

ASSEMBLY BILL NO. 213—COMMITTEE ON EDUCATION  
(ON BEHALF OF LEGISLATIVE COMMITTEE ON EDUCATION)

FEBRUARY 22, 2001

Referred to Committee on Education

SUMMARY—Revises provisions governing discipline of pupils. (BDR 34-217)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: 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; authorizing school districts to enroll pupils who are deemed habitual disciplinary problems in alternative programs of instruction; 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 392.466 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  
12    (b) Receive equivalent instruction authorized by the state board  
13    pursuant to subsection 1 of NRS 392.070.  
14    2. Except as otherwise provided in this section, any pupil who is found  
15    in possession of a firearm while on the premises of any public school, at an  
16    activity sponsored by a public school or on any school bus must, for the  
17    first occurrence, be expelled from the school for a period of not less than 1  
18    year, although he may be placed in another kind of school for a period not  
19    to exceed the period of the expulsion. For a second occurrence, the pupil  
20    must:  
21    (a) Be permanently expelled from the school; and



1 (b) Receive equivalent instruction authorized by the state board  
2 pursuant to subsection 1 of NRS 392.070.

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

6 3. Except as otherwise provided in this section, if a pupil is deemed a  
7 habitual disciplinary problem pursuant to NRS 392.4655, the pupil must be  
8 suspended or expelled from the school for a period equal to at least one  
9 semester for that school. For the period of his suspension or expulsion, the  
10 pupil must ~~receive~~:

11 *(a) Upon the approval of the school district, enroll in a program*  
12 *pursuant to subsection 2 of NRS 392.4675; or*

13 *(b) Receive* equivalent instruction authorized by the state board  
14 pursuant to subsection 1 of NRS 392.070.

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

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

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

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

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

37 7. As used in this section:

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

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

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



\* A B 2 1 3 \*

1     **Sec. 2.** NRS 392.4675 is hereby amended to read as follows:  
2     392.4675 1. Except as otherwise provided in this section, a pupil  
3     who is suspended or expelled from:  
4         (a) Any public school in this state pursuant to NRS 392.466; or  
5         (b) Any school outside of this state for the commission of any act  
6     which, if committed within this state, would be a ground for suspension or  
7     expulsion from public school pursuant to NRS 392.466,  
8     is ineligible to attend any public school in this state during the period of  
9     that suspension or expulsion.  
10    2. Except as otherwise provided in subsection 3, a school district may  
11    allow a pupil who is ineligible to attend a public school pursuant to this  
12    section to enroll in:  
13         (a) An alternative program for the education of pupils at risk of  
14         dropping out of high school; or  
15         (b) Any program of instruction offered pursuant to the provisions of  
16     NRS 388.550.  
17    A school district may conduct an investigation of the background of any  
18    such pupil to determine if the educational needs of the pupil may be  
19    satisfied without undue disruption to the program. If an investigation is  
20    conducted, the board of trustees of the school district shall, based on the  
21    results of the investigation, determine if the pupil will be allowed to enroll  
22    in such a program.  
23    3. The provisions of subsection 2 do not authorize the enrollment in  
24    such a program of a pupil who is ~~+~~  
25    ~~—(a) Expelled~~ *expelled* for a second occurrence of a violation pursuant to  
26    subsections 1 or 2 of NRS 392.466. ~~+~~ ~~or~~  
27    ~~—(b) Suspended or expelled pursuant to subsection 3 of NRS 392.466.~~  
28    **Sec. 3.** This act becomes effective on July 1, 2001.

