

SENATE BILL NO. 305—SENATORS RAWSON AND WIENER

MARCH 9, 2001

JOINT SPONSORS: ASSEMBLYWOMEN CEGAVSKE AND VON TOBEL

Referred to Committee on Human Resources and Facilities

SUMMARY—Makes various changes regarding public schools and pupils. (BDR 34-263)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State: No.

CONTAINS UNFUNDED MANDATE (§§ 2, 4-8, 10, 12, 14, 16-21, 23)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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 education; requiring boards of trustees of school districts to establish programs of education and counseling for children who use, possess, sell or distribute controlled substances; revising provisions governing the calculation of basic support to include children who are enrolled in such programs; providing that pupils who are suspended or expelled from school for using, possessing, selling or distributing controlled substances are ineligible to attend public school for 1 year but may, under certain circumstances, enroll in a program of education and counseling; requiring the juvenile court to order certain children to enroll in the program; requiring a principal to take certain action if a pupil inflicts bodily injury on another person; requiring schools and school districts to submit evidence of compliance with the Americans with Disabilities Act of 1990; 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 385.347 is hereby amended to read as follows:
2 385.347 1. The board of trustees of each school district in this state,
3 in cooperation with associations recognized by the state board as
4 representing licensed personnel in education in the district, shall adopt a
5 program providing for the accountability of the school district to the
6 residents of the district and to the state board for the quality of the schools
7 and the educational achievement of the pupils in the district, including,
8 without limitation, pupils enrolled in charter schools in the school district.
9 2. The board of trustees of each school district shall, on or before
10 March 31 of each year, report to the residents of the district concerning:



- 1 (a) The educational goals and objectives of the school district.
- 2 (b) Pupil achievement for grades 4, 8, 10 and 11 for each school in the
- 3 district and the district as a whole, including, without limitation, each
- 4 charter school in the district.
- 5 Unless otherwise directed by the department, the board of trustees of the
- 6 district shall base its report on the results of the examinations administered
- 7 pursuant to NRS 389.015 and shall compare the results of those
- 8 examinations for the current school year with those of previous school
- 9 years. The report must include, for each school in the district, including,
- 10 without limitation, each charter school in the district, and each grade in
- 11 which the examinations were administered:
 - 12 (1) The number of pupils who took the examinations;
 - 13 (2) An explanation of instances in which a school was exempt from
 - 14 administering or a pupil was exempt from taking an examination; and
 - 15 (3) A record of attendance for the period in which the examinations
 - 16 were administered, including an explanation of any difference in the
 - 17 number of pupils who took the examinations and the number of pupils who
 - 18 are enrolled in the school.
- 19 In addition, the board shall also report the results of other examinations of
- 20 pupil achievement administered to pupils in the school district in grades
- 21 other than 4, 8, 10 and 11. The results of these examinations for the current
- 22 school year must be compared with those of previous school years.
- 23 (c) The ratio of pupils to teachers in kindergarten and at each grade
- 24 level for each elementary school in the district and the district as a whole,
- 25 including, without limitation, each charter school in the district, the
- 26 average class size for each required course of study for each secondary
- 27 school in the district and the district as a whole, including, without
- 28 limitation, each charter school in the district, and other data concerning
- 29 licensed and unlicensed employees of the school district.
- 30 (d) The percentage of classes taught by teachers who have been
- 31 assigned to teach English, mathematics, science or social studies but do not
- 32 possess a license with an endorsement to teach in that subject area, for each
- 33 school in the district and the district as a whole, including, without
- 34 limitation, each charter school in the district.
- 35 (e) The total expenditure per pupil for each school in the district and the
- 36 district as a whole, including, without limitation, each charter school in the
- 37 district.
- 38 (f) The curriculum used by the school district, including:
 - 39 (1) Any special programs for pupils at an individual school; and
 - 40 (2) The curriculum used by each charter school in the district.
- 41 (g) Records of the attendance and truancy of pupils in all grades,
- 42 including, without limitation, the average daily attendance of pupils, for
- 43 each school in the district and the district as a whole, including, without
- 44 limitation, each charter school in the district.
- 45 (h) The annual rate of pupils who drop out of school in grades 9 to 12,
- 46 inclusive, for each such grade, for each school in the district and for the
- 47 district as a whole, excluding pupils who:
 - 48 (1) Provide proof to the school district of successful completion of
 - 49 the examinations of general educational development.



- 1 (2) Are enrolled in courses that are approved by the department as
2 meeting the requirements for an adult standard diploma.
- 3 (3) Withdraw from school to attend another school.
- 4 (i) Records of attendance of teachers who provide instruction, for each
5 school in the district and the district as a whole, including, without
6 limitation, each charter school in the district.
- 7 (j) Efforts made by the school district and by each school in the district,
8 including, without limitation, each charter school in the district, to
9 increase:
- 10 (1) Communication with the parents of pupils in the district; and
11 (2) The participation of parents in the educational process and
12 activities relating to the school district and each school, including, without
13 limitation, the existence of parent organizations and school advisory
14 committees.
- 15 (k) Records of incidents involving weapons or violence for each school
16 in the district, including, without limitation, each charter school in the
17 district.
- 18 (l) Records of incidents involving the use or possession of alcoholic
19 beverages or *the use, possession, sale or distribution of* controlled
20 substances for each school in the district, including, without limitation,
21 each charter school in the district.
- 22 (m) Records of the suspension and expulsion of pupils required or
23 authorized pursuant to NRS 392.466 and 392.467.
- 24 (n) The number of pupils who are deemed habitual disciplinary
25 problems pursuant to NRS 392.4655, for each school in the district and the
26 district as a whole, including, without limitation, each charter school in the
27 district.
- 28 (o) The number of pupils in each grade who are retained in the same
29 grade pursuant to NRS 392.125, for each school in the district and the
30 district as a whole, including, without limitation, each charter school in the
31 district.
- 32 (p) The transiency rate of pupils for each school in the district and the
33 district as a whole, including, without limitation, each charter school in the
34 district. For the purposes of this paragraph, a pupil is not transient if he is
35 transferred to a different school within the school district as a result of a
36 change in the zone of attendance by the board of trustees of the school
37 district pursuant to NRS 388.040.
- 38 (q) Each source of funding for the school district.
- 39 (r) The amount and sources of money received for remedial education
40 for each school in the district and the district as a whole, including, without
41 limitation, each charter school in the district.
- 42 (s) For each high school in the district, including, without limitation,
43 each charter school in the district, the percentage of pupils who graduated
44 from that high school or charter school in the immediately preceding year
45 and enrolled in remedial courses in reading, writing or mathematics at a
46 university or community college within the University and Community
47 College System of Nevada.



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1 (t) The technological facilities and equipment available at each school,
2 including, without limitation, each charter school, and the district's plan to
3 incorporate educational technology at each school.

4 (u) For each school in the district and the district as a whole, including,
5 without limitation, each charter school in the district, the number and
6 percentage of pupils who graduate with:

7 (1) A standard high school diploma.

8 (2) An adjusted diploma.

9 (3) A certificate of attendance.

10 (v) For each school in the district and the district as a whole, including,
11 without limitation, each charter school in the district, the number and
12 percentage of pupils who did not receive a high school diploma because the
13 pupils failed to pass the high school proficiency examination.

14 (w) The number of habitual truants who are reported to a school police
15 officer or law enforcement agency pursuant to paragraph (a) of subsection
16 2 of NRS 392.144 and the number of habitual truants who are referred to
17 an advisory board to review school attendance pursuant to paragraph (b) of
18 subsection 2 of NRS 392.144, for each school in the district and for the
19 district as a whole.

20 (x) Such other information as is directed by the superintendent of public
21 instruction.

22 3. The records of attendance maintained by a school for purposes of
23 paragraph (i) of subsection 2 must include the number of teachers who are
24 in attendance at school and the number of teachers who are absent from
25 school. A teacher shall be deemed in attendance if the teacher is excused
26 from being present in the classroom by the school in which he is employed
27 for one of the following reasons:

28 (a) Acquisition of knowledge or skills relating to the professional
29 development of the teacher; or

30 (b) Assignment of the teacher to perform duties for cocurricular or
31 extracurricular activities of pupils.

