

Amendment No. 851

Senate Amendment to Assembly Bill No. 330 First Reprint (BDR 34-1087)
<b>Proposed by:</b> Senator Cannizzaro
<b>Amends:</b> Summary: No Title: No 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 R1 (§ 6).
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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.

AAK



Date: 5/31/2023

A.B. No. 330—Revises provisions governing education. (BDR 34-1087)





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

**Legislative Counsel’s Digest:**

- 1 Existing law establishes certain provisions relating to the behavior and 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.
- 4 **Section 3.3** of this bill establishes: (1) requirements for proper notification to a pupil and
- 5 the parent or legal guardian of the pupil, if the pupil is less than 18 years of age, of the policy
- 6 to appeal a suspension or expulsion; (2) a 5-day timeline for a pupil or, if the pupil is less than
- 7 18 years of age, the parent or guardian of the pupil to appeal the suspension or expulsion; (3) a
- 8 5-day timeline for a hearing to be scheduled upon receipt of such an appeal; (4) the method
- 9 for determining whether a pupil who is suspended or expelled or is being considered for
- 10 suspension or expulsion may be considered for temporary alternative placement; and (5) that

11 education services are required to be provided to the pupil to prevent the pupil from losing  
12 academic credit or being disengaged from school during the period the pupil is suspended or  
13 expelled. **Sections 3.5 and 3.7** of this bill make conforming changes to indicate the proper  
14 placement of **section 3.3** in the Nevada Revised Statutes.

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

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

31 Existing law requires that a pupil who has been removed from the classroom or other  
32 premises of a public school must have a conference within 3 days after removal, with certain  
33 exceptions. If such a conference is not held within 3 days, the pupil is required to be allowed  
34 to return to the classroom or other premises, with certain exceptions. (NRS 392.4646) **Section**  
35 **8** of this bill removes the requirement if, in the judgment of the principal, the pupil continues  
36 to pose a threat and the superintendent has authorized an extension of the removal.

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

41 Existing law authorizes, under certain circumstances, the suspension, expulsion or  
42 permanent expulsion of a pupil who attends a public school, charter school or university  
43 school for profoundly gifted pupils and who is at least 11 years of age. (NRS 388A.495,  
44 388C.150, 392.466, 392.467) Existing law further provides that a pupil who is less than  
45 11 years of age may be suspended, expelled or permanently expelled by the public school  
46 in which the pupil is enrolled if such a punishment is approved by the board of trustees  
47 of the school district. (NRS 392.466) Section 10 of this bill provides for the suspension,  
48 expulsion or permanent expulsion of certain pupils who are at least 11 years of age.  
49 Section 10: (1) provides that pupils who are less than 11 years of age may, following  
50 review and approval by certain school officials, be suspended in certain situations; and  
51 (2) prohibits, in general, the expulsion or permanent expulsion of a pupil who is less than  
52 11 years of age.

53 ~~Under existing law, [certain pupils may be suspended or expelled from school for: (1)~~  
54 ~~committing a battery which results in the bodily injury of an employee of the school; or (2)~~  
55 ~~selling or distributing any controlled substance in certain circumstances. (NRS 392.466)~~  
56 ~~Section 10 of this bill: (1) revises the circumstances under which a pupil is expelled or~~  
57 ~~assigned to a temporary alternative placement; and (2) requires the pupil to be permanently~~  
58 ~~expelled for the second occurrence. Section 10 also requires a school to develop and~~  
59 ~~implement a reentry plan based on restorative justice practices following the first occurrence.]~~  
60 a public school is prohibited, in general, from permanently expelling a pupil who is less  
61 than 11 years of age, except for certain situations in which such a punishment is  
62 authorized by the board of trustees of a school district. (NRS 392.466, 392.467) Section  
63 10 provides that, for a pupil who sells or distributes a controlled substance in certain  
64 situations or commits a battery other than a battery intended to result in the bodily  
65 injury of an employee of the school in various school settings: (1) the pupil may be  
66 suspended if he or she is less than 11 years of age and may also be expelled or  
67 permanently expelled if he or she is at least 11 years of age; (2) the suspension of a pupil  
68 who is less than 6 years of age must be reviewed by the superintendent of the school  
69 district or his or her designee; and (3) if the removal is of a pupil with a disability, such

