
ASSEMBLY BILL NO. 245—COMMITTEE ON EDUCATION

(ON BEHALF OF ELKO COUNTY SCHOOL DISTRICT)

FEBRUARY 15, 1999

Referred to Committee on Education

SUMMARY—Makes various changes regarding truancy and discipline of pupils. (BDR 34-631)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: Yes.

~

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

AN ACT relating to education; making various changes regarding truancy and the discipline of pupils; 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 392.130 is hereby amended to read as follows:
2 392.130 1. Within the meaning of this chapter, a pupil shall be
3 deemed a truant who is absent from school without the written approval of
4 his teacher or the principal of the school, unless the pupil is physically or
5 mentally unable to attend school. The teacher or principal shall give his
6 written approval for a pupil to be absent if an emergency exists . ~~for upon~~
7 ~~the request of a parent or legal guardian of the pupil.~~ Before a pupil may
8 attend or otherwise participate in school activities outside the classroom
9 during regular classroom hours, he must receive the approval of the teacher
10 or principal.
11 2. Absence for ~~any part~~ ***at least one period, or the equivalent of one***
12 ***period for the school,*** of a ***school*** day shall be deemed a truancy for the
13 purposes of this section.
14 3. If a pupil is physically or mentally unable to attend school, the
15 parent or legal guardian or other person having control or charge of the
16 pupil shall notify the teacher or principal of the school ~~orally or~~ in
17 writing within 3 days after the pupil returns to school.

4. An absence which has not been approved pursuant to subsection 1 or 3 shall be deemed an unapproved absence. In the event of an unapproved absence, the teacher, attendance officer or other school official shall deliver or cause to be delivered a written notice of truancy to the parent, legal guardian or other person having control or charge of the child. The written notice must be delivered to the parent, legal guardian or other person who has control of the child. The written notice must inform the parents or legal guardian of such absences in a form specified by the department.

5. As used in this section, "physically or mentally unable to attend" does not include a physical or mental condition for which a pupil is excused pursuant to NRS 392.050.

Sec. 2. NRS 392.268 is hereby amended to read as follows:

392.268 **1.** If a school district incurs additional costs for transporting an offender because he is prohibited from attending a public school that a victim is attending, the school district is entitled to reimbursement of all or part of those costs from the parents or guardians of the offender to the extent ordered by the court pursuant to NRS 62.455. The superintendent of the school district or the parents or guardians of the offender may petition the court to reconsider the amount of reimbursement ordered by the court.

2. *If a school district does not receive reimbursement for the additional costs, the school district may pay the additional costs in the same manner as the school district pays the costs of providing transportation to pupils pursuant to NRS 392.300 and 392.320.*

Sec. 3. NRS 392.4655 is hereby amended to read as follows:

392.4655 A pupil shall be deemed a habitual disciplinary problem if the school in which the pupil is enrolled has written evidence which documents that in one school year:

1. The pupil has threatened or extorted, or attempted to threaten or extort, another pupil or a teacher or other personnel employed by the school;

2. The pupil has been suspended *from the school that he regularly attends* for ~~initiating~~ *at least 3 hours of a school day for provoking, attempting to engage in or engaging in* at least two fights on school property; or

3. The pupil has a record of five suspensions from the school *that he regularly attends for at least 3 hours of a school day* for any reason.

4. *As used in this section:*

(a) *"Fight" means a physical conflict in which a person uses force or violence upon another person.*

(b) *"Provoking" means the use of a word, sign or gesture designed to encourage, incite or otherwise induce another person to engage in an act of violence.*

1 **Sec. 4.** NRS 392.466 is hereby amended to read as follows:

2 392.466 1. Except as otherwise provided in this section, any pupil
3 who commits a battery which results in the bodily injury of an employee of
4 the school, sells or distributes any controlled substance or is found in
5 possession of a dangerous weapon, while on the premises of any public
6 school, at an activity sponsored by a public school or on any school bus
7 must, for the first occurrence, be suspended or expelled from that school,
8 although he may be placed in another kind of school, for at least a period
9 equal to one semester for that school. For a second occurrence, the pupil
10 must:

11 (a) Be permanently expelled from that school ~~[-and]~~ *although he may*
12 *be placed in another kind of school; or*

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

15 *The superintendent of schools of a school district may, if appropriate in a*
16 *particular case, allow an exception to the expulsion required by this*
17 *subsection if the board of trustees of the school district approves an*
18 *exception for the pupil.*

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

26 (a) Be permanently expelled from the school ~~[-and]~~ *although he may be*
27 *placed in another kind of school; or*

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

30 The superintendent of schools of a school district may, *if appropriate* in a
31 particular case, ~~[in that school district,]~~ allow an exception to the
32 expulsion ~~[requirement of]~~ *required by* this subsection.

33 3. Except as otherwise provided in this section, any pupil who is a
34 habitual disciplinary problem as set forth in NRS 392.4655 must be
35 suspended or expelled from the school for a period equal to at least one
36 semester for that school. For the period of his suspension or expulsion, the
37 pupil must ~~[receive]~~ :

38 (a) *Be placed in another kind of school; or*

39 (b) *Receive* equivalent instruction authorized by the state board
40 pursuant to NRS 392.070.

41 *The superintendent of schools of a school district may, if appropriate in a*
42 *particular case, allow an exception to the expulsion required by this*

subsection if the board of trustees of the school district approves an exception for the pupil.

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, ~~42~~ 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.

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

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

Sec. 5. NRS 392.4675 is hereby amended to read as follows:

392.4675 1. Except as otherwise provided in this section, a pupil who is suspended or expelled from:

(a) Any public school in this state pursuant to NRS 392.466; or

1 (b) Any school outside of this state for the commission of any act
2 which, if committed within this state, would be a ground for suspension or
3 expulsion from public school pursuant to NRS 392.466,
4 is ineligible to attend any public school in this state during the period of
5 that suspension or expulsion.

6 2. ~~Except as otherwise provided in subsection 3, a~~ A school district
7 may allow a pupil who is ineligible to attend a public school pursuant to
8 this section to enroll in:

9 (a) An alternative program for the education of pupils at risk of
10 dropping out of high school; or

11 (b) Any program of instruction offered pursuant to the provisions of
12 NRS 388.550.

13 A school district may conduct an investigation of the background of any
14 such pupil to determine if the educational needs of the pupil may be
15 satisfied without undue disruption to the program. If an investigation is
16 conducted, the board of trustees of the school district shall, based on the
17 results of the investigation, determine if the pupil will be allowed to enroll
18 in such a program.

19 ~~3. The provisions of subsection 2 do not authorize the enrollment in~~
20 ~~such a program of a pupil who is:~~

21 ~~—(a) Expelled for a second occurrence of a violation pursuant to~~
22 ~~subsections 1 or 2 of NRS 392.466; or~~

23 ~~—(b) Suspended or expelled pursuant to subsection 3 of NRS 392.466.]~~

24 **Sec. 6.** This act becomes effective on July 1, 1999.