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FIRST REPRINT

A.B. 330

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ASSEMBLY BILL NO. 330—COMMITTEE ON EDUCATION

(ON BEHALF OF THE OFFICE OF THE GOVERNOR)

MARCH 17, 2023

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Referred to Committee on Education

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

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

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

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

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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:**

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

5 **Section 3.3** of this bill establishes: (1) requirements for proper notification to a  
6 pupil and the parent or legal guardian of the pupil, if the pupil is less than 18 years  
7 of age, of the policy to appeal a suspension or expulsion; (2) a 5-day timeline for a  
8 pupil or, if the pupil is less than 18 years of age, the parent or guardian of the pupil  
9 to appeal the suspension or expulsion; (3) a 5-day timeline for a hearing to be  
10 scheduled upon receipt of such an appeal; (4) the method for determining whether a  
11 pupil who is suspended or expelled or is being considered for suspension or  
12 expulsion may be considered for temporary alternative placement; and (5) that  
13 education services are required to be provided to the pupil to prevent the pupil from  
14 losing academic credit or being disengaged from school during the period the pupil  
15 is suspended or expelled. **Sections 3.5 and 3.7** of this bill make conforming  
16 changes to indicate the proper placement of **section 3.3** in the Nevada Revised  
17 Statutes.

18 Under existing law, the board of trustees of each school district is required to  
19 establish a plan to provide for the restorative discipline of pupils, which must be  
20 developed with the input of certain school personnel and the parents and guardians  
21 of pupils. (NRS 392.4644) Existing law also requires each public school to collect  
22 and submit data on the discipline of pupils and categorize such data by various  
23 subgroups of pupils. (NRS 392.462) **Section 4** of this bill requires that the data be  
24 reported to the superintendent of the school district or to the administrative head of  
25 a charter school. **Section 6** also requires the Superintendent of Public Instruction to  
26 review data on the disproportionality of punishments and provide a corrective  
27 period for any deficient schools to make progress in addressing any  
28 disproportionalities or any insufficiency in such data.

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

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

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

47 Under existing law, certain pupils may be suspended or expelled from school  
48 for: (1) committing a battery which results in the bodily injury of an employee of  
49 the school; or (2) selling or distributing any controlled substance in certain  
50 circumstances. (NRS 392.466) **Section 10** of this bill: (1) revises the circumstances  
51 under which a pupil is expelled or assigned to a temporary alternative placement;  
52 and (2) requires the pupil to be permanently expelled for the second occurrence.  
53 **Section 10** also requires a school to develop and implement a reentry plan based on  
54 restorative justice practices following the first occurrence. **Sections 10 and 11** of



55 this bill: (1) prohibit the permanent expulsion of a pupil who is less than 6 years of  
56 age; and (2) authorize a homeless pupil or a pupil in foster care of any age to be  
57 suspended or expelled for not more than 5 days if the principal determines that the  
58 conduct of the pupil poses an ongoing threat.

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

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

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

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

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

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

10 2. The policy must include, without limitation:

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

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

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

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



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

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

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

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

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

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

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

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

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

20 388A.495 1. A governing body of a charter school shall  
21 adopt:

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

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

25 2. ~~##~~ *A pupil enrolled in a charter school shall only be*  
26 *suspended or expelled in a manner consistent with the*  
27 *requirements for the suspension or expulsion of a pupil enrolled*  
28 *in a public school within a school district as set forth in NRS*  
29 *392.4601 to 392.472, inclusive.*

30 3. *Except as otherwise provided in NRS 392.467, if*  
31 *suspension or expulsion of a pupil is used as a punishment for a*  
32 *violation of the rules, the charter school shall ensure that, ~~before~~ at*  
33 *the time of the suspension or expulsion, the pupil and, if the pupil is*  
34 *under 18 years of age, the parent or guardian of the pupil, ~~has been~~*  
35 *are given notice of the charges against him or her, an explanation of*  
36 *the evidence and an opportunity for a hearing. If a pupil is*  
37 *significantly suspended, ~~or~~ expelled ~~or~~ permanently expelled,*  
38 *the pupil or, if the pupil is under 18 years of age, the parent or*  
39 *guardian of the pupil may appeal the significant suspension,*  
40 *expulsion or permanent expulsion in accordance with the*  
41 *provisions of NRS 392.4671. The charter school shall ensure that a*  
42 *pupil who is significantly suspended, ~~or~~ expelled or permanently*  
43 *expelled and is appealing the significant suspension, expulsion or*  
44 *permanent expulsion or a pupil who is being considered for*  
45 *significant suspension, expulsion or permanent expulsion*



1 continues to attend school and receives an appropriate education in  
2 the least restrictive environment possible as required by NRS  
3 392.4673. The provisions of chapter 241 of NRS do not apply to any  
4 hearing or proceeding conducted pursuant to this section. Such a  
5 hearing or proceeding must be closed to the public.