removal must comply with federal law. Additionally, section 10 provides that, for a pupil who commits a battery which is intended to result in the bodily injury of an employee of the school: (1) the pupil shall be suspended or expelled if he or she is at least 8 years of age; (2) the suspension of a pupil who is less than 6 years of age must be reviewed and approved by the superintendent of the school district or his or her designee; and (3) if the removal is of a pupil with a disability, such removal must comply with federal law. Finally, section 10 provides that a pupil who is found in possession of a firearm at a public school or an activity or school bus of a public school: (1) shall be suspended, expelled or permanently expelled if he or she is at least 11 years of age; (2) shall be suspended or expelled if he or she is at least 8 but less than 11 years of age; (3) may be suspended if he or she is at least 6 but less than 8 years of age; (4) may be suspended if he or she is less than 6 years of age upon review and approval by the superintendent of the school district or his or her designee; and (5) if the pupil is a pupil with a disability, any removal of the pupil must comply with federal law. Sections 10 and 11 of this bill: (1) prohibit the permanent expulsion of a pupil who is less than 6 years of age; and (2) authorize a homeless pupil or a pupil in foster care of any age to be suspended or expelled for not more than 5 days if the principal determines that the conduct of the pupil poses an ongoing threat.

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

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

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

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

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

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

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

2. The policy must include, without limitation:

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

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

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

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

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

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

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

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

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

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

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

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

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

22 388A.495 1. A governing body of a charter school shall adopt:

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

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

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

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

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

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

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

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

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

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

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

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

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

21 ~~[7.]~~ 6. As used in this section:

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

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

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

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

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

34           (d) “Suspend” or “suspension” has the meaning ascribed to it in NRS  
 35 392.4607.

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

37 388C.150 1. The governing body of a university school for profoundly  
 38 gifted pupils shall adopt:

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

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

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

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

1 the provisions of NRS 392.4671. The university school shall ensure that a pupil  
2 who is *significantly* suspended , ~~[or]~~ expelled *or permanently expelled* and is  
3 appealing the *significant* suspension , *expulsion* or *permanent* expulsion or a pupil  
4 who is being considered for *significant* suspension , *expulsion* or *permanent*  
5 expulsion continues to attend school and receives an appropriate education in the  
6 least restrictive environment possible as required by NRS 392.4673. The provisions  
7 of chapter 241 of NRS do not apply to any hearing or proceeding conducted  
8 pursuant to this section. Such a hearing or proceeding must be closed to the public.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

51 (d) “Suspend” or “suspension” has the meaning ascribed to it in NRS  
52 392.4607.



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

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

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

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

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

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

24           3. *Not later than 5 school days after receiving notification of an appeal of a*  
25 *suspension or expulsion made pursuant to the policy adopted pursuant to NRS*  
26 *392.4671, the board of trustees of the school district or the governing body of the*  
27 *charter school or university school for profoundly gifted pupils or the designee of*  
28 *the board of trustees or governing body, as applicable, must schedule a hearing.*

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

31           (a) *May be considered for temporary alternative placement pursuant to NRS*  
32 *392.4645 if, in the judgment of the principal after consideration of the*  
33 *seriousness of the acts which were the basis for the discipline of the pupil:*

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

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

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

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

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

44           392.4601 As used in NRS 392.4601 to 392.472, inclusive, *and section 3.3 of*  
45 *this act*, unless the context otherwise requires, the words and terms defined in NRS  
46 392.4603, 392.4605 and 392.4607 have the meanings ascribed to them in those  
47 sections.

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

49           392.4609 The Department shall adopt any regulations necessary to carry out  
50 the provisions of NRS 392.4601 to 392.472, inclusive, *and section 3.3 of this act*,  
51 including, without limitation, regulations which establish timelines for the purposes  
52 of subsection 1 of NRS 392.4671.

