



Sec. 4. NRS 392.462 is hereby amended to read as follows:

392.462 Each public school shall collect data on the discipline of pupils. Such data must include, without limitation, the number of expulsions and suspensions of pupils and the number of placements of pupils in another school. Such data must be disaggregated into the subgroups of pupils listed in subsection 2 of NRS 385A.250 and the types of offense. The principal of each public school shall:

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

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

Sec. 5. NRS 392.4634 is hereby amended to read as follows:

392.4634 1. ~~Except as otherwise provided in subsection 3, a)~~
A pupil enrolled in kindergarten or grades 1 to 8, inclusive, may not be disciplined, including, without limitation, pursuant to NRS 392.466, for:

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

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

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

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

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

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

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

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

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

3. ~~A pupil who simulates a firearm or dangerous weapon may be disciplined when disciplinary action is consistent with a policy~~



~~adopted by the board of trustees of the school district and such simulation:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) Changing the behavior of the pupil.



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

(f) Provide for the placement of a pupil in a different school ~~{within the school district}~~ in accordance with NRS 392.466.

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

(h) Be in accordance with the statewide framework for restorative justice developed pursuant to NRS 388.1333 . ~~{including, without limitation, by addressing}~~

(i) *Include consideration of the results of the data collected and reported pursuant to NRS 392.462 and include methods for addressing* 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.

~~{(i) Be posted on the Internet website maintained by the school district.}~~

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

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

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

(c) Based upon the review, recommend to the ~~{board of trustees}~~ *superintendent* of the school district *or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable*, revisions to the plan, as recommended by the teachers, school administrators and other educational personnel and support personnel , ~~{and}~~ the parents and guardians of pupils and the pupils who are enrolled in the school ~~{}~~ *and, if applicable, the organizational team established pursuant to NRS 388G.700*, if necessary . ~~{}~~

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



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

3. On or before September 30 of each year, the superintendent of each school district and the administrative head of each charter school or university school for profoundly gifted pupils shall issue a revised plan that appropriately reflects comments provided by teachers, school administrators, other educational personnel and support personnel and, if applicable, organizational teams pursuant to subsection 2.

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

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

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

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

(a) Submit a written report to the Superintendent of Public Instruction that reports the progress of each school ~~[within the district]~~ in complying with the requirements of this section, including, without limitation, addressing 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; and

(b) Post a copy of the report on the Internet website maintained by the school district ~~[-~~

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

6. If the Superintendent of Public Instruction determines that the data collected pursuant to NRS 392.462 indicates disproportionality in disciplinary actions or is insufficient to determine whether disproportionality exists, the Superintendent shall issue a written notice to the school district, charter school or university school for profoundly gifted pupils, as applicable, listing the specific areas of concern and providing a specific corrective period for the school district, charter school or university school



for profoundly gifted pupils, as applicable, to implement a framework to reduce the disproportionality or correct the insufficiency of the data, as applicable. The specific corrective period shall be at least 12 months and not more than 36 months, and shall include required monitoring of the progress made by the school district, charter school or university school for profoundly gifted pupils, as applicable. If, following the conclusion of the specific corrective period, the school district, charter school or university school for profoundly gifted pupils, as applicable, fails to:

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

(b) Provide the required progress reports,

↳ the Superintendent of Public Instruction may issue an alternative plan for the school district, charter school or university school for profoundly gifted pupils, as applicable, for mandatory implementation.

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

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

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

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



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

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

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

(a) Required by NRS 392.466; or

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

↳ If the principal proceeds in accordance with NRS 392.466 or 392.467, the pupil must be removed from school in accordance with those sections and the provisions of NRS 392.4642 to 392.4648, inclusive, do not apply to the pupil.

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

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

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

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

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

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

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

(a) The pupil;



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

(c) The principal of the school; and

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

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

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

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

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

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

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

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

(d) If:

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

(2) The principal has received written authorization from the superintendent of the school district or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable, to extend the period for which the pupil is



removed from the classroom or other premises of the public school.