6 ~~[3.— A pupil who is at least 11 years of age and who poses a~~  
7 ~~continuing danger to persons or property or an ongoing threat of~~  
8 ~~disrupting the academic process, who is selling or distributing any~~  
9 ~~controlled substance or who is found to be in possession of a~~  
10 ~~dangerous weapon as provided in NRS 392.466 may be removed~~  
11 ~~from the charter school only after the charter school has made a~~  
12 ~~reasonable effort to complete a plan of action based on restorative~~  
13 ~~justice with the pupil in accordance with the provisions of NRS~~  
14 ~~392.466 and 392.467.]~~

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

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

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

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

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

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

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

31 ~~[6.]~~ 5. The governing body of a charter school may adopt rules  
32 relating to the truancy of pupils who are enrolled in the charter  
33 school if the rules are at least as restrictive as the provisions  
34 governing truancy set forth in NRS 392.130 to 392.220, inclusive. If  
35 a governing body adopts rules governing truancy, it shall include the  
36 rules in the written rules adopted by the governing body pursuant to  
37 subsection 1.

38 ~~[7.]~~ 6. As used in this section:

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

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

43 (1) Except as otherwise provided in subparagraph (2),  
44 without the possibility of returning to the school in which the pupil



1 is currently enrolled or another public school within the school  
2 district; and

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

6 (c) ~~["Pupil with a disability" has the meaning ascribed to it in~~  
7 ~~NRS 388.417.]~~ ***"Significantly suspended" has the meaning***  
8 ***ascribed to "significant suspension" in NRS 392.4655.***

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

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

12 388C.150 1. The governing body of a university school for  
13 profoundly gifted pupils shall adopt:

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

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

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

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

42 ~~[3.—A pupil who is at least 11 years of age and who poses a~~  
43 ~~continuing danger to persons or property or an ongoing threat of~~  
44 ~~disrupting the academic process, who is selling or distributing any~~  
45 ~~controlled substance or who is found to be in possession of a~~



~~1 dangerous weapon as provided in NRS 392.466 may be removed  
2 only after the university school for profoundly gifted pupils has  
3 made a reasonable effort to complete a plan of action based on  
4 restorative justice with the pupil in accordance with the provisions  
5 of NRS 392.466 and 392.467.]~~

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

~~14 —(a) Suspended from the university school pursuant to this  
15 section for not more than 5 days for each occurrence of proscribed  
16 conduct.~~

~~17 —(b) Expelled from school pursuant to this section.~~

~~18 —(c) Permanently expelled from school pursuant to this section.~~

~~19 —5.] A copy of the rules of behavior, prescribed punishments  
20 and procedures to be followed in imposing punishments must be:~~

~~21 (a) Distributed to each pupil at the beginning of the school year  
22 and to each new pupil who enters the university school for  
23 profoundly gifted pupils during the year.~~

~~24 (b) Available for public inspection at the university school.~~

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

~~32 [7.] 6. As used in this section:~~

~~33 (a) “Expel” or “expulsion” has the meaning ascribed to it in  
34 NRS 392.4603.~~

~~35 (b) “Permanently expelled” means the disciplinary removal of a  
36 pupil from the school in which the pupil is currently enrolled:~~

~~37 (1) Except as otherwise provided in subparagraph (2),  
38 without the possibility of returning to the school in which the pupil  
39 is currently enrolled or another public school within the school  
40 district; and~~

~~41 (2) With the possibility of enrolling in a program or public  
42 school for alternative education for pupils who are expelled or  
43 permanently expelled after being permanently expelled.~~



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

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

6 **Sec. 3.3.** Chapter 392 of NRS is hereby amended by adding  
7 thereto a new section to read as follows:

