

Amendment No. 341

Senate Amendment to Senate Bill No. 245	(BDR 34-99)
Proposed by: Senate Committee on Human Resources and Education	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION		Initial and Date	SENATE ACTION		Initial and Date
Adopted	☐	Lost ☐	Adopted	☐	Lost ☐
Concurred In	☐	Not ☐	Concurred In	☐	Not ☐
Receded	☐	Not ☐	Receded	☐	Not ☐

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold* is newly added transitory language.

SLP/KCR



Date: 4/17/2007

S.B. No. 245—Revises provisions governing pupils. (BDR 34-99)



SENATE BILL NO. 245—SENATORS NOLAN AND WOODHOUSE

MARCH 12, 2007

Referred to Committee on Human Resources and Education

SUMMARY—Revises provisions governing pupils. (BDR 34-99)

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

~

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

AN ACT relating to education; ~~revising provisions governing the attendance required of pupils to receive credit or be promoted to the next grade;~~ revising provisions governing the temporary alternative placement of pupils for disruptive behavior; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~Existing law requires the boards of trustees of school districts to prescribe the minimum number of days that pupils must be in attendance each school year to obtain credit and be promoted to the next grade. A pupil must be credited as in attendance for up to 10 days each school year for each approved absence. (NRS 392.122) Section 1 of this bill provides that the 10 day limitation on approved absences must be reduced by one day for each time the pupil is truant.]~~

Existing law requires the principal of each public school to establish a plan that provides for the temporary removal of a pupil from the classroom if, in the judgment of the teacher, the pupil engaged in behavior that seriously interferes with the ability of the teacher to teach and with the ability of the other pupils in the classroom to learn. (NRS 392.4642-392.4648) If such a pupil is removed from the classroom, he must be assigned, to the extent practicable, to a temporary alternative placement that is separated from the other pupils in the classroom. (NRS 392.4645) **Section 2** of this bill authorizes the board of trustees of a school district to adopt a policy that requires parents and legal guardians of pupils who are temporarily removed from the classroom to pay a reasonable fee for the alternative placement. Such a policy must **be used only for pupils who would otherwise be suspended or expelled from school and must** include a provision for a parent or legal guardian to request a reduction or waiver of the fee for good cause shown, including financial hardship.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[NRS 392.122 is hereby amended to read as follows:
392.122 1. The board of trustees of each school district shall prescribe a minimum number of days that a pupil who is subject to compulsory attendance and enrolled in a school in the district must be in attendance for the pupil to obtain credit or to be promoted to the next higher grade. The board of trustees of a school~~

1 district may adopt a policy prescribing a minimum number of days that a pupil who
2 is enrolled in kindergarten or first grade in the school district must be in attendance
3 for the pupil to obtain credit or to be promoted to the next higher grade.

4 ~~2. [For] Except as otherwise provided in this subsection, for the purposes of~~
5 ~~this section, the days on which a pupil is not in attendance because the pupil is~~
6 ~~absent for up to 10 days within 1 school year with the approval of the teacher or~~
7 ~~principal of the school pursuant to NRS 392.420, must be credited towards the~~
8 ~~required days of attendance if the pupil has completed course work requirements.~~
9 ~~The 10-day limitation on absences must be reduced by one day for each time the~~
10 ~~pupil is truant from school. If the board of trustees of a school district has adopted~~
11 ~~a policy pursuant to subsection 5, the 10-day limitation on absences does not apply~~
12 ~~to absences that are excused pursuant to that policy.~~

13 ~~3. Except as otherwise provided in subsection 5, before a pupil is denied~~
14 ~~credit or promotion to the next higher grade for failure to comply with the~~
15 ~~attendance requirements prescribed pursuant to subsection 1, the principal of the~~
16 ~~school in which the pupil is enrolled or his designee shall provide written notice of~~
17 ~~the intended denial to the parent or legal guardian of the pupil. The notice must~~
18 ~~include a statement indicating that the pupil and his parent or legal guardian may~~
19 ~~request a review of the absences of the pupil and a statement of the procedure for~~
20 ~~requesting such a review. Upon the request for a review by the pupil and his parent~~
21 ~~or legal guardian, the principal or his designee shall review the reason for each~~
22 ~~absence of the pupil upon which the intended denial of credit or promotion is based.~~
23 ~~After the review, the principal or his designee shall credit towards the required days~~
24 ~~of attendance each day of absence for which:~~

