

Amendment No. 377

Assembly Amendment to Assembly Bill No. 330	(BDR 34-1087)
Proposed by: Assembly Committee on Education	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

Adoption of this amendment will MAINTAIN the unfunded mandate not requested by the affected local government to A.B. 330 (§ 6).

ASSEMBLY ACTION			Initial and Date		SENATE ACTION			Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>		Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>		Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>		Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.



ASSEMBLY BILL NO. 330—COMMITTEE ON EDUCATION

(ON BEHALF OF THE OFFICE OF THE GOVERNOR)

MARCH 17, 2023

Referred to Committee on Education

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

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

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

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

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

Legislative Counsel's Digest:

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

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

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

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

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

Existing law provides certain requirements concerning the determination that a pupil is deemed a habitual disciplinary problem. (NRS 392.4655) **Section 9** of this bill ~~removes the presumption that the behavior of the pupil was caused by homelessness, and instead requires the principal to review available information and make such a determination.~~ **revises the persons to whom a pupil or parent or legal guardian of a pupil may appeal such a determination.**

Under existing law, certain pupils may be suspended or expelled from school for: (1) committing a battery which results in the bodily injury of an employee of the school; or (2) selling or distributing any controlled substance in certain circumstances. (NRS 392.466) **Section 10** of this bill ~~requires a pupil who commits such an act to be: (1) expelled for the first occurrence; and] : (1) revises the circumstances under which a pupil is expelled or assigned to a temporary alternative placement; and (2) requires the pupil to be permanently expelled for the second occurrence.~~ **Section 10** also requires a school to develop and implement a reentry plan based on restorative justice practices following the first occurrence. **Sections 10 and 11** of this bill : **(1) prohibit the permanent expulsion of a pupil who is less than 6 years of age; and (2)** authorize a homeless pupil or a pupil in foster care of any age to be suspended or expelled for not more than 5 days if the principal determines that the conduct of the pupil poses an ongoing threat.

Existing law provides that a pupil may not be suspended or expelled unless the pupil is given the opportunity for a hearing. (NRS 392.467) **Section 11** removes the hearing requirement before suspension or expulsion for certain pupils who: (1) pose a danger to other

63 persons or property; (2) threaten to disrupt the academic process; (3) are selling or distributing
 64 a controlled substance; or (4) are in possession of a firearm or other dangerous weapon.

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

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

72 ~~Existing law requires the Department, to the extent money is available, to develop a~~
 73 ~~statewide framework for restorative justice. (NRS 388.1333) Section 15 repeals that~~
 74 ~~provision.]~~

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

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

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

9 2. The policy must include, without limitation:

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

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

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

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

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

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

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

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

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

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

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

1 3. As used in this section, “restorative justice” has the meaning ascribed to
 2 it in NRS 392.472.

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

4 388A.495 1. A governing body of a charter school shall adopt:

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

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

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

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

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

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

42 ~~—(a) Suspended from the charter school pursuant to this section for not more~~
 43 ~~than 5 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.~~

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

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

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

51 ~~6.]~~ 5. The governing body of a charter school may adopt rules relating to the
 52 truancy of pupils who are enrolled in the charter school if the rules are at least as
 53 restrictive as the provisions governing truancy set forth in NRS 392.130 to 392.220,

1 inclusive. If a governing body adopts rules governing truancy, it shall include the
 2 rules in the written rules adopted by the governing body pursuant to subsection 1.

3 ~~[7.]~~ 6. As used in this section:

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

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

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

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

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

16 (d) “Suspend” or “suspension” has the meaning ascribed to it in NRS
 17 392.4607.

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

19 388C.150 1. The governing body of a university school for profoundly
 20 gifted pupils shall adopt:

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

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

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

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

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

51 4. ~~[A pupil with a disability who is at least 11 years of age and who is~~
 52 ~~enrolled in a university school for profoundly gifted pupils may, in accordance with~~
 53 ~~the procedural policy adopted by the governing body of the university school for~~

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

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

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

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

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

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

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

14 ~~[6.]~~ 5. The governing body of a university school for profoundly gifted pupils
 15 may adopt rules relating to the truancy of pupils who are enrolled in the university
 16 school if the rules are at least as restrictive as the provisions governing truancy set
 17 forth in NRS 392.130 to 392.220, inclusive. If the governing body adopts rules
 18 governing truancy, it shall include the rules in the written rules adopted by the
 19 governing body pursuant to subsection 1.