8 *1. If a pupil is suspended or expelled from a public school,*  
9 *the board of trustees of the school district or the governing body of*  
10 *the charter school or university school for profoundly gifted pupils*  
11 *in which the pupil is enrolled or the designee of the board of*  
12 *trustees or governing body, as applicable, shall provide, on the*  
13 *same day that the pupil is suspended or expelled, a notice of the*  
14 *policy for appealing a suspension or expulsion of a pupil adopted*  
15 *by the board of trustees or governing body, as applicable, pursuant*  
16 *to NRS 392.4671, to the pupil and, if the pupil is less than 18 years*  
17 *of age, the parent or legal guardian of the pupil. A notice provided*  
18 *pursuant to this subsection must:*

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

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

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

28 *2. Not later than 5 school days after receiving notification of*  
29 *the suspension or expulsion of the pupil pursuant to NRS*  
30 *392.4671, the pupil or, if the pupil is less than 18 years of age, the*  
31 *parent or legal guardian of the pupil may file an appeal pursuant*  
32 *to the policy adopted by the board of trustees of the school district*  
33 *or the governing body of the charter school or university school*  
34 *for profoundly gifted pupils, as applicable, pursuant to*  
35 *NRS 392.4671.*

36 *3. Not later than 5 school days after receiving notification of*  
37 *an appeal of a suspension or expulsion made pursuant to the*  
38 *policy adopted pursuant to NRS 392.4671, the board of trustees of*  
39 *the school district or the governing body of the charter school or*  
40 *university school for profoundly gifted pupils or the designee of*  
41 *the board of trustees or governing body, as applicable, must*  
42 *schedule a hearing.*

43 *4. A pupil who is suspended or expelled or is being*  
44 *considered for suspension or expulsion:*





1 (a) *May be considered for temporary alternative placement*  
2 *pursuant to NRS 392.4645 if, in the judgment of the principal*  
3 *after consideration of the seriousness of the acts which were the*  
4 *basis for the discipline of the pupil:*

5 (1) *The temporary alternative placement will serve as the*  
6 *least restrictive environment possible, pursuant to NRS 392.4673;*  
7 *and*

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

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

13 5. *As used in this section, "principal" means the lead*  
14 *administrator of a public school, including, without limitation,*  
15 *such an administrator who is referred to by another title.*

16 **Sec. 3.5.** NRS 392.4601 is hereby amended to read as follows:  
17 392.4601 As used in NRS 392.4601 to 392.472, inclusive, *and*  
18 *section 3.3 of this act*, unless the context otherwise requires, the  
19 words and terms defined in NRS 392.4603, 392.4605 and 392.4607  
20 have the meanings ascribed to them in those sections.

21 **Sec. 3.7.** NRS 392.4609 is hereby amended to read as follows:  
22 392.4609 The Department shall adopt any regulations  
23 necessary to carry out the provisions of NRS 392.4601 to 392.472,  
24 inclusive, *and section 3.3 of this act*, including, without limitation,  
25 regulations which establish timelines for the purposes of subsection  
26 1 of NRS 392.4671.

27 **Sec. 4.** NRS 392.462 is hereby amended to read as follows:  
28 392.462 Each public school shall collect data on the discipline  
29 of pupils. Such data must include, without limitation, the number of  
30 expulsions and suspensions of pupils and the number of placements  
31 of pupils in another school. Such data must be disaggregated into  
32 the subgroups of pupils listed in subsection 2 of NRS 385A.250 and  
33 the types of offense. The principal of each public school shall:

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

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

42 **Sec. 5.** NRS 392.4634 is hereby amended to read as follows:  
43 392.4634 1. ~~Except as otherwise provided in subsection 3, a)~~  
44 **A** pupil enrolled in kindergarten or grades 1 to 8, inclusive, may not



1 be disciplined, including, without limitation, pursuant to NRS  
2 392.466, for:

- 3 (a) Simulating a firearm or dangerous weapon while playing; or
- 4 (b) Wearing clothing or accessories that depict a firearm or  
5 dangerous weapon or express an opinion regarding a constitutional  
6 right to keep and bear arms,  
7 **↳ unless it substantially disrupts the educational environment ~~H~~ ,**  
8 ***creates a risk of harm to another person or places another person***  
9 ***in reasonable fear of harm.***

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

- 12 (a) Brandishing a partially consumed pastry or other food item  
13 to simulate a firearm or dangerous weapon;
- 14 (b) Possessing a toy firearm or toy dangerous weapon that is 2  
15 inches or less in length;
- 16 (c) Possessing a toy firearm or toy dangerous weapon made of  
17 plastic building blocks which snap together;
- 18 (d) Using a finger or hand to simulate a firearm or dangerous  
19 weapon;
- 20 (e) Drawing a picture or possessing an image of a firearm or  
21 dangerous weapon; and
- 22 (f) Using a pencil, pen or other writing or drawing implement to  
23 simulate a firearm or dangerous weapon.

