

SENATE BILL NO. 115—COMMITTEE ON HUMAN
RESOURCES AND FACILITIES

(ON BEHALF OF NEVADA ASSOCIATION OF SCHOOL BOARDS)

FEBRUARY 13, 2001

Referred to Committee on Human Resources and Facilities

SUMMARY—Provides exception under certain circumstances to requirement that certain pupils be suspended or expelled. (BDR 34-381)

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; providing an exception under certain circumstances to the requirement that certain pupils be suspended or expelled; 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 *The superintendent of schools of a school district may, for good cause*
15 *shown in a particular case in that school district, allow an exception to*
16 *the suspension or expulsion requirement of this subsection.*
17 2. Except as otherwise provided in this section, any pupil who is found
18 in possession of a firearm while on the premises of any public school, at an
19 activity sponsored by a public school or on any school bus must, for the



1 first occurrence, be expelled from the school for a period of not less than 1
2 year, although he may be placed in another kind of school for a period not
3 to exceed the period of the expulsion. For a second occurrence, the pupil
4 must:

5 (a) Be permanently expelled from the school; and
6 (b) Receive equivalent instruction authorized by the state board
7 pursuant to subsection 1 of NRS 392.070.

8 The superintendent of schools of a school district may, *for good cause*
9 *shown* in a particular case in that school district, allow an exception to the
10 expulsion requirement of this subsection.

11 3. Except as otherwise provided in this section, if a pupil is deemed a
12 habitual disciplinary problem pursuant to NRS 392.4655, the pupil must be
13 suspended or expelled from the school for a period equal to at least one
14 semester for that school. For the period of his suspension or expulsion, the
15 pupil must receive equivalent instruction authorized by the state board
16 pursuant to subsection 1 of NRS 392.070.

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

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

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

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

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

39 7. As used in this section:

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

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



1 (c) “Firearm” includes, without limitation, any pistol, revolver, shotgun,
2 explosive substance or device, and any other item included within the
3 definition of a “firearm” in 18 U.S.C. § 921, as that section existed on
4 July 1, 1995.
5 **Sec. 2.** This act becomes effective on July 1, 2001.

