
ASSEMBLY BILL NO. 65—COMMITTEE ON EDUCATION

(ON BEHALF OF THE DEPARTMENT OF EDUCATION)

PREFILED NOVEMBER 16, 2022

Referred to Committee on Education

SUMMARY—Revises provisions relating to education.
(BDR 34-275)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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

AN ACT relating to education; revising provisions relating to reports regarding and investigations into incidents of discrimination based on race, bullying and cyber-bullying; revising provisions governing the approval of work-based learning programs; revising provisions governing performance evaluations of certain postprobationary teachers and administrators; revising provisions governing the placement of children in certain early grades; revising provisions relating to discipline in public schools; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law establishes the Office for a Safe and Respectful Learning
2 Environment in the Department of Education and requires the Director of the
3 Office to investigate any complaint that a teacher, administrator, coach or other
4 staff member or member of a governing body has violated applicable provisions of
5 law regarding discrimination based on race, bullying or cyber-bullying. (NRS
6 388.1323) Existing law also requires the Director to establish the SafeVoice
7 Program within the Office, which allows a person to make an anonymous report to
8 a support center regarding dangerous, violent or unlawful activity that is conducted,
9 or is threatened to be conducted, on the property of a public school or in certain
10 other circumstances related to public schools. (NRS 388.1455) Any anonymous tip
11 made through the SafeVoice Program is then forwarded to the appropriate public
12 safety agencies and certain trained personnel at the public school for appropriate
13 action to be taken. (NRS 388.14553) **Section 3** of this bill provides that the
14 Director is not required to investigate a complaint that a teacher, administrator,



15 coach or other staff member or member of a governing body has violated applicable
16 provisions of law regarding discrimination based on race, bullying or cyber-
17 bullying if the complaint is made through the SafeVoice Program and investigated
18 by certain trained personnel at the public school, unless the complaint alleges that a
19 previous investigation of the same matter by the personnel at the public school
20 failed to resolve the issue or was otherwise deficient.

21 **Section 2** of this bill revises the definition of “bullying” to exclude acts,
22 gestures and expressions which are engaged in as part of a mutual disagreement or
23 conflict.

24 Upon receiving a report of discrimination based on race, bullying or cyber-
25 bullying, existing law requires the administrator of a school or his or her designee
26 to immediately begin an investigation into the report. With certain exceptions,
27 existing law requires the investigation to be completed not later than 2 school days
28 after receipt of the report. (NRS 388.1351) **Section 6** of this bill requires the
29 investigation to be completed, to the greatest extent practicable, within 5 school
30 days after the administrator or designee receives the report, or within 7 school days
31 if extenuating circumstances prevent the investigation from being completed within
32 5 school days. **Section 6** also removes the requirement for a direct supervisor of a
33 principal to submit to the Office a quarterly report regarding incidents of
34 discrimination based on race, bullying or cyber-bullying.

35 Existing law authorizes the board of trustees of a school district or the
36 governing body of a charter school to offer a work-based learning program upon
37 the approval of the State Board of Education. (NRS 389.167) **Section 9** of this bill
38 requires a work-based learning program to be approved instead by the
39 Superintendent of Public Instruction.

40 Existing law requires a postprobationary teacher or administrator who receives
41 an evaluation designating his or her overall performance as highly effective for 2
42 consecutive school years to participate in one observation cycle in the school year
43 immediately following the school year in which the postprobationary teacher or
44 administrator receives a second consecutive evaluation designating his or her
45 performance as highly effective but does not require such a teacher or administrator
46 to receive an evaluation for that year. (NRS 391.690, 391.710) **Sections 10 and 11**
47 of this bill authorize such a postprobationary teacher or administrator to receive an
48 evaluation in the school year immediately following the school year in which the
49 postprobationary teacher or administrator receives a second consecutive evaluation
50 designating his or her performance as highly effective upon the request of the
51 teacher or administrator or at the discretion of the administrator who conducts the
52 observation cycle for that year.

53 Existing law requires a child to be a certain age on or before the first day of the
54 school year to be admitted to certain early grades of school. (NRS 392.040) **Section**
55 **12** of this bill changes the date by which a child must attain a certain age to start
56 certain early grades from the first day of the school year to August 1 preceding a
57 school year.

58 Existing law requires a child who is 6 years of age on or before the first day of
59 school and has not completed kindergarten to be admitted to kindergarten. (NRS
60 392.040) **Section 12** instead requires such a child to undergo an assessment to
61 determine whether the child should be admitted to kindergarten or first grade.

62 Existing law requires a child who is 7 years of age on or before the first day of
63 school to: (1) be admitted to second grade if the child has completed kindergarten
64 and first grade; (2) be admitted to first grade if the child has completed
65 kindergarten; and (3) if the child has not completed kindergarten, to undergo an
66 assessment to determine whether the child should be admitted to kindergarten or
67 first grade. (NRS 392.040) **Section 12**: (1) eliminates the requirement for a child
68 who is 7 years of age by August 1 preceding a school year to complete



69 kindergarten; and (2) requires such a child who has not completed first grade to be
70 placed in either first or second grade based on the results of an assessment.

71 Existing law establishes provisions related to the discipline of pupils, including,
72 without limitation, suspending, expelling or removing a pupil from school. (NRS
73 392.461-392.472) Existing law prohibits a public school from suspending,
74 expelling or removing a pupil from a classroom or other premises of the school
75 without first providing a plan of action based on restorative justice. (NRS 392.472)
76 **Section 15** of this bill removes the requirement for a public school to provide a plan
77 of action based on restorative justice before suspending, expelling or removing a
78 pupil from a classroom or other premises of the school and requires a public school
79 to instead consider whether restorative approaches should be used as an alternative
80 or in addition to suspending or expelling a pupil or removing a pupil from a
81 classroom or other premises of the school. **Section 15** defines “restorative
82 approaches” and requires the Department to develop examples of disciplinary
83 practices in which restorative approaches are used as an alternative or in addition to
84 suspending or expelling a pupil or removing a pupil from a classroom or other
85 premises of the school. **Sections 1, 4, 5, 7, 8, 13 and 14** of this bill make
86 conforming changes relating to restorative approaches.

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

1 **Section 1.** NRS 385A.250 is hereby amended to read as
2 follows:

3 385A.250 1. The annual report of accountability prepared
4 pursuant to NRS 385A.070 must include information on the
5 discipline of pupils, including, without limitation:

6 (a) Records of incidents involving weapons or violence for each
7 school in the district, including, without limitation, each charter
8 school sponsored by the district.

9 (b) Records of incidents involving the use or possession of
10 alcoholic beverages or controlled substances for each school in the
11 district, including, without limitation, each charter school sponsored
12 by the district.

13 (c) Records of the suspension or expulsion, or both, of pupils
14 required or authorized pursuant to NRS 392.466 and 392.467.

15 (d) The number of pupils who are deemed habitual disciplinary
16 problems pursuant to NRS 392.4655, for each school in the district
17 and the district as a whole, including, without limitation, each
18 charter school sponsored by the district.