24 3. ~~[A pupil who simulates a firearm or dangerous weapon may  
25 be disciplined when disciplinary action is consistent with a policy  
26 adopted by the board of trustees of the school district and such  
27 simulation:~~

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

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

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

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

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

40 ~~[6.]~~ 4. As used in this section:

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

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



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

2       392.4644 1. The ~~board of trustees~~ *superintendent* of each  
3 school district ~~and the administrative head of each charter~~  
4 *school and university school for profoundly gifted pupils* shall  
5 establish a plan to provide for the restorative discipline of pupils and  
6 on-site review of disciplinary decisions. The plan must:

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

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

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

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

- 20           (1) Holding a pupil accountable for his or her behavior;  
21           (2) Restoration or remedies related to the behavior of the  
22 pupil;  
23           (3) Relief for any victim of the pupil; and  
24           (4) Changing the behavior of the pupil.

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

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

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

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

35 *(i) Include consideration of the results of the data collected*  
36 *and reported pursuant to NRS 392.462 and include methods for*  
37 *addressing* the occurrences of the suspension, expulsion or removal  
38 of pupils from school that disproportionately affect pupils who  
39 belong to a group of pupils listed in subsection 2 of NRS 385A.250.

40 ~~(i) Be posted on the Internet website maintained by the school~~  
41 ~~district.~~

42       2. On or before September 15 of each year, the principal of  
43 each public school shall:  
44



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

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

11 (c) Based upon the review, recommend to the board of trustees  
12 of the school district *or governing body of the charter school or*  
13 *university school for profoundly gifted pupils, as applicable,*  
14 revisions to the plan, as recommended by the teachers, school  
15 administrators and other educational personnel and support  
16 personnel , ~~and~~ the parents and guardians of pupils and the pupils  
17 who are enrolled in the school ~~;~~ *and, if applicable, the*  
18 *organizational team established pursuant to NRS 388G.700,* if  
19 necessary . ~~;~~

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

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

27 3. *On or before September 30 of each year, the board of*  
28 *trustees of each school district and the governing body of each*  
29 *charter school or university school for profoundly gifted pupils*  
30 *shall issue a revised plan that appropriately reflects comments*  
31 *provided by teachers, school administrators, other educational*  
32 *personnel and support personnel and, if applicable, organizational*  
33 *teams pursuant to subsection 2.*

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

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

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

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



1 (a) Submit a written report to the Superintendent of Public  
2 Instruction that reports the progress of each school ~~[within the~~  
3 ~~district]~~ in complying with the requirements of this section,  
4 including, without limitation, addressing the occurrences of the  
5 suspension, expulsion or removal of pupils from school that  
6 disproportionately affect pupils who belong to a group of pupils  
7 listed in subsection 2 of NRS 385A.250; and

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

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

13 *6. If the Superintendent of Public Instruction determines that*  
14 *the data collected pursuant to NRS 392.462 indicates*  
15 *disproportionality in disciplinary actions or is insufficient to*  
16 *determine whether disproportionality exists, the Superintendent*  
17 *shall issue a written notice to the school district, charter school or*  
18 *university school for profoundly gifted pupils, as applicable, listing*  
19 *the specific areas of concern and providing a specific corrective*  
20 *period for the school district, charter school or university school*  
21 *for profoundly gifted pupils, as applicable, to implement a*  
22 *framework to reduce the disproportionality or correct the*  
23 *insufficiency of the data, as applicable. The specific corrective*  
24 *period shall be at least 12 months and not more than 36 months,*  
25 *and shall include required monitoring of the progress made by the*  
26 *school district, charter school or university school for profoundly*  
27 *gifted pupils, as applicable. If, following the conclusion of the*  
28 *specific corrective period, the school district, charter school or*  
29 *university school for profoundly gifted pupils, as applicable, fails*  
30 *to:*

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

34 (b) *Provide the required progress reports,*  
35 *↪ the Superintendent of Public Instruction may issue an*  
36 *alternative plan for the school district, charter school or university*  
37 *school for profoundly gifted pupils, as applicable, for mandatory*  
38 *implementation.*

