
ASSEMBLY BILL NO. 14—COMMITTEE ON EDUCATION

PREFILED JANUARY 7, 1999

(ON BEHALF OF LEGISLATIVE COMMISSION’S STUDY OF
SPECIAL EDUCATION AND STUDENT DISCIPLINE)

Referred to Committee on Education

SUMMARY—Authorizes schools to develop contracts of behavior for certain pupils.
(BDR 34-324)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: No.

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

AN ACT relating to pupils; requiring schools to notify parents before pupils are deemed habitual disciplinary problems; authorizing schools, under certain circumstances, to develop contracts of behavior designed to prevent pupils from being deemed habitual disciplinary problems; and providing other matters properly relating thereto.

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

1 **Section 1.** NRS 392.4655 is hereby amended to read as follows:
2 392.4655 ~~{A pupil shall be deemed}~~
3 ***1. Except as otherwise provided in this section, a school shall deem a***
4 ***pupil who is enrolled in the school*** a habitual disciplinary problem if the
5 school ~~{in which the pupil is enrolled}~~ has written evidence which
6 documents that in ~~{one}~~ ***1*** school year:
7 ~~{1-}~~ ***(a)*** The pupil has threatened or extorted, or attempted to threaten or
8 extort, another pupil or a teacher or other personnel employed by the
9 school;
10 ~~{2-}~~ ***(b)*** The pupil has been suspended for initiating at least two fights on
11 school property; or
12 ~~{3-}~~ ***(c)*** The pupil has a record of five suspensions from the school for
13 any reason.

2. If a pupil is suspended for initiating a fight on school property and the fight is the first fight that the pupil has initiated on school property during that school year, or if a pupil receives four suspensions on his record within 1 school year, the school in which the pupil is enrolled shall provide written notice to the parent or legal guardian of the pupil that contains:

(a) A description of the acts committed by the pupil and the dates on which those acts were committed;

(b) An explanation that if the pupil commits the same act an additional time during the current school year, he will be deemed a habitual disciplinary problem;

(c) An explanation that, pursuant to subsection 3 of NRS 392.466, a pupil who is deemed a habitual disciplinary problem must be suspended or expelled from school for a period equal to at least one school semester;

(d) If the pupil has a disability and is participating in a program of special education pursuant to NRS 388.520, an explanation of the effect of subsection 6 of NRS 392.466, including, without limitation, that if it is determined in accordance with 20 U.S.C. § 1415 that the pupil's behavior is not a manifestation of his disability, he may be suspended or expelled from school in the same manner as a pupil without a disability; and

(e) If applicable, a summary of the provisions of subsection 3.

3. If a pupil is suspended for initiating a fight on school property and the fight is the first fight that the pupil has initiated on school property during that school year, or if a pupil receives four suspensions on his record within 1 school year, the school in which the pupil is enrolled may develop, in consultation with the pupil and the parent or legal guardian of the pupil, a contract of behavior for the pupil. Such a contract must be designed to prevent the pupil from being deemed a habitual disciplinary problem and may include, without limitation, a voluntary agreement by:

(a) The parent or legal guardian to attend school with his child.

(b) The pupil and his parent or legal guardian to attend counseling, programs or services available in the school district or community.

(c) The pupil and his parent or legal guardian to pay a contractual penalty of \$100 if they fail to abide by the conditions set forth in the contract.

If the pupil commits the same act for which notice was provided pursuant to subsection 2 after he enters into a contract of behavior, the pupil shall be deemed a habitual disciplinary problem.

4. If a pupil commits an act the commission of which qualifies him to be deemed a habitual disciplinary problem pursuant to subsection 1, the school shall provide written notice to the parent or legal guardian of the pupil that contains:

1 (a) A description of the qualifying act and any previous such acts
2 committed by the pupil and the dates on which those acts were committed;

3 (b) An explanation that pursuant to subsection 3 of NRS 392.466, a
4 pupil who is a habitual disciplinary problem must be suspended or
5 expelled from school for a period equal to at least one school semester;

6 (c) If the pupil has a disability and is participating in a program of
7 special education pursuant to NRS 388.520, an explanation of the effect
8 of subsection 6 of NRS 392.466, including, without limitation, that if it is
9 determined in accordance with 20 U.S.C. § 1415 that the pupil's behavior
10 is not a manifestation of his disability, he may be suspended or expelled
11 from school in the same manner as a pupil without a disability; and

12 (d) If applicable, a summary of the provisions of subsection 5.

13 The school shall provide the notice at least 7 days before the school deems
14 the pupil a habitual disciplinary problem.