20 ~~[7.]~~ 6. As used in this section:

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

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

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

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

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

33 (d) “Suspend” or “suspension” has the meaning ascribed to it in NRS
 34 392.4607.

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

37 **1. If a pupil is suspended or expelled from a public school, the board of**
 38 **trustees of the school district or the governing body of the charter school or**
 39 **university school for profoundly gifted pupils in which the pupil is enrolled or the**
 40 **designee of the board of trustees or governing body, as applicable, shall provide,**
 41 **on the same day that the pupil is suspended or expelled, a notice of the policy for**
 42 **appealing a suspension or expulsion of a pupil adopted by the board of trustees or**
 43 **governing body, as applicable, pursuant to NRS 392.4671, to the pupil and, if the**
 44 **pupil is less than 18 years of age, the parent or legal guardian of the pupil. A**
 45 **notice provided pursuant to this subsection must:**

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

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

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

52 **2. Not later than 5 school days after receiving notification of the suspension**
 53 **or expulsion of the pupil pursuant to NRS 392.4671, the pupil or, if the pupil is**

1 less than 18 years of age, the parent or legal guardian of the pupil may file an
2 appeal pursuant to the policy adopted by the board of trustees of the school
3 district or the governing body of the charter school or university school for
4 profoundly gifted pupils, as applicable, pursuant to NRS 392.4671.

5 3. Not later than 5 school days after receiving notification of an appeal of a
6 suspension or expulsion made pursuant to the policy adopted pursuant to NRS
7 392.4671, the board of trustees of the school district or the governing body of the
8 charter school or university school for profoundly gifted pupils or the designee of
9 the board of trustees or governing body, as applicable, must schedule a hearing.

10 4. A pupil who is suspended or expelled or is being considered for
11 suspension or expulsion:

12 (a) May be considered for temporary alternative placement pursuant to NRS
13 392.4645 if, in the judgment of the principal after consideration of the
14 seriousness of the acts which were the basis for the discipline of the pupil:

15 (1) The temporary alternative placement will serve as the least restrictive
16 environment possible, pursuant to NRS 392.4673; and

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

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

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

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

25 392.4601 As used in NRS 392.4601 to 392.472, inclusive, and section 3.3 of
26 this act, unless the context otherwise requires, the words and terms defined in NRS
27 392.4603, 392.4605 and 392.4607 have the meanings ascribed to them in those
28 sections.

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

30 392.4609 The Department shall adopt any regulations necessary to carry out
31 the provisions of NRS 392.4601 to 392.472, inclusive, and section 3.3 of this act,
32 including, without limitation, regulations which establish timelines for the purposes
33 of subsection 1 of NRS 392.4671.

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

35 392.462 Each public school shall collect data on the discipline of pupils. Such
36 data must include, without limitation, the number of expulsions and suspensions of
37 pupils and the number of placements of pupils in another school. Such data must be
38 disaggregated into the subgroups of pupils listed in subsection 2 of NRS 385A.250
39 and the types of offense. The principal of each public school shall:

40 1. Review the data and take appropriate action;

41 2. Report the data to the ~~board of trustees~~ superintendent of the school
42 district or the administrative head of the charter school or university school for
43 profoundly gifted pupils, as applicable, each quarter; and

44 3. To the extent allowed by the Family Educational Rights and Privacy Act of
45 1974, 20 U.S.C. § 1232g, post the data on the Internet website maintained by the
46 public school.