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

40 392.4645 1. ~~[Except as otherwise provided in subsection 5,~~  
41 ~~the plan established pursuant to NRS 392.4644 must provide for the~~  
42 ~~temporary removal of a]~~ *A pupil may be temporarily removed*  
43 *from a classroom or other premises of a public school if, in the judgment*  
44 *of the teacher or other staff member responsible for the classroom or*  
45 *other premises, as applicable, the pupil has engaged in behavior that*



1 seriously interferes with the ability of the teacher to teach the other  
2 pupils in the classroom and with the ability of the other pupils to  
3 learn or with the ability of the staff member to discharge his or her  
4 duties. ~~[The plan must provide that, upon]~~ **Upon** the removal of a  
5 pupil from a classroom or any other premises of a public school  
6 pursuant to this section, the principal of the school shall provide an  
7 explanation of the reason for the removal of the pupil to the pupil  
8 and offer the pupil an opportunity to respond to the explanation.  
9 Within 24 hours after the removal of a pupil pursuant to this section,  
10 the principal of the school shall notify the parent or legal guardian  
11 of the pupil of the removal.

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

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

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

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

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

25 (a) Required by NRS 392.466; or

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

28 ➔ If the principal proceeds in accordance with NRS 392.466 or  
29 392.467, the pupil must be removed from school in accordance with  
30 those sections and the provisions of NRS 392.4642 to 392.4648,  
31 inclusive, do not apply to the pupil.

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

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

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

42 5. ~~[Before]~~ **When** removing a pupil from a classroom or any  
43 other premises of a public school pursuant to this section for more  
44 than 1 school day, the principal of the school must contact the local  
45 educational agency liaison for homeless pupils designated in



1 accordance with the McKinney-Vento Homeless Assistance Act of  
2 1987, 42 U.S.C. §§ 11301 et seq., or a contact person at a school,  
3 including, without limitation, a school counselor or school social  
4 worker, to make a determination of whether the pupil is a homeless  
5 pupil.

6 6. As used in this section, “homeless pupil” has the meaning  
7 ascribed to the term “homeless children and youths” in 42 U.S.C. §  
8 11434a(2).

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

10 392.4646 1. Except as otherwise provided in this section, not  
11 later than 3 school days after a pupil is removed from a classroom or  
12 any other premises of a public school pursuant to NRS 392.4645, a  
13 conference must be held with:

14 (a) The pupil;

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

17 (c) The principal of the school; and

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

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

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

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

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

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

44 (b) The failure to hold a conference is attributed to the action or  
45 inaction of the pupil, including, without limitation, an



1 unaccompanied pupil or a pupil in foster care, or the parent or legal  
2 guardian of the pupil; ~~§~~

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

5 (d) If:

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

9 (2) *The principal has received written authorization from*  
10 *the superintendent of the school district or the administrative head*  
11 *of the charter school or university school for profoundly gifted*  
12 *pupils, as applicable, to extend the period for which the pupil is*  
13 *removed from the classroom or other premises of the public*  
14 *school.*

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

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

38 7. As used in this section:

39 (a) "Foster care" has the meaning ascribed to it in 45 C.F.R. §  
40 1355.20.

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

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





1       **Sec. 9.** NRS 392.4655 is hereby amended to read as follows:  
2       392.4655 1. Except as otherwise provided in this section, a  
3 principal of a school shall deem a pupil enrolled in the school a  
4 habitual disciplinary problem if the school has written evidence  
5 which documents that in 1 school year:

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

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

12       (c) The behavior of the pupil was not caused by homelessness,  
13 as determined in consultation with the local educational agency  
14 liaison for homeless pupils designated in accordance with the  
15 McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§  
16 11301 et seq., or a contact person at a school, including, without  
17 limitation, a school counselor or school social worker.

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

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

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

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



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

6 (c) An explanation that, pursuant to subsection 5 of NRS  
7 392.466, a pupil who is deemed a habitual disciplinary problem may  
8 be:

9 (1) Suspended from school; or

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

12 (d) If the pupil is a pupil with a disability, an explanation of the  
13 effect of subsection 10 of NRS 392.466, including, without  
14 limitation, that if it is determined in accordance with 20 U.S.C. §  
15 1415 that the pupil's behavior is not a manifestation of the pupil's  
16 disability, he or she may be suspended or expelled from school in  
17 the same manner as a pupil without a disability; and

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

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

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

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

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

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

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

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

44 (d) A voluntary agreement by the pupil and, if the pupil is not an  
45 unaccompanied pupil, the pupil's parent or legal guardian to attend



1 counseling, programs or services available in the school district or  
2 community.