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

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

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

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

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

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

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



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

2. A principal of a school shall presume that the behavior of the pupil was caused by homelessness unless the principal determines the behavior was not caused by homelessness pursuant to subsection 1.

3. At least one teacher of a pupil who is enrolled in elementary school and at least two teachers of a pupil who is enrolled in junior high, middle school or high school may request that the principal of the school deem a pupil a habitual disciplinary problem. Upon such a request, the principal of the school shall meet with each teacher who made the request to review the pupil's record of discipline. If, after the review, the principal of the school determines that the provisions of subsection 1 do not apply to the pupil, a teacher who submitted a request pursuant to this subsection may appeal that determination to the ~~board of trustees~~ *superintendent* of the school district ~~or~~ *or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable.* Upon receipt of such a request, the ~~board of trustees~~ *superintendent or administrative head* shall review the initial request and determination pursuant to the procedure established 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,* for such matters.

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

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

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

(c) An explanation that, pursuant to subsection ~~5~~ *8* of NRS 392.466, a pupil who is deemed a habitual disciplinary problem may be:

(1) Suspended from school; or



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

(d) If the pupil is a pupil with a disability, an explanation of the effect of subsection ~~H10~~ 12 of NRS 392.466, including, without limitation, that if it is determined in accordance with 20 U.S.C. § 1415 that the pupil's behavior is not a manifestation of the pupil's disability, he or she may be suspended or expelled from school in the same manner as a pupil without a disability; and

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

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

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

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

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

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

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

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

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

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



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

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

9. The parent or legal guardian of a pupil or, if the pupil is an unaccompanied pupil, a pupil who has entered into a plan of behavior with a school pursuant to this section may appeal to the ~~board of trustees~~ *superintendent* of the school district *or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable*, a determination made by the school concerning the contents of the plan of behavior or action taken by the school pursuant to the plan of behavior. Upon receipt of such a request, the ~~board of trustees~~ *superintendent* of the school district *or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable*, shall review the determination in accordance with the procedure established 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*, for such matters.

10. As used in this section:

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

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

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

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

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

392.466 1. Except as otherwise provided in this section, any pupil who ~~commits a battery which results in the bodily injury of an employee of the school or who~~ sells or distributes any controlled substance while on the premises of any public school, at an activity sponsored by a public school or on any school bus ~~and who is at least 11 years of age~~ shall meet with the school and his or her parent or legal guardian. The school shall provide a plan of action based on restorative justice to the parent or legal guardian of the pupil or, if the pupil is an unaccompanied pupil, the pupil. The pupil



may be suspended ~~for~~, *expelled or permanently expelled* from the school, ~~[in which case the pupil shall:]~~ *except that:*

(a) ~~[Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or]~~ *A pupil who is less than 11 years of age may not be expelled or permanently expelled pursuant to this subsection.*

(b) ~~[Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.]~~ *A pupil who is less than 6 years of age may be suspended pursuant to this subsection, and the suspension must be reviewed and approved by the superintendent of the school district or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable, or his or her designee.*

(c) *For a pupil with a disability who has been suspended or expelled pursuant to this subsection, the school in which the pupil is enrolled shall make available to the pupil a free appropriate public education in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., for each school day the pupil is suspended or expelled after the pupil has been removed for 10 cumulative days.*

2. *Except as otherwise provided in this section, any pupil who commits a battery against an employee of the school while on the premises of any public school, at an activity sponsored by a public school or on any school bus shall meet with the school and his or her parent or legal guardian. The school shall provide a plan of action based on restorative justice to the parent or legal guardian of the pupil or, if the pupil is an unaccompanied pupil, the pupil. The pupil may be suspended, expelled or permanently expelled from the school, except that:*

(a) *A pupil who is less than 8 years of age may not be expelled or permanently expelled pursuant to this subsection.*

(b) *A pupil who is less than 6 years of age may be suspended pursuant to this subsection, and the suspension must be reviewed and approved by the superintendent of the school district or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable, or his or her designee.*

(c) *For a pupil with a disability who has been suspended or expelled pursuant to this subsection, the school in which the pupil is enrolled shall make available to the pupil a free appropriate*



public education in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., for each school day the pupil is suspended or expelled after the pupil has been removed for 10 cumulative days.