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

48 392.4634 1. ~~Except as otherwise provided in subsection 3, a~~ A pupil
49 enrolled in kindergarten or grades 1 to 8, inclusive, may not be disciplined,
50 including, without limitation, pursuant to NRS 392.466, for:

51 (a) Simulating a firearm or dangerous weapon while playing; or

52 (b) Wearing clothing or accessories that depict a firearm or dangerous weapon
53 or express an opinion regarding a constitutional right to keep and bear arms,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 ~~[6.]~~ 4. As used in this section:

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

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

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

32 392.4644 1. The ~~[board of trustees]~~ *superintendent* of each school district
 33 ~~[]~~ *and the administrative head of each charter school and university school for*
 34 *profoundly gifted pupils* shall establish a plan to provide for the restorative
 35 discipline of pupils and on-site review of disciplinary decisions. The plan must:

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

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

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

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

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

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

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

49 (4) Changing the behavior of the pupil.

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

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

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

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

8 ~~(i) Include consideration of the results of the data collected and reported~~
 9 ~~pursuant to NRS 392.462 and include methods for addressing~~ the occurrences of
 10 the suspension, expulsion or removal of pupils from school that disproportionately
 11 affect pupils who belong to a group of pupils listed in subsection 2 of NRS
 12 385A.250.

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (b) Post a copy of the report on the Internet website maintained by the school
 8 district ~~;~~

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

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

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

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

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

33 392.4645 1. ~~[Except as otherwise provided in subsection 5, the plan
 34 established pursuant to NRS 392.4644 must provide for the temporary removal of~~

35 ~~a] A pupil may be temporarily removed~~ from a classroom or other premises of a
 36 public school if, in the judgment of the teacher or other staff member responsible
 37 for the classroom or other premises, as applicable, the pupil has engaged in
 38 behavior that seriously interferes with the ability of the teacher to teach the other
 39 pupils in the classroom and with the ability of the other pupils to learn or with the
 40 ability of the staff member to discharge his or her duties. ~~[The plan must provide
 41 that, upon] Upon~~ the removal of a pupil from a classroom or any other premises of
 42 a public school pursuant to this section, the principal of the school shall provide an
 43 explanation of the reason for the removal of the pupil to the pupil and offer the
 44 pupil an opportunity to respond to the explanation. Within 24 hours after the
 45 removal of a pupil pursuant to this section, the principal of the school shall notify
 46 the parent or legal guardian of the pupil of the removal.

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

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

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

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

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

6 (a) Required by NRS 392.466; or

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

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

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

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

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

20 5. ~~Before~~ **When** removing a pupil from a classroom or any other premises of
21 a public school pursuant to this section for more than 1 school day, the principal of
22 the school must contact the local educational agency liaison for homeless pupils
23 designated in accordance with the McKinney-Vento Homeless Assistance Act of
24 1987, 42 U.S.C. §§ 11301 et seq., or a contact person at a school, including,
25 without limitation, a school counselor or school social worker, to make a
26 determination of whether the pupil is a homeless pupil.

27 6. ~~If, in the reasonable judgment of the principal, a teacher or other staff
28 member has unnecessarily removed a pupil from the classroom pursuant to
29 subsection 1, the principal may limit the ability of the teacher or staff member to
30 temporarily remove any pupil from the classroom. If such a determination is
31 made, the:~~

32 ~~(a) Teacher or staff member may temporarily remove a pupil from the
33 classroom with the prior approval of the principal;~~

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

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

45 ~~7~~ As used in this section, “homeless pupil” has the meaning ascribed to the
46 term “homeless children and youths” in 42 U.S.C. § 11434a(2).

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

48 392.4646 1. Except as otherwise provided in this section, not later than 3
49 school days after a pupil is removed from a classroom or any other premises of a
50 public school pursuant to NRS 392.4645, a conference must be held with:

51 (a) The pupil;

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

1 (c) The principal of the school; and

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

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

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

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

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

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

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

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

29 (d) *If:*

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

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

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

50 6. Upon conclusion of the conference or, if a conference is not held pursuant
51 to subsection 3 not later than 3 school days after the removal of a pupil from a
52 classroom or other premises of a public school ~~H~~ or such period as deemed
53 appropriate by the superintendent or administrative head, as applicable, pursuant

1 *to paragraph (d) of subsection 4*, the principal shall recommend whether to return
2 the pupil to the classroom or other premises or continue the temporary alternative
3 placement of the pupil if the pupil has been assigned to a temporary alternative
4 placement.