19 (e) For each school in the district and the district as a whole,
20 including, without limitation, each charter school sponsored by the
21 district, and categorized by types of incidents and the demographics
22 identified in subsection 1 of NRS 388.1235:

23 (1) The number of reported violations of NRS 388.135
24 occurring at a school or otherwise involving a pupil enrolled at a



1 school, regardless of the outcome of the investigation conducted
2 pursuant to NRS 388.1351;

3 (2) The number of incidents determined to be discrimination
4 based on race, bullying or cyber-bullying after an investigation is
5 conducted pursuant to NRS 388.1351;

6 (3) The number of incidents resulting in suspension or
7 expulsion, or both, for discrimination based on race, bullying or
8 cyber-bullying; and

9 (4) Any actions taken to reduce the number of incidents of
10 discrimination based on race, bullying or cyber-bullying including,
11 without limitation, training that was offered or other policies,
12 practices and programs that were implemented.

13 (f) For each high school in the district, including, without
14 limitation, each charter school sponsored by the district that operates
15 as a high school, and for high schools in the district as a whole:

16 (1) The number and percentage of pupils whose violations of
17 the code of honor relating to cheating prescribed pursuant to NRS
18 392.461 or any other code of honor applicable to pupils enrolled in
19 high school were reported to the principal of the high school,
20 reported by the type of violation;

21 (2) The consequences, if any, to the pupil whose violation is
22 reported pursuant to subparagraph (1), reported by the type of
23 consequence;

24 (3) The number of any such violations of a code of honor in a
25 previous school year by a pupil whose violation is reported pursuant
26 to subparagraph (1), reported by the type of violation; and

27 (4) The process used by the high school to address violations
28 of a code of honor which are reported to the principal.

29 (g) For each school in the district, including, without limitation,
30 each charter school sponsored by the district, information on:

31 (1) The ~~plan for restorative justice and the~~ process for
32 progressive discipline used by the school ~~{ }~~, *including, without*
33 *limitation, any restorative approaches that are used by the school;*
34 and

35 (2) The manner in which the school trains employees on
36 restorative ~~justice~~ *approaches* and progressive discipline.

37 2. The information included pursuant to subsection 1 must
38 allow such information to be disaggregated by:

39 (a) Pupils who are economically disadvantaged;

40 (b) Pupils from major racial and ethnic groups;

41 (c) Pupils with disabilities;

42 (d) Pupils who are English learners;

43 (e) Pupils who are migratory children;

44 (f) Gender;

45 (g) Pupils who are homeless;



- 1 (h) Pupils in foster care; and
- 2 (i) Pupils whose parent or guardian is a member of the Armed
- 3 Forces of the United States, a reserve component thereof or the
- 4 National Guard.

5 3. As used in this section:

- 6 (a) "Bullying" has the meaning ascribed to it in NRS 388.122.
- 7 (b) "Cyber-bullying" has the meaning ascribed to it in
- 8 NRS 388.123.
- 9 (c) "Discrimination based on race" has the meaning ascribed to
- 10 it in NRS 388.1235.
- 11 (d) "Expulsion" has the meaning ascribed to it in
- 12 NRS 392.4603.
- 13 (e) "Restorative ~~justice~~ *approaches*" has the meaning
- 14 ascribed to it in NRS 392.472.
- 15 (f) "Suspension" has the meaning ascribed to it in
- 16 NRS 392.4607.

17 **Sec. 2.** NRS 388.122 is hereby amended to read as follows:

18 388.122 1. "Bullying" means written, verbal or electronic

19 expressions or physical acts or gestures, or any combination thereof,

20 that are directed at a person or group of persons, or a single severe

21 and willful act or expression that is directed at a person or group of

22 persons, and:

- 23 (a) Have the effect of:
 - 24 (1) Physically harming a person or damaging the property of
 - 25 a person; or
 - 26 (2) Placing a person in reasonable fear of physical harm to
 - 27 the person or damage to the property of the person;
- 28 (b) Interfere with the rights of a person by:
 - 29 (1) Creating an intimidating or hostile educational
 - 30 environment for the person; or
 - 31 (2) Substantially interfering with the academic performance
 - 32 of a pupil or the ability of the person to participate in or benefit from
 - 33 services, activities or privileges provided by a school; or
- 34 (c) Are acts or conduct described in paragraph (a) or (b) and are
- 35 based upon the:
 - 36 (1) Actual or perceived race, color, national origin, ancestry,
 - 37 religion, gender identity or expression, sexual orientation, physical
 - 38 or mental disability of a person, sex or any other distinguishing
 - 39 characteristic or background of a person; or
 - 40 (2) Association of a person with another person having one
 - 41 or more of those actual or perceived characteristics.
- 42 2. The term includes, without limitation:
 - 43 (a) Repeated or pervasive taunting, name-calling, belittling,
 - 44 mocking or use of put-downs or demeaning humor regarding the
 - 45 actual or perceived race, color, national origin, ancestry, religion,



1 gender identity or expression, sexual orientation, physical or mental
2 disability of a person, sex or any other distinguishing characteristic
3 or background of a person;

4 (b) Behavior that is intended to harm another person by
5 damaging or manipulating his or her relationships with others by
6 conduct that includes, without limitation, spreading false rumors;

7 (c) Repeated or pervasive nonverbal threats or intimidation such
8 as the use of aggressive, menacing or disrespectful gestures;

9 (d) Threats of harm to a person, to his or her possessions or to
10 other persons, whether such threats are transmitted verbally,
11 electronically or in writing;

12 (e) Blackmail, extortion or demands for protection money or
13 involuntary loans or donations;

14 (f) Blocking access to any property or facility of a school;

15 (g) Stalking; and

16 (h) Physically harmful contact with or injury to another person
17 or his or her property.

18 **3. *The term does not include expressions, acts or gestures***
19 ***which are engaged in as part of a mutual disagreement or conflict.***

20 **Sec. 3.** NRS 388.1323 is hereby amended to read as follows:

21 388.1323 1. The Office for a Safe and Respectful Learning
22 Environment is hereby created within the Department.

23 2. The Superintendent of Public Instruction shall appoint a
24 Director of the Office, who shall serve at the pleasure of the
25 Superintendent.

26 3. The Director of the Office shall ensure that the Office:

27 (a) Maintains a 24-hour, toll-free statewide hotline and Internet
28 website by which any person can report a violation of the provisions
29 of NRS 388.121 to 388.1395, inclusive, and obtain information
30 about antidiscrimination and anti-bullying efforts and organizations;
31 and

32 (b) Provides outreach and antidiscrimination and anti-bullying
33 education and training for pupils, parents and guardians, teachers,
34 administrators, coaches and other staff members and the members of
35 a governing body. The outreach and training must include, without
36 limitation:

37 (1) Training regarding methods, procedures and practice for
38 recognizing discrimination based on race, bullying and cyber-
39 bullying behaviors;

40 (2) Training regarding effective intervention and remediation
41 strategies regarding discrimination based on race, bullying and
42 cyber-bullying;

43 (3) Training regarding methods for reporting violations of
44 NRS 388.135; and



1 (4) Information on and referral to available resources
2 regarding suicide prevention and the relationship between
3 discrimination based on race, bullying or cyber-bullying and
4 suicide, including, without limitation, resources for pupils who are
5 members of groups at a high risk of suicide. Such groups include,
6 without limitation, the groups described in subsection 3 of
7 NRS 388.256.

8 4. The Director of the Office shall establish procedures by
9 which the Office may receive reports of discrimination based on
10 race, bullying and cyber-bullying and complaints regarding
11 violations of the provisions of NRS 388.121 to 388.1395, inclusive.

