

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 plans 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; prescribing the conditions under which a pupil shall be deemed suspended from school; requiring schools to notify parents before pupils are deemed habitual disciplinary problems; authorizing schools, under certain circumstances, to develop plans 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:

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

A pupil shall be deemed suspended from school if the school in which the pupil is enrolled:

1. Prohibits the pupil from attending school for 3 or more consecutive days; and

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

Sec. 2. NRS 392.4655 is hereby amended to read as follows:

392.4655 ~~[A pupil shall be deemed]~~

1. Except as otherwise provided in this section, a principal of a school shall deem a pupil enrolled in the school a habitual disciplinary problem if

1 the school ~~{in which the pupil is enrolled}~~ has written evidence which
2 documents that in ~~{one}~~ 1 school year:

3 ~~{1.}~~ (a) The pupil has threatened or extorted, or attempted to threaten or
4 extort, another pupil or a teacher or other personnel employed by the
5 school;

6 ~~{2.}~~ (b) The pupil has been suspended for initiating at least two fights on
7 school property ~~{1.}~~, *at an activity sponsored by a public school, on a*
8 *school bus or, if the fight occurs within 1 hour of the beginning or end of*
9 *a school day, on his way to or from school;* or

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

12 2. *At least one teacher of a pupil who is enrolled in elementary*
13 *school and at least two teachers of a pupil who is enrolled in junior high,*
14 *middle school or high school may request that the principal of the school*
15 *deem a pupil a habitual disciplinary problem. Upon such a request, the*
16 *principal of the school shall meet with each teacher who made the*
17 *request to review the pupil's record of discipline. If, after the review, the*
18 *principal of the school determines that the provisions of subsection 1 do*
19 *not apply to the pupil, a teacher who submitted a request pursuant to this*
20 *subsection may appeal that determination to the board of trustees of the*
21 *school district. Upon receipt of such a request, the board of trustees shall*
22 *review the initial request and determination pursuant to the procedure*
23 *established by the board of trustees for such matters.*

24 3. *If a pupil is suspended for initiating a fight described in paragraph*
25 *(b) of subsection 1 and the fight is the first such fight that the pupil has*
26 *initiated during that school year, or if a pupil receives one suspension on*
27 *his record, the school in which the pupil is enrolled shall provide written*
28 *notice to the parent or legal guardian of the pupil that contains:*

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

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

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

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

- 1 (e) If applicable, a summary of the provisions of subsection 4.
2 A school shall provide the notice required by this subsection for each
3 suspension on the record of a pupil during a school year. A school may
4 include the notice required by this subsection with notice that is otherwise
5 provided to the parent or legal guardian of a pupil which informs the
6 parent or legal guardian of the act committed by the pupil.
- 7 4. If a pupil is suspended for initiating a fight described in paragraph
8 (b) of subsection 1 and the fight is the first such fight that the pupil has
9 initiated during that school year, or if a pupil receives four suspensions
10 on his record within 1 school year, the school in which the pupil is
11 enrolled may develop, in consultation with the pupil and the parent or
12 legal guardian of the pupil, a plan of behavior for the pupil. Such a plan
13 must be designed to prevent the pupil from being deemed a habitual
14 disciplinary problem and may include, without limitation, a voluntary
15 agreement by:
- 16 (a) The parent or legal guardian to attend school with his child.
17 (b) The pupil and his parent or legal guardian to attend counseling,
18 programs or services available in the school district or community.
19 (c) The pupil and his parent or legal guardian that the pupil will attend
20 summer school, intersession school or school on Saturday, if any of those
21 alternatives are offered by the school district.
- 22 If the pupil commits the same act for which notice was provided pursuant
23 to subsection 3 after he enters into a plan of behavior, the pupil shall be
24 deemed a habitual disciplinary problem.
- 25 5. If a pupil commits an act the commission of which qualifies him to
26 be deemed a habitual disciplinary problem pursuant to subsection 1, the
27 school shall provide written notice to the parent or legal guardian of the
28 pupil that contains:
- 29 (a) A description of the qualifying act and any previous such acts
30 committed by the pupil and the dates on which those acts were committed;
31 (b) An explanation that pursuant to subsection 3 of NRS 392.466, a
32 pupil who is a habitual disciplinary problem must be suspended or
33 expelled from school for a period equal to at least one school semester;
34 (c) If the pupil has a disability and is participating in a program of
35 special education pursuant to NRS 388.520, an explanation of the effect
36 of subsection 6 of NRS 392.466, including, without limitation, that if it is
37 determined in accordance with 20 U.S.C. § 1415 that the pupil's behavior
38 is not a manifestation of his disability, he may be suspended or expelled
39 from school in the same manner as a pupil without a disability; and
40 (d) If applicable, a summary of the provisions of subsection 6.
- 41 The school shall provide the notice at least 7 days before the school deems
42 the pupil a habitual disciplinary problem. A school may include the notice