32 4. The superintendent of public instruction shall:

33 (a) Prescribe forms for the reports required pursuant to subsection 2 and
34 provide the forms to the respective school districts.

35 (b) Provide statistical information and technical assistance to the school
36 districts to ensure that the reports provide comparable information with
37 respect to each school in each district and among the districts.

38 (c) Consult with a representative of the:

39 (1) Nevada State Education Association;

40 (2) Nevada Association of School Boards;

41 (3) Nevada Association of School Administrators;

42 (4) Nevada Parent Teachers Association;

43 (5) Budget division of the department of administration; and

44 (6) Legislative counsel bureau,

45 concerning the program and consider any advice or recommendations
46 submitted by the representatives with respect to the program.

47 5. The superintendent of public instruction may consult with
48 representatives of parent groups other than the Nevada Parent Teachers
49 Association concerning the program and consider any advice or



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1 recommendations submitted by the representatives with respect to the
2 program.

3 6. On or before April 15 of each year, the board of trustees of each
4 school district shall submit to each *advisory* board to review school
5 attendance created in the county pursuant to NRS 392.126 the information
6 required in paragraph (g) of subsection 2.

7 **Sec. 2.** NRS 385.363 is hereby amended to read as follows:

8 385.363 1. The department shall, on or before April 1 of each year:

9 ~~1.1~~ (a) Evaluate the information submitted by each school district
10 pursuant to paragraphs (b) and (g) of subsection 2 of NRS 385.347; and

11 ~~1.2~~ (b) Except as otherwise provided in subsection ~~1.3~~ 2 and NRS
12 385.364, based upon its evaluation and in accordance with the criteria set
13 forth in NRS 385.365 and 385.367, designate each public school within
14 each school district as:

15 ~~1.1~~ (1) Demonstrating exemplary achievement;

16 ~~1.2~~ (2) Demonstrating high achievement;

17 ~~1.3~~ (3) Demonstrating adequate achievement; or

18 ~~1.4~~ (4) Demonstrating need for improvement.

19 ~~1.5~~ 2. The department shall adopt regulations that set forth the
20 conditions under which the department will not designate a public school
21 pursuant to this section because the school:

22 (a) Has too few pupils enrolled in a grade level that is tested pursuant to
23 NRS 389.015;

24 (b) Serves only pupils with disabilities;

25 (c) Operates only as an alternative program for the education of pupils
26 at risk of dropping out of high school ~~1.6~~ or *operates only as a program of*
27 *education and counseling pursuant to section 6 of this act; or*

28 (d) Is operated within a:

29 (1) Youth training center;

30 (2) Youth center;

31 (3) Juvenile forestry camp;

32 (4) Detention home;

33 (5) Youth camp;

34 (6) Juvenile correctional institution; or

35 (7) Correctional institution.

36 **Sec. 3.** NRS 386.585 is hereby amended to read as follows:

37 386.585 1. A governing body of a charter school shall adopt:

38 (a) Written rules of behavior required of and prohibited for pupils
39 attending the charter school; and

40 (b) Appropriate punishments for violations of the rules.

41 2. Except as otherwise provided in subsection 3, if suspension or
42 expulsion of a pupil is used as a punishment for a violation of the rules, the
43 charter school shall ensure that, before the suspension or expulsion, the
44 pupil has been given notice of the charges against him, an explanation of
45 the evidence and an opportunity for a hearing. The provisions of chapter
46 241 of NRS do not apply to any hearing conducted pursuant to this section.
47 Such a hearing must be closed to the public.

48 3. A pupil who poses a continuing danger to persons or property or an
49 ongoing threat of disrupting the academic process or who is *using,*



1 *possessing*, selling or distributing any controlled substance or who is found
2 to be in possession of a dangerous weapon as provided in NRS 392.466
3 may be removed from the charter school immediately upon being given an
4 explanation of the reasons for his removal and pending proceedings, which
5 must be conducted as soon as practicable after removal, for his suspension
6 or expulsion.

7 4. A pupil who is enrolled in a charter school and participating in a
8 program of special education pursuant to NRS 388.520, other than a pupil
9 who is gifted and talented, may, in accordance with the procedural policy
10 adopted by the governing body of the charter school for such matters, be:

11 (a) Suspended from the charter school pursuant to this section for not
12 more than 10 days.

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

18 5. A copy of the rules of behavior, prescribed punishments and
19 procedures to be followed in imposing punishments must be:

20 (a) Distributed to each pupil at the beginning of the school year and to
21 each new pupil who enters school during the year.

22 (b) Available for public inspection at the charter school.

23 6. The governing body of a charter school may adopt rules relating to
24 the truancy of pupils who are enrolled in the charter school if the rules are
25 at least as restrictive as the provisions governing truancy set forth in NRS
26 392.130 to 392.220, inclusive. If a governing body adopts rules governing
27 truancy, it shall include the rules in the written rules adopted by the
28 governing body pursuant to subsection 1.

29 **Sec. 4.** NRS 387.123 is hereby amended to read as follows:

30 387.123 1. The count of pupils for apportionment purposes includes
31 all pupils who are enrolled in programs of instruction of the school district
32 or pupils who reside in the county in which the school district is located
33 and are enrolled in any charter school for:

34 (a) Pupils in the kindergarten department.

35 (b) Pupils in grades 1 to 12, inclusive.

36 (c) Pupils not included under paragraph (a) or (b) who are receiving
37 special education pursuant to the provisions of NRS 388.440 to 388.520,
38 inclusive.

39 (d) Children detained in detention homes, alternative programs and
40 juvenile forestry camps receiving instruction pursuant to the provisions of
41 NRS 388.550, 388.560 and 388.570 ~~§~~ *and children enrolled in a*
42 *program of education and counseling pursuant to section 6 of this act.*

43 (e) Pupils who are enrolled in classes pursuant to subsection 4 of NRS
44 386.560.

45 (f) Pupils who are enrolled in classes pursuant to subsection 3 of NRS
46 392.070.

47 (g) Part-time pupils enrolled in classes and taking courses necessary to
48 receive a high school diploma, excluding those pupils who are included in
49 paragraphs (e) and (f).



1 2. The state board shall establish uniform regulations for counting
2 enrollment and calculating the average daily attendance of pupils. In
3 establishing such regulations for the public schools, the state board:

4 (a) Shall divide the school year into 10 school months, each containing
5 20 or fewer school days.

6 (b) May divide the pupils in grades 1 to 12, inclusive, into categories
7 composed respectively of those enrolled in elementary schools and those
8 enrolled in secondary schools.

9 (c) Shall prohibit the counting of any pupil specified in subsection 1
10 more than once.

11 3. Except as otherwise provided in subsection 4 and NRS 388.700, the
12 state board shall establish by regulation the maximum pupil-teacher ratio in
13 each grade, and for each subject matter wherever different subjects are
14 taught in separate classes, for each school district of this state which is
15 consistent with:

16 (a) The maintenance of an acceptable standard of instruction;

17 (b) The conditions prevailing in the school district with respect to the
18 number and distribution of pupils in each grade; and

19 (c) Methods of instruction used, which may include educational
20 television, team teaching or new teaching systems or techniques.

21 If the superintendent of public instruction finds that any school district is
22 maintaining one or more classes whose pupil-teacher ratio exceeds the
23 applicable maximum, and unless he finds that the board of trustees of the
24 school district has made every reasonable effort in good faith to comply
25 with the applicable standard, he shall, with the approval of the state board,
26 reduce the count of pupils for apportionment purposes by the percentage
27 which the number of pupils attending those classes is of the total number of
28 pupils in the district, and the state board may direct him to withhold the
29 quarterly apportionment entirely.

30 4. A charter school is not required to comply with the pupil-teacher
31 ratio prescribed by the state board pursuant to subsection 3.

32 **Sec. 5.** NRS 387.1233 is hereby amended to read as follows:

33 387.1233 1. Except as otherwise provided in subsection 2, basic
34 support of each school district must be computed by:

35 (a) Multiplying the basic support guarantee per pupil established for that
36 school district for that school year by the sum of:

37 (1) Six-tenths the count of pupils enrolled in the kindergarten
38 department on the last day of the first school month of the school district
39 for the school year, including, without limitation, the count of pupils who
40 reside in the county and are enrolled in any charter school on the last day
41 of the first school month of the school district for the school year.