12 5. ~~The~~ *Except as otherwise provided in this subsection, the*
13 Director of the Office or his or her designee shall investigate any
14 complaint that a teacher, administrator, coach or other staff member
15 or member of a governing body has violated a provision of NRS
16 388.121 to 388.1395, inclusive. If a complaint alleges criminal
17 conduct or an investigation leads the Director of the Office or his or
18 her designee to suspect criminal conduct, the Director of the Office
19 may request assistance from the Investigation Division of the
20 Department of Public Safety. *The Director of the Office or his or*
21 *her designee is not required to investigate a complaint pursuant to*
22 *this subsection if the complaint is made through the SafeVoice*
23 *Program established pursuant to NRS 388.1455 and investigated*
24 *by the team appointed pursuant to paragraph (a) of subsection 1*
25 *of NRS 388.14553, unless the complaint alleges that a previous*
26 *investigation conducted by the team appointed pursuant to*
27 *paragraph (a) of subsection 1 of NRS 388.14553 regarding the*
28 *same matter failed to resolve the issue or was otherwise deficient.*

29 **Sec. 4.** NRS 388.133 is hereby amended to read as follows:

30 388.133 1. The Department shall, in consultation with the
31 governing bodies, educational personnel, local associations and
32 organizations of parents whose children are enrolled in schools
33 throughout this State, and individual parents and legal guardians
34 whose children are enrolled in schools throughout this State,
35 prescribe by regulation a policy for all school districts and schools
36 to provide a safe and respectful learning environment that is free of
37 discrimination based on race, bullying and cyber-bullying.

38 2. The policy must include, without limitation:

39 (a) Requirements and methods for reporting violations of NRS
40 388.135, including, without limitation, violations among teachers
41 and violations between teachers and administrators, coaches and
42 other personnel of a school district or school;

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



1 (c) Requirements and methods for restorative disciplinary
2 practices that align with the statewide framework for restorative
3 ~~justice~~ *approaches* if such a framework is developed pursuant to
4 NRS 388.1333; and

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

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

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

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

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

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

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

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

25 **Sec. 5.** NRS 388.1333 is hereby amended to read as follows:

26 388.1333 1. To the extent that money is available, the
27 Department shall develop a statewide framework for restorative
28 ~~justice~~ *approaches*. The statewide framework must, without
29 limitation:

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

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

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

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

43 (1) Multi-tiered systems of support;

44 (2) Early warning systems;

45 (3) Positive behavioral interventions and support;



- 1 (4) The provision of school social workers;
- 2 (5) Curriculum on social and emotional learning; and
- 3 (6) Trauma-informed practices; and

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

- 6 (1) Child and adolescent development;
- 7 (2) Restorative ~~justice~~ *approaches*, including, without
8 limitation, positive behavioral interventions and support, conflict
9 resolution and de-escalation techniques; and
- 10 (3) Psychology, trauma and chronic stress, the effect of
11 trauma and chronic stress on pupils and learning and effective
12 responses to trauma and chronic stress.

13 2. The Department may apply for grants, gifts and donations of
14 money to carry out the objectives of the statewide framework for
15 restorative ~~justice~~ *approaches*.

16 3. As used in this section:

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

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

21 (c) "Restorative ~~justice~~ *approaches*" has the meaning
22 ascribed to it in NRS 392.472.

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

25 **Sec. 6.** NRS 388.1351 is hereby amended to read as follows:

26 388.1351 1. Except as otherwise provided in NRS
27 388.13535, a teacher, administrator, coach or other staff member
28 who witnesses a violation of NRS 388.135 or receives information
29 that a violation of NRS 388.135 has occurred shall report the
30 violation to the administrator or his or her designee as soon as
31 practicable, but not later than a time during the same day on which
32 the teacher, administrator, coach or other staff member witnessed
33 the violation or received information regarding the occurrence of a
34 violation.

35 2. Except as otherwise provided in this subsection, upon
36 receiving a report required by subsection 1, the administrator or
37 designee shall immediately take any necessary action to stop the
38 discrimination based on race, bullying or cyber-bullying and ensure
39 the safety and well-being of the reported victim or victims of the
40 discrimination based on race, bullying or cyber-bullying and shall
41 begin an investigation into the report. If the administrator or
42 designee does not have access to the reported victim of the alleged
43 violation of NRS 388.135, the administrator or designee may wait
44 until the next school day when he or she has such access to take the
45 action required by this subsection.



1 3. The investigation conducted pursuant to subsection 2 must
2 include, without limitation:

3 (a) Except as otherwise provided in subsection 4, notification
4 provided by telephone, electronic mail or other electronic means or
5 provided in person, of the parents or guardians of all pupils directly
6 involved in the reported discrimination based on race, bullying or
7 cyber-bullying, as applicable, either as a reported aggressor or a
8 reported victim of the discrimination based on race, bullying or
9 cyber-bullying. The notification must be provided:

10 (1) If the discrimination based on race, bullying or cyber-
11 bullying is reported before the end of school hours on a school day,
12 before the school's administrative office closes on the day on which
13 the discrimination based on race, bullying or cyber-bullying is
14 reported; or

15 (2) If the discrimination based on race, bullying or cyber-
16 bullying was reported on a day that is not a school day, or after
17 school hours on a school day, before the school's administrative
18 office closes on the school day following the day on which the
19 discrimination based on race, bullying or cyber-bullying is reported.

20 (b) Interviews with all pupils whose parents or guardians must
21 be notified pursuant to paragraph (a) and with all such parents and
22 guardians.

23 4. If the contact information for the parent or guardian of a
24 pupil in the records of the school is not correct, a good faith effort to
25 notify the parent or guardian shall be deemed sufficient to meet the
26 requirement for notification pursuant to paragraph (a) of
27 subsection 3.

28 5. Except as otherwise provided in this subsection, an
29 investigation required by this section must be completed ~~[not later~~
30 ~~than 2]~~ , *to the greatest extent practicable, within 5* school days
31 after the administrator or designee receives a report required by
32 subsection 1. If extenuating circumstances prevent the administrator
33 or designee from completing the investigation required by this
34 section within ~~[2]~~ 5 school days after making a good faith effort, ~~[1]~~
35 2 additional school ~~[day]~~ *days* may be used to complete the
36 investigation. ~~[The time for completing an investigation into a report~~
37 ~~of cyber-bullying may also be extended to not more than 5 school~~
38 ~~days after the report is received with the consent of each reported~~
39 ~~victim of the cyber-bullying or, if a reported victim is under 18~~
40 ~~years of age and is not emancipated, the parent or guardian of the~~
41 ~~reported victim.]~~

42 6. An administrator or designee who conducts an investigation
43 required by this section shall complete a written report of the
44 findings and conclusions of the investigation. If a violation is found
45 to have occurred:



1 (a) The report must include recommendations concerning the
2 imposition of disciplinary action or other measures to be imposed as
3 a result of the violation, in accordance with the policy governing
4 disciplinary action adopted by the governing body. Subject to the
5 provisions of the Family Educational Rights and Privacy Act of
6 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant
7 thereto, the report must be made available, not later than 24 hours
8 after the completion of the written report, to all parents or guardians
9 who must be notified pursuant to paragraph (a) of subsection 3 as
10 part of the investigation; and

11 (b) Any action taken after the completion of the investigation to
12 address the discrimination based on race, bullying or cyber-bullying
13 must be based on restorative disciplinary practices and carried out in
14 a manner that causes the least possible disruption for the victim or
15 victims. When necessary, the administrator or ~~his or her~~ designee
16 shall give priority to ensuring the safety and well-being of the victim
17 or victims over any interest of the perpetrator or perpetrators when
18 determining the actions to take.

