

Amendment No. 503

Senate Amendment to Senate Bill No. 386 (BDR 34-1137)

Proposed by: Senate Committee on Education

Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.

AAK/BJE



Date: 4/22/2017

S.B. No. 386—Revises provisions relating to progressive discipline and on-site review of disciplinary decisions. (BDR 34-1137)



SENATE BILL NO. 386—SENATORS WOODHOUSE, DENIS, SEGERBLOM, FORD,
SPEARMAN; ATKINSON AND CANCELA

MARCH 20, 2017

Referred to Committee on Education

SUMMARY—Revises provisions relating to progressive discipline and on-site review of disciplinary decisions. (BDR 34-1137)

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 education; revising provisions governing the plan required of each public school for the progressive discipline and on-site review of disciplinary decisions; requiring each principal to establish a committee to review the temporary alternative placements of certain pupils by a certain date each school year; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the principal of each public school to establish a plan to provide for the progressive discipline of pupils and the on-site review of disciplinary decisions. Existing law prescribes the criteria for such a plan, including a requirement that the plan provide for the temporary removal of a pupil from a classroom. (NRS 392.4644) **Section 6** of this bill requires a plan to provide for the progressive discipline of pupils to ~~additionally provide for the temporary exclusion of a pupil from any~~ **include a policy for school transportation, provided by a school district or public school.** **Section 6** also prohibits a pupil from being removed or otherwise excluded from school transportation during the same trip in which the pupil engaged in behavior ~~(forming the basis for the temporary exclusion)~~ **which violates such a policy.**

Section 9 of this bill requires a plan for the progressive discipline of pupils to additionally provide for the temporary removal of a pupil from the other premises of a public school.

Existing law requires the principal of each public school to establish a committee to review the temporary alternative placement of pupils. (NRS 392.4647) **Section 9** requires: (1) the plan to include the names of each member of such a committee; and (2) the principal of each public school to distribute a copy of the plan to each teacher and all educational personnel and support personnel who are employed at the school. **Section 12** of this bill requires such committee to be established on or before September 15 of each school year. **and includes a staff member on the committee. Section 13 of this bill requires the committee to be convened if the teacher or other staff member who removed a pupil disagrees with a decision of the principal relating to the placement of the pupil.**

Existing law provides for the temporary removal of a pupil from a classroom if, in the judgment of the teacher of the classroom, the pupil has engaged in certain behavior. Existing law also requires a pupil who is removed from a classroom to be assigned to a temporary alternative placement. (NRS 392.4645) **Section 10** of this bill additionally provides for the temporary removal of a pupil from the other premises of a public school if, in the judgement

of the staff member responsible for such premises, the pupil engages in certain behavior. **Section 10** also requires a pupil who is removed from any other premises of a public school to be assigned to a temporary alternative placement.

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

Section 1. Chapter 392 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. *“Other premises of a public school” means any portion of the premises of a public school, including, without limitation, a dining hall, lunch room, gymnasium, stadium, outdoor sports field or court, dormitory, theater or technological center. The term does not include a classroom.*

Sec. 3. *“Principal” means the principal of a school or the principal’s designee.*

Sec. 4. *“School transportation” means a vehicle used by a school district or public school for the transportation of pupils to or from school or any activity that is part of a program of a public school, including, without limitation, a school bus, van or automobile.*

Sec. 5. *“Staff member” means a person employed by a school district or public school to supervise any other premises of a public school, an activity that is part of a program of a public school or the transportation provided to pupils by the school district or public school.*

Sec. 6. 1. *The board of trustees of each school district shall adopt a policy for school transportation which includes, without limitation:*

(a) Rules regarding the conduct of pupils on school transportation;

(b) Responsibilities for the driver of school transportation and any other staff member on school transportation;

(c) Responsibilities for the principal of a public school relating to school transportation; and

(d) A process for progressive discipline on school transportation which establishes discipline on the basis of the category and number of offenses committed by a pupil. The process for progressive discipline must include, without limitation, provisions relating to notification of the parent or legal guardian of a pupil, a conference involving the pupil, driver and principal and the exclusion of a pupil from school transportation for severe or repeated offenses by the pupil.