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

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

7       1. Review the data and take appropriate action;

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

11       3. To the extent allowed by the Family Educational Rights and Privacy Act of  
12 1974, 20 U.S.C. § 1232g, post the data on the Internet website maintained by the  
13 public school.

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

15       392.4634 1. ~~Except as otherwise provided in subsection 3, a~~ A pupil  
16 enrolled in kindergarten or grades 1 to 8, inclusive, may not be disciplined,  
17 including, without limitation, pursuant to NRS 392.466, for:

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

19       (b) Wearing clothing or accessories that depict a firearm or dangerous weapon  
20 or express an opinion regarding a constitutional right to keep and bear arms,  
21 ~~unless it substantially disrupts the educational environment~~ *{+}*, *creates a risk of*  
22 *harm to another person or places another person in reasonable fear of harm.*

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

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

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

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

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

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

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

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

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

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

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

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

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

48       ~~{6.}~~ 4. As used in this section:

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

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

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

52       392.4644 1. The ~~board of trustees~~ *superintendent* of each school district  
53 *{+}* *and the administrative head of each charter school and university school for*

1 *profoundly gifted pupils* shall establish a plan to provide for the restorative  
2 discipline of pupils and on-site review of disciplinary decisions. The plan must:

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

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

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

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

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

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

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

16 (4) Changing the behavior of the pupil.

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

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

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

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

27 (i) *Include consideration of the results of the data collected and reported*  
28 *pursuant to NRS 392.462 and include methods for addressing* the occurrences of  
29 the suspension, expulsion or removal of pupils from school that disproportionately  
30 affect pupils who belong to a group of pupils listed in subsection 2 of NRS  
31 385A.250.

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

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

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

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

43 (c) Based upon the review, recommend to the ~~board of trustees~~  
44 *superintendent* of the school district ~~or governing body~~ *the administrative head*  
45 *of the charter school or university school for profoundly gifted pupils, as*  
46 *applicable*, revisions to the plan, as recommended by the teachers, school  
47 administrators and other educational personnel and support personnel , ~~and~~ the  
48 parents and guardians of pupils and the pupils who are enrolled in the school ~~;~~  
49 *and, if applicable, the organizational team established pursuant to NRS*  
50 *388G.700, if necessary . ;*

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

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

4 3. ~~On or before September 30 of each year, the [board of trustees]~~  
5 ~~superintendent of each school district and the [governing body] administrative~~  
6 ~~head of each charter school or university school for profoundly gifted pupils shall~~  
7 ~~issue a revised plan that appropriately reflects comments provided by teachers,~~  
8 ~~school administrators, other educational personnel and support personnel and, if~~  
9 ~~applicable, organizational teams pursuant to subsection 2.~~

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

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

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

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

21 (a) ~~Submit a written report to the Superintendent of Public Instruction that~~  
22 ~~reports the progress of each school [within the district] in complying with the~~  
23 ~~requirements of this section, including, without limitation, addressing the~~  
24 ~~occurrences of the suspension, expulsion or removal of pupils from school that~~  
25 ~~disproportionately affect pupils who belong to a group of pupils listed in subsection~~  
26 ~~2 of NRS 385A.250; and~~

27 (b) ~~Post a copy of the report on the Internet website maintained by the school~~  
28 ~~district.]~~

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

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

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

48 (b) ~~Provide the required progress reports,~~  
49 ~~↪ the Superintendent of Public Instruction may issue an alternative plan for the~~  
50 ~~school district, charter school or university school for profoundly gifted pupils, as~~  
51 ~~applicable, for mandatory implementation.~~

