

SENATE BILL NO. 367—COMMITTEE ON
HUMAN RESOURCES AND EDUCATION

MARCH 28, 2005

Referred to Committee on Human Resources and Education

SUMMARY—Revises provisions governing education of
suspended and expelled pupils. (BDR 34-617)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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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 that a pupil who is suspended
or expelled from a public school may enroll in a program
of independent study, in a program of distance education
or in a charter school under certain circumstances; 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 389.155 is hereby amended to read as follows:
2 389.155 1. The State Board shall, by regulation, establish a
3 program pursuant to which a pupil enrolled full time in high school
4 *or a pupil who has been suspended or expelled from a public*
5 *school* may complete any required or elective course by independent
6 study outside of the normal classroom setting. A program of
7 independent study provided pursuant to this section may be offered
8 through a program of distance education pursuant to NRS 388.820
9 to 388.874, inclusive.
10 2. The regulations must require that:
11 (a) The teacher of the course assign to the pupil the work
12 assignments necessary to complete the course; and
13 (b) The pupil and teacher meet or otherwise communicate with
14 each other at least once each week during the course to discuss the
15 pupil's progress.



3. ~~{The}~~ *Except as otherwise provided in this subsection, the board of trustees ~~{in each}~~ of a school district may, in accordance with the regulations adopted pursuant to subsections 1 and 2, provide for independent study by pupils ~~{enrolled}~~ :*

(a) *Enrolled* full time in high schools in its district. A board of trustees that chooses to allow such study may provide that:

~~{(a)}~~ (1) The pupils participating in the independent study be given instruction individually or in a group.

~~{(b)}~~ (2) The independent study be offered during the regular school day.

(b) Who have been suspended or expelled from a public school. A program of independent study offered pursuant to this paragraph must not allow a pupil to attend that public school during the period of his suspension or expulsion.

Sec. 2. NRS 392.466 is hereby amended to read as follows:

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

~~{(a)}~~ ~~Be~~ *be* permanently expelled from that school ~~{; and~~

~~{(b)}~~ *and:*

(a) Receive equivalent instruction authorized by the State Board pursuant to subsection 1 of NRS 392.070 ~~{; or~~

(b) Enroll in a program of independent study provided pursuant to paragraph (b) of subsection 3 of NRS 389.155 or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if he qualifies for enrollment and is accepted for enrollment in accordance with the applicable requirements.

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

~~{(a)}~~ ~~Be~~ *be* permanently expelled from the school ~~{; and~~

~~{(b)}~~ *and:*

(a) Receive equivalent instruction authorized by the State Board pursuant to subsection 1 of NRS 392.070 ~~{; or~~



(b) Enroll in a program of independent study provided pursuant to paragraph (b) of subsection 3 of NRS 389.155 or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if he qualifies for enrollment and is accepted for enrollment in accordance with the applicable requirements.

➤ The superintendent of schools of a school district may, for good cause shown in a particular case in that school district, allow a modification to the expulsion requirement of this subsection if such modification is set forth in writing.

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

(a) *Receive* equivalent instruction authorized by the State Board pursuant to subsection 1 of NRS 392.070 ~~H~~; or

(b) Enroll in a program of independent study provided pursuant to paragraph (b) of subsection 3 of NRS 389.155 or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if he qualifies for enrollment and is accepted for enrollment in accordance with the applicable requirements.

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

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

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

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

(b) Suspended from school for more than 10 days or permanently expelled from school pursuant to this section only after the board of trustees of the school district has reviewed the circumstances and determined that the action is in compliance with



1 the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400
2 et seq.

3 7. As used in this section:

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

6 (b) "Dangerous weapon" includes, without limitation, a
7 blackjack, slungshot, billy, sand-club, sandbag, metal knuckles, dirk
8 or dagger, a nunchaku, switchblade knife or trefoil, as defined in
9 NRS 202.350, a butterfly knife or any other knife described in NRS
10 202.350, or any other object which is used, or threatened to be used,
11 in such a manner and under such circumstances as to pose a threat
12 of, or cause, bodily injury to a person.

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

17 ***8. The provisions of this section do not prohibit a pupil who is***
18 ***suspended or expelled from enrolling in a charter school if he is***
19 ***accepted for enrollment by the charter school pursuant to NRS***
20 ***386.580. Upon request, the governing body of a charter school***
21 ***must be provided with access to the records of the pupil relating to***
22 ***his suspension or expulsion in accordance with applicable federal***
23 ***and state law before the governing body makes a decision***
24 ***concerning the enrollment of the pupil.***

25 **Sec. 3.** NRS 392.4675 is hereby amended to read as follows:

26 392.4675 1. Except as otherwise provided in this section, a
27 pupil who is suspended or expelled from:

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

29 (b) Any school outside of this State for the commission of any
30 act which, if committed within this State, would be a ground
31 for suspension or expulsion from public school pursuant to
32 NRS 392.466,

33 ➤ is ineligible to attend any public school in this State during the
34 period of that suspension or expulsion.

35 2. ~~{Except as otherwise provided in subsection 3, a}~~ A school
36 district may allow a pupil who is ineligible to attend a public school
37 pursuant to this section to enroll in:

38 (a) An alternative program for the education of pupils at risk of
39 dropping out of high school; ~~{or}~~

40 (b) ***A program of independent study provided pursuant to***
41 ***paragraph (b) of subsection 3 of NRS 389.155, if he qualifies for***
42 ***enrollment and is accepted for enrollment in accordance with the***
43 ***applicable requirements;***

44 (c) ***A program of distance education provided pursuant to NRS***
45 ***388.820 to 388.874, inclusive, if he qualifies for enrollment and is***



1 *accepted for enrollment in accordance with the applicable*
2 *requirements; or*

3 (d) Any program of instruction offered pursuant to the
4 provisions of NRS 388.550.

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

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

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

15 ~~—(b) Suspended or expelled pursuant to subsection 3 of NRS~~
16 ~~392.466.] subsections 1 and 2 do not prohibit a pupil from~~

17 *enrolling in a charter school if he is accepted for enrollment by*
18 *the charter school pursuant to NRS 386.580. Upon request, the*
19 *governing body of a charter school must be provided with access*
20 *to the records of the pupil relating to his suspension or expulsion*
21 *in accordance with applicable federal and state law before the*
22 *governing body makes a decision concerning the enrollment of the*
23 *pupil.*

24 **Sec. 4.** This act becomes effective on July 1, 2005.