2. The plan established pursuant to NRS 392.4644 must ~~provide for the temporary exclusion of a pupil from school transportation provided by a school district or public school, if, in the judgment of the staff member responsible for the school transportation, the pupil has engaged in behavior that threatens his or her safety or the safety of other pupils or employees or volunteers of the school district or school, or interferes with the ability of the staff member to discharge his or her duties. The plan must provide that, upon the exclusion of the pupil from school transportation, the principal of the school in which the pupil is enrolled shall provide an explanation of the reason for the removal or exclusion of the pupil to the pupil and offer the pupil an opportunity to respond to the explanation. Within 24 hours after the exclusion of the pupil pursuant to this section, the principal of the school shall notify the parent or legal guardian of the pupil of his or her exclusion from school transportation.~~

~~2.1~~ include the policy for school transportation adopted by the board of trustees of the school district in which the public school is located pursuant to subsection 1.

3. A pupil must not be removed or otherwise excluded from school transportation provided by a school district or public school during the same trip in which the pupil has engaged in behavior which ~~would form the basis for temporary exclusion~~ violates the policy for school transportation adopted pursuant to subsection 1.

Sec. 7. NRS 392.4642 is hereby amended to read as follows:

392.4642 As used in NRS 392.4642 to 392.4648, inclusive, and sections 2 to 6, inclusive, of this act, unless the context otherwise requires, ~~“principal” means the principal of a school or the principal’s designee.~~ the words and terms defined in sections 2 to 5, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 8. NRS 392.4643 is hereby amended to read as follows:

392.4643 An action must not be taken pursuant to the provisions of NRS 392.4642 to 392.4648, inclusive, and sections 2 to 6, inclusive, of this act against a pupil with a disability who is participating in a program of special education pursuant to NRS 388.417 to 388.469, inclusive, unless the action complies with:

1. The Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.;
2. The Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.;
3. Title V of the Rehabilitation Act of 1973, 29 U.S.C. §§ 791 et seq.;
4. Any other federal law applicable to children with disabilities; and
5. The procedural policy adopted by the board of trustees of the school district for such matters.

Sec. 9. NRS 392.4644 is hereby amended to read as follows:

392.4644 1. The principal of each public school shall establish a plan to provide for the progressive discipline of pupils and on-site review of disciplinary decisions. The plan must:

(a) Be developed with the input and participation of teachers and other educational personnel and support personnel who are employed at the school, and the parents and guardians of pupils who are enrolled in the school.

(b) Be consistent with the written rules of behavior prescribed in accordance with NRS 392.463.

(c) Include, without limitation, provisions designed to address the specific disciplinary needs and concerns of the school.

(d) Provide for the temporary removal of a pupil from a classroom or other premises of a public school in accordance with NRS 392.4645.

~~(e) Provide for the temporary exclusion of a pupil from school transportation in accordance with section 6 of this act.~~

~~(f) Include the names of any members of a committee to review the temporary alternative placement of pupils required by NRS 392.4647.~~

2. On or before ~~October 1~~ September 15 of each year, the principal of each public school shall:

(a) Review the plan in consultation with the teachers and other educational personnel and support personnel who are employed at the school;

(b) Based upon the review, make revisions to the plan, as recommended by the teachers and other educational personnel and support personnel, if necessary; ~~and~~

(c) Post a copy of the plan or the revised plan, as applicable, in a prominent place at the school for public inspection and otherwise make the plan available for public inspection at the administrative office of the school ~~and~~ ;

(d) Distribute to each teacher and all educational support personnel who are employed at the school a written or electronic copy of the plan or the revised plan, as applicable; and

(e) Submit a copy of the plan or the revised plan, as applicable, to the superintendent of schools of the school district.

3. On or before October ~~11~~ 15 of each year, ~~the principal of each public school shall submit a copy of the plan established pursuant to subsection 1 or a revised plan, if applicable, to the superintendent of schools of the school district. On or before November 1 of each year,~~ the superintendent of schools of each school district shall submit a report to the board of trustees of the school district that includes:

(a) A compilation of the plans submitted pursuant to this subsection by each school within the school district.

(b) The name of each principal, if any, who has not complied with the requirements of this section.

4. On or before November ~~13~~ 15 of each year, the board of trustees of each school district shall submit a written report to the Superintendent of Public Instruction based upon the compilation submitted pursuant to subsection 3 that reports the progress of each school within the district in complying with the requirements of this section.