19 7. If a violation is found not to have occurred, information
20 concerning the incident must not be included in the record of the
21 reported aggressor.

22 8. Not later than 10 school days after receiving a report
23 required by subsection 1, the administrator or designee shall meet
24 with each reported victim of the discrimination based on race,
25 bullying or cyber-bullying to inquire about the well-being of the
26 reported victim and to ensure that the reported discrimination based
27 on race, bullying or cyber-bullying, as applicable, is not continuing.

28 9. To the extent that information is available, the administrator
29 or ~~his or her~~ designee shall provide a list of any resources that may
30 be available in the community to assist a pupil to each parent or
31 guardian of a pupil to whom notice was provided pursuant to this
32 section as soon as practicable. Such a list may include, without
33 limitation, resources available at no charge or at a reduced cost and
34 may be provided in person or by electronic or regular mail. If such a
35 list is provided, the administrator ~~[-his]~~ or ~~[her]~~ designee, or any
36 employee of the school or the school district is not responsible for
37 providing such resources to the pupil or ensuring the pupil receives
38 such resources.

39 10. The parent or guardian of a pupil involved in the reported
40 violation of NRS 388.135 may appeal a disciplinary decision of the
41 administrator or ~~his or her~~ designee, made against the pupil as a
42 result of the violation, in accordance with the policy governing
43 disciplinary action adopted by the governing body. Not later than 30
44 days after receiving a response provided in accordance with such a
45 policy, the parent or guardian may submit a complaint to the



1 Department. The Department shall consider and respond to the
2 complaint pursuant to procedures and standards prescribed in
3 regulations adopted by the Department.

4 11. If a violation of NRS 388.135 is found to have occurred,
5 the parent or guardian of a pupil who is a victim of discrimination
6 based on race, bullying or cyber-bullying may request that the board
7 of trustees of the school district in which the pupil is enrolled to
8 assign the pupil to a different school in the school district. Upon
9 receiving such a request, the board of trustees shall, in consultation
10 with the parent or guardian of the pupil, assign the pupil to a
11 different school.

12 12. A principal or his or her designee shall submit a monthly
13 report to the direct supervisor of the principal that includes for the
14 school the number of:

15 (a) Reports received pursuant to subsection 1 concerning
16 incidents of bullying or cyber-bullying;

17 (b) Reports received pursuant to subsection 1 concerning
18 incidents of discrimination based on race;

19 (c) Times in which a violation of NRS 388.135 is found to have
20 occurred; and

21 (d) Times in which no violation of NRS 388.135 is found to
22 have occurred.

23 13. ~~[A direct supervisor who receives a monthly report~~
24 ~~pursuant to subsection 12 shall, each calendar quarter, submit a~~
25 ~~report to the Office for a Safe and Respectful Learning Environment~~
26 ~~that includes, for the schools for which the direct supervisor has~~
27 ~~received a monthly report in the calendar quarter and categorized by~~
28 ~~types of incidents and the demographics identified in subsection 1 of~~
29 ~~NRS 388.1235, the:~~

30 ~~—(a) Total number of reports received pursuant to subsection 1~~
31 ~~concerning bullying or cyber-bullying;~~

32 ~~—(b) Total number of reports received pursuant to subsection 1~~
33 ~~concerning incidents of discrimination based on race;~~

34 ~~—(c) Number of times in which a violation of NRS 388.135 is~~
35 ~~found to have occurred; and~~

36 ~~—(d) Number of times in which no violation of NRS 388.135 is~~
37 ~~found to have occurred.~~

38 ~~—14. The Office for a Safe and Respectful Learning~~
39 ~~Environment, in consultation with the direct supervisor of a~~
40 ~~principal, shall, after reviewing a report submitted pursuant to~~
41 ~~subsection 12 or 13, as applicable, make any recommendations~~
42 ~~based on identified trends and patterns the Office determines to be~~
43 ~~appropriate regarding interventions or training to address~~
44 ~~discrimination based on race, bullying and cyber-bullying at the~~
45 ~~school.~~



1 ~~—15.]~~ School hours and school days are determined for the
2 purposes of this section by the schedule established by the
3 governing body for the school.

4 ~~[16.]~~ 14. The provisions of this section must not be construed
5 to place any limit on the time within which an investigation
6 concerning any alleged act that constitutes sexual assault must be
7 completed.

8 **Sec. 7.** NRS 388A.495 is hereby amended to read as follows:

9 388A.495 1. A governing body of a charter school shall
10 adopt:

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

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

14 2. If suspension or expulsion of a pupil is used as a punishment
15 for a violation of the rules, the charter school shall ensure that,
16 before the suspension or expulsion, the pupil and, if the pupil is
17 under 18 years of age, the parent or guardian of the pupil, has been
18 given notice of the charges against him or her, an explanation of the
19 evidence and an opportunity for a hearing. *Before a pupil is*
20 *suspended or expelled, the charter school shall consider whether*
21 *restorative approaches should be used as an alternative or in*
22 *addition to suspension or expulsion.* If a pupil is suspended or
23 expelled, the pupil or, if the pupil is under 18 years of age, the
24 parent or guardian of the pupil may appeal the suspension or
25 expulsion in accordance with the provisions of NRS 392.4671. The
26 charter school shall ensure that a pupil who is suspended or expelled
27 and is appealing the suspension or expulsion or a pupil who is being
28 considered for suspension or expulsion continues to attend school
29 and receives an appropriate education in the least restrictive
30 environment possible as required by NRS 392.4673. The provisions
31 of chapter 241 of NRS do not apply to any hearing or proceeding
32 conducted pursuant to this section. Such a hearing or proceeding
33 must be closed to the public.

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

43 ~~—4.]~~ A pupil with a disability who is at least 11 years of age and
44 who is enrolled in a charter school may, in accordance with the
45 procedural policy adopted by the governing body of the charter



1 school for such matters and only after the governing body or its
2 designee has reviewed the circumstances and determined that the
3 action is in compliance with the Individuals with Disabilities
4 Education Act, 20 U.S.C. §§ 1400 et seq., be:

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

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

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

9 ~~15.1~~ **4.** A copy of the rules of behavior, prescribed punishments
10 and procedures to be followed in imposing punishments must be:

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

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

14 ~~16.1~~ **5.** The governing body of a charter school may adopt rules
15 relating to the truancy of pupils who are enrolled in the charter
16 school if the rules are at least as restrictive as the provisions
17 governing truancy set forth in NRS 392.130 to 392.220, inclusive. If
18 a governing body adopts rules governing truancy, it shall include the
19 rules in the written rules adopted by the governing body pursuant to
20 subsection 1.

21 ~~17.1~~ **6.** As used in this section:

22 (a) "Expel" or "expulsion" has the meaning ascribed to it in
23 NRS 392.4603.

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

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

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

33 (c) "Pupil with a disability" has the meaning ascribed to it in
34 NRS 388.417.

35 (d) *"Restorative approaches" has the meaning ascribed to it in*
36 *NRS 392.472.*

37 (e) "Suspend" or "suspension" has the meaning ascribed to it in
38 NRS 392.4607.