3. *Except as otherwise provided in this section, any pupil who commits a battery which is intended to result in the bodily injury of an employee of the school while on the premises of any public school, at an activity sponsored by a public school or on any school bus shall meet with the school and his or her parent or legal guardian. The school shall provide a plan of action based on restorative justice to the parent or legal guardian of the pupil or, if the pupil is an unaccompanied pupil, the pupil. The pupil shall be suspended, expelled or permanently expelled from the school, except that:*

(a) A pupil who is less than 8 years of age may not be expelled or permanently expelled pursuant to this subsection.

(b) A pupil who is less than 6 years of age may be suspended pursuant to this subsection, and the suspension must be reviewed and approved by the superintendent of the school district or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable, or his or her designee.

(c) For a pupil with a disability who has been suspended or expelled pursuant to this subsection, the school in which the pupil is enrolled shall make available to the pupil a free appropriate public education in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., for each school day the pupil is suspended or expelled after the pupil has been removed for 10 cumulative days.

4. An employee who is a victim of a battery which ~~results~~ *is intended to result* in the bodily injury of an employee of the school may appeal to the school ~~the~~ *a* plan of action provided pursuant to subsection ~~4~~ *3* if:

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

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

~~3~~ *5.* Except as otherwise provided in this section, any pupil, ~~of any age,~~ including, without limitation, a pupil with a disability, who *poses a continuing danger to persons or property or an*



*ongoing threat of disrupting the academic process or who is found in possession of ~~[a firearm or]~~ a dangerous weapon *other than a firearm* while on the premises of any public school, at an activity sponsored by a public school or on any school bus ~~[must, for the first occurrence, be expelled from the school for a period of not less than 1 year, although the pupil may be placed in another kind of school for a period not to exceed the period of the expulsion. For a second occurrence, the pupil must be permanently expelled from the school.~~*

~~—4.]~~ *may be removed from the public school immediately upon being given an explanation of the reasons for the removal of the pupil and pending proceedings, which must be conducted as soon as practicable after removal, for his or her suspension, expulsion or permanent expulsion, except that:*

(a) A pupil who is less than 11 years of age may not be expelled or permanently expelled pursuant to this subsection.

(b) A pupil who is less than 6 years of age may be suspended pursuant to this subsection only after the suspension is reviewed and approved by the superintendent of the school district or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable, or his or her designee.

(c) For a pupil with a disability who has been suspended or expelled pursuant to this subsection, the public school in which the pupil is enrolled shall make available to the pupil a free appropriate public education in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., for each school day the pupil is suspended or expelled after the pupil has been removed for 10 cumulative days.

6. Except as otherwise provided in this section, any pupil, including, without limitation, a pupil with a disability, who is found in possession of a firearm while on the premises of any public school, at an activity sponsored by a public school or on any school bus must be removed from the public school immediately upon being given an explanation of the reasons for the removal of the pupil and pending proceedings, which must be conducted as soon as practicable after removal, for his or her suspension, expulsion or permanent expulsion. A pupil who is:

(a) Eleven years of age or older shall be suspended, expelled or permanently expelled pursuant to this section.

(b) At least 8 but less than 11 years of age shall be suspended or expelled pursuant to this subsection.

(c) At least 6 but less than 8 years of age may be suspended pursuant to this subsection.



(d) Less than 6 years of age may be suspended pursuant to this subsection only after the suspension is reviewed and approved by the superintendent of the school district or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable, or his or her designee.