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

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

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

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

30 10. As used in this section:

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

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

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

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

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

41 392.466 1. Except as otherwise provided in this section, any  
42 pupil who commits a battery which results in the bodily injury of an  
43 employee of the school or who sells or distributes any controlled  
44 substance while on the premises of any public school, at an activity  
45 sponsored by a public school or on any school bus ~~and who is at~~



1 ~~least 11 years of age shall meet with the school and his or her parent~~  
2 ~~or legal guardian. The school] shall [provide a plan of action based~~  
3 ~~on restorative justice to the parent or legal guardian of the pupil or,~~  
4 ~~if the pupil is an unaccompanied pupil, the pupil. The pupil may] be~~  
5 ~~[suspended or] expelled from the school [, in which case the pupil~~  
6 ~~shall:] or be assigned to a temporary alternative placement~~  
7 *pursuant to subsection 2 of NRS 392.4645. Following such a*  
8 *removal, the school must develop a reentry plan for the pupil that*  
9 *is based on restorative justice practices and, if the pupil is not an*  
10 *unaccompanied pupil, provide such a plan to the parent or legal*  
11 *guardian of the pupil. For the second occurrence, the pupil shall*  
12 *be permanently expelled from the school and:*

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

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

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

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

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

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

41 4. If a school is unable to retain a pupil in the school pursuant  
42 to subsection 1 for the safety of any person or because doing so  
43 would not be in the best interest of the pupil, the pupil may be  
44 suspended, expelled or placed in another school. If a pupil is placed  
45 in another school, the current school of the pupil shall explain what



1 services will be provided to the pupil at the new school that the  
2 current school is unable to provide to address the specific needs and  
3 behaviors of the pupil. The ~~[school district of the]~~ current school of  
4 the pupil shall coordinate with the new school to create a plan of  
5 action based on restorative justice for the pupil and to ensure that  
6 any resources required to execute the plan of action based on  
7 restorative justice are available at the new school.

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

- 14 (a) Suspended from the school; or  
15 (b) Expelled from the school under extraordinary circumstances  
16 as determined by the principal of the school.

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

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

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

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

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

42 9. Except as otherwise provided in this subsection and  
43 subsection 3 ~~[ ]~~ *or 11*, a pupil who is *at least 6 years of age but* less  
44 than 11 years of age must not be permanently expelled from school.  
45 In extraordinary circumstances, a school may request an exception



1 to this subsection from the ~~[board of trustees]~~ *superintendent* of the  
2 school district ~~[ ]~~ *or the administrative head of a charter school or*  
3 *university school for profoundly gifted pupils, as applicable.* A  
4 pupil who is at least 11 years of age may be suspended, expelled or  
5 permanently expelled from school pursuant to this section ~~[only~~  
6 ~~after the board of trustees of the school district or its designee has~~  
7 ~~reviewed the circumstances and approved this action in accordance~~  
8 ~~with the procedural policy adopted by the board for such issues.]~~  
9 *only if the suspension, expulsion or permanent expulsion is*  
10 *conducted consistent with policies adopted by the board of trustees*  
11 *or governing body, as applicable, pursuant to NRS 392.467.*

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

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

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

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

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

30 ~~[11.]~~ 12. A homeless pupil or a pupil in foster care ~~[who is at~~  
31 ~~least 11 years of age]~~ may be suspended ~~[or expelled]~~ from school  
32 pursuant to this section ~~[only]~~ *for not more than 5 days if,*  
33 *following a review of all available information, the principal*  
34 *determines that the conduct of the pupil poses an ongoing threat*  
35 *to the pupil or other persons at the school and* if a determination is  
36 made that the behavior that led to the consideration for suspension  
37 or expulsion was not caused by homelessness or being in foster care.  
38 The person responsible for making a determination of whether or  
39 not the behavior was caused by homelessness or being in foster care  
40 shall presume that the behavior was caused by homelessness or  
41 being in foster care unless the person determines that the behavior  
42 was not caused by homelessness or being in foster care pursuant to  
43 this subsection. A determination that the behavior was not caused by  
44 homelessness must be made in consultation with the local  
45 educational agency liaison for homeless pupils designated in



1 accordance with the McKinney-Vento Homeless Assistance Act of  
2 1987, 42 U.S.C. §§ 11301 et seq., or a contact person at a school,  
3 including, without limitation, a school counselor or school social  
4 worker. A determination that the behavior was not caused by being  
5 in foster care must be made in consultation with an advocate for  
6 pupils in foster care at the school in which the pupil is enrolled or  
7 the school counselor of the pupil.