39 **Sec. 8.** NRS 388C.150 is hereby amended to read as follows:

40 388C.150 1. The governing body of a university school for
41 profoundly gifted pupils shall adopt:

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

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



1 2. If suspension or expulsion of a pupil is used as a punishment
2 for a violation of the rules, the university school for profoundly
3 gifted pupils shall ensure that, before the suspension or expulsion,
4 the pupil has been given notice of the charges against him or her, an
5 explanation of the evidence and an opportunity for a hearing. *Before*
6 *a pupil is suspended or expelled, the university school shall*
7 *consider whether restorative approaches should be used as an*
8 *alternative or in addition to suspension or expulsion.* If a pupil is
9 suspended or expelled, the pupil or, if the pupil is under 18 years of
10 age, the parent or guardian of the pupil may appeal the suspension
11 or expulsion in accordance with the provisions of NRS 392.4671.
12 The university school shall ensure that a pupil who is suspended or
13 expelled and is appealing the suspension or expulsion or a pupil who
14 is being considered for suspension or expulsion continues to attend
15 school and receives an appropriate education in the least restrictive
16 environment possible as required by NRS 392.4673. The provisions
17 of chapter 241 of NRS do not apply to any hearing or proceeding
18 conducted pursuant to this section. Such a hearing or proceeding
19 must be closed to the public.

20 3. ~~A pupil who is at least 11 years of age and who poses a~~
21 ~~continuing danger to persons or property or an ongoing threat of~~
22 ~~disrupting the academic process, who is selling or distributing any~~
23 ~~controlled substance or who is found to be in possession of a~~
24 ~~dangerous weapon as provided in NRS 392.466 may be removed~~
25 ~~only after the university school for profoundly gifted pupils has~~
26 ~~made a reasonable effort to complete a plan of action based on~~
27 ~~restorative justice with the pupil in accordance with the provisions~~
28 ~~of NRS 392.466 and 392.467.~~

29 ~~—4.]~~ A pupil with a disability who is at least 11 years of age and
30 who is enrolled in a university school for profoundly gifted pupils
31 may, in accordance with the procedural policy adopted by the
32 governing body of the university school for such matters and only
33 after the governing body or its designee has reviewed the
34 circumstances and determined that the action is in compliance with
35 the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400
36 et seq., be:

37 (a) Suspended from the university school pursuant to this
38 section for not more than 5 days for each occurrence of proscribed
39 conduct.

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

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

42 ~~[5.]~~ 4. A copy of the rules of behavior, prescribed punishments
43 and procedures to be followed in imposing punishments must be:



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

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

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

12 ~~[7.]~~ **6.** As used in this section:

13 (a) "Expel" or "expulsion" has the meaning ascribed to it in
14 NRS 392.4603.

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

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

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

24 (c) "Pupil with a disability" has the meaning ascribed to it in
25 NRS 388.417.

26 (d) *"Restorative approaches" has the meaning ascribed to it in*
27 *NRS 392.472.*

28 (e) "Suspend" or "suspension" has the meaning ascribed to it in
29 NRS 392.4607.

30 **Sec. 9.** NRS 389.167 is hereby amended to read as follows:

31 389.167 1. A pupil enrolled at a public school must be
32 allowed to apply one or more credits toward the total number of
33 credits required for graduation from high school if the pupil
34 successfully completes the number of hours in a work-based
35 learning program required by regulation of the State Board to earn
36 such credits. Any credits earned for successful completion of a
37 work-based learning program must be applied toward the pupil's
38 elective course credits and not toward a course that is required for
39 graduation from high school.

40 2. The board of trustees of a school district or the governing
41 body of a charter school may offer a work-based learning program
42 upon application to and with the approval of the ~~[State Board.]~~
43 *Superintendent of Public Instruction.* An application to offer a
44 work-based learning program must include, without limitation:



1 (a) The fields, trades or occupations in which a work-based
2 learning program will be offered.

3 (b) The qualifications of a pupil to participate in the work-based
4 learning program. Such qualifications must allow a majority of
5 pupils to be eligible to participate in the work-based learning
6 program.

7 (c) A description of the process that will be used by pupils to
8 apply to participate in a work-based learning program.

9 (d) A description of the manner in which participation in a
10 work-based learning program and completion of the requirements of
11 a work-based learning program will be verified.

12 (e) A description of the manner in which the performance of a
13 pupil who participates in the work-based learning program will be
14 evaluated, which must include, without limitation, an on-site
15 evaluation of the performance of the pupil.

16 3. Upon approval by the ~~[State Board]~~ *Superintendent of*
17 *Public Instruction* of an application to offer a work-based learning
18 program submitted pursuant to subsection 2, the board of trustees or
19 the governing body shall:

20 (a) Designate an employee of the school district or charter
21 school, as applicable, to serve as a work-based learning coordinator
22 to coordinate and oversee work-based learning programs. Such an
23 employee must ensure that each business, agency or organization
24 that will offer employment and supervision of a pupil as part of the
25 work-based learning program is suitable for participation in a work-
26 based learning program.

27 (b) Establish and maintain a list of businesses, agencies and
28 organizations that have been found suitable by the work-based
29 learning coordinator pursuant to paragraph (a).

30 4. To receive approval from the ~~[State Board]~~ *Superintendent*
31 *of Public Instruction* to offer a work-based learning program, the
32 work-based learning program must include, without limitation,
33 requirements that:

34 (a) A detailed training agreement and training plan be completed
35 for each pupil participating in the work-based training program for
36 credit that identifies the specific tasks in which the pupil will
37 participate that will develop competency of the pupil in the
38 workplace;

39 (b) A pupil participating in the work-based learning program be
40 allowed to leave the public school in which he or she is enrolled
41 during the school day to participate in such a program; and

42 (c) Participation by a pupil in the work-based learning program
43 will develop a broad range of skills and will allow a pupil to focus
44 on his or her chosen career pathway.



1 5. A school district or charter school may allow a pupil who
2 successfully completes a work-based learning program to earn dual
3 credit for participation in the work-based learning program.

4 6. On or before January 15 of each odd-numbered year, the
5 board of trustees of a school district and the governing body of a
6 charter school that offers a work-based learning program shall
7 prepare a report concerning the manner in which the work-based
8 learning program has been carried out and submit the report to the
9 State Board and the Legislature. The report must include, without
10 limitation:

11 (a) The number of pupils participating in the work-based
12 learning program; and

13 (b) The types of work-based learning offered through the work-
14 based learning program.

15 7. The number of pupils participating in the work-based
16 learning program reported pursuant to paragraph (a) of subsection 6
17 must be disaggregated on the basis of the following characteristics:

18 (a) Pupils who are American Indian or Alaska Native, Asian,
19 Black or African American, Hispanic or Latino, Native Hawaiian or
20 Pacific Islander, white or two or more races;

21 (b) Gender of pupils;

22 (c) Pupils who are migrants; and

23 (d) Pupils who are members of special populations, as defined in
24 20 U.S.C. § 2302(48).

25 **Sec. 10.** NRS 391.690 is hereby amended to read as follows:

26 391.690 1. If a postprobationary teacher receives an
27 evaluation designating his or her overall performance as developing
28 or ineffective, the postprobationary teacher must receive one
29 evaluation in the immediately succeeding school year which is
30 based in part upon three observation cycles which must occur in
31 accordance with the observation schedule set forth in subsection 1
32 of NRS 391.685. If a postprobationary teacher receives evidence
33 from the first two observation cycles during the school year
34 indicating that, unless his or her performance improves, his or her
35 overall performance may be rated as developing or ineffective on
36 the evaluation, the postprobationary teacher may request that the
37 third observation cycle be conducted by another administrator. If a
38 postprobationary teacher requests that his or her third observation
39 cycle be conducted by another administrator, that administrator must
40 be:

41 (a) Employed by the school district or, if the school district has
42 five or fewer administrators, employed by another school district in
43 this State; and

44 (b) Selected by the postprobationary teacher from a list of three
45 candidates submitted by the superintendent.