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

2           392.4645 1. ~~Except as otherwise provided in subsection 5, the plan~~  
3 ~~established pursuant to NRS 392.4644 must provide for the temporary removal of~~  
4 ~~a] A pupil *may be temporarily removed* from a classroom or other premises of a~~  
5 ~~public school if, in the judgment of the teacher or other staff member responsible~~  
6 ~~for the classroom or other premises, as applicable, the pupil has engaged in~~  
7 ~~behavior that seriously interferes with the ability of the teacher to teach the other~~  
8 ~~pupils in the classroom and with the ability of the other pupils to learn or with the~~  
9 ~~ability of the staff member to discharge his or her duties. ~~The plan must provide~~~~  
10 ~~that, upon] Upon~~ the removal of a pupil from a classroom or any other premises of  
11 a public school pursuant to this section, the principal of the school shall provide an  
12 explanation of the reason for the removal of the pupil to the pupil and offer the  
13 pupil an opportunity to respond to the explanation. Within 24 hours after the  
14 removal of a pupil pursuant to this section, the principal of the school shall notify  
15 the parent or legal guardian of the pupil of the removal.

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

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

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

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

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

28           (a) Required by NRS 392.466; or

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

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

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

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

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

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

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

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

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

5       (a) The pupil;

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

8       (c) The principal of the school; and

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

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

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

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

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

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

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

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

36       (d) **If:**

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

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

45      5. During the conference, the teacher who removed the pupil from the  
46 classroom, the staff member who removed the pupil from the other premises of the  
47 public school or the principal shall provide the pupil and, if the pupil is not an  
48 unaccompanied pupil, the pupil's parent or legal guardian with an explanation of  
49 the reason for the removal of the pupil from the classroom or other premises. The  
50 pupil and, if the pupil is not an unaccompanied pupil, the pupil's parent or legal  
51 guardian must be granted an opportunity to respond to the explanation of the  
52 pupil's behavior and to indicate whether the removal of the pupil from the  
53 classroom or other premises was appropriate in their opinion based upon the

1 behavior of the pupil. If the pupil is a homeless pupil, the conference must include  
2 consideration of and interventions to mitigate the impact of homelessness on the  
3 behavior of the pupil.

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

12 7. As used in this section:

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

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

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

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

19 392.4655 1. Except as otherwise provided in this section, a principal of a  
20 school shall deem a pupil enrolled in the school a habitual disciplinary problem if  
21 the school has written evidence which documents that in 1 school year:

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

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

28 (c) The behavior of the pupil was not caused by homelessness, as determined  
29 in consultation with the local educational agency liaison for homeless pupils  
30 designated in accordance with the McKinney-Vento Homeless Assistance Act of  
31 1987, 42 U.S.C. §§ 11301 et seq., or a contact person at a school, including,  
32 without limitation, a school counselor or school social worker.

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

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

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



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

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

7 (c) An explanation that, pursuant to subsection ~~4~~ 8 of NRS 392.466, a pupil  
8 who is deemed a habitual disciplinary problem may be:

9 (1) Suspended from school; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

13           10. As used in this section:

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

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

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

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

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

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

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

40           (b) ~~Enroll in a program of independent study provided pursuant to NRS~~  
41 ~~389.155 for pupils who have been suspended or expelled from public school or a~~  
42 ~~program of distance education provided pursuant to NRS 388.820 to 388.874,~~  
43 ~~inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in~~  
44 ~~accordance with the requirements of the applicable program.]~~ A pupil who is less  
45 than 6 years of age may be suspended pursuant to this subsection, and the  
46 suspension must be reviewed and approved by the superintendent of the school  
47 district or the administrative head of the charter school or university school for  
48 profoundly gifted pupils, as applicable, or his or her designee.

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

1 school day the pupil is suspended or expelled after the pupil has been removed for  
2 10 cumulative days.

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

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

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

18 (c) For a pupil with a disability who has been suspended or expelled  
19 pursuant to this subsection, the school in which the pupil is enrolled shall make  
20 available to the pupil a free appropriate public education in compliance with the  
21 Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., for each  
22 school day the pupil is suspended or expelled after the pupil has been removed for  
23 10 cumulative days.

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

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

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

39 (c) For a pupil with a disability who has been suspended or expelled  
40 pursuant to this subsection, the school in which the pupil is enrolled shall make  
41 available to the pupil a free appropriate public education in compliance with the  
42 Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., for each  
43 school day the pupil is suspended or expelled after the pupil has been removed for  
44 10 cumulative days.