(e) A pupil with a disability who has been suspended or expelled pursuant to this subsection must be provided with a free appropriate public education in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., by the public school in which the pupil is enrolled for each school day the pupil is suspended or expelled after the pupil has been removed for 10 cumulative days.

7. If a school is unable to retain a pupil in the school pursuant to ~~subsection~~ *subsections 1 to 6, inclusive*, for the safety of any person or because doing so would not be in the best interest of the pupil, the pupil may be suspended, expelled or placed in another school. If a pupil, *including, without limitation, a pupil who is less than 11 years of age*, is placed in another school, the current school of the pupil shall explain what services will be provided to the pupil at the new school that the current school is unable to provide to address the specific needs and behaviors of the pupil. The ~~school district of the~~ current school of the pupil shall coordinate with the new school to create a plan of action based on restorative justice for the pupil and to ensure that any resources required to execute the plan of action based on restorative justice are available at the new school.

~~5.1~~ 8. Except as otherwise provided in this section, if a pupil is deemed a habitual disciplinary problem pursuant to NRS 392.4655 ~~[, the pupil is at least 11 years of age]~~ and the school has made a reasonable effort to complete a plan of action based on restorative justice with the pupil, based on the seriousness of the acts which were the basis for the discipline, the pupil may be:

(a) Suspended from the school; or

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

~~6.1~~ 9. If the pupil is expelled, or the period of the pupil's suspension is for one school semester, the pupil must:

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

(b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies



for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program ~~[]~~; *or*

(c) Enroll in a program of alternative education provided by the school district in which the pupil resides. Each school district shall, alone or through a partnership with another school district, provide a program of alternative education pursuant to this paragraph in an in-person setting that allows each pupil enrolled in the program to receive educational services in the least restrictive educational environment.

~~[7.]~~ 10. The superintendent of schools of a school district *or the administrative head of a charter school or university school for profoundly gifted pupils* may, for good cause shown in a particular case in that school district, *or public school, as applicable*, allow a modification to a suspension or expulsion pursuant to subsections 1 to ~~[5.]~~ 8, inclusive, if such modification is set forth in writing. The superintendent *or the administrative head of a charter school or university school for profoundly gifted pupils, as applicable*, shall allow such a modification if ~~[the superintendent]~~ *he or she* determines that a plan of action based on restorative justice may be used successfully.

~~[8.]~~ 11. This section does not prohibit a pupil from having in his or her possession a knife or firearm with the approval of the principal of the school. A principal may grant such approval only in accordance with the policies or regulations 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.*

~~[9.— Except as otherwise provided in this subsection and subsection 3, a pupil who is less than 11 years of age must not be permanently expelled from school. In extraordinary circumstances, a school may request an exception to this subsection from the board of trustees of the school district. A pupil who is at least 11 years of age may be suspended, expelled or permanently expelled from school pursuant to this section only after the board of trustees of the school district or its designee has reviewed the circumstances and approved this action in accordance with the procedural policy adopted by the board for such issues.~~

~~—10.]~~ 12. Except as otherwise provided in subsection ~~[3.]~~ 5 or 6, a pupil with a disability who is at least 11 years of age may, in accordance with the procedural policy adopted by the board of trustees of the school district *or governing body of the charter school or university school for profoundly gifted pupils, as applicable*, for such matters and only after the board of trustees of



the school district *or governing body, as applicable*, 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 school pursuant to this section for not more than ~~5~~ **10** days. Such a suspension may be imposed pursuant to this paragraph for each occurrence of conduct proscribed by subsection 1.

(b) Expelled from school pursuant to this section.