42 (2) The count of pupils enrolled in grades 1 to 12, inclusive, on the
43 last day of the first school month of the school district for the school year,
44 including, without limitation, the count of pupils who reside in the county
45 and are enrolled in any charter school on the last day of the first school
46 month of the school district for the school year.

47 (3) The count of pupils not included under subparagraph (1) or (2)
48 who are receiving special education pursuant to the provisions of NRS
49 388.440 to 388.520, inclusive, on the last day of the first school month of



1 the school district for the school year, excluding the count of pupils who
2 have not attained the age of 5 years and who are receiving special
3 education pursuant to subsection 1 of NRS 388.490 on that day.

4 (4) Six-tenths the count of pupils who have not attained the age of 5
5 years and who are receiving special education pursuant to subsection 1 of
6 NRS 388.490 on the last day of the first school month of the school district
7 for the school year.

8 (5) The count of children detained in detention homes, alternative
9 programs and juvenile forestry camps receiving instruction pursuant to the
10 provisions of NRS 388.550, 388.560 and 388.570 *and children enrolled in*
11 *a program of education and counseling pursuant to section 6 of this act*
12 on the last day of the first school month of the school district for the school
13 year.

14 (6) The count of pupils who are enrolled in classes for at least one
15 semester pursuant to subsection 4 of NRS 386.560 or subsection 3 of NRS
16 392.070, expressed as a percentage of the total time services are provided
17 to those pupils per school day in proportion to the total time services are
18 provided during a school day to pupils who are counted pursuant to
19 subparagraph (2).

20 (b) Multiplying the number of special education program units
21 maintained and operated by the amount per program established for that
22 school year.

23 (c) Adding the amounts computed in paragraphs (a) and (b).

24 2. If the enrollment of pupils in a school district or a charter school
25 that is located within the school district on the last day of the first school
26 month of the school district for the school year is less than the enrollment
27 of pupils in the same school district or charter school on the last day of the
28 first school month of the school district for the immediately preceding
29 school year, the larger number must be used for purposes of apportioning
30 money from the state distributive school account to that school district or
31 charter school pursuant to NRS 387.124.

32 3. Pupils who are excused from attendance at examinations or have
33 completed their work in accordance with the rules of the board of trustees
34 must be credited with attendance during that period.

35 4. Pupils who are incarcerated in a facility or institution operated by
36 the department of prisons must not be counted for the purpose of
37 computing basic support pursuant to this section. The average daily
38 attendance for such pupils must be reported to the department of education.

39 5. Part-time pupils who are enrolled in courses which are approved by
40 the department as meeting the requirements for an adult to earn a high
41 school diploma must not be counted for the purpose of computing basic
42 support pursuant to this section. The average daily attendance for such
43 pupils must be reported to the department.

44 **Sec. 6.** Chapter 388 of NRS is hereby amended by adding thereto a
45 new section to read as follows:

46 *1. The board of trustees of each school district shall establish a*
47 *program of education and counseling for children who reside within the*
48 *school district and are:*



- 1 (a) Placed under the supervision of the juvenile court pursuant to a
2 supervision and consent decree in accordance with section 16 of this act;
3 (b) Found by the juvenile court to have committed the unlawful act of
4 using, possessing, selling or distributing a controlled substance and
5 ordered to enroll in the program pursuant to section 17 of this act; or
6 (c) Suspended or expelled from school for using, possessing, selling or
7 distributing a controlled substance pursuant to subsection 2 of NRS
8 392.466.
- 9 2. The board of trustees of each school district shall ensure that the
10 children enrolled in the program established pursuant to subsection 1 are
11 generally separated from other children enrolled in public schools of the
12 school district. The board of trustees of a school district may satisfy the
13 requirements of this subsection by:
- 14 (a) Establishing a separate school for the program; or
15 (b) Designating an existing public school within the school district for
16 the operation of the program if the program remains in a portion of the
17 school that is generally separate from the regular operation of the public
18 school.
- 19 3. A program established pursuant to subsection 1 must include
20 substance abuse counseling for each child enrolled in the program.
- 21 4. A program established pursuant to subsection 1 may include:
- 22 (a) Alternative scheduling.
23 (b) Distance education.
24 (c) The provision of educational services to combined grades.
- 25 5. Upon receipt of a notice from the juvenile court pursuant to
26 section 16 or 17 of this act concerning a child who is under a supervision
27 or consent decree or found by the juvenile court to have committed the
28 unlawful act of using, possessing, selling or distributing a controlled
29 substance, the board of trustees shall enroll the child in the program
30 established pursuant to subsection 1.
- 31 6. Before a child enrolls in such a program, the board of trustees of
32 the school district shall enter into a written agreement with the child that
33 includes, without limitation:
- 34 (a) Conditions of behavior with which the child must comply while
35 enrolled in the program;
36 (b) The child's agreement to submit to periodic tests, upon the request
37 of a teacher or administrator of the program, to determine whether the
38 child is consuming a controlled substance; and
39 (c) The child's agreement to complete substance abuse counseling
40 offered through the program.
- 41 7. If a pupil does not enter into or satisfy the conditions of the
42 written agreement entered into pursuant to subsection 6, the board of
43 trustees of the school district shall:
- 44 (a) Notify the juvenile court if the pupil is enrolled in the program
45 pursuant to a supervision and consent decree in accordance with section
46 16 of this act or pursuant to an order of disposition in accordance with
47 section 17 of this act; and
48 (b) Permanently expel the child from public school.



1 8. *Except as otherwise provided in subsection 7, a child must*
2 *participate in the program for 1 year. Upon the completion of 1 year, the*
3 *child is eligible to attend a public school within this state if he*
4 *successfully completed the program. If the child does not successfully*
5 *complete the program, the board of trustees of the school district shall:*

6 (a) *Notify the juvenile court if the child is enrolled in the program*
7 *pursuant to a supervision and consent decree in accordance with section*
8 *16 of this act or pursuant to an order of disposition in accordance with*
9 *section 17 of this act; and*

10 (b) *Permanently expel the child from public school.*

11 9. *If a child who is enrolled in a program intends to reside in another*
12 *county in this state:*

13 (a) *The board of trustees of the school district in which the child*
14 *currently resides shall provide written notice to the superintendent of*
15 *schools and the board of trustees of the school district in which the child*
16 *intends to reside; and*

17 (b) *The board of trustees of the school district in which the child*
18 *intends to reside shall:*

19 (1) *Except as otherwise provided in subparagraph (2), prohibit the*
20 *child from attending a public school of the school district for the*
21 *duration of the year in which the child must complete a program of*
22 *education and counseling; and*

23 (2) *Enter into a written agreement with the child pursuant to*
24 *subsection 6 and enroll the child in the program of education and*
25 *counseling established by the board of trustees.*

26 10. *The board of trustees of a school district may comply with*
27 *applicable federal laws and regulations to receive any federal money that*
28 *may be available for the operation of a program pursuant to this section.*

29 Sec. 7. NRS 389.017 is hereby amended to read as follows:

30 389.017 1. The state board shall prescribe regulations requiring that
31 each board of trustees of a school district and each governing body of a
32 charter school submit to the superintendent of public instruction and the
33 department, in the form and manner prescribed by the superintendent, the
34 results of achievement and proficiency examinations given in ~~the 4th, 8th,~~
35 ~~10th and 11th~~ grades **4, 8, 10 and 11** to public school pupils of the district
36 and charter schools. The state board shall not include in the regulations any
37 provision which would violate the confidentiality of the test scores of any
38 individual pupil.

39 2. The results of examinations must be reported for each school,
40 including, without limitation, each charter school, school district and this
41 state as follows:

42 (a) The average score, as defined by the department, of pupils who took
43 the examinations under regular testing conditions; and

44 (b) The average score, as defined by the department, of pupils who took
45 the examinations with modifications or accommodations approved by the
46 private entity that created the examination or, if the department created the
47 examination, the department, if such reporting does not violate the
48 confidentiality of the test scores of any individual pupil.



