

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 enter suspensions into the records of pupils under certain circumstances; 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.** Chapter 392 of NRS is hereby amended by adding thereto a
2 new section to read as follows:
3 *A school shall enter into the record of a pupil a suspension of the pupil*
4 *if the school in which the pupil is enrolled:*
5 1. *Prohibits the pupil from attending school for 3 or more*
6 *consecutive days; and*
7 2. *Requires a conference or some other form of communication with*
8 *the parent or legal guardian of the pupil before the pupil is allowed to*
9 *return to school.*
10 **Sec. 2.** NRS 392.4655 is hereby amended to read as follows:
11 392.4655 ~~{A pupil shall be deemed}~~
12 1. *Except as otherwise provided in this section, a principal of a school*
13 *shall, upon the written request of at least one teacher of a pupil enrolled*

1 *in elementary school or at least two teachers of a pupil enrolled in junior*
2 *high, middle school or high school, deem the pupil* a habitual disciplinary
3 problem if the school ~~in which the pupil is enrolled~~ has written evidence
4 which documents that in ~~one~~ 1 school year:

5 ~~1.1~~ (a) The pupil has threatened or extorted, or attempted to threaten or
6 extort, another pupil or a teacher or other personnel employed by the
7 school;

8 ~~1.2~~ (b) The pupil has been suspended for initiating at least two fights on
9 school property; or

10 ~~1.3~~ (c) The pupil has a record of five suspensions from the school for
11 any reason.

12 *2. If a pupil is suspended for initiating a fight on school property and*
13 *the fight is the first fight that the pupil has initiated on school property*
14 *during that school year, or if a pupil receives one suspension on his*
15 *record, the school in which the pupil is enrolled shall provide written*
16 *notice to the parent or legal guardian of the pupil that contains:*

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

19 (b) *An explanation that if the pupil is suspended for initiating one*
20 *additional fight on school property or if the pupil receives five*
21 *suspensions on his record during the current school year, he will be*
22 *deemed a habitual disciplinary problem;*

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

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

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

33 *A school shall provide the notice required by this subsection for each*
34 *suspension on the record of a pupil during a school year. A school may*
35 *include the notice required by this subsection with notice that is otherwise*
36 *provided to the parent or legal guardian of a pupil which informs the*
37 *parent or legal guardian of the act committed by the pupil.*

38 *3. If a pupil is suspended for initiating a fight on school property and*
39 *the fight is the first fight that the pupil has initiated on school property*
40 *during that school year, or if a pupil receives four suspensions on his*
41 *record within 1 school year, the school in which the pupil is enrolled may*
42 *develop, in consultation with the pupil and the parent or legal guardian of*

1 the pupil, a contract of behavior for the pupil. Such a contract must be
2 designed to prevent the pupil from being deemed a habitual disciplinary
3 problem and may include, without limitation, a voluntary agreement by:

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

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

7 (c) The pupil and his parent or legal guardian that the pupil will attend
8 summer school, intersession school or school on Saturday, if any of those
9 alternatives are offered by the school district.

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

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

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

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

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

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

29 The school shall provide the notice at least 7 days before the school deems
30 the pupil a habitual disciplinary problem. A school may include the notice
31 required by this subsection with notice that is otherwise provided to the
32 parent or legal guardian of a pupil which informs the parent or legal
33 guardian of the act committed by the pupil.

34 5. Before a school deems a pupil a habitual disciplinary problem and
35 suspends or expels the pupil, the school may develop, in consultation with
36 the pupil and the parent or legal guardian of the pupil, a contract of
37 behavior for the pupil. Such a contract must be designed to prevent the
38 pupil from being deemed a habitual disciplinary problem and may
39 include, without limitation, a voluntary agreement by:

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

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

1 *(c) The pupil and his parent or legal guardian that the pupil will attend*
2 *summer school, intersession school or school on Saturday, if any of those*
3 *alternatives are offered by the school district.*

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

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

10 **Sec. 3.** NRS 392.466 is hereby amended to read as follows:

11 392.466 1. Except as otherwise provided in this section, any pupil
12 who commits a battery which results in the bodily injury of an employee of
13 the school, sells or distributes any controlled substance or is found in
14 possession of a dangerous weapon, while on the premises of any public
15 school, at an activity sponsored by a public school or on any school bus
16 must, for the first occurrence, be suspended or expelled from that school,
17 although he may be placed in another kind of school, for at least a period
18 equal to one semester for that school. For a second occurrence, the pupil
19 must:

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

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

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

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

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

32 The superintendent of schools of a school district may, in a particular case
33 in that school district, allow an exception to the expulsion requirement of
34 this subsection.

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

41 4. This section does not prohibit a pupil from having in his possession a
42 knife or firearm with the approval of the principal of the school. A principal

1 may grant such approval only in accordance with the policies or regulations
2 adopted by the board of trustees of the school district.

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

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

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

16 (b) Suspended from school for more than 10 days or permanently
17 expelled from school pursuant to this section only after the board of trustees
18 of the school district has reviewed the circumstances and determined that
19 the action is in compliance with the Individuals with Disabilities Education
20 Act, ~~18~~ 20 U.S.C. §§ 1400 et seq. ~~19~~

21 7. As used in this section:

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

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

30 (c) "Firearm" includes, without limitation, any pistol, revolver, shotgun,
31 explosive substance or device, and any other item included within the
32 definition of a "firearm" in 18 U.S.C. § 921, as that section existed on July
33 1, 1995.

34 **Sec. 4.** This act becomes effective on July 1, 1999.