5 7. As used in this section:

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

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

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

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

12 392.4655 1. Except as otherwise provided in this section, a principal of a
13 school shall deem a pupil enrolled in the school a habitual disciplinary problem if
14 the school has written evidence which documents that in 1 school year:

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

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

21 (c) The behavior of the pupil was not caused by homelessness, as determined
22 in consultation with the local educational agency liaison for homeless pupils
23 designated in accordance with the McKinney-Vento Homeless Assistance Act of
24 1987, 42 U.S.C. §§ 11301 et seq., or a contact person at a school, including,
25 without limitation, a school counselor or school social worker.

26 2. ~~A [Following an assessment of all available information, a]~~ principal of a
27 school shall ~~presume that [make a reasonable determination whether]~~ the behavior
28 of the pupil was caused by homelessness ~~unless the principal determines the~~
29 ~~behavior was not caused by homelessness~~ pursuant to subsection 1.

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

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

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

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

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

3 (1) Suspended from school; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 ~~trustees~~ *superintendent* of the school district *or the administrative head of the*
2 *charter school or university school for profoundly gifted pupils, as applicable,*
3 shall review the determination in accordance with the procedure established by the
4 board of trustees *of the school district or the governing body of the charter school*
5 *or university school for profoundly gifted pupils, as applicable,* for such matters.

6 10. As used in this section:

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

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

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

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

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

15 392.466 1. Except as otherwise provided in this section, any pupil who
16 commits a battery which results in the bodily injury of an employee of the school or
17 who sells or distributes any controlled substance while on the premises of any
18 public school, at an activity sponsored by a public school or on any school bus ~~and~~
19 ~~who is at least 11 years of age shall meet with the school and his or her parent or~~
20 ~~legal guardian. The school~~ shall ~~provide a plan of action based on restorative~~
21 ~~justice to the parent or legal guardian of the pupil or, if the pupil is an~~
22 ~~unaccompanied pupil, the pupil. The pupil may, for the first occurrence,~~ be
23 ~~[suspended or]~~ expelled from the school ~~[, in which case the pupil shall:]~~ *or be*
24 *assigned to a temporary alternative placement pursuant to subsection 2 of NRS*
25 *392.4645. Following such a removal, the school must develop a reentry plan for*
26 *the pupil that is based on restorative justice practices and, if the pupil is not an*
27 *unaccompanied pupil, provide such a plan to the parent or legal guardian of the*
28 *pupil. For the second occurrence, the pupil shall be permanently expelled from*
29 *the school and:*

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

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

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

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

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

47 3. Except as otherwise provided in this section, any pupil of any age,
48 including, without limitation, a pupil with a disability, who is found in possession
49 of a firearm or a dangerous weapon while on the premises of any public school, at
50 an activity sponsored by a public school or on any school bus must, for the first
51 occurrence, be expelled from the school for a period of not less than 1 year,
52 although the pupil may be placed in another kind of school for a period not to

1 exceed the period of the expulsion. For a second occurrence, the pupil must be
2 permanently expelled from the school.

3 4. If a school is unable to retain a pupil in the school pursuant to subsection 1
4 for the safety of any person or because doing so would not be in the best interest of
5 the pupil, the pupil may be suspended, expelled or placed in another school. If a
6 pupil is placed in another school, the current school of the pupil shall explain what
7 services will be provided to the pupil at the new school that the current school is
8 unable to provide to address the specific needs and behaviors of the pupil. The
9 ~~[school district of the]~~ current school of the pupil shall coordinate with the new
10 school to create a plan of action based on restorative justice for the pupil and to
11 ensure that any resources required to execute the plan of action based on restorative
12 justice are available at the new school.