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1 3. The department shall adopt regulations prescribing the requirements
2 for reporting the scores of pupils who:

3 (a) Took the examinations under conditions that were not approved by
4 the private entity that created the examination or, if the department created
5 the examination, by the department;

6 (b) Are enrolled in special schools for children with disabilities;

7 (c) Are enrolled in an alternative program for the education of pupils at
8 risk of dropping out of high school ~~§~~ or *a program of education and*
9 *counseling pursuant to section 6 of this act; or*

10 (d) Are detained in a:

11 (1) Youth training center;

12 (2) Youth center;

13 (3) Juvenile forestry camp;

14 (4) Detention home;

15 (5) Youth camp;

16 (6) Juvenile correctional institution; or

17 (7) Correctional institution.

18 The scores reported pursuant to this subsection must not be included in the
19 average scores reported pursuant to subsection 2.

20 4. Not later than 10 days after the department receives the results of
21 the achievement and proficiency examinations, the department shall
22 transmit a copy of the results of the examinations administered pursuant to
23 NRS 389.015 to the legislative bureau of educational accountability and
24 program evaluation in a manner that does not violate the confidentiality of
25 the test scores of any individual pupil.

26 5. On or before November 1 of each year, each school district and each
27 charter school shall report to the department the following information for
28 each examination administered in the public schools in the school district
29 or charter school:

30 (a) The examination administered;

31 (b) The grade level or levels of pupils to whom the examination was
32 administered;

33 (c) The costs incurred by the school district or charter school in
34 administering each examination; and

35 (d) The purpose, if any, for which the results of the examination are
36 used by the school district or charter school.

37 On or before December 1 of each year, the department shall transmit to the
38 budget division of the department of administration and the fiscal analysis
39 division of the legislative counsel bureau the information submitted to the
40 department pursuant to this subsection.

41 6. The superintendent of schools of each school district and the
42 governing body of each charter school shall certify that the number of
43 pupils who took the examinations required pursuant to NRS 389.015 is
44 equal to the number of pupils who are enrolled in each school in the school
45 district or in the charter school who are required to take the examinations
46 except for those pupils who are exempt from taking the examinations. A
47 pupil may be exempt from taking the examinations if:

48 (a) His primary language is not English and his proficiency in the
49 English language is below the level that the state board determines is



1 proficient, as measured by an assessment of proficiency in the English
2 language prescribed by the state board pursuant to subsection 8; or

3 (b) He is enrolled in a program of special education pursuant to NRS
4 388.440 to 388.520, inclusive, and his program of special education
5 specifies that he is exempt from taking the examinations.

6 7. In addition to the information required by subsection 5, the
7 superintendent of public instruction shall:

8 (a) Report the number of pupils who were not exempt from taking the
9 examinations but were absent from school on the day that the examinations
10 were administered; and

11 (b) Reconcile the number of pupils who were required to take the
12 examinations with the number of pupils who were exempt from taking the
13 examinations or absent from school on the day that the examinations were
14 administered.

15 8. The state board shall prescribe an assessment of proficiency in the
16 English language for pupils whose primary language is not English to
17 determine which pupils are exempt from the examinations pursuant to
18 paragraph (a) of subsection 6.

19 **Sec. 8.** NRS 389.560 is hereby amended to read as follows:

20 389.560 1. The state board shall adopt regulations that require the
21 board of trustees of each school district and the governing body of each
22 charter school to submit to the superintendent of public instruction, the
23 department and the council, in the form and manner prescribed by the
24 superintendent, the results of the examinations administered pursuant to
25 NRS 389.550. The state board shall not include in the regulations any
26 provision that would violate the confidentiality of the test scores of an
27 individual pupil.

28 2. The results of the examinations must be reported for each school,
29 including, without limitation, each charter school, school district and this
30 state, as follows:

31 (a) The percentage of pupils who have demonstrated proficiency, as
32 defined by the department, and took the examinations under regular testing
33 conditions; and

34 (b) The percentage of pupils who have demonstrated proficiency, as
35 defined by the department, and took the examinations with modifications
36 or accommodations approved by the private entity that created the
37 examination or, if the department created the examination, the department,
38 if such reporting does not violate the confidentiality of the test scores of
39 any individual pupil.

40 3. The department shall adopt regulations prescribing the requirements
41 for reporting the results of pupils who:

42 (a) Took the examinations under conditions that were not approved by
43 the private entity that created the examination or, if the department created
44 the examination, by the department;

45 (b) Are enrolled in special schools for children with disabilities;

46 (c) Are enrolled in an alternative program for the education of pupils at
47 risk of dropping out of high school ~~or~~ *or a program of education and*
48 *counseling pursuant to section 6 of this act; or*

49 (d) Are detained in a:



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- 1 (1) Youth training center;
- 2 (2) Youth center;
- 3 (3) Juvenile forestry camp;
- 4 (4) Detention home;
- 5 (5) Youth camp;
- 6 (6) Juvenile correctional institution; or
- 7 (7) Correctional institution.

8 The results reported pursuant to this subsection must not be included in the
9 percentage of pupils reported pursuant to subsection 2.

10 4. Not later than 10 days after the department receives the results of
11 the examinations, the department shall transmit a copy of the results to the
12 legislative bureau of educational accountability and program evaluation in
13 a manner that does not violate the confidentiality of the test scores of any
14 individual pupil.

15 5. On or before November 1 of each year, each school district and each
16 charter school shall report to the department the following information for
17 each examination administered in the public schools in the school district
18 or charter school:

- 19 (a) The examination administered;
- 20 (b) The grade level or levels of pupils to whom the examination was
21 administered;
- 22 (c) The costs incurred by the school district or charter school in
23 administering each examination; and
- 24 (d) The purpose, if any, for which the results of the examination are
25 used by the school district or charter school.

26 On or before December 1 of each year, the department shall transmit to the
27 budget division of the department of administration and the fiscal analysis
28 division of the legislative counsel bureau the information submitted to the
29 department pursuant to this subsection.

30 6. The superintendent of schools of each school district and the
31 governing body of each charter school shall certify that the number of
32 pupils who took the examinations is equal to the number of pupils who are
33 enrolled in each school in the school district or in the charter school who
34 are required to take the examinations, except for those pupils who are
35 exempt from taking the examinations. A pupil may be exempt from taking
36 the examinations if:

- 37 (a) His primary language is not English and his proficiency in the
38 English language is below the level that the state board determines is
39 proficient, as measured by an assessment of proficiency in the English
40 language prescribed by the state board pursuant to subsection 8; or
- 41 (b) He is enrolled in a program of special education pursuant to NRS
42 388.440 to 388.520, inclusive, and his program of special education
43 specifies that he is exempt from taking the examinations.

44 7. In addition to the information required by subsection 5, the
45 superintendent of public instruction shall:

- 46 (a) Report the number of pupils who were not exempt from taking the
47 examinations but were absent from school on the day that the examinations
48 were administered; and



(b) Reconcile the number of pupils who were required to take the examinations with the number of pupils who were exempt from taking the examinations or absent from school on the day that the examinations were administered.

8. The state board shall prescribe an assessment of proficiency in the English language for pupils whose primary language is not English to determine which pupils are exempt from the examinations pursuant to paragraph (a) of subsection 6.

Sec. 9. Chapter 392 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a report is submitted that a pupil has committed a battery with a dangerous weapon that results in bodily injury to another person or otherwise inflicts bodily injury on another person with a dangerous weapon, while on the premises of any public school, at an activity sponsored by a public school, within 1,000 feet of the perimeter of such a public school or activity, or on a school bus, the principal of the school in which the pupil is enrolled shall take appropriate action against the pupil, including, without limitation:

(a) Suspension or expulsion of the pupil pursuant to NRS 392.466 and 392.467.

(b) Removal of the pupil from the classroom and assignment to a temporary alternative placement pursuant to NRS 392.4642 to 392.4648, inclusive.

(c) Referral of the incident to the school police or the local law enforcement agency.

2. In addition to the action required by subsection 1, a principal shall make an assessment of the likelihood that the pupil who inflicted bodily injury on another person will inflict further bodily injury on that person. Based upon the assessment, the principal shall make a good faith effort to ensure that the person is adequately protected from further bodily injury by the pupil.

3. A principal, school district and the board of trustees of a school district are not liable for failure to comply with subsection 2 if a good faith effort to comply is made.

4. 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.