1 2. If a postprobationary teacher receives an evaluation
2 designating his or her overall performance as effective, the
3 postprobationary teacher must receive one evaluation in the
4 immediately succeeding school year. The evaluation must be based
5 in part upon at least one scheduled observation cycle, which must
6 occur within 120 days after the first day of instruction of the school
7 year.

8 3. If a postprobationary teacher receives an evaluation
9 designating his or her overall performance as highly effective for 2
10 consecutive school years, the postprobationary teacher must:

11 (a) Participate in one observation cycle in the school year
12 immediately following the school year in which the
13 postprobationary teacher receives a second consecutive evaluation
14 designating his or her performance as highly effective. ~~[-and]~~ *The*
15 *postprobationary teacher may receive one evaluation based in part*
16 *upon the observation cycle conducted pursuant to this paragraph:*

17 (1) *Upon request of the postprobationary teacher; or*

18 (2) *At the discretion of the administrator who conducts the*
19 *observation cycle.*

20 (b) Receive one evaluation in the school year immediately
21 following the school year in which the postprobationary teacher
22 participated in the observation cycle pursuant to paragraph (a). The
23 evaluation must be based in part upon at least one scheduled
24 observation cycle, which must occur within 120 days after the first
25 day of instruction of that school year.

26 **Sec. 11.** NRS 391.710 is hereby amended to read as follows:

27 391.710 1. If a postprobationary administrator receives an
28 evaluation designating his or her overall performance as developing
29 or ineffective, the postprobationary administrator must receive one
30 evaluation in the immediately succeeding school year which is
31 based in part upon three observation cycles which must occur in
32 accordance with the observation schedule set forth in subsection 1
33 of NRS 391.705. If a postprobationary administrator receives
34 evidence from the first two observation cycles indicating that, unless
35 his or her performance improves, his or her overall performance
36 may be rated as developing or ineffective on the evaluation, the
37 postprobationary administrator may request that the third
38 observation cycle be conducted by another administrator. If a
39 postprobationary administrator requests that his or her third
40 observation cycle be conducted by another administrator, that
41 administrator must be:

42 (a) Employed by the school district or, if the school district has
43 five or fewer administrators, employed by another school district in
44 this State; and



1 (b) Selected by the postprobationary administrator from a list of
2 three candidates submitted by the superintendent.

3 2. If a postprobationary administrator receives an evaluation
4 designating his or her overall performance as effective, the
5 postprobationary administrator must receive one evaluation in the
6 immediately succeeding school year. The evaluation must be based
7 in part upon at least one scheduled observation cycle, which must
8 occur within 120 days after the first day of instruction of the school
9 year.

10 3. If a postprobationary administrator receives an evaluation
11 designating his or her overall performance as highly effective for 2
12 consecutive school years, the postprobationary administrator must:

13 (a) Participate in one observation cycle in the school year
14 immediately following the school year in which the
15 postprobationary administrator receives a second consecutive
16 evaluation designating his or her performance as highly effective. ~~It~~
17 ~~and~~ *The postprobationary administrator may receive one*
18 *evaluation based in part upon the observation cycle conducted*
19 *pursuant to this paragraph:*

20 (1) *Upon the request of the postprobationary administrator;*
21 *or*

22 (2) *At the discretion of the administrator who conducts the*
23 *observation cycle.*

24 (b) Receive one evaluation in the school year immediately
25 following the school year in which the postprobationary
26 administrator participated in the observation cycle pursuant to
27 paragraph (a). The evaluation must be based in part upon at least
28 one scheduled observation cycle, which must occur within 120 days
29 after the first day of instruction of that school year.

30 **Sec. 12.** NRS 392.040 is hereby amended to read as follows:

31 392.040 1. Except as otherwise provided by law, each parent,
32 custodial parent, guardian or other person in the State of Nevada
33 having control or charge of any child between the ages of 7 and 18
34 years shall send the child to a public school during all the time the
35 public school is in session in the school district in which the child
36 resides unless the child has graduated from high school.

37 2. A child who is 5 years of age on or before ~~the first day of~~
38 *August 1 preceding* a school year may be admitted to kindergarten
39 at the beginning of that school year, and the child's enrollment must
40 be counted for purposes of apportionment. If a child is not 5 years of
41 age on or before ~~the first day of~~ *August 1 preceding* a school year,
42 the child must not be admitted to kindergarten.

43 3. Except as otherwise provided in subsection 4, a child who is
44 6 years of age on or before ~~the first day of~~ *August 1 preceding* a
45 school year must:



1 (a) If the child has not completed kindergarten, *undergo an*
2 *assessment by the school district or charter school, as applicable,*
3 *pursuant to subsection 7 to determine whether the child is*
4 *prepared developmentally to be admitted to the first grade. If the*
5 *school district or charter school, as applicable, determines that the*
6 *child is prepared developmentally, the child must be admitted to*
7 *the first grade at the beginning of that school year. If the school*
8 *district or charter school, as applicable, determines that the child*
9 *is not so prepared, he or she must* be admitted to kindergarten at
10 the beginning of that school year . ~~[-or]~~

11 (b) If the child has completed kindergarten, be admitted to the
12 first grade at the beginning of that school year,
13 ↪ and the child's enrollment must be counted for purposes of
14 apportionment. If a child is not 6 years of age on or before ~~the first~~
15 ~~day of~~ *August 1 preceding* a school year, the child must not be
16 admitted to the first grade until the beginning of the school year
17 following the child's sixth birthday.

18 4. The parents, custodial parent, guardian or other person
19 within the State of Nevada having control or charge of a child who
20 is 6 years of age on or before ~~the first day of~~ *August 1 preceding*
21 a school year may elect for the child not to attend kindergarten or the
22 first grade during that year. The parents, custodial parent, guardian
23 or other person who makes such an election shall file with the board
24 of trustees of the appropriate school district a waiver in a form
25 prescribed by the board.

26 5. Whenever a child who is 6 years of age is enrolled in a
27 public school, each parent, custodial parent, guardian or other
28 person in the State of Nevada having control or charge of the child
29 shall send the child to the public school during all the time the
30 school is in session. If the board of trustees of a school district has
31 adopted a policy prescribing a minimum number of days of
32 attendance for pupils enrolled in kindergarten or first grade pursuant
33 to NRS 392.122, the school district shall provide to each parent and
34 legal guardian of a pupil who elects to enroll his or her child in
35 kindergarten or first grade a written document containing a copy of
36 that policy and a copy of the policy of the school district concerning
37 the withdrawal of pupils from kindergarten or first grade. Before the
38 child's first day of attendance at a school, the parent or legal
39 guardian shall sign a statement on a form provided by the school
40 district acknowledging that he or she has read and understands the
41 policy concerning attendance and the policy concerning withdrawal
42 of pupils from kindergarten or first grade. The parent or legal
43 guardian shall comply with the applicable requirements for
44 attendance. This requirement for attendance does not apply to any



1 child under the age of 7 years who has not yet been enrolled or has
2 been formally withdrawn from enrollment in public school.