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

18 (a) Suspended from the school; or

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

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

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

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

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

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

42 9. Except as otherwise provided in this subsection and subsection 3 ~~[]~~ *or*
43 ~~[10,]~~ *11*, a pupil who is at least 6 years of age but less than 11 years of age must
44 not be permanently expelled from school. In extraordinary circumstances, a school
45 may request an exception to this subsection from the ~~[board of trustees]~~
46 *superintendent* of the school district ~~[]~~ *or the administrative head of a charter*
47 *school or university school for profoundly gifted pupils, as applicable.* A pupil
48 who is at least 11 years of age may be suspended, expelled or permanently expelled
49 from school pursuant to this section ~~[only after the board of trustees of the school~~
50 ~~district or its designee has reviewed the circumstances and approved this action in~~
51 ~~accordance with the procedural policy adopted by the board for such issues.]~~ *only if*
52 *the suspension, expulsion or permanent expulsion is conducted consistent with*

1 *policies adopted by the board of trustees or governing body, as applicable,*
 2 *pursuant to NRS 392.467.*

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

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

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

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

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

18 ~~*[11]*~~ *12.* A homeless pupil or a pupil in foster care ~~*[who is at least 11 years*~~
 19 ~~*of age]*~~ may be suspended ~~*[or expelled]*~~ from school pursuant to this section ~~*[only]*~~
 20 *for not more than 5 days if, following a review of all available information, the*
 21 *principal determines that the conduct of the pupil poses an ongoing threat to the*
 22 *pupil or other persons at the school and* if a determination is made that the
 23 behavior that led to the consideration for suspension or expulsion was not caused
 24 by homelessness or being in foster care. The person responsible for making a
 25 determination of whether or not the behavior was caused by homelessness or being
 26 in foster care shall *presume that the behavior was caused by homelessness or being*
 27 *in foster care unless the person determines that the behavior was not caused by*
 28 *homelessness or being in foster care pursuant to this subsection. A ~~[make a~~*
 29 *reasonable]* determination *that the behavior was not caused by homelessness must*
 30 *be made in consultation ~~[following]~~*

31 ~~*— (a) A review of all relevant information;*~~

32 ~~*— (b) Consultation]*~~ with the local educational agency liaison for homeless pupils
 33 designated in accordance with the McKinney-Vento Homeless Assistance Act of
 34 1987, 42 U.S.C. §§ 11301 et seq., or a contact person at a school, including,
 35 without limitation, a school counselor or school social worker. *A determination*
 36 *that the behavior was not caused by being in foster care must be made in*
 37 *consultation ~~[, and]~~*

38 ~~*— (c) Consultation]*~~ with an advocate for pupils in foster care at the school in
 39 which the pupil is enrolled or the school counselor of the pupil.

40 ~~*[12]*~~ *13. The principal of a public school may, at his or her discretion,*
 41 *reduce or eliminate the period of suspension, convert an expulsion to a*
 42 *suspension or otherwise reduce, eliminate or alter a disciplinary action imposed*
 43 *upon a pupil who commits a battery which results in the bodily injury of an*
 44 *employee of the school.*

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

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

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

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

1 ~~13.~~ 15. The provisions of chapter 241 of NRS do not apply to any hearing
2 or proceeding conducted pursuant to this section. Such hearings or proceedings
3 must be closed to the public.

4 ~~13.-14.~~ 16. As used in this section:

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

7 (b) "Dangerous weapon" includes, without limitation, a blackjack, slungshot,
8 billy, sand-club, sandbag, metal knuckles, dirk or dagger, a nunchaku or trefoil, as
9 defined in NRS 202.350, a butterfly knife or any other knife described in NRS
10 202.350, a switchblade knife as defined in NRS 202.265, or any other object which
11 is used, or threatened to be used, in such a manner and under such circumstances as
12 to pose a threat of, or cause, bodily injury to a person.

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

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

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

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

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

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

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

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

30 ~~14.~~ 17. The provisions of this section do not prohibit a pupil who is
31 suspended or expelled from enrolling in a charter school that is designed
32 exclusively for the enrollment of pupils with disciplinary problems if the pupil is
33 accepted for enrollment by the charter school pursuant to NRS 388A.453 or
34 388A.456. Upon request, the governing body of a charter school must be provided
35 with access to the records of the pupil relating to the pupil's suspension or
36 expulsion in accordance with applicable federal and state law before the governing
37 body makes a decision concerning the enrollment of the pupil.