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

~~11.~~ **13.** A homeless pupil or a pupil in foster care ~~{who is at least 11 years of age}~~ may be suspended ~~{or expelled}~~ from school pursuant to this section ~~{only}~~ *for not more than 5 days if, following a review of all available information, the principal determines that the conduct of the pupil poses an ongoing threat to the pupil or other persons at the school and* if a determination is made that the behavior that led to the consideration for suspension or expulsion was not caused by homelessness or being in foster care. The person responsible for making a determination of whether or not the behavior was caused by homelessness or being in foster care shall presume that the behavior was caused by homelessness or being in foster care unless the person determines that the behavior was not caused by homelessness or being in foster care pursuant to this subsection. A determination that the behavior was not caused by homelessness must be made in consultation with the local educational agency liaison for homeless pupils designated in accordance with the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq., or a contact person at a school, including, without limitation, a school counselor or school social worker. A determination that the behavior was not caused by being in foster care must be made in consultation with an advocate for pupils in foster care at the school in which the pupil is enrolled or the school counselor of the pupil.

~~12.~~ **14.** *The principal of a public school may, at his or her discretion, reduce or eliminate the period of suspension, convert an expulsion to a suspension or otherwise reduce, eliminate or alter a disciplinary action imposed upon a pupil who commits a battery which results in the bodily injury of an employee of the school.*

15. *The principal of a public school may reduce the period of suspension or convert an expulsion to a suspension for a pupil who distributes a controlled substance while on the premises of a*



public school, at an activity sponsored by a public school or on a school bus if:

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

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

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

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

~~13.1~~ 17. As used in this section:

(a) "Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

(b) "***Bodily injury***" means any actual damage or injury to a person that interferes with or is detrimental to the health of the person and is more than merely accidental, transient or trifling in nature.

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

~~(e)~~ (d) "Firearm" includes, without limitation, any pistol, revolver, shotgun, explosive substance or device, and any other item included within the definition of a "firearm" in 18 U.S.C. § 921, as that section existed on July 1, 1995.

~~(d)~~ (e) "Foster care" has the meaning ascribed to it in 45 C.F.R. § 1355.20.

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

~~(f)~~ (g) "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.



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

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

~~(14.)~~ 18. 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 7**, 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]~~ **subsections 5 and 6** of NRS 392.466, a pupil who is **at least 6 years of age but** less than 11 years of age must not be **expelled or** permanently expelled from school. In extraordinary circumstances, a school may request an exception to the prohibition set forth in this subsection against **expelling or** permanently expelling a pupil who is less than 11 years of age from school from the board of trustees of the school district ~~()~~ **or the governing body of the charter school or university school, as applicable**.

2. **A pupil who is less than 6 years of age must not be permanently expelled from school.**

3. Except as otherwise provided in subsection ~~(6.)~~ **7**, 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.

~~[3.]~~ **4.** 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 expulsion, suspension or removal of a pupil who has been charged with a crime from the school at which the pupil is enrolled regardless of the outcome of any criminal or delinquency proceedings brought against the pupil only if the school:

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

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

~~[4.]~~ **5.** The provisions of chapter 241 of NRS do not apply to any hearing or proceeding conducted pursuant to this section. Such hearings or proceedings must be closed to the public.

~~[5.]~~ **6.** 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 shall not authorize the expulsion, suspension or removal of any pupil from the public school system solely for offenses related to attendance or because the pupil is declared a truant or habitual truant in accordance with NRS 392.130 or 392.140.

~~[6.]~~ **7.** A pupil with a disability may, in accordance with the procedural policy adopted by the board of trustees of the school district *or governing body of the charter school or university school for profoundly gifted pupils, as applicable*, for such matters and only after ~~[the board of trustees of the school district or its designee has reviewed]~~ *an administrative review* of the circumstances and ~~[determined]~~ *a determination* that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:

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

(b) Expelled from school pursuant to this section.

