

ASSEMBLY BILL NO. 293—ASSEMBLYWOMAN TORRES

MARCH 18, 2019

Referred to Committee on Education

SUMMARY—Revises provisions governing the discipline of pupils. (BDR 34-672)

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

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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; prohibiting the suspension, expulsion or removal from the public school system of a pupil for certain reasons; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law prohibits the board of trustees of a school district from authorizing
2 the suspension, expulsion or removal from the public school system of a pupil
3 solely because the pupil is declared a truant or a habitual truant. (NRS 392.467)
4 This bill additionally prohibits a board of trustees from authorizing: (1) the
5 suspension, expulsion or removal of a pupil who is enrolled in kindergarten or
6 grades 1 to 5, inclusive, from the public school system for disrupting school
7 activities or willful defiance of school staff; or (2) the expulsion or removal of a
8 pupil who is enrolled in grades 6 to 12, inclusive, from the public school system for
9 disrupting school activities or willful defiance of school staff.

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

1 **Section 1.** NRS 392.467 is hereby amended to read as follows:
2 392.467 1. Except as otherwise provided in subsections 4 and
3 5, the board of trustees of a school district may authorize the
4 suspension or expulsion of any pupil from any public school within
5 the school district.
6 2. Except as otherwise provided in subsection 5, no pupil may
7 be suspended or expelled until the pupil has been given notice of the
8 charges against him or her, an explanation of the evidence and an
9 opportunity for a hearing, except that a pupil who poses a



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continuing danger to persons or property or an ongoing threat of disrupting the academic process or who is selling or distributing any controlled substance or is found to be in possession of a dangerous weapon as provided in NRS 392.466 may be removed from the school immediately upon being given an explanation of the reasons for his or her removal and pending proceedings, to be conducted as soon as practicable after removal, for the pupil's suspension or expulsion.

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

4. The board of trustees of a school district shall not authorize ~~the~~:

(a) *The* expulsion, suspension or removal of any pupil from the public school system solely because the pupil is declared a truant or habitual truant in accordance with NRS 392.130 or 392.140.

(b) *The expulsion, suspension or removal of a pupil who is enrolled in kindergarten or grades 1 to 5, inclusive, from the public school system for disrupting school activities or willful defiance of school staff.*

(c) *The expulsion or removal of a pupil who is enrolled in grades 6 to 12, inclusive, from the public school system for disrupting school activities or willful defiance of school staff.*

5. A pupil who is participating in a program of special education pursuant to NRS 388.419, other than a pupil who receives early intervening services, 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.

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

Sec. 2. This act becomes effective on July 1, 2019.