3 6. A child who is 7 years of age on or before ~~the first day of~~
4 *August 1 preceding* a school year must:

5 (a) If the child has completed ~~kindergarten and~~ the first grade,
6 be admitted to the second grade ~~at the beginning of that school~~
7 *year.*

8 (b) ~~If the child has completed kindergarten, be admitted to the~~
9 *first grade.*

10 ~~—(c) If the parents, custodial parent, guardian or other person in~~
11 ~~the State of Nevada having control or charge of the child waived the~~
12 ~~child's attendance from kindergarten pursuant to subsection 4,~~
13 *child has not completed first grade*, undergo an assessment by the
14 *school district or charter school, as applicable*, pursuant to
15 subsection 7 to determine whether the child is prepared
16 developmentally to be admitted to the ~~first~~ *second* grade. If the
17 *school district or charter school, as applicable*, determines that the
18 child is prepared developmentally, the child must be admitted to
19 the ~~first~~ *second* grade ~~at the beginning of that school year.~~
20 If the *school district or charter school, as applicable*, determines
21 that the child is not so prepared, he or she must be admitted to
22 ~~kindergarten.~~ *the first grade at the beginning of that school year.*

23 ↪ The enrollment of any child pursuant to this subsection must be
24 counted for apportionment purposes.

25 7. Each school district *and charter school* shall prepare and
26 administer before the beginning of each school year a
27 developmental screening test to a child:

28 (a) *Who is 6 years of age on or before August 1 preceding a*
29 *school year and who has not completed kindergarten, to determine*
30 *whether the child is prepared developmentally to be admitted to the*
31 *first grade; or*

32 (b) Who is 7 years of age on or before ~~the first day of the next~~
33 *August 1 preceding a* school year ~~at~~ and

34 ~~(b) Whose parents waived the child's attendance from~~
35 ~~kindergarten pursuant to subsection 4,~~
36 ~~↪~~ *who has not completed first grade*, to determine whether the
37 child is prepared developmentally to be admitted to the ~~first~~
38 *second* grade.

39 ↪ The results of the test must be made available to the parents,
40 custodial parent, guardian or other person within the State of
41 Nevada having control or charge of the child.

42 8. Except as otherwise provided in subsection 9, a child who
43 becomes a resident of this State after completing kindergarten or
44 beginning first grade in another state in accordance with the laws of
45 that state may be admitted to the grade the child was attending or



1 would be attending had he or she remained a resident of the other
2 state regardless of his or her age, unless the board of trustees of the
3 school district determines that the requirements of this section are
4 being deliberately circumvented.

5 9. Pursuant to the provisions of NRS 388F.010, a child who
6 transfers to a school in this State from a school outside this State
7 because of the military transfer of the parent or legal guardian of the
8 child must be admitted to:

9 (a) The grade, other than kindergarten, the child was attending
10 or would be attending had he or she remained a resident of the other
11 state, regardless of the child's age.

12 (b) Kindergarten, if the child was enrolled in kindergarten in
13 another state in accordance with the laws of that state, regardless of
14 the child's age.

15 10. As used in this section, "kindergarten" includes:

16 (a) A kindergarten established by the board of trustees of a
17 school district pursuant to NRS 388.060;

18 (b) A kindergarten established by the governing body of a
19 charter school; and

20 (c) An authorized program of instruction for kindergarten
21 offered in a child's home pursuant to NRS 388.060.

22 **Sec. 13.** NRS 392.4644 is hereby amended to read as follows:

23 392.4644 1. The board of trustees of each school district shall
24 establish a plan to provide for the restorative discipline of pupils and
25 on-site review of disciplinary decisions. The plan must:

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

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

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

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

- 39 (1) Holding a pupil accountable for his or her behavior;
40 (2) Restoration or remedies related to the behavior of the
41 pupil;
42 (3) Relief for any victim of the pupil; and
43 (4) Changing the behavior of the pupil.



1 (e) Provide for the temporary removal of a pupil from a
2 classroom or other premises of a public school in accordance with
3 NRS 392.4645.

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

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

9 (h) Be in accordance with the statewide framework for
10 restorative ~~justice~~ *approaches* developed pursuant to NRS
11 388.1333, including, without limitation, by addressing the
12 occurrences of the suspension, expulsion or removal of pupils from
13 school that disproportionately affect pupils who belong to a group of
14 pupils listed in subsection 2 of NRS 385A.250.

15 (i) Be posted on the Internet website maintained by the school
16 district.

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

19 (a) Review the plan established by subsection 1 in consultation
20 with the teachers, school administrators and other educational
21 personnel and support personnel who are employed at the school
22 and the parents and guardians of pupils and the pupils who are
23 enrolled in the school;

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

28 (c) Based upon the review, recommend to the board of trustees
29 of the school district revisions to the plan, as recommended by the
30 teachers, school administrators and other educational personnel and
31 support personnel and the parents and guardians of pupils and the
32 pupils who are enrolled in the school, if necessary;

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

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

40 3. On or before November 15 of each year, the board of
41 trustees of each school district shall:

42 (a) Submit a written report to the Superintendent of Public
43 Instruction that reports the progress of each school within the
44 district in complying with the requirements of this section,
45 including, without limitation, addressing the occurrences of the



1 suspension, expulsion or removal of pupils from school that
2 disproportionately affect pupils who belong to a group of pupils
3 listed in subsection 2 of NRS 385A.250; and

4 (b) Post a copy of the report on the Internet website maintained
5 by the school district.

6 4. As used in this section, “restorative ~~justice~~ *approaches*”
7 has the meaning ascribed to it in NRS 392.472.

8 **Sec. 14.** NRS 392.466 is hereby amended to read as follows:

9 392.466 1. Except as otherwise provided in this section, any
10 pupil who commits a battery which results in the bodily injury of an
11 employee of the school or who sells or distributes any controlled
12 substance while on the premises of any public school, at an activity
13 sponsored by a public school or on any school bus and who is at
14 least 11 years of age shall meet with the school and his or her parent
15 or legal guardian. ~~{The school shall provide a plan of action based~~
16 ~~on restorative justice to the parent or legal guardian of the pupil or,~~
17 ~~if the pupil is an unaccompanied pupil, the pupil.}~~ The pupil may be
18 suspended or expelled from the school, in which case the pupil
19 shall:

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

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

28 *↳ Before a pupil is suspended or expelled from the school, the*
29 *school shall consider the use of restorative approaches as an*
30 *alternative or in addition to suspension or expulsion.*

31 2. An employee who is a victim of a battery which results in
32 the bodily injury of an employee of the school may appeal to the
33 school ~~{the plan of action provided pursuant to subsection 1}~~ if:

34 (a) The employee feels any *disciplinary* actions taken ~~{pursuant~~
35 ~~to such plan}~~ are inappropriate; and

36 (b) For a pupil with a disability who committed the battery, the
37 board of trustees of the school district or its designee has reviewed
38 the circumstances and determined that such an appeal is in
39 compliance with the Individuals with Disabilities Education Act, 20
40 U.S.C. §§ 1400 et seq.

41 3. Except as otherwise provided in this section, any pupil of
42 any age, including, without limitation, a pupil with a disability, who
43 is found in possession of a firearm or a dangerous weapon while on
44 the premises of any public school, at an activity sponsored by a
45 public school or on any school bus must, for the first occurrence, be



1 expelled from the school for a period of not less than 1 year,
2 although the pupil may be placed in another kind of school for a
3 period not to exceed the period of the expulsion. For a second
4 occurrence, the pupil must be permanently expelled from the school.