5. On or before December ~~13~~ 15 of each year, the Superintendent of Public Instruction shall submit a written report to the Director of the Legislative Counsel Bureau concerning the progress of the schools and school districts throughout this state in complying with this section. If the report is submitted during:

(a) An even-numbered year, the Director of the Legislative Counsel Bureau shall transmit it to the next regular session of the Legislature.

(b) An odd-numbered year, the Director of the Legislative Counsel Bureau shall transmit it to the Legislative Committee on Education.

Sec. 10. NRS 392.4645 is hereby amended to read as follows:

392.4645 1. The plan established pursuant to NRS 392.4644 must provide for the temporary removal of a pupil from a classroom *or other premises of a public school* if, in the judgment of the teacher ~~or other staff member responsible for the classroom or other premises, as applicable,~~ the pupil has engaged in behavior that seriously interferes with the ability of the teacher to teach the other pupils in the classroom and with the ability of the other pupils to learn ~~or with the ability of the staff member to discharge his or her duties.~~ The plan must provide that, upon the removal of a pupil from a classroom *or any other premises of a public school* pursuant to this section, the principal of the school shall provide an explanation of the reason for the removal of the pupil to the pupil and offer the pupil an opportunity to respond to the explanation. Within 24 hours after the removal of a pupil pursuant to this section, the principal of the school shall notify the parent or legal guardian of the pupil of the removal.

2. Except as otherwise provided in subsection 3, a pupil who is removed from a classroom *or any other premises of a public school* pursuant to this section must be assigned to a temporary alternative placement pursuant to which the pupil:

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

(b) Studies *or remains* under the supervision of appropriate personnel of the school district; and

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

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

(a) Required by NRS 392.466; or

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

➤ If the principal proceeds in accordance with NRS 392.466 or 392.467, the pupil must be removed from school in accordance with those sections and the provisions of NRS 392.4642 to 392.4648, inclusive, *and sections 2 to 6, inclusive, of this act*, do not apply to the pupil.

Sec. 11. NRS 392.4646 is hereby amended to read as follows:

392.4646 1. Except as otherwise provided in this section, not later than 3 school days after a pupil is removed from a classroom *or any other premises of a public school for temporarily excluded from school transportation* pursuant to NRS 392.4645 *for section 6 of this act, as applicable*, a conference must be held with:

(a) The pupil;

(b) A parent or legal guardian of the pupil;

(c) The principal of the school; and

(d) The teacher *or other staff member* who removed the pupil *for made the decision to temporarily exclude the pupil from school transportation*.

➤ The principal shall give an oral or written notice of the conference, as appropriate, to each person who is required to participate.

2. After receipt of the notice required pursuant to subsection 1, the parent or legal guardian of the pupil may, not later than 3 school days after the removal *for temporary exclusion* of the pupil, request that the date of the conference be postponed. The principal shall accommodate such a request. If the date of the conference is postponed pursuant to this subsection, the principal shall send written notice to the parent or legal guardian confirming that the conference has been postponed at the request of the parent or legal guardian.

3. If a parent or legal guardian of a pupil refuses to attend a conference, the principal of the school shall send a written notice to the parent or legal guardian confirming that the parent or legal guardian has waived the right to a conference provided by this section and authorized the principal to recommend the placement of the pupil pursuant to subsection 6.

4. Except as otherwise provided in this subsection, a pupil must not return to the classroom *or other premises of the public school* from which the pupil was removed *for be allowed to use the school transportation from which the pupil was excluded* before the conference is held. If the conference is not held within 3 school days after the removal *for temporary exclusion* of the pupil, the pupil must be allowed to return to the classroom *or other premises for use school transportation* unless:

(a) The parent or legal guardian of the pupil refuses to attend the conference;

(b) The failure to hold a conference is attributed to the action or inaction of the pupil or the parent or legal guardian of the pupil; or

(c) The parent or legal guardian requested that the date of the conference be postponed.