Sec. 10. NRS 392.464 is hereby amended to read as follows:

392.464 1. The board of trustees of each school district shall adopt and enforce measures for disciplining any pupil who is found in possession of an alcoholic beverage or a controlled substance, while on the premises



1 of any public school in its district. *The measures must be consistent with*
2 *the requirements of NRS 392.466 and section 6 of this act.*

3 2. As used in this section, "alcoholic beverage" has the meaning
4 ascribed to it in NRS 202.015.

5 **Sec. 11.** NRS 392.4655 is hereby amended to read as follows:

6 392.4655 1. Except as otherwise provided in this section, a principal
7 of a school shall deem a pupil enrolled in the school a habitual disciplinary
8 problem if the school has written evidence which documents that in 1
9 school year:

10 (a) The pupil has threatened or extorted, or attempted to threaten or
11 extort, another pupil or a teacher or other personnel employed by the
12 school;

13 (b) The pupil has been suspended for initiating at least two fights on
14 school property, at an activity sponsored by a public school, on a school
15 bus or, if the fight occurs within 1 hour of the beginning or end of a school
16 day, on his way to or from school; or

17 (c) The pupil has a record of five suspensions from the school for any
18 reason.

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

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

36 (a) A description of the acts committed by the pupil and the dates on
37 which those acts were committed;

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

42 (c) An explanation that, pursuant to subsection ~~4~~ 4 of NRS 392.466, a
43 pupil who is deemed a habitual disciplinary problem must be suspended or
44 expelled from school for a period equal to at least one school semester;

45 (d) If the pupil has a disability and is participating in a program of
46 special education pursuant to NRS 388.520, an explanation of the effect of
47 subsection ~~6~~ 7 of NRS 392.466, including, without limitation, that if it is
48 determined in accordance with 20 U.S.C. § 1415 that the pupil's behavior



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1 is not a manifestation of his disability, he may be suspended or expelled
2 from school in the same manner as a pupil without a disability; and

3 (e) If applicable, a summary of the provisions of subsection 4.

4 A school shall provide the notice required by this subsection for each
5 suspension on the record of a pupil during a school year. A school may
6 include the notice required by this subsection with notice that is otherwise
7 provided to the parent or legal guardian of a pupil which informs the parent
8 or legal guardian of the act committed by the pupil.

9 4. If a pupil is suspended for initiating a fight described in paragraph
10 (b) of subsection 1 and the fight is the first such fight that the pupil has
11 initiated during that school year, or if a pupil receives four suspensions on
12 his record within 1 school year, the school in which the pupil is enrolled
13 may develop, in consultation with the pupil and the parent or legal
14 guardian of the pupil, a plan of behavior for the pupil. Such a plan must be
15 designed to prevent the pupil from being deemed a habitual disciplinary
16 problem and may include, without limitation, a voluntary agreement by:

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

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

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

23 If the pupil commits the same act for which notice was provided pursuant
24 to subsection 3 after he enters into a plan of behavior, the pupil shall be
25 deemed a habitual disciplinary problem.

26 5. If a pupil commits an act the commission of which qualifies him to
27 be deemed a habitual disciplinary problem pursuant to subsection 1, the
28 school shall provide written notice to the parent or legal guardian of the
29 pupil that contains:

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

32 (b) An explanation that pursuant to subsection ~~3~~ 4 of NRS 392.466, a
33 pupil who is a habitual disciplinary problem must be suspended or expelled
34 from school for a period equal to at least one school semester;

35 (c) If the pupil has a disability and is participating in a program of
36 special education pursuant to NRS 388.520, an explanation of the effect of
37 subsection ~~6~~ 7 of NRS 392.466, including, without limitation, that if it is
38 determined in accordance with 20 U.S.C. § 1415 that the pupil's behavior
39 is not a manifestation of his disability, he may be suspended or expelled
40 from school in the same manner as a pupil without a disability; and

41 (d) If applicable, a summary of the provisions of subsection 6.

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

47 6. Before a school deems a pupil a habitual disciplinary problem and
48 suspends or expels the pupil, the school may develop, in consultation with
49 the pupil and the parent or legal guardian of the pupil, a plan of behavior



1 for the pupil. Such a plan must be designed to prevent the pupil from being
2 deemed a habitual disciplinary problem and may include, without
3 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 violates the conditions of the plan or commits the same act for
11 which notice was provided pursuant to subsection 5 after he enters into a
12 plan of behavior, the pupil shall be deemed a habitual disciplinary problem.

13 7. A pupil may, pursuant to the provisions of this section, enter into
14 one plan of behavior per school year.

15 8. The parent or legal guardian of a pupil who has entered into a plan
16 of behavior with a school pursuant to this section may appeal to the board
17 of trustees of the school district a determination made by the school
18 concerning the contents of the plan of behavior or action taken by the
19 school pursuant to the plan of behavior. Upon receipt of such a request, the
20 board of trustees of the school district shall review the determination in
21 accordance with the procedure established by the board of trustees for such
22 matters.

23 **Sec. 12.** NRS 392.466 is hereby amended to read as follows:

24 392.466 1. Except as otherwise provided in this section, any pupil
25 who commits a battery which results in the bodily injury of an employee of
26 the school ~~[, sells or distributes any controlled substance]~~ or is found in
27 possession of a dangerous weapon, while on the premises of any public
28 school, at an activity sponsored by a public school or on any school bus
29 must, for the first occurrence, be suspended or expelled from that school,
30 although he may be placed in another kind of school, for at least a period
31 equal to one semester for that school. For a second occurrence, the pupil
32 must:

- 33 (a) Be permanently expelled from that school; and
- 34 (b) Receive equivalent instruction authorized by the state board
35 pursuant to subsection 1 of NRS 392.070.

36 2. *Except as otherwise provided in this section, a pupil who uses,*
37 *possesses, sells or distributes a controlled substance while on the*
38 *premises of any public school, at an activity sponsored by a public school*
39 *or on any school bus must, for the first occurrence, be suspended or*
40 *expelled from school for a period of 1 year. The pupil may be placed in a*
41 *program of education and counseling established pursuant to section 6*
42 *of this act if the pupil signs a written agreement pursuant to subsection 6*
43 *of that section. For a second occurrence or if the pupil refuses to sign a*
44 *written agreement pursuant to subsection 6 of section 6 of this act, the*
45 *pupil must:*

- 46 (a) *Be permanently expelled from school; and*
- 47 (b) *Receive equivalent instruction authorized by the state board*
48 *pursuant to subsection 1 of NRS 392.070.*



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

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

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

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

14 ~~3-1~~ **4.** Except as otherwise provided in this section, if a pupil is
15 deemed a habitual disciplinary problem pursuant to NRS 392.4655, the
16 pupil must be suspended or expelled from the school for a period equal to
17 at least one semester for that school. For the period of his suspension or
18 expulsion, the pupil must receive equivalent instruction authorized by the
19 state board pursuant to subsection 1 of NRS 392.070.

20 ~~4-1~~ **5.** This section does not prohibit a pupil from having in his
21 possession a knife or firearm with the approval of the principal of the
22 school. A principal may grant such approval only in accordance with the
23 policies or regulations adopted by the board of trustees of the school
24 district.

25 ~~5-1~~ **6.** Any pupil in grades 1 to 6, inclusive, except a pupil who has
26 been found to have possessed a firearm in violation of subsection ~~2-1~~ **3**,
27 may be suspended from school or permanently expelled from school
28 pursuant to this section only after the board of trustees of the school district
29 has reviewed the circumstances and approved this action in accordance
30 with the procedural policy adopted by the board for such issues.

31 ~~6-1~~ **7.** A pupil who is participating in a program of special education
32 pursuant to NRS 388.520, other than a pupil who is gifted and talented,
33 may, in accordance with the procedural policy adopted by the board of
34 trustees of the school district for such matters, be:

35 (a) Suspended from school pursuant to this section for not more than 10
36 days. Such a suspension may be imposed pursuant to this paragraph for
37 each occurrence of conduct proscribed by ~~subsection 1-1~~ **subsections 1**
38 **and 2.**

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

44 ~~7-1~~ **8.** As used in this section:

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

47 (b) "Dangerous weapon" includes, without limitation, a blackjack, slung
48 shot, billy, sand-club, sandbag, metal knuckles, dirk or dagger, a nunchaku,
49 switchblade knife or trefoil, as defined in NRS 202.350, a butterfly knife or



1 any other knife described in NRS 202.350, or any other object which is
2 used, or threatened to be used, in such a manner and under such
3 circumstances as to pose a threat of, or cause, bodily injury to a person.