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

~~[7.]~~ **8.** A homeless pupil or a pupil in foster care ~~[who is at least 11 years of age]~~ may be suspended ~~[or expelled]~~ from school pursuant to this section ~~[only]~~ *for not more than 5 days if, following a review of all available information, the principal determines that the conduct of the pupil poses an ongoing threat*



to the pupil or other persons at the school and if a determination is made that the behavior that led to the consideration for suspension or expulsion was not caused by homelessness or being in foster care. The person responsible for making a determination of whether or not the behavior was caused by homelessness or being in foster care shall presume that the behavior was caused by homelessness or being in foster care unless the person determines that the behavior was not caused by homelessness or being in foster care pursuant to this subsection. A determination that the behavior was not caused by homelessness must be made in consultation with the local educational agency liaison for homeless pupils designated in accordance with the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq., or a contact person at a school, including, without limitation, a school counselor or school social worker. A determination that the behavior was not caused by being in foster care must be made in consultation with an advocate for pupils in foster care at the school in which the pupil is enrolled or the school counselor of the pupil.

~~§ 9.~~ **9.** 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) “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.

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

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

(a) The board of trustees of a school district, the governing body of a charter school or university school for profoundly gifted pupils or the designee of the board of trustees or governing body, as



applicable, may authorize the *significant* suspension , *expulsion* or *permanent* expulsion of a pupil within the timeline established by the Department pursuant to NRS 392.4609;

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

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

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

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

(c) A pupil or, if the pupil is under 18 years of age, the parent or legal guardian of the pupil, who is ~~[suspended]~~ *given a significant suspension, expelled* or *permanently* expelled may file an appeal with the board of trustees of the school district, 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, within the timeline established by the Department pursuant to NRS 392.4609;

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

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

2. The board of trustees of a school district, the governing body of a charter school or university school for profoundly gifted pupils or the designee of the board of trustees or governing body, as applicable, shall post the appeal policy on the Internet website of the



school district and each school within the district or of the charter school or university school, as applicable.

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

4. *As used in this section:*

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

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

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

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

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

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

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

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

(a) A description of the statewide framework for restorative justice developed pursuant to NRS 388.1333 and the requirements of this section and NRS 392.462;

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

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

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



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

5. As used in this section:

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

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

Sec. 13.5. Section 5 of Assembly Bill No. 285 of this session is hereby amended to read as follows:

Sec. 5. NRS 392.4644 is hereby amended to read as follows:

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

(a) Be developed with the input and participation of teachers, school administrators, *school counselors, school social workers, school psychologists, behavior analysts* and other educational personnel and support personnel who are employed ~~by~~ *at* the *public* school, ~~district,~~ pupils who are enrolled in *the public school or* schools within the school district, *as applicable*, and the parents and guardians of pupils who are enrolled in *the public school or* schools within the school district ~~;~~ *, as applicable.*

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

(c) Include, without limitation, provisions designed to address the specific disciplinary needs and concerns of *the public school or* each school within the school district ~~;~~ *, as applicable.*

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

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

~~— (2) Restoration or remedies related to the behavior of the pupil;~~

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

~~— (4) Changing the behavior of the pupil.~~

~~— (e) Provide for~~ *Prescribe methods of alternative conflict resolution and interventions based on social and emotional*



learning that are developed to avoid the need for the removal of a pupil.

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

(f) Provide for the placement of a pupil in *a more restrictive educational environment at that school or at* a different *public school or* school within the school district , *as applicable*, in accordance with NRS 392.466.

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

(h) ~~[Be in accordance with the statewide framework for restorative justice developed pursuant to NRS 388.1333, including, without limitation, by addressing 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.~~

~~—(i)]~~ *Be provided to each school over which the board of trustees or governing body has authority and* posted on the Internet website maintained by the *public school* . ~~[district.]~~

(i) Be in accordance with a plan to use disciplinary practices based on restorative justice developed pursuant to subsection 2, if applicable.

2. *The superintendent of a school district shall, in addition to establishing a plan to provide for the progressive discipline of pupils pursuant to subsection 1, establish a plan to use disciplinary practices based on restorative justice. Such a plan must:*

(a) *Authorize the use of disciplinary practices based on restorative justice which include, without limitation:*

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

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

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

(4) *Changing the behavior of the pupil; and*

(b) *Be in accordance with the statewide framework for restorative justice developed pursuant to NRS 388.1333, including, without limitation, by addressing the occurrences of the suspension, expulsion or removal of pupils from*



schools that disproportionately affect pupils who belong to a group of pupils listed in subsection 2 of NRS 385A.250.