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

39 392.467 1. Except as otherwise provided in subsections ~~5 and~~ 6 and 7 ,
40 ~~and NRS 392.466,~~ the board of trustees of a school district *or governing body of*
41 *a charter school or university school for profoundly gifted pupils, as applicable,*
42 or its designee may authorize the suspension or expulsion of any pupil who is at
43 at least 11 years of age from ~~any~~ a public school . ~~[within the school district.]~~
44 Except as otherwise provided in ~~[this subsection and subsection 3 of]~~ NRS 392.466,
45 a pupil who is at least 6 years of age but less than 11 years of age must not be
46 permanently expelled from school ~~[in]~~ absent extraordinary circumstances . ~~[a~~
47 ~~school may request an exception to the prohibition set forth in this subsection~~
48 ~~against permanently expelling a pupil who is less than 11 years of age from school~~
49 ~~from the board of trustees of the school district.]~~

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

52 3. Except as otherwise provided in subsection ~~6,~~ 7, no pupil may be
53 suspended or expelled until the pupil has been given notice of the charges against

1 him or her, an explanation of the evidence and an opportunity ~~{or}~~ *to schedule* a
2 hearing, except that a pupil who ~~{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 weapon as*
7 *provided in NRS 392.466,*

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

11 ~~{3}~~ 4. The board of trustees of a school district *or governing body of a*
12 *charter school or university school for profoundly gifted pupils, as applicable,* or
13 its designee may authorize the expulsion, suspension or removal of a pupil who has
14 been charged with a crime from the school at which the pupil is enrolled regardless
15 of the outcome of any criminal or delinquency proceedings brought against the
16 pupil only if the school:

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

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

20 ~~{4}~~ 5. The provisions of chapter 241 of NRS do not apply to any hearing or
21 proceeding conducted pursuant to this section. Such hearings or proceedings must
22 be closed to the public.

23 ~~{5}~~ 6. The board of trustees of a school district *or governing body of a*
24 *charter school or university school for profoundly gifted pupils, as applicable,* or
25 its designee shall not authorize the expulsion, suspension or removal of any pupil
26 from the public school system solely for offenses related to attendance or because
27 the pupil is declared a truant or habitual truant in accordance with NRS 392.130 or
28 392.140.

29 ~~{6}~~ 7. A pupil with a disability may, in accordance with the procedural
30 policy adopted by the board of trustees of the school district *or governing body of*
31 *the charter school or university school for profoundly gifted pupils, as applicable,*
32 for such matters and only after ~~{the board of trustees of the school district or its~~
33 ~~{designee has reviewed}~~ *an administrative review* of the circumstances and
34 ~~{determined}~~ *a determination* that the action is in compliance with the Individuals
35 with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:

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

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

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

40 ~~{7}~~ 8. A homeless pupil or a pupil in foster care ~~{who is at least 11 years of~~
41 ~~{age}~~ may be suspended ~~{or expelled}~~ from school pursuant to this section ~~{only}~~ *for*
42 *not more than 5 days if, following a review of all available information, the*
43 *principal determines that the conduct of the pupil poses an ongoing threat to the*
44 *pupil or other persons at the school and* if a determination is made that the
45 behavior that led to the consideration for suspension or expulsion was not caused
46 by homelessness or being in foster care. The person responsible for making a
47 determination of whether or not the behavior was caused by homelessness or being
48 in foster care shall presume that the behavior was caused by homelessness or being
49 in foster care unless the person determines that the behavior was not caused by
50 homelessness or being in foster care pursuant to this subsection. A ~~{make a~~
51 reasonable determination that the behavior was not caused by homelessness must
52 be made in consultation ~~{following}~~

53 ~~{(a) A review of all relevant information;~~

1 ~~—(b) Consultation~~ with the local educational agency liaison for homeless pupils
 2 designated in accordance with the McKinney-Vento Homeless Assistance Act of
 3 1987, 42 U.S.C. §§ 11301 et seq., or a contact person at a school, including,
 4 without limitation, a school counselor or school social worker . A determination
 5 that the behavior was not caused by being in foster care must be made in
 6 consultation ~~with~~

7 ~~—(c) Consultation~~ with an advocate for pupils in foster care at the school in
 8 which the pupil is enrolled or the school counselor of the pupil.