8 ~~12.~~ **13.** *The principal of a public school may, at his or her*  
9 *discretion, reduce or eliminate the period of suspension, convert*  
10 *an expulsion to a suspension or otherwise reduce, eliminate or*  
11 *alter a disciplinary action imposed upon a pupil who commits a*  
12 *battery which results in the bodily injury of an employee of the*  
13 *school.*

14 **14.** *The principal of a public school may reduce the period of*  
15 *suspension or convert an expulsion to a suspension for a pupil*  
16 *who distributes a controlled substance while on the premises of a*  
17 *public school, at an activity sponsored by a public school or on a*  
18 *school bus if:*

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

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

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

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

28 ~~13.~~ **16.** As used in this section:

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

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

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

43 (d) "Foster care" has the meaning ascribed to it in 45 C.F.R. §  
44 1355.20.



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

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

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

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

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

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

16 ~~14.~~ 17. The provisions of this section do not prohibit a pupil  
17 who is suspended or expelled from enrolling in a charter school that  
18 is designed exclusively for the enrollment of pupils with disciplinary  
19 problems if the pupil is accepted for enrollment by the charter  
20 school pursuant to NRS 388A.453 or 388A.456. Upon request, the  
21 governing body of a charter school must be provided with access to  
22 the records of the pupil relating to the pupil's suspension or  
23 expulsion in accordance with applicable federal and state law before  
24 the governing body makes a decision concerning the enrollment of  
25 the pupil.

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

27 392.467 1. Except as otherwise provided in subsections ~~5~~  
28 ~~and~~ 6 ~~and~~ 7, ~~and NRS 392.466,~~ the board of trustees of a school  
29 district *or governing body of a charter school or university school*  
30 *for profoundly gifted pupils, as applicable*, or its designee may  
31 authorize the suspension or expulsion of any pupil who is at least 11  
32 years of age from ~~any~~ a public school . ~~within the school district.~~  
33 Except as otherwise provided in ~~this subsection and subsection 3~~  
34 ~~of~~ NRS 392.466, a pupil who is *at least 6 years of age but* less than  
35 11 years of age must not be permanently expelled from school ~~in~~  
36 *absent* extraordinary circumstances . ~~a school may request an~~  
37 ~~exception to the prohibition set forth in this subsection against~~  
38 ~~permanently expelling a pupil who is less than 11 years of age from~~  
39 ~~school from the board of trustees of the school district.]~~

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

42 3. Except as otherwise provided in subsection ~~6,~~ 7, no pupil  
43 may be suspended or expelled until the pupil has been given notice  
44 of the charges against him or her, an explanation of the evidence and





1 an opportunity ~~for~~ *to schedule* a hearing, except that a pupil who  
2 ~~is~~ :

- 3 (a) *Poses a continuing danger to persons or property;*
- 4 (b) *Is an ongoing threat of disrupting the academic process;*
- 5 (c) *Is selling or distributing any controlled substance; or*
- 6 (d) *Is found to be in possession of a firearm or a dangerous*

7 weapon as provided in NRS 392.466 ,  
8 → may be removed from the school immediately upon being given  
9 an explanation of the reasons for his or her removal and pending  
10 proceedings, to be conducted as soon as practicable after removal,  
11 for the pupil's suspension or expulsion.

12 ~~3.4~~ 4. The board of trustees of a school district *or governing*  
13 *body of a charter school or university school for profoundly gifted*  
14 *pupils, as applicable*, or its designee may authorize the expulsion,  
15 suspension or removal of a pupil who has been charged with a crime  
16 from the school at which the pupil is enrolled regardless of the  
17 outcome of any criminal or delinquency proceedings brought  
18 against the pupil only if the school:

- 19 (a) Conducts an independent investigation of the conduct of the  
20 pupil; and
- 21 (b) Gives notice of the charges brought against the pupil by the  
22 school to the pupil.

23 ~~4.4~~ 5. The provisions of chapter 241 of NRS do not apply to  
24 any hearing or proceeding conducted pursuant to this section. Such  
25 hearings or proceedings must be closed to the public.

