

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 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.

**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



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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.

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.

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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 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*



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1 *removal or exclusion of the pupil to the pupil and offer the pupil*  
2 *an opportunity to respond to the explanation. Within 24 hours*  
3 *after the exclusion of the pupil pursuant to this section, the*  
4 *principal of the school shall notify the parent or legal guardian of*  
5 *the pupil of his or her exclusion from school transportation.*

6 *2. A pupil must not be removed or otherwise excluded from*  
7 *school transportation provided by a school district or public school*  
8 *during the same trip in which the pupil has engaged in behavior*  
9 *which would form the basis for temporary exclusion pursuant to*  
10 *subsection 1.*

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

12 392.4642 As used in NRS 392.4642 to 392.4648, inclusive,  
13 *and sections 2 to 6, inclusive, of this act*, unless the context  
14 otherwise requires, ~~["principal" means the principal of a school or~~  
15 ~~the principal's designee.]~~ *the words and terms defined in sections 2*  
16 *to 5, inclusive, of this act have the meanings ascribed to them in*  
17 *those sections.*

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

19 392.4643 An action must not be taken pursuant to the  
20 provisions of NRS 392.4642 to 392.4648, inclusive, *and sections 2*  
21 *to 6, inclusive, of this act* against a pupil with a disability who is  
22 participating in a program of special education pursuant to NRS  
23 388.417 to 388.469, inclusive, unless the action complies with:

24 1. The Individuals with Disabilities Education Act, 20  
25 U.S.C. §§ 1400 et seq.;

26 2. The Americans with Disabilities Act of 1990, 42 U.S.C. §§  
27 12101 et seq.;

28 3. Title V of the Rehabilitation Act of 1973, 29 U.S.C. §§ 791  
29 et seq.;

30 4. Any other federal law applicable to children with  
31 disabilities; and

32 5. The procedural policy adopted by the board of trustees of the  
33 school district for such matters.

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

35 392.4644 1. The principal of each public school shall  
36 establish a plan to provide for the progressive discipline of pupils  
37 and on-site review of disciplinary decisions. The plan must:

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

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

44 (c) Include, without limitation, provisions designed to address  
45 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 ~~;~~ ;

*(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 ~~1~~ *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 ~~30~~ *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 ~~31~~ *15* of each year, the Superintendent of Public Instruction shall submit a written report to the Director of the Legislative Counsel Bureau concerning the



1 progress of the schools and school districts throughout this state in  
2 complying with this section. If the report is submitted during:

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

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

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

10 392.4645 1. The plan established pursuant to NRS 392.4644  
11 must provide for the temporary removal of a pupil from a classroom  
12 *or other premises of a public school* if, in the judgment of the  
13 teacher ~~or~~ *or other staff member responsible for the classroom or*  
14 *other premises, as applicable,* the pupil has engaged in behavior  
15 that seriously interferes with the ability of the teacher to teach the  
16 other pupils in the classroom and with the ability of the other pupils  
17 to learn ~~or~~ *or with the ability of the staff member to discharge his*  
18 *or her duties.* The plan must provide that, upon the removal of a  
19 pupil from a classroom *or any other premises of a public school*  
20 pursuant to this section, the principal of the school shall provide an  
21 explanation of the reason for the removal of the pupil to the pupil  
22 and offer the pupil an opportunity to respond to the explanation.  
23 Within 24 hours after the removal of a pupil pursuant to this section,  
24 the principal of the school shall notify the parent or legal guardian  
25 of the pupil of the removal.

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

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

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

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

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

39 (a) Required by NRS 392.466; or

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

42 ➡ If the principal proceeds in accordance with NRS 392.466 or  
43 392.467, the pupil must be removed from school in accordance with  
44 those sections and the provisions of NRS 392.4642 to 392.4648,



1 inclusive, *and sections 2 to 6, inclusive, of this act*, do not apply to  
2 the pupil.

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

4 392.4646 1. Except as otherwise provided in this section, not  
5 later than 3 school days after a pupil is removed from a classroom *or*  
6 *any other premises of a public school or temporarily excluded*  
7 *from school transportation* pursuant to NRS 392.4645 ~~or~~ *or section*  
8 *6 of this act, as applicable*, a conference must be held with:

9 (a) The pupil;

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

11 (c) The principal of the school; and

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

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

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

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

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

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

43 (b) The failure to hold a conference is attributed to the action or  
44 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 or 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 ~~H~~ *or other premises or 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 or 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 ~~H~~ *or other premises of a public school or the exclusion of the pupil from school transportation*, the principal shall recommend whether to return the pupil to the classroom *or other premises or allow the pupil to use school transportation, as applicable*, or continue the temporary alternative placement of the pupil ~~H~~ *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. One additional teacher must be selected in the same manner to serve as an alternate member.

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

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

392.4648 If, 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 *or excluded* the





pupil does not agree with the recommendation, 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 or exclusion from school transportation* and the pupil's behavior that caused the pupil to be removed from the classroom ~~§~~ *or other premises or excluded from school transportation*. Based upon its review, the committee shall assess the best placement available for the pupil and shall, without limitation:

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

2. Assign the pupil to another appropriate classroom ~~§~~ *or other premises*;

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

4. Assign the pupil to an alternative program of education, if available;

~~§~~ 5. Recommend the suspension or expulsion of the pupil in accordance with NRS 392.467; or

~~§~~ 6. Take any other appropriate disciplinary action against the pupil that the committee deems necessary.

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

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