9 ~~§ 9.~~ 9. As used in this section:

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

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

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

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

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

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

22 392.4671 1. The board of trustees of each school district and the governing
 23 body of each charter school or university school for profoundly gifted pupils, as
 24 applicable, shall adopt a policy for appealing the *significant* suspension , *expulsion*
 25 or *permanent* expulsion of a pupil enrolled in the school district, charter school or
 26 university school, as applicable. The policy must provide, without limitation, that:

27 (a) The board of trustees of a school district, the governing body of a charter
 28 school or university school for profoundly gifted pupils or the designee of the board
 29 of trustees or governing body, as applicable, may authorize the *significant*
 30 suspension , *expulsion* or *permanent* expulsion of a pupil within the timeline
 31 established by the Department pursuant to NRS 392.4609;

32 (b) Within the timeline established by the Department pursuant to NRS
 33 392.4609, the board of trustees of a school district, the governing body of a charter
 34 school or university school for profoundly gifted pupils or the designee of the board
 35 of trustees or governing body, as applicable, shall notify the pupil and, if the pupil
 36 is under 18 years of age, the parent or legal guardian of the pupil who is
 37 ~~[suspended]~~ *given a significant suspension, expelled or permanently* expelled of:

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

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

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

44 (c) A pupil or, if the pupil is under 18 years of age, the parent or legal guardian
 45 of the pupil, who is ~~[suspended]~~ *given a significant suspension, expelled or*
 46 *permanently* expelled may file an appeal with the board of trustees of the school
 47 district, the governing body of the charter school or university school for
 48 profoundly gifted pupils or the designee of the board of trustees or governing body,
 49 as applicable, within the timeline established by the Department pursuant to NRS
 50 392.4609;

51 (d) The board of trustees of a school district, the governing body of a charter
 52 school or university school for profoundly gifted pupils or the designee of the board
 53 of trustees or governing body, as applicable, shall schedule a hearing on an appeal

1 of a *significant* suspension , *expulsion* or *permanent* expulsion of a pupil within
2 the timeline established by the Department pursuant to NRS 392.4609; and

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

8 2. The board of trustees of a school district, the governing body of a charter
9 school or university school for profoundly gifted pupils or the designee of the board
10 of trustees or governing body, as applicable, shall post the appeal policy on the
11 Internet website of the school district and each school within the district or of the
12 charter school or university school, as applicable.

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

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

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

17 (b) "*Significant suspension*" has the meaning ascribed to it in NRS
18 392.4655.

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

20 392.472 1. Except as otherwise provided in NRS 392.4645 and 392.466 and
21 to the extent practicable, a public school shall provide a plan of action based on
22 restorative justice before removing a pupil from a classroom or other premises of
23 the public school or suspending or expelling a pupil from school.

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

26 (a) Positive behavioral interventions and support;

27 (b) A plan for behavioral intervention;

28 (c) A referral to a team of student support;

29 (d) A referral to an individualized education program team;

30 (e) A referral to appropriate community-based services; and

31 (f) A conference with the principal of the school or his or her designee and any
32 other appropriate personnel.

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

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

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

40 (b) A timeline for implementation of the requirements of this section and NRS
41 392.462 by a public school;

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

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

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

49 5. As used in this section:

50 (a) "Individualized education program team" has the meaning ascribed to it in
51 20 U.S.C. § 1414(d)(1)(B).

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

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

6 **Sec. 15.** ~~[NRS 388.1333 is hereby repealed.] (Deleted by Amendment)~~

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

f

TEXT OF REPEALED SECTION

~~388.1333 Development of statewide framework for restorative justice by Department.~~

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

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

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

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

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

~~(1) Multi-tiered systems of support;~~

~~(2) Early warning systems;~~

~~(3) Positive behavioral interventions and support;~~

~~(4) The provision of school social workers;~~

~~(5) Curriculum on social and emotional learning; and~~

~~(6) Trauma-informed practices; and~~

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

~~(1) Child and adolescent development;~~

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

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

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

~~3. As used in this section:~~

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

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

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

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