45 4. An employee who is a victim of a battery which ~~results~~ is intended to  
46 result in the bodily injury of an employee of the school may appeal to the school  
47 ~~the~~ a plan of action provided pursuant to subsection ~~(1)~~ 3 if:

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

50 (b) For a pupil with a disability who committed the battery, the board of  
51 trustees of the school district or governing body of the charter school or university  
52 school for profoundly gifted pupils, as applicable, or its designee has reviewed the

1 circumstances and determined that such an appeal is in compliance with the  
2 Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.

3 ~~3. 5.~~ Except as otherwise provided in this section, any pupil, ~~of any age,~~  
4 including, without limitation, a pupil with a disability, who poses a continuing  
5 danger to persons or property or an ongoing threat of disrupting the academic  
6 process or who is found in possession of ~~a firearm or~~ a dangerous weapon other  
7 than a firearm while on the premises of any public school, at an activity sponsored  
8 by a public school or on any school bus ~~must, for the first occurrence, be expelled~~  
9 ~~from the school for a period of not less than 1 year, although the pupil may be~~  
10 ~~placed in another kind of school for a period not to exceed the period of the~~  
11 ~~expulsion. For a second occurrence, the pupil must be permanently expelled from~~  
12 ~~the school.~~

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

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

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

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

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

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

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

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

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

48 (e) A pupil with a disability who has been suspended or expelled pursuant to  
49 this subsection must be provided with a free appropriate public education in  
50 compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§  
51 1400 et seq., by the public school in which the pupil is enrolled for each school  
52 day the pupil is suspended or expelled after the pupil has been removed for 10  
53 cumulative days.

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

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

17 (a) Suspended from the school; or

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

20 ~~{6}~~ 9. If the pupil is expelled, or the period of the pupil's suspension is for  
21 one school semester, the pupil must:

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

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

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

35 ~~{7}~~ 10. The superintendent of schools of a school district or the  
36 administrative head of a charter school or university school for profoundly gifted  
37 pupils may, for good cause shown in a particular case ~~{,}~~ in that school district, or  
38 public school, as applicable, allow a modification to a suspension or expulsion  
39 pursuant to subsections 1 to ~~{5}~~ 8, inclusive, if such modification is set forth in  
40 writing. The superintendent or the administrative head of a charter school or  
41 university school for profoundly gifted pupils, as applicable, shall allow such a  
42 modification if ~~{the superintendent}~~ he or she determines that a plan of action based  
43 on restorative justice may be used successfully.

44 ~~{8}~~ 11. This section does not prohibit a pupil from having in his or her  
45 possession a knife or firearm with the approval of the principal of the school. A  
46 principal may grant such approval only in accordance with the policies or  
47 regulations adopted by the board of trustees of the school district ~~{,}~~ or the  
48 governing body of the charter school or university school for profoundly gifted  
49 pupils, as applicable.

50 ~~{9}~~ 12. Except as otherwise provided in this subsection and subsection 3, or 11,  
51 a pupil who is at least 6 years of age but less than 11 years of age must not be  
52 permanently expelled from school. In extraordinary circumstances, a school may  
53 request an exception to this subsection from the ~~board of trustees superintendent of~~

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

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

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

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

(b) Expelled from school pursuant to this section.

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

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

~~[12.] 13.] 14.~~ The principal of a public school may, at his or her discretion, reduce or eliminate the period of suspension, convert an expulsion to a suspension or otherwise reduce, eliminate or alter a disciplinary action imposed upon a pupil who commits a battery which results in the bodily injury of an employee of the school.

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

1           (a) *The pupil is less than 11 years of age;*  
 2           (b) *The pupil has not engaged in such proscribed conduct before; and*  
 3           (c) *After a thorough review of the facts and circumstances, the principal*  
 4 *determines that the pupil did not know that the substance being distributed was a*  
 5 *controlled substance.*

6           ~~15.7~~ 16. The provisions of chapter 241 of NRS do not apply to any hearing  
 7 or proceeding conducted pursuant to this section. Such hearings or proceedings  
 8 must be closed to the public.