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

8 **Sec. 13.** NRS 392.467 is hereby amended to read as follows:

9 392.467 1. Except as otherwise provided in subsections 4 and 5, the
10 board of trustees of a school district may authorize the suspension or
11 expulsion of any pupil from any public school within the school district.

12 2. Except as otherwise provided in subsection 5, no pupil may be
13 suspended or expelled until he has been given notice of the charges against
14 him, an explanation of the evidence and an opportunity for a hearing,
15 except that a pupil who poses a continuing danger to persons or property or
16 an ongoing threat of disrupting the academic process or who is *using,*
17 *possessing,* selling or distributing any controlled substance or is found to
18 be in possession of a dangerous weapon as provided in NRS 392.466 may
19 be removed from the school immediately upon being given an explanation
20 of the reasons for his removal, and pending proceedings, to be conducted
21 as soon as practicable after removal, for his suspension or expulsion.

22 3. The provisions of chapter 241 of NRS do not apply to any hearing
23 conducted pursuant to this section. Such hearings must be closed to the
24 public.

25 4. The board of trustees of a school district shall not authorize the
26 expulsion, suspension or removal of any pupil from the public school
27 system solely because the pupil is declared a truant or habitual truant in
28 accordance with NRS 392.130 or 392.140.

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

33 (a) Suspended from school pursuant to this section for not more than 10
34 days.

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

40 **Sec. 14.** NRS 392.4675 is hereby amended to read as follows:

41 392.4675 1. Except as otherwise provided in this section, a pupil
42 who is suspended or expelled from:

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

44 (b) Any school outside of this state for the commission of any act
45 which, if committed within this state, would be a ground for suspension or
46 expulsion from public school pursuant to NRS 392.466,

47 is ineligible to attend any public school in this state during the period of
48 that suspension or expulsion.



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1 2. Except as otherwise provided in ~~subsection 3,~~ *subsections 3 and 4,*
2 a school district may allow a pupil who is ineligible to attend a public
3 school pursuant to this section to enroll in:

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

6 (b) Any program of instruction offered pursuant to the provisions of
7 NRS 388.550.

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

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

16 (a) Expelled for a second occurrence of a violation pursuant to
17 ~~subsections~~ *subsection* 1 or ~~2~~ *3* of NRS 392.466; or

18 (b) Suspended or expelled pursuant to subsection ~~3~~ *4* of NRS 392.466.

19 4. *A pupil who is:*

20 (a) *Placed under the supervision of the juvenile court pursuant to a*
21 *supervision and consent decree in accordance with section 16 of this act;*

22 (b) *Found by the juvenile court to have committed the unlawful act of*
23 *using, possessing, selling or distributing a controlled substance and*
24 *ordered to enroll in a program of education and counseling pursuant to*
25 *section 17 of this act; or*

26 (c) *Suspended or expelled for a first occurrence pursuant to*
27 *subsection 2 of NRS 392.466 for using, possessing, selling or distributing*
28 *a controlled substance,*

29 *is eligible for enrollment in a program established by the board of*
30 *trustees of the school district pursuant to section 6 of this act subject to*
31 *any terms and conditions of the juvenile court or board of trustees, as*
32 *applicable.*

33 **Sec. 15.** Chapter 62 of NRS is hereby amended by adding thereto the
34 provisions set forth as sections 16 and 17 of this act.

35 **Sec. 16. 1.** *If a complaint is filed alleging that a child committed*
36 *the unlawful act of using, possessing, selling or distributing a controlled*
37 *substance, the district attorney shall file a petition pursuant to NRS*
38 *62.130 alleging that the child is delinquent for committing the unlawful*
39 *act of using, possessing, selling or distributing a controlled substance if,*
40 *in the judgment of the district attorney, such an unlawful act can be*
41 *proved at an adjudicatory hearing conducted pursuant to NRS 62.193.*

42 2. *If a petition is filed in accordance with subsection 1, the child*
43 *named in the petition may not be referred, for that unlawful act, to a*
44 *probation officer for informal supervision pursuant to NRS 62.128.*

45 3. *If a petition is filed in accordance with subsection 1 and the child*
46 *named in the petition has never been found within the purview of this*
47 *chapter other than for a minor traffic offense, the judge or the master*
48 *shall, in addition to his other powers under this chapter:*



- 1 (a) Except as otherwise provided in subsection 7, place the child under
2 the supervision of the court pursuant to a supervision and consent decree
3 without a formal adjudication of delinquency upon the written consent
4 and approval of the child and his parents or guardian, under the terms
5 and conditions provided for in the decree;
- 6 (b) Except as otherwise provided in subsection 4, prohibit the child
7 from attending a public school;
- 8 (c) Inform the parents or guardian of the child of the requirements of
9 section 6 of this act; and
- 10 (d) If the child intends to reside in another county in this state, order
11 the parents or guardian of the child to provide notification of that fact to:
- 12 (1) The juvenile court;
- 13 (2) The superintendent of schools and the board of trustees of the
14 school district in which the child currently resides; and
- 15 (3) The superintendent of schools and the board of trustees of the
16 school district in which the child intends to reside.
- 17 If a child or his parent or guardian refuses to give consent for a
18 supervision and consent decree, the district attorney shall proceed with
19 prosecution of the child.
- 20 4. A supervision and consent decree required by subsection 3 must
21 include, without limitation, the following terms and conditions:
- 22 (a) The child will enroll in a program of education and counseling
23 established by the board of trustees of the school district in which the
24 child resides pursuant to section 6 of this act for 1 year;
- 25 (b) The child will abide by all terms and conditions required of the
26 board of trustees of the school district that operates the program,
27 including, without limitation, entering into a written agreement with the
28 board of trustees pursuant to subsection 6 of section 6 of this act; and
- 29 (c) The child will submit to periodic tests, upon the request of a
30 teacher or administrator of the program, to determine whether the child
31 is consuming a controlled substance.
- 32 5. If a child and his parents or guardian give their consent for a
33 supervision and consent decree pursuant to this section, the court shall
34 provide notification of the decree to the superintendent of schools and
35 the board of trustees of the school district in which the child resides.
- 36 6. A petition filed in accordance with subsection 1 may be dismissed
37 upon successful completion of the terms and conditions of the
38 supervision and consent decree, and the child may respond to any
39 inquiry concerning the proceedings and events which brought about the
40 proceedings as if they had not occurred. The records concerning a
41 supervision and consent decree may be considered in a subsequent
42 proceeding before the court regarding that child.
- 43 7. If a petition is filed in accordance with subsection 1 and the child
44 named in the petition:
- 45 (a) Has been previously enrolled in a program of education and
46 counseling established by the board of trustees of a school district
47 pursuant to section 6 of this act; or



1 (b) *Has been found within the purview of this chapter other than for a*
2 *minor traffic offense,*
3 *the district attorney shall proceed with prosecution of the child.*

4 **Sec. 17.** 1. *In addition to the options and other requirements set*
5 *forth in this chapter, if a child is found by the juvenile court to have*
6 *committed the unlawful act of using, possessing, selling or distributing a*
7 *controlled substance, the court shall, except as otherwise provided in*
8 *subsection 2, prohibit the child from attending a public school.*

9 2. *Except as otherwise provided in subsections 4 and 5, the order of*
10 *disposition made by the juvenile court for a child who is found to have*
11 *committed the unlawful act of using, possessing, selling or distributing a*
12 *controlled substance, must include, without limitation, the following*
13 *terms and conditions:*

14 (a) *The child will enroll in a program of education and counseling*
15 *established by the board of trustees of the school district in which the*
16 *child resides pursuant to section 6 of this act for 1 year;*

17 (b) *The child will abide by all terms and conditions required of the*
18 *board of trustees of the school district that operates the program,*
19 *including, without limitation, entering into a written agreement with the*
20 *board of trustees pursuant to subsection 6 of section 6 of this act;*