25 ~~(a) There is evidence or a written affirmation by the parent or legal guardian of~~
26 ~~the pupil that the pupil was physically or mentally unable to attend school on the~~
27 ~~day of the absence; and~~

28 ~~(b) The pupil has completed course work requirements.~~

29 ~~4. A pupil and his parent or legal guardian may appeal a decision of a~~
30 ~~principal or his designee pursuant to subsection 3 to the board of trustees of the~~
31 ~~school district in which the pupil is enrolled.~~

32 ~~5. The board of trustees of a school district may adopt a policy to exempt~~
33 ~~pupils who are physically or mentally unable to attend school from the limitations~~
34 ~~on absences set forth in subsection 1. If a board of trustees adopts a policy pursuant~~
35 ~~to this subsection:~~

36 ~~(a) A pupil who receives an exemption pursuant to this subsection is not~~
37 ~~exempt from the minimum number of days of attendance prescribed pursuant to~~
38 ~~subsection 1;~~

39 ~~(b) The days on which a pupil is physically or mentally unable to attend school~~
40 ~~must be credited towards the required days of attendance if the pupil has completed~~
41 ~~course work requirements.~~

42 ~~(c) The procedure for review of absences set forth in subsection 3 does not~~
43 ~~apply to days on which the pupil is absent because the pupil is physically or~~
44 ~~mentally unable to attend school.~~

45 ~~6. A school shall inform the parents or legal guardian of each pupil who is~~
46 ~~enrolled in the school that the parents or legal guardian and the pupil are required to~~
47 ~~comply with the provisions governing the attendance and truancy of pupils set forth~~
48 ~~in NRS 392.040 to 392.160, inclusive, and any other rules concerning attendance~~
49 ~~and truancy adopted by the board of trustees of the school district.] (Deleted by~~
50 ~~amendment.)~~

51 **Sec. 2.** NRS 392.4645 is hereby amended to read as follows:

52 392.4645 1. The plan established pursuant to NRS 392.4644 must provide
53 for the temporary removal of a pupil from a classroom if, in the judgment of the

1 teacher, the pupil has engaged in behavior that seriously interferes with the ability
2 of the teacher to teach the other pupils in the classroom and with the ability of the
3 other pupils to learn. The plan must provide that, upon the removal of a pupil from
4 a classroom pursuant to this section, the principal of the school shall provide an
5 explanation of the reason for the removal of the pupil to the pupil and offer the
6 pupil an opportunity to respond to the explanation. Within 24 hours after the
7 removal of a pupil pursuant to this section, the principal of the school shall notify
8 the parent or legal guardian of the pupil of the removal.

9 2. Except as otherwise provided in subsection 3, a pupil who is removed from
10 a classroom pursuant to this section must be assigned to a temporary alternative
11 placement pursuant to which the pupil:

12 (a) Is separated, to the extent practicable, from pupils who are not assigned to a
13 temporary alternative placement;

14 (b) Studies under the supervision of appropriate personnel of the school
15 district; and

16 (c) Is prohibited from engaging in any extracurricular activity sponsored by the
17 school.

18 3. The principal shall not assign a pupil to a temporary alternative placement
19 if the suspension or expulsion of a pupil who is removed from the classroom
20 pursuant to this section is:

21 (a) Required by NRS 392.466; or

22 (b) Authorized by NRS 392.467 and the principal decides to proceed in
23 accordance with that section.

24 ➤ If the principal proceeds in accordance with NRS 392.466 or 392.467, the pupil
25 must be removed from school in accordance with those sections and the provisions
26 of NRS 392.4642 to 392.4648, inclusive, do not apply to the pupil.

27 4. *The board of trustees of a school district may adopt a policy that requires
28 the parents and legal guardians of pupils who are temporarily removed from the
29 classroom pursuant to this section to pay a reasonable fee for the alternative
30 placement of the ~~child~~ pupil. If the board of trustees adopts such a policy, the
31 policy must ~~include~~ :*

32 *(a) Apply only in those circumstances in which the pupil would be suspended
33 or expelled from school if he is not temporarily removed pursuant to this section;
34 and*

35 *(b) Include a provision for a parent or legal guardian to request and receive
36 a waiver or reduction of the fee for good cause, including, without limitation,
37 financial hardship.*

38 Sec. 3. This act becomes effective on July 1, 2007.