5 4. If, *after a meeting conducted pursuant to subsection 1*, a
6 school *concludes that it* is unable to retain a pupil in the school
7 ~~[pursuant to subsection 1]~~ for the safety of any person or because
8 doing so would not be in the best interest of the pupil, the pupil may
9 be suspended, expelled or placed in another school. If a pupil is
10 placed in another school, the current school of the pupil shall
11 explain what services will be provided to the pupil at the new school
12 that the current school is unable to provide to address the specific
13 needs and behaviors of the pupil. The school district of the current
14 school of the pupil shall coordinate with the new school to ~~create a~~
15 ~~plan of action based on restorative justice for the pupil]~~ *determine if*
16 *any restorative approaches should be implemented* and to ensure
17 that any resources required to ~~execute]~~ *implement* the ~~[plan of~~
18 ~~action based on]~~ restorative ~~[justice]~~ *approaches* are available at the
19 new school.

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

- 26 (a) Suspended from the school; or
27 (b) Expelled from the school under extraordinary circumstances
28 as determined by the principal of the school.

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

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

33 (b) Enroll in a program of independent study provided pursuant
34 to NRS 389.155 for pupils who have been suspended or expelled
35 from public school or a program of distance education provided
36 pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies
37 for enrollment and is accepted for enrollment in accordance with the
38 requirements of the applicable program.

39 7. The superintendent of schools of a school district may, for
40 good cause shown in a particular case in that school district, allow a
41 modification to a suspension or expulsion pursuant to subsections 1
42 to 5, inclusive, if such modification is set forth in writing. The
43 superintendent shall allow such a modification if the superintendent
44 determines that ~~[a plan of action based on]~~ restorative ~~[justice]~~



1 *approaches* may be used successfully **H** *as an alternative to the*
2 *suspension or expulsion.*

3 8. This section does not prohibit a pupil from having in his or
4 her possession a knife or firearm with the approval of the principal
5 of the school. A principal may grant such approval only in
6 accordance with the policies or regulations adopted by the board of
7 trustees of the school district.

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

18 10. Except as otherwise provided in subsection 3, a pupil with
19 a disability who is at least 11 years of age may, in accordance with
20 the procedural policy adopted by the board of trustees of the school
21 district for such matters and only after the board of trustees of the
22 school district or its designee has reviewed the circumstances and
23 determined that the action is in compliance with the Individuals with
24 Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:

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

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

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

31 11. A homeless pupil or a pupil in foster care who is at least 11
32 years of age may be suspended or expelled from school pursuant to
33 this section only if a determination is made that the behavior that led
34 to the consideration for suspension or expulsion was not caused by
35 homelessness or being in foster care. The person responsible for
36 making a determination of whether or not the behavior was caused
37 by homelessness or being in foster care shall presume that the
38 behavior was caused by homelessness or being in foster care unless
39 the person determines that the behavior was not caused by
40 homelessness or being in foster care pursuant to this subsection. A
41 determination that the behavior was not caused by homelessness
42 must be made in consultation with the local educational agency
43 liaison for homeless pupils designated in accordance with the
44 McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§
45 11301 et seq., or a contact person at a school, including, without



1 limitation, a school counselor or school social worker. A
2 determination that the behavior was not caused by being in foster
3 care must be made in consultation with an advocate for pupils in
4 foster care at the school in which the pupil is enrolled or the school
5 counselor of the pupil.

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

9 13. As used in this section:

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

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

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

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

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

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

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

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

37 (g) "Restorative ~~justice~~ *approaches*" has the meaning
38 ascribed to it in NRS 392.472.

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

41 14. The provisions of this section do not prohibit a pupil who is
42 suspended or expelled from enrolling in a charter school that is
43 designed exclusively for the enrollment of pupils with disciplinary
44 problems if the pupil is accepted for enrollment by the charter
45 school pursuant to NRS 388A.453 or 388A.456. Upon request, the



1 governing body of a charter school must be provided with access to
2 the records of the pupil relating to the pupil's suspension or
3 expulsion in accordance with applicable federal and state law before
4 the governing body makes a decision concerning the enrollment of
5 the pupil.

6 **Sec. 15.** NRS 392.472 is hereby amended to read as follows:

7 392.472 1. Except as otherwise provided in NRS 392.466
8 and to the extent practicable, a public school shall ~~[provide a plan of~~
9 ~~action based on restorative justice before]~~, *before* removing a pupil
10 from a classroom or other premises of the public school or
11 suspending or expelling a pupil from school ~~[.]~~, *consider the use of*
12 *restorative approaches as an alternative or in addition to removing*
13 *a pupil from a classroom or other premises of the public school or*
14 *suspending or expelling a pupil.*

15 2. The Department shall develop one or more examples of ~~[a~~
16 ~~plan of action which]~~ *disciplinary practices in which restorative*
17 *approaches are used as an alternative or in addition to removing a*
18 *pupil from a classroom or other premises of the public school or*
19 *suspending or expelling a pupil from school. Such disciplinary*
20 *practices* may include, without limitation:

- 21 (a) ~~[Positive behavioral interventions and support;~~
22 ~~—(b) A]~~ *The development of a* plan for behavioral intervention;
23 ~~[(e)]~~ (b) A referral to a team of student support;
24 ~~[(d)]~~ (c) A referral to an individualized education program
25 team;
26 ~~[(e)]~~ (d) A referral to appropriate community-based services;
27 ~~[and~~
28 ~~—(f)]~~ (e) A conference with the principal of the school or his or
29 her designee and any other appropriate personnel ~~[.]~~; *and*
30 (f) *Any other method for implementing restorative approaches.*

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

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

- 37 (a) A description of the statewide framework for restorative
38 ~~[justice]~~ *approaches* developed pursuant to NRS 388.1333 and the
39 requirements of this section and NRS 392.462;
40 (b) A timeline for implementation of the requirements of this
41 section and NRS 392.462 by a public school;
42 (c) One or more models of restorative ~~[justice]~~ *approaches* and
43 best practices relating to restorative ~~[justice:]~~ *approaches*;
44 (d) A curriculum for professional development relating to
45 restorative ~~[justice]~~ *approaches* and references for one or more



1 consultants or presenters qualified to provide additional information
2 or training relating to restorative ~~[justice;]~~ *approaches*; and

3 (e) One or more examples of ~~[a plan of action based on~~
4 ~~restorative justice]~~ *disciplinary practices* developed pursuant to
5 subsection 2.

6 ~~[5.]~~ **4.** As used in this section:

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

9 (b) “Restorative ~~[justice” means nonpunitive intervention and~~
10 ~~support provided by the school to a pupil to improve the behavior of~~
11 ~~the pupil and remedy any harm caused by the pupil.]~~ *approaches”:*

12 *(1) Means a relationship-focused student discipline model*
13 *that, without limitation:*

14 *(I) Is preventative and proactive;*

15 *(II) Emphasizes building strong relationships and*
16 *setting clear behavioral expectations that contribute to the well-*
17 *being of the school community;*

18 *(III) In response to behavior that violates the clear*
19 *behavioral expectations that contribute to the well-being of the*
20 *school community, focuses on accountability for any harm done*
21 *by such behavior; and*

22 *(IV) Addresses ways to repair the relationships affected*
23 *by the problem behavior with the voluntary participation of any*
24 *person who was harmed.*

25 *(2) May include, without limitation, conflict resolution,*
26 *mediation, peer mediation, circle processes, restorative*
27 *conferences, social emotional learning, trauma-informed care,*
28 *positive behavioral intervention supports, rehabilitation and de-*
29 *escalation techniques.*

30 **Sec. 16.** This act becomes effective on July 1, 2023.