15 5. Before a school deems a pupil a habitual disciplinary problem and
16 suspends or expels the pupil, the school may develop, in consultation with
17 the pupil and the parent or legal guardian of the pupil, a contract of
18 behavior for the pupil. Such a contract must be designed to prevent the
19 pupil from being deemed a habitual disciplinary problem and may
20 include, without limitation, a voluntary agreement by:

21 (a) The parent or legal guardian to attend school with his child.

22 (b) The pupil and his parent or legal guardian to attend counseling,
23 programs or services available in the school district or community.

24 (c) The pupil and his parent or legal guardian to pay a contractual
25 penalty of \$100 if they fail to abide by the conditions set forth in the
26 contract.

27 If the pupil violates the conditions of the contract or commits the same act
28 for which notice was provided pursuant to subsection 4 after he enters
29 into a contract of behavior, the pupil shall be deemed a habitual
30 disciplinary problem.

31 6. A pupil may, pursuant to the provisions of this section, enter into
32 one contract of behavior per school year.

33 7. If a school collects money for a contractual penalty pursuant to
34 subsection 3 or 5, the school shall cause the money to be deposited for use
35 in the programs, if any, of the county school district that are designed to
36 reduce the number of the pupils who are deemed habitual disciplinary
37 problems. If the county school district does not have such programs, the
38 school shall cause the money to be deposited for use by the advisory board
39 to review school attendance created in that county pursuant to NRS
40 392.126.

41 **Sec. 2.** NRS 392.466 is hereby amended to read as follows:

42 392.466 1. Except as otherwise provided in this section, any pupil
43 who commits a battery which results in the bodily injury of an employee of

1 the school, sells or distributes any controlled substance or is found in
2 possession of a dangerous weapon, while on the premises of any public
3 school, at an activity sponsored by a public school or on any school bus
4 must, for the first occurrence, be suspended or expelled from that school,
5 although he may be placed in another kind of school, for at least a period
6 equal to one semester for that school. For a second occurrence, the pupil
7 must:

8 (a) Be permanently expelled from that school; and

9 (b) Receive equivalent instruction authorized by the state board pursuant
10 to NRS 392.070.

11 2. Except as otherwise provided in this section, any pupil who is found
12 in possession of a firearm while on the premises of any public school, at an
13 activity sponsored by a public school or on any school bus must, for the
14 first occurrence, be expelled from the school for a period of not less than 1
15 year, although he may be placed in another kind of school for a period not
16 to exceed the period of the expulsion. For a second occurrence, the pupil
17 must:

18 (a) Be permanently expelled from the school; and

19 (b) Receive equivalent instruction authorized by the state board pursuant
20 to NRS 392.070.

21 The superintendent of schools of a school district may, in a particular case
22 in that school district, allow an exception to the expulsion requirement of
23 this subsection.

24 3. Except as otherwise provided in this section, ~~any pupil who is~~ if a
25 **pupil is deemed a** habitual disciplinary problem ~~as set forth in~~ **pursuant**
26 **to NRS 392.4655 , the pupil** must be suspended or expelled from the school
27 for a period equal to at least one semester for that school. For the period of
28 his suspension or expulsion, the pupil must receive equivalent instruction
29 authorized by the state board pursuant to NRS 392.070.

30 4. This section does not prohibit a pupil from having in his possession
31 a knife or firearm with the approval of the principal of the school. A
32 principal may grant such approval only in accordance with the policies or
33 regulations adopted by the board of trustees of the school district.

34 5. Any pupil in grades 1 to 6, inclusive, except a pupil who has been
35 found to have possessed a firearm in violation of subsection 2, may be
36 suspended from school or permanently expelled from school pursuant to
37 this section only after the board of trustees of the school district has
38 reviewed the circumstances and approved this action in accordance with the
39 procedural policy adopted by the board for such issues.

40 6. A pupil who is participating in a program of special education
41 pursuant to NRS 388.520, other than a pupil who is gifted and talented,
42 may, in accordance with the procedural policy adopted by the board of
43 trustees of the school district for such matters, be:

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

4 (b) Suspended from school for more than 10 days or permanently
5 expelled from school pursuant to this section only after the board of trustees
6 of the school district has reviewed the circumstances and determined that
7 the action is in compliance with the Individuals with Disabilities Education
8 Act, ~~18~~ 20 U.S.C. §§ 1400 et seq. ~~18~~

9 7. As used in this section:

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

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

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

22 **Sec. 3.** This act becomes effective on July 1, 1999.