26 ~~5.4~~ 6. The board of trustees of a school district *or governing*  
27 *body of a charter school or university school for profoundly gifted*  
28 *pupils, as applicable*, or its designee shall not authorize the  
29 expulsion, suspension or removal of any pupil from the public  
30 school system solely for offenses related to attendance or because  
31 the pupil is declared a truant or habitual truant in accordance with  
32 NRS 392.130 or 392.140.

33 ~~6.4~~ 7. A pupil with a disability may, in accordance with the  
34 procedural policy adopted by the board of trustees of the school  
35 district *or governing body of the charter school or university*  
36 *school for profoundly gifted pupils, as applicable*, for such matters  
37 and only after ~~the board of trustees of the school district or its~~  
38 ~~designee has reviewed~~ *an administrative review of* the  
39 circumstances and ~~determined~~ *a determination* that the action is in  
40 compliance with the Individuals with Disabilities Education Act, 20  
41 U.S.C. §§ 1400 et seq., be:

- 42 (a) Suspended from school pursuant to this section for not more  
43 than ~~5~~ *10* days for each occurrence of proscribed conduct.
- 44 (b) Expelled from school pursuant to this section.
- 45 (c) Permanently expelled from school pursuant to this section.



1 ~~[7.]~~ 8. A homeless pupil or a pupil in foster care ~~[who is at~~  
2 ~~least 11 years of age]~~ may be suspended ~~[or expelled]~~ from school  
3 pursuant to this section ~~[only]~~ *for not more than 5 days if,*  
4 *following a review of all available information, the principal*  
5 *determines that the conduct of the pupil poses an ongoing threat*  
6 *to the pupil or other persons at the school and* if a determination is  
7 made that the behavior that led to the consideration for suspension  
8 or expulsion was not caused by homelessness or being in foster care.  
9 The person responsible for making a determination of whether or  
10 not the behavior was caused by homelessness or being in foster care  
11 shall presume that the behavior was caused by homelessness or  
12 being in foster care unless the person determines that the behavior  
13 was not caused by homelessness or being in foster care pursuant to  
14 this subsection. A determination that the behavior was not caused by  
15 homelessness must be made in consultation with the local  
16 educational agency liaison for homeless pupils designated in  
17 accordance with the McKinney-Vento Homeless Assistance Act of  
18 1987, 42 U.S.C. §§ 11301 et seq., or a contact person at a school,  
19 including, without limitation, a school counselor or school social  
20 worker. A determination that the behavior was not caused by being  
21 in foster care must be made in consultation with an advocate for  
22 pupils in foster care at the school in which the pupil is enrolled or  
23 the school counselor of the pupil.

24 ~~[8.]~~ 9. As used in this section:

25 (a) "Foster care" has the meaning ascribed to it in 45 C.F.R. §  
26 1355.20.

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

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

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

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

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

39 392.4671 1. The board of trustees of each school district and  
40 the governing body of each charter school or university school for  
41 profoundly gifted pupils, as applicable, shall adopt a policy for  
42 appealing the *significant* suspension, *expulsion* or *permanent*  
43 expulsion of a pupil enrolled in the school district, charter school or  
44 university school, as applicable. The policy must provide, without  
45 limitation, that:



1 (a) The board of trustees of a school district, the governing body  
2 of a charter school or university school for profoundly gifted pupils  
3 or the designee of the board of trustees or governing body, as  
4 applicable, may authorize the *significant* suspension , *expulsion* or  
5 *permanent* expulsion of a pupil within the timeline established by  
6 the Department pursuant to NRS 392.4609;

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

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

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

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

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

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

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

43 2. The board of trustees of a school district, the governing body  
44 of a charter school or university school for profoundly gifted pupils  
45 or the designee of the board of trustees or governing body, as



1 applicable, shall post the appeal policy on the Internet website of the  
2 school district and each school within the district or of the charter  
3 school or university school, as applicable.

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

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

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

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

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

13 392.472 1. Except as otherwise provided in NRS **392.4645**  
14 **and** 392.466 and to the extent practicable, a public school shall  
15 provide a plan of action based on restorative justice before removing  
16 a pupil from a classroom or other premises of the public school or  
17 suspending or expelling a pupil from school.

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

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

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

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

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

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

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

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

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



1 5. As used in this section:

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

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

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

10 **Sec. 15.** (Deleted by Amendment)

11 **Sec. 16.** This act becomes effective upon passage and  
12 approval.