21 (c) *The child will submit to periodic tests, upon the request of a*
22 *teacher or administrator of the program, to determine whether the child*
23 *is consuming a controlled substance; and*

24 (d) *If the child intends to reside in another county in this state, the*
25 *parents or guardian of the child will provide notification of that fact to:*

26 (1) *The juvenile court;*

27 (2) *The superintendent of schools and the board of trustees of the*
28 *school district in which the child currently resides; and*

29 (3) *The superintendent of schools and the board of trustees of the*
30 *school district in which the child intends to reside.*

31 3. *The juvenile court shall provide notification of the order of*
32 *disposition to the superintendent of schools and the board of trustees of*
33 *the school district in which the child resides.*

34 4. *If a parent or guardian of a child refuses to consent to the child's*
35 *enrollment in a program of education and counseling pursuant to section*
36 *6 of this act:*

37 (a) *The child must receive equivalent instruction authorized by the*
38 *state board of education pursuant to subsection 1 of NRS 392.070; and*

39 (b) *The juvenile court shall, in addition to any other requirements and*
40 *options set forth in this chapter, proceed in accordance with NRS*
41 *62.2275.*

42 5. *If a child is found by the juvenile court to have committed the*
43 *unlawful act of using, possessing, selling or distributing a controlled*
44 *substance and the child has been previously enrolled in a program of*
45 *education and counseling established by the board of trustees of a school*
46 *district pursuant to section 6 of this act:*

47 (a) *The child must receive equivalent instruction authorized by the*
48 *state board of education pursuant to subsection 1 of NRS 392.070; and*



1 *(b) In addition to any other requirements and options set forth in this*
2 *chapter, the court shall proceed for that child in accordance with NRS*
3 *62.2275.*

4 **Sec. 18.** NRS 62.128 is hereby amended to read as follows:

5 62.128 1. ~~1A~~ *Except as otherwise provided in section 16 of this act,*
6 *a* complaint alleging that a child is delinquent or in need of supervision
7 must be referred to the probation officer of the appropriate county. The
8 probation officer shall conduct a preliminary inquiry to determine whether
9 the best interests of the child or of the public require that a petition be filed
10 or would better be served by placing the child under informal supervision
11 pursuant to NRS 62.129. If judicial action appears necessary, the probation
12 officer may recommend the filing of a petition, but any petition must be
13 prepared and signed by the district attorney before it is filed with the court.
14 The decision of the district attorney on whether to file a petition is final.

15 2. If the probation officer refuses to place the child under informal
16 supervision or recommend the filing of a petition, the complainant must be
17 notified by the probation officer of his right to a review of his complaint by
18 the district attorney. The district attorney, upon request of the complainant,
19 shall review the facts presented by the complainant and after consultation
20 with the probation officer shall prepare, sign and file the petition with the
21 court when he believes the action is necessary to protect the community or
22 the interests of the child.

23 3. Except as otherwise provided in NRS 62.172, if a child is in
24 detention or shelter care, the child must be immediately released if a
25 petition alleging delinquency or need of supervision is not:

26 (a) Approved by the district attorney; or

27 (b) Filed within 8 days after the date the complaint was referred to the
28 probation officer.

29 4. ~~Upon~~ *Except as otherwise provided in section 16 of this act, upon*
30 *the filing of the petition, the judge or the master may, in addition to his*
31 *other powers under this chapter:*

32 (a) Dismiss the petition without prejudice and refer a child to the
33 probation officer for informal supervision pursuant to NRS 62.129; or

34 (b) Place a child under the supervision of the court pursuant to a
35 supervision and consent decree without a formal adjudication of
36 delinquency, upon the recommendation of the probation officer, the written
37 approval of the district attorney and the written consent and approval of the
38 child and his parents or guardian, under the terms and conditions provided
39 for in the decree. The petition may be dismissed upon successful
40 completion of the terms and conditions of the supervision and consent
41 decree, and the child may respond to any inquiry concerning the
42 proceedings and events which brought about the proceedings as if they had
43 not occurred. The records concerning a supervision and consent decree
44 may be considered in a subsequent proceeding before the court regarding
45 that child.

46 **Sec. 19.** NRS 62.129 is hereby amended to read as follows:

47 62.129 1. ~~1A~~ *Except as otherwise provided in section 16 of this act,*
48 *a* child alleged to be delinquent or in need of supervision may be placed
49 under the informal supervision of a probation officer if the child



1 voluntarily admits his participation in the acts for which he was referred to
2 the probation officer. If any of the acts would constitute a gross
3 misdemeanor or felony if committed by an adult, the child may not be
4 placed under informal supervision unless the district attorney approves of
5 the placement in writing. The probation officer must advise the child and
6 his parent, guardian or custodian that they may refuse informal supervision.

7 2. An agreement for informal supervision must be entered into
8 voluntarily and intelligently by the child with the advice of his attorney, or
9 by the child with the consent of a parent, guardian or custodian if the child
10 is not represented by counsel. The period of informal supervision must not
11 exceed 180 days. The terms of the agreement must be clearly stated in
12 writing and signed by all parties. A copy of the agreement must be given to
13 the child, the attorney for the child, if any, the child's parent, guardian or
14 custodian, and the probation officer, who shall retain a copy in his file for
15 the case. The child and his parent, guardian or custodian may terminate the
16 agreement at any time and request the filing of a petition for formal
17 adjudication.

18 3. An agreement for informal supervision may require a child to:

19 (a) Perform public service or provide restitution to any victim of the
20 acts for which the child was referred to the probation officer;

21 (b) Participate in a program of restitution through work that is
22 established pursuant to NRS 62.2185 if the child:

23 (1) Is 14 years of age or older;

24 (2) Has never been found to be within the purview of this chapter for
25 an unlawful act that involved the use or threatened use of force or violence
26 against a victim and has never been found to have committed such an
27 unlawful act in any other jurisdiction;

28 (3) Is required to provide restitution to a victim; and

29 (4) Voluntarily agrees to participate in the program of restitution
30 through work;

31 (c) Complete a program of cognitive training and human development
32 pursuant to NRS 62.2195 if:

33 (1) The child has never been found to be within the purview of this
34 chapter; and

35 (2) The unlawful act for which the child is found to be within the
36 purview of this chapter did not involve the use or threatened use of force or
37 violence against a victim; or

38 (d) Engage in any combination of the activities set forth in paragraphs
39 (a), (b) and (c).

40 4. If an agreement for informal supervision requires a child to
41 participate in a program of restitution through work as set forth in
42 paragraph (b) of subsection 3 or complete a program of cognitive training
43 and human development as set forth in paragraph (c) of subsection 3, the
44 agreement may also require any or all of the following, in the following
45 order of priority if practicable:

46 (a) The child or the parent or guardian of the child, to the extent of his
47 financial ability, to pay the costs associated with the participation of the
48 child in the program, including, without limitation, a reasonable sum of
49 money to pay for the cost of policies of insurance against liability for



1 personal injury and damage to property during those periods in which the
2 child participates in the program or performs work, and in the case of a
3 program of restitution through work, for industrial insurance, unless the
4 industrial insurance is provided by the employer for which the child
5 performs the work; or

6 (b) The child to work on projects or perform public service pursuant to
7 paragraph (i) of subsection 1 of NRS 62.211 for a period that reflects the
8 costs associated with the participation of the child in the program.

9 5. If a child is placed under informal supervision, a petition based upon
10 the events out of which the original complaint arose may be filed only
11 within 180 days after entry into the agreement for informal supervision. If
12 a petition is filed within that period, the child may withdraw the admission
13 he made pursuant to subsection 1. The child's compliance with all proper
14 and reasonable terms of the agreement constitute grounds for the court to
15 dismiss the petition.

16 6. A probation officer shall file annually with the court a report of the
17 number of children placed under informal supervision during the previous
18 year, the conditions imposed in each case and the number of cases that
19 were successfully completed without the filing of a petition.

20 **Sec. 20.** NRS 62.206 is hereby amended to read as follows:

21 62.206 1. A court clerk may allow any of the following documents to
22 be filed electronically:

23 (a) A petition prepared and signed by the district attorney pursuant to
24 NRS 62.128 or 62.130 ~~or~~ *or section 16 of this act;*

25 (b) A document relating to proceedings conducted pursuant to NRS
26 62.193; or

27 (c) A study and report prepared pursuant to NRS 62.197.