9           ~~13.7-16.7~~ 17. As used in this section:

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

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

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

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

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

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

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

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

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

35          ~~(h)~~ (h) "Restorative justice" has the meaning ascribed to it in NRS 392.472.

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

38          ~~14.7-17.7~~ 18. The provisions of this section do not prohibit a pupil who is  
 39 suspended or expelled from enrolling in a charter school that is designed  
 40 exclusively for the enrollment of pupils with disciplinary problems if the pupil is  
 41 accepted for enrollment by the charter school pursuant to NRS 388A.453 or  
 42 388A.456. Upon request, the governing body of a charter school must be provided  
 43 with access to the records of the pupil relating to the pupil's suspension or  
 44 expulsion in accordance with applicable federal and state law before the governing  
 45 body makes a decision concerning the enrollment of the pupil.

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

47           392.467 1. Except as otherwise provided in subsections ~~5 and~~ 6 and 7, and  
 48 NRS 392.466, the board of trustees of a school district *or governing body of a*  
 49 *charter school or university school for profoundly gifted pupils, as applicable*, or  
 50 its designee may authorize the suspension or expulsion of any pupil who is at least  
 51 11 years of age from ~~any~~ a public school. ~~[within the school district.]~~ Except as  
 52 otherwise provided in this subsection and [subsection 3] subsections 5 and 6 of  
 53 NRS 392.466, a pupil who is *at least 6 years of age but* less than 11 years of age



1 must not be *expelled or* permanently expelled from school. ~~In *absent*~~  
2 extraordinary circumstances ~~if~~ *a school may request an exception to the*  
3 *prohibition set forth in this subsection against expelling or permanently expelling a*  
4 *pupil who is less than 11 years of age from school from the board of trustees of the*  
5 *school district ~~if~~ or the governing body of the charter school or university school,*  
6 *as applicable.*

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

9 3. Except as otherwise provided in subsection ~~6.7~~ 7, no pupil may be  
10 suspended or expelled until the pupil has been given notice of the charges against  
11 him or her, an explanation of the evidence and an opportunity ~~to schedule~~ a  
12 hearing, except that a pupil who ~~is~~:

13 (a) *Poses a continuing danger to persons or property;*

14 (b) *Is an ongoing threat of disrupting the academic process;*

15 (c) *Is selling or distributing any controlled substance; or*

16 (d) *Is found to be in possession of a firearm or a dangerous weapon as*  
17 *provided in NRS 392.466,*

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

21 ~~3.7~~ 4. The board of trustees of a school district *or governing body of a*  
22 *charter school or university school for profoundly gifted pupils, as applicable,* or  
23 its designee may authorize the expulsion, suspension or removal of a pupil who has  
24 been charged with a crime from the school at which the pupil is enrolled regardless  
25 of the outcome of any criminal or delinquency proceedings brought against the  
26 pupil only if the school:

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

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

30 ~~4.7~~ 5. The provisions of chapter 241 of NRS do not apply to any hearing or  
31 proceeding conducted pursuant to this section. Such hearings or proceedings must  
32 be closed to the public.

33 ~~5.7~~ 6. The board of trustees of a school district *or governing body of a*  
34 *charter school or university school for profoundly gifted pupils, as applicable,* or  
35 its designee shall not authorize the expulsion, suspension or removal of any pupil  
36 from the public school system solely for offenses related to attendance or because  
37 the pupil is declared a truant or habitual truant in accordance with NRS 392.130 or  
38 392.140.

39 ~~6.7~~ 7. A pupil with a disability may, in accordance with the procedural  
40 policy adopted by the board of trustees of the school district *or governing body of*  
41 *the charter school or university school for profoundly gifted pupils, as applicable,*  
42 for such matters and only after ~~the board of trustees of the school district or its~~  
43 ~~designee has reviewed~~ *an administrative review* of the circumstances and  
44 ~~determined~~ *a determination* that the action is in compliance with the Individuals  
45 with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:

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

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

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

50 ~~7.7~~ 8. A homeless pupil or a pupil in foster care ~~who is at least 11 years of~~  
51 ~~age~~ may be suspended ~~or expelled~~ from school pursuant to this section ~~only~~ *for*  
52 *not more than 5 days if, following a review of all available information, the*  
53 *principal determines that the conduct of the pupil poses an ongoing threat to the*

1 *pupil or other persons at the school and* if a determination is made that the  
2 behavior that led to the consideration for suspension or expulsion was not caused  
3 by homelessness or being in foster care. The person responsible for making a  
4 determination of whether or not the behavior was caused by homelessness or being  
5 in foster care shall presume that the behavior was caused by homelessness or being  
6 in foster care unless the person determines that the behavior was not caused by  
7 homelessness or being in foster care pursuant to this subsection. A determination  
8 that the behavior was not caused by homelessness must be made in consultation  
9 with the local educational agency liaison for homeless pupils designated in  
10 accordance with the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C.  
11 §§ 11301 et seq., or a contact person at a school, including, without limitation, a  
12 school counselor or school social worker. A determination that the behavior was  
13 not caused by being in foster care must be made in consultation with an advocate  
14 for pupils in foster care at the school in which the pupil is enrolled or the school  
15 counselor of the pupil.

16 ~~18.1~~ **9.** As used in this section:

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

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

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

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

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

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

29 392.4671 1. The board of trustees of each school district and the governing  
30 body of each charter school or university school for profoundly gifted pupils, as  
31 applicable, shall adopt a policy for appealing the *significant* suspension , *expulsion*  
32 or *permanent* expulsion of a pupil enrolled in the school district, charter school or  
33 university school, as applicable. The policy must provide, without limitation, that:

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

39 (b) Within the timeline established by the Department pursuant to NRS  
40 392.4609, the board of trustees of a school district, the governing body of a charter  
41 school or university school for profoundly gifted pupils or the designee of the board  
42 of trustees or governing body, as applicable, shall notify the pupil and, if the pupil  
43 is under 18 years of age, the parent or legal guardian of the pupil who is  
44 ~~[suspended]~~ *given a significant suspension, expelled* or *permanently* expelled of:

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

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

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

51 (c) A pupil or, if the pupil is under 18 years of age, the parent or legal guardian  
52 of the pupil, who is ~~[suspended]~~ *given a significant suspension, expelled* or  
53 *permanently* expelled may file an appeal with the board of trustees of the school



1 district, the governing body of the charter school or university school for  
2 profoundly gifted pupils or the designee of the board of trustees or governing body,  
3 as applicable, within the timeline established by the Department pursuant to NRS  
4 392.4609;

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

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

15 2. The board of trustees of a school district, the governing body of a charter  
16 school or university school for profoundly gifted pupils or the designee of the board  
17 of trustees or governing body, as applicable, shall post the appeal policy on the  
18 Internet website of the school district and each school within the district or of the  
19 charter school or university school, as applicable.

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

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

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

24 (b) *“Significant suspension”* has the meaning ascribed to it in NRS  
25 392.4655.

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

27 392.472 1. Except as otherwise provided in NRS **392.4645** and 392.466 and  
28 to the extent practicable, a public school shall provide a plan of action based on  
29 restorative justice before removing a pupil from a classroom or other premises of  
30 the public school or suspending or expelling a pupil from school.

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

33 (a) Positive behavioral interventions and support;

34 (b) A plan for behavioral intervention;

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

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

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

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

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

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

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

47 (b) A timeline for implementation of the requirements of this section and NRS  
48 392.462 by a public school;

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

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

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

3 5. As used in this section:

4 (a) “Individualized education program team” has the meaning ascribed to it in  
5 20 U.S.C. § 1414(d)(1)(B).