1 *required by this subsection with notice that is otherwise provided to the*
2 *parent or legal guardian of a pupil which informs the parent or legal*
3 *guardian of the act committed by the pupil.*

4 *6. Before a school deems a pupil a habitual disciplinary problem and*
5 *suspends or expels the pupil, the school may develop, in consultation with*
6 *the pupil and the parent or legal guardian of the pupil, a plan of behavior*
7 *for the pupil. Such a plan must be designed to prevent the pupil from*
8 *being deemed a habitual disciplinary problem and may include, without*
9 *limitation, a voluntary agreement by:*

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

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

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

16 *If the pupil violates the conditions of the plan or commits the same act for*
17 *which notice was provided pursuant to subsection 5 after he enters into a*
18 *plan of behavior, the pupil shall be deemed a habitual disciplinary*
19 *problem.*

20 *7. A pupil may, pursuant to the provisions of this section, enter into*
21 *one contract of behavior per school year.*

22 *8. The parent or legal guardian of a pupil who has entered into a*
23 *plan of behavior with a school pursuant to this section may appeal to the*
24 *board of trustees of the school district a determination made by the school*
25 *concerning the contents of the plan of behavior or action taken by the*
26 *school pursuant to the plan of behavior. Upon receipt of such a request,*
27 *the board of trustees of the school district shall review the determination*
28 *in accordance with the procedure established by the board of trustees for*
29 *such matters.*

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

31 392.466 1. Except as otherwise provided in this section, any pupil
32 who commits a battery which results in the bodily injury of an employee of
33 the school, sells or distributes any controlled substance or is found in
34 possession of a dangerous weapon, while on the premises of any public
35 school, at an activity sponsored by a public school or on any school bus
36 must, for the first occurrence, be suspended or expelled from that school,
37 although he may be placed in another kind of school, for at least a period
38 equal to one semester for that school. For a second occurrence, the pupil
39 must:

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

41 (b) Receive equivalent instruction authorized by the state board pursuant
42 to

NRS

392.070.

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

- (a) Be permanently expelled from the school; and
- (b) Receive equivalent instruction authorized by the state board pursuant to NRS 392.070.

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

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

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

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

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

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

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

7. As used in this section:

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

200.481.

1 (b) "Dangerous weapon" includes, without limitation, a blackjack, slung
2 shot, billy, sand-club, sandbag, metal knuckles, dirk or dagger, a nunchaku,
3 switchblade knife or trefoil, as defined in NRS 202.350, a butterfly knife or
4 any other knife described in NRS 202.350, or any other object which is
5 used, or threatened to be used, in such a manner and under such
6 circumstances as to pose a threat of, or cause, bodily injury to a person.
7 (c) "Firearm" includes, without limitation, any pistol, revolver, shotgun,
8 explosive substance or device, and any other item included within the
9 definition of a "firearm" in 18 U.S.C. § 921, as that section existed on
10 July 1, 1995.
11 **Sec. 4.** This act becomes effective on July 1, 1999.

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