28 2. Any document that is filed electronically pursuant to this section
29 must contain an image of the signature of the person who is filing the
30 document.

31 **Sec. 21.** NRS 62.2275 is hereby amended to read as follows:

32 62.2275 1. ~~or~~ *Except as otherwise provided in subsection 7, if* a
33 child within the jurisdiction of the juvenile court is found by the juvenile
34 court to have committed:

35 (a) An unlawful act in violation of NRS 484.379 or 484.3795;

36 (b) The unlawful act of using, possessing, selling or distributing a
37 controlled substance; or

38 (c) The unlawful act of purchasing, consuming or possessing an
39 alcoholic beverage in violation of NRS 202.020,
40 the judge, or his authorized representative, shall require the child to
41 undergo an evaluation to determine if the child is an abuser of alcohol or
42 other drugs.

43 2. The evaluation of a child pursuant to this section:

44 (a) Must be conducted by:

45 (1) An alcohol and drug abuse counselor who is licensed or certified
46 or an alcohol and drug abuse counselor intern who is certified pursuant to
47 chapter 641C of NRS to make that classification; or

48 (2) A physician who is certified to make that classification by the
49 board of medical examiners,



1 who shall report to the judge the results of the evaluation and make a
2 recommendation to the judge concerning the length and type of treatment
3 required by the child.

4 (b) May be conducted at an evaluation center.

5 3. ~~The~~ *Except as otherwise provided in subsection 7, the* judge
6 shall:

7 (a) Order the child to undergo a program of treatment as recommended
8 by the person who conducted the evaluation pursuant to subsection 2.

9 (b) Require the treatment facility to submit monthly reports on the
10 treatment of the child pursuant to this section.

11 (c) Order the child, if he is at least 18 years of age or an emancipated
12 minor, or the parent or legal guardian of the child, to the extent of the
13 financial resources of the child or his parent or legal guardian, to pay any
14 charges relating to the evaluation and treatment of the child pursuant to this
15 section. If the child, or his parent or legal guardian, does not have the
16 financial resources to pay all those charges:

17 (1) The judge shall, to the extent possible, arrange for the child to
18 receive treatment from a treatment facility which receives a sufficient
19 amount of federal or state money to offset the remainder of the costs; and

20 (2) The judge may order the child to perform supervised work for the
21 benefit of the community in lieu of paying the charges relating to his
22 evaluation and treatment. The work must be performed for and under the
23 supervising authority of a county, city, town or other political subdivision
24 or agency of the State of Nevada or a charitable organization that renders
25 service to the community or its residents. The court may require the child
26 or his parent or legal guardian to deposit with the court a reasonable sum of
27 money to pay for the cost of policies of insurance against liability for
28 personal injury and damage to property or for industrial insurance, or both,
29 during those periods in which the child performs the work, unless, in the
30 case of industrial insurance, it is provided by the authority for which he
31 performs the work.

32 4. A treatment facility is not liable for any damages to person or
33 property caused by a child who:

34 (a) Drives, operates or is in actual physical control of a vehicle or a
35 vessel under power or sail while under the influence of intoxicating liquor
36 or a controlled substance; or

37 (b) Engages in any other conduct prohibited by NRS 484.379,
38 484.3795, subsection 2 of NRS 488.400, NRS 488.410 or 488.420 or a law
39 of any other jurisdiction that prohibits the same or similar conduct,
40 after the treatment facility has certified to his successful completion of a
41 program of treatment ordered pursuant to this section.

42 5. The provisions of this section do not prohibit a judge from:

43 (a) Requiring an evaluation to be conducted by a person who is
44 employed by a private company if the company meets the standards of the
45 bureau of alcohol and drug abuse. The evaluation may be conducted at an
46 evaluation center pursuant to paragraph (b) of subsection 2.

47 (b) Ordering the child to attend a program of treatment which is
48 administered by a private company.



1 6. All information relating to the evaluation or treatment of a child
2 pursuant to this section is confidential and, except as otherwise authorized
3 by the provisions of this chapter or the juvenile court, must not be
4 disclosed to any person other than the juvenile court, the child and his
5 attorney, if any, his parents or guardian, the prosecuting attorney and any
6 other person for whom the communication of that information is necessary
7 to effectuate the evaluation or treatment of the child. A record of any
8 finding that a child has violated the provisions of NRS 484.379 or
9 484.3795 must be included in the driver's record of that child for 7 years
10 after the date of the offense.

11 7. *The provisions of this section do not apply to a child who is:*

12 (a) *Placed under the supervision of the juvenile court pursuant to a*
13 *supervision and consent decree in accordance with section 16 of this act.*

14 (b) *Found by the juvenile court to have committed the unlawful act of*
15 *using, possessing, selling or distributing a controlled substance and*
16 *ordered to enroll in a program of education and counseling pursuant to*
17 *section 17 of this act.*

18 8. As used in this section:

19 (a) "Bureau of alcohol and drug abuse" means the bureau of alcohol and
20 drug abuse in the department of human resources.

21 (b) "Evaluation center" has the meaning ascribed to it in NRS 484.3793.

22 (c) "Treatment facility" has the meaning ascribed to it in NRS
23 484.3793.

24 **Sec. 22.** 1. On or before July 1, 2002, each public school shall:

25 (a) In the operation and provision of each service, program and activity
26 at the school, ensure that the service, program or activity is readily
27 accessible to and usable by individuals with disabilities in full compliance
28 with the applicable requirements of the Americans with Disabilities Act of
29 1990, 42 U.S.C. §§ 12101 et seq., and the regulations adopted pursuant
30 thereto.

31 (b) Submit written evidence of such compliance to the board of trustees
32 of the school district in which the school is located.

33 2. On or before August 1, 2002, the board of trustees of each school
34 district shall submit to the department of education a written report that
35 indicates whether each service, program and activity operated or provided
36 by each public school of the school district is readily accessible to and
37 usable by individuals with disabilities in full compliance with the
38 applicable requirements of the Americans with Disabilities Act of 1990, 42
39 U.S.C. §§ 12101 et seq., and the regulations adopted pursuant thereto.

40 3. If a service, program or activity of a public school of a school
41 district is not in full compliance with the Americans with Disabilities Act
42 of 1990, 42 U.S.C. §§ 12101 et seq., and the regulations adopted pursuant
43 thereto, the board of trustees of the school district in which the school is
44 located shall, on or before July 1, 2002, submit a separate written report to
45 the department of education for each such school within the school district
46 that includes, without limitation:

47 (a) The name of the school;



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1 (b) The reasons why the school is not in full compliance with the
2 Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., and
3 the regulations adopted pursuant thereto; and

4 (c) A plan for compliance that includes a timeline by which full
5 compliance with the Americans with Disabilities Act of 1990, 42 U.S.C. §§
6 12101 et seq., and the regulations adopted pursuant thereto, will be
7 achieved by the school.

8 4. On or before November 1, 2002, the department of education shall
9 submit a written report to the legislative committee on education that
10 includes, without limitation:

11 (a) An evaluation for each school district and each public school of the
12 school district that assesses the compliance of the school district and school
13 with the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et
14 seq., and the regulations adopted pursuant thereto; and

15 (b) Any recommendations for legislation.

16 **Sec. 23.** On or before July 1, 2002, the board of trustees of each
17 school district shall establish a program of education and counseling
18 pursuant to section 6 of this act. Each board of trustees shall operate such a
19 program commencing with the 2002-2003 school year.

20 **Sec. 24.** The provisions of subsection 1 of NRS 354.599 do not apply
21 to any additional expenses of a local government that are related to the
22 provisions of this act.

23 **Sec. 25.** The amendatory provisions of this act do not apply to
24 offenses committed before July 1, 2002.

25 **Sec. 26.** 1. This section and sections 22, 23 and 24 of this act
26 become effective on July 1, 2001.

27 2. Section 6 of this act becomes effective on July 1, 2001, for the
28 purpose of establishing a program of education and counseling and on
29 July 1, 2002, for all other purposes.

30 3. Sections 1 to 5, inclusive, 7 to 21, inclusive, and 25 of this act
31 become effective on July 1, 2002.