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

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

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

12 392.4644 1. The ~~{board of trustees}~~ **superintendent** of each school  
13 district ~~{}~~ **and the {governing body} administrative head of each charter**  
14 **school and {the governing body of each} university school for profoundly**  
15 **gifted pupils** shall establish a plan to provide for the ~~{restorative}~~  
16 **progressive** discipline of pupils and on-site review of disciplinary  
17 decisions. The plan must:

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

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

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

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

- 33 ~~—— (1) Holding a pupil accountable for his or her behavior;~~  
34 ~~—— (2) Restoration or remedies related to the behavior of the pupil;~~  
35 ~~—— (3) Relief for any victim of the pupil; and~~  
36 ~~—— (4) Changing the behavior of the pupil.~~

37 ~~—— (e) Provide for}~~ **Prescribe methods of alternative conflict resolution**  
38 **and interventions based on social and emotional learning that are**  
39 **developed to avoid the need for the removal of a pupil.**

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

43 (f) Provide for the placement of a pupil in **a more restrictive**  
44 **educational environment at that school or at a** different **public school or**  
45 school within the school district, **as applicable**, in accordance with NRS  
46 392.466.

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

49 (h) ~~{Be in accordance with the statewide framework for restorative~~  
50 ~~justice developed pursuant to NRS 388.1333, including, without limitation,~~  
51 ~~by addressing the occurrences of the suspension, expulsion or removal of~~  
52 ~~pupils from school that disproportionately affect pupils who belong to a~~  
53 ~~group of pupils listed in subsection 2 of NRS 385A.250.~~

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

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

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

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

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

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

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

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

16 (b) *Be in accordance with the statewide framework for restorative*  
17 *justice developed pursuant to NRS 388.1333, including, without*  
18 *limitation, by addressing the occurrences of the suspension, expulsion or*  
19 *removal of pupils from schools that disproportionately affect pupils who*  
20 *belong to a group of pupils listed in subsection 2 of NRS 385A.250.*

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

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

30 (b) Determine whether and to what extent the occurrences of the  
31 suspension, expulsion or removal of pupils from school disproportionately  
32 affect pupils who belong to a group of pupils listed in subsection 2 of NRS  
33 385A.250; *and*

34 (c) Based upon the review, recommend to the ~~[board of trustees]~~  
35 *superintendent* of the school district ~~or [governing body]~~ *the*  
36 *administrative head of the charter school or university school for*  
37 *profoundly gifted pupils, as applicable, revisions to the plan, as*  
38 recommended by the teachers, school administrators , *school counselors,*  
39 *school social workers, school psychologists, behavior analysts* and other  
40 educational personnel and support personnel , ~~and~~ the parents and  
41 guardians of pupils , ~~and~~ the pupils who are enrolled in the school ~~;~~ *and,*  
42 *if applicable, the organizational team established pursuant to NRS*  
43 *388G.700, if necessary. ;*

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

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

50 ~~—3.~~ 4. *On or before September 30 of each year, the [board of*  
51 *trustees] superintendent of each school district and the [governing body]*  
52 *administrative head of each charter school or university school for*  
53 *profoundly gifted pupils shall issue a revised plan that appropriately*

1 *reflects comments provided by teachers, school administrators, school*  
2 *counselors, school social workers, school psychologists, behavior*  
3 *analysts, other educational personnel and support personnel, the parents*  
4 *and guardians of pupils, the pupils who are enrolled in the school and, if*  
5 *applicable, organizational teams established pursuant to NRS 388G.700.*

6 5. *Not more than 14 days after the receipt of a plan established*  
7 *pursuant to subsection 1 or a revised plan issued pursuant to subsection*  
8 *4, the principal of each school shall:*

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

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

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

19 (a) *Submit a written report to the Superintendent of Public Instruction*  
20 *that reports the progress of each school ~~[within the district]~~ over which the*  
21 *board of trustees or governing body has authority in complying with the*  
22 *requirements of this section, including, without limitation, addressing the*  
23 *occurrences of the suspension, expulsion or removal of pupils from school*  
24 *that disproportionately affect pupils who belong to a group of pupils listed*  
25 *in subsection 2 of NRS 385A.250; and*

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

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

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

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

52 8. *As used in this section ~~[-, "restorative"] :~~*

1                   (a) *“Behavior analyst”* has the meaning ascribed to it in NRS  
2                   641D.030.

3                   (b) *“Restorative justice”* has the meaning ascribed to it in NRS  
4                   392.472.

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

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

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

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