

ASSEMBLY BILL NO. 67—COMMITTEE ON EDUCATION

(ON BEHALF OF THE DEPARTMENT OF EDUCATION)

PREFILED NOVEMBER 18, 2020

Referred to Committee on Education

SUMMARY—Revises provisions relating to education.
(BDR 34-293)

FISCAL NOTE: Effect on Local Government: No.
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 relating to the suspension, expulsion or permanent expulsion of a pupil from a public school, charter school or university school for profoundly gifted pupils in certain circumstances; providing that certain hearings and proceedings relating to suspending, expelling or permanently expelling a pupil are not subject to the Open Meeting Law; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) authorizes a pupil to be suspended or expelled from a public school in certain circumstances; and (2) provides that a pupil who is not more than 10 years of age must not be permanently expelled from a public school, except in certain circumstances. (NRS 392.466, 392.467) Existing law requires a pupil to be expelled or permanently expelled if the pupil is found with a firearm or dangerous weapon at a public school, at a public school-sponsored activity or on a public school bus. (NRS 392.466, 392.467) Existing law imposes similar requirements on charter schools and university schools for profoundly gifted pupils. (NRS 388A.495, 388C.150)

Sections 12, 13 and 15 of this bill define “expel,” “permanently expel” and “suspend,” respectively, for the purposes of school discipline. **Sections 6, 8, 23 and 24** of this bill revise the circumstances in which a pupil may be suspended, expelled or permanently expelled. Existing law authorizes a pupil who is enrolled in or participating in a program of special education to be suspended or expelled in certain circumstances. (NRS 388A.495, 388C.150, 392.466, 392.467) **Sections 6, 8, 23 and 24** instead authorize a pupil with a disability to be suspended, expelled or permanently expelled in certain circumstances, while **section 14** of this bill defines



“pupil with a disability.” **Sections 1-5, 7, 9, 16-21, 25 and 26** of this bill make conforming changes relating to the terms defined in **sections 12-15**.

Existing law provides that a pupil may be deemed a habitual disciplinary problem if the pupil has received five suspensions in one school year and the pupil has not entered into and participated in a plan of behavior. (NRS 392.4655) **Section 28** of this bill eliminates the requirement that a pupil be deemed suspended from school if: (1) the pupil is prohibited from attending school for 3 or more consecutive days; and (2) a conference or communication with the parent or guardian of the pupil is required before the pupil may return to school. (NRS 392.4657) **Section 22** of this bill instead requires that only significant suspensions be considered to determine whether a pupil is deemed a habitual disciplinary problem. **Section 22** defines a significant suspension as one in which: (1) the pupil is prohibited from attending school for 3 or more consecutive days; and (2) a conference or communication with the parent or guardian of the pupil is required before the pupil may return to school.

Existing law, commonly known as the Open Meeting Law, generally requires that public bodies conduct deliberations and take actions in meetings that are open to the public. (Chapter 241 of NRS) Existing law provides that the provisions of the Open Meeting Law do not apply to a hearing conducted relating to the suspension or expulsion of a pupil. (NRS 392.467) **Sections 6, 8, 23, 24 and 27** of this bill provide that the provisions of the Open Meeting Law do not apply to certain hearings or proceedings, including, without limitation, a hearing or proceeding conducted relating to the suspension, expulsion or permanent expulsion of a pupil who commits a battery, distributes a controlled substance or possesses a firearm or dangerous weapon on school premises.

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

Section 1. NRS 385A.250 is hereby amended to read as follows:

385A.250 1. The annual report of accountability prepared pursuant to NRS 385A.070 must include information on the discipline of pupils, including, without limitation:

(a) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school