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

(a) Review the plan established by subsection 1 in consultation with the teachers, school administrators, *school counselors, school social workers, school psychologists, behavior analysts* and other educational personnel and support personnel who are employed at the school, ~~and~~ the parents and guardians of pupils, ~~and~~ the pupils who are enrolled in the school ~~;~~ *and, if applicable, the organizational team established pursuant to NRS 388G.700;*

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

(c) Based upon the review, recommend to the ~~board of trustees~~ *superintendent* of the school district *or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable*, revisions to the plan, as recommended by the teachers, school administrators, *school counselors, school social workers, school psychologists, behavior analysts* and other educational personnel and support personnel, ~~and~~ the parents and guardians of pupils, ~~and~~ the pupils who are enrolled in the school ~~;~~ *and, if applicable, the organizational team established pursuant to NRS 388G.700, if necessary. ;*

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

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

~~—3.]~~ *4. On or before September 30 of each year, the superintendent of each school district and the administrative head of each charter school or university school for profoundly gifted pupils shall issue a revised plan that appropriately reflects comments provided by teachers, school administrators, school counselors, school social workers, school psychologists, behavior analysts, other educational personnel and support personnel, the parents*



and guardians of pupils, the pupils who are enrolled in the school and, if applicable, organizational teams established pursuant to NRS 388G.700.

5. Not more than 14 days after the receipt of a plan established pursuant to subsection 1 or a revised plan issued pursuant to subsection 4, the principal of each school shall:

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

(b) Distribute to each teacher, school administrator, school counselors, school social workers, school psychologists, behavior analysts, and all educational support personnel who are employed at or assigned to the school and, if applicable, the organizational team a written or electronic copy of the plan or the revised plan.

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

(a) Submit a written report to the Superintendent of Public Instruction that reports the progress of each school ~~[within the district]~~ over which the board of trustees or governing body has authority in complying with the requirements of this section, including, without limitation, addressing 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; and

(b) Post a copy of the report on the Internet website maintained by the school district ~~[-~~ ~~4.]~~, charter school or university school for profoundly gifted pupils, as applicable.

7. If the Superintendent of Public Instruction determines that the data collected pursuant to NRS 392.462 indicates disproportionality in disciplinary actions or is insufficient to determine whether disproportionality exists, the Superintendent shall issue a written notice to the school district, charter school or university school for profoundly gifted pupils, as applicable, listing the specific areas of concern and providing a specific corrective period for the school district, charter school or university school for profoundly gifted pupils, as applicable, to implement a framework to reduce the disproportionality or correct the insufficiency of the data, as applicable. The specific



corrective period must be at least 12 months but not more than 36 months, and must include required monitoring of the progress made by the school district, charter school or university school for profoundly gifted pupils, as applicable. If, after the conclusion of the specific corrective period, the school district, charter school or university school for profoundly gifted pupils, as applicable, fails to:

(a) Make measurable progress in addressing the disproportionality or insufficiency listed in the notice issued pursuant to this subsection; or

*(b) Provide the required progress reports,
↳ the Superintendent may issue an alternative plan for the school district, charter school or university school for profoundly gifted pupils, as applicable, for mandatory implementation.*

8. As used in this section [~~“restorative”~~]:

(a) “Behavior analyst” has the meaning ascribed to it in NRS 641D.030.

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

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

Sec. 15. (Deleted by Amendment)

Sec. 16. 1. This section and sections 1 to 13, inclusive, 14 and 15 of this act become effective upon passage and approval.

2. Section 13.5 of this act becomes effective upon passage and approval if and only if Assembly Bill No. 285 of this session is enacted by the Legislature and approved by the Governor.