5. During the conference, the teacher who removed the pupil from the classroom, *the staff member who removed the pupil from the other premises of the public school for excluded the pupil from school transportation*, or the principal shall provide the pupil and the pupil's parent or legal guardian with an explanation of the reason for the removal of the pupil from the classroom *or other premises* *for the exclusion of the pupil from school transportation*. The

pupil and the pupil's parent or legal guardian must be granted an opportunity to respond to the explanation of the pupil's behavior and to indicate whether the removal of the pupil from the classroom *or other premises for the exclusion of the pupil from school transportation* was appropriate in their opinion based upon the behavior of the pupil.

6. Upon conclusion of the conference or, if a conference is not held pursuant to subsection 3 not later than 3 school days after the removal of a pupil from a classroom ~~or other premises of a public school~~ *for the exclusion of the pupil from school transportation*, the principal shall recommend whether to return the pupil to the classroom *or other premises* ~~for allow the pupil to use school transportation, as applicable~~ or continue the temporary alternative placement of the pupil ~~if the pupil has been assigned to a temporary alternative placement~~.

Sec. 12. NRS 392.4647 is hereby amended to read as follows:

392.4647 1. ~~The~~ *On or before September 15 of each school year, the* principal of each public school shall establish at least one committee to review the temporary alternative placement of pupils. A committee established pursuant to this section must consist of the principal, ~~and~~ two regular members who are teachers selected for membership by a majority of the teachers who are employed at the school ~~and one staff member who is selected for membership by a majority of the staff members who are employed at the school~~. One additional teacher *and one additional staff member* must be selected in the same manner to serve as an alternate member. *A teacher or staff member who has served on the committee for 2 consecutive years or more is not eligible to be selected for membership.*

2. If a pupil is removed from the classroom *or other premises of a public school* ~~for excluded from school transportation~~ pursuant to NRS 392.4645 by a teacher *or staff member* who is a member of a committee established pursuant to this section, the teacher *or staff member* shall not participate in the review of the placement of the pupil and the *appropriate* alternate member shall serve on the committee for that review.

Sec. 13. NRS 392.4648 is hereby amended to read as follows:

392.4648 1. If ~~the~~ *in accordance with subsection 6 of NRS 392.4646, the* principal recommends that a pupil be returned to the classroom *or other premises of the public school* from which the pupil was removed *or allowed to use school transportation* and the teacher *or other staff member* who removed ~~for excluded the~~ *a pupil from the classroom or other premises of a public school* does not agree with the recommendation ~~of the principal pursuant to subsection 6 of NRS 392.4646~~, the principal shall continue the temporary alternative placement of the pupil and shall immediately convene a meeting of the committee created pursuant to NRS 392.4647. The principal shall inform the parent or legal guardian of the pupil that the committee will be conducting a meeting. The committee shall review the circumstances of the pupil's removal from the classroom *or other premises of the public school* ~~for exclusion from school transportation~~ and the pupil's behavior that caused the pupil to be removed from the classroom ~~or other premises~~ *for excluded from school transportation*. Based upon its review, the committee shall assess the best placement available for the pupil and shall, without limitation:

~~1. (a)~~ *(a)* Direct that the pupil be returned to the classroom *or other premises* from which he or she was removed;

~~2. (b)~~ *(b)* Assign the pupil to another appropriate classroom ~~or other premises~~;

~~3. Allow the pupil to use school transportation;~~

~~4. (c)~~ *(c)* Assign the pupil to an alternative program of education, if available;

1 ~~14-5.7~~ (d) Recommend the suspension or expulsion of the pupil in accordance
2 with NRS 392.467; or

3 ~~15-6.7~~ (e) Take any other appropriate disciplinary action against the pupil that
4 the committee deems necessary.

5 2. A principal shall report to the school district each time a committee
6 created pursuant to NRS 392.4647 is convened and, upon the conclusion of the
7 committee's review of a placement, shall supplement the report with the result of
8 the assessment of the committee.

9 3. Each school district shall compile the reports submitted to the school
10 district pursuant to subsection 2 and, on or before July 1 of each year, submit an
11 annual report to the Legislative Committee on Education containing such
12 information for all schools located in the school district.

13 **Sec. 14.** The provisions of subsection 1 of NRS 218D.380 do not apply to
14 any provision of this act which adds or revises a requirement to submit a report to
15 the Legislature.

16 **Sec. 15.** This act becomes effective on July 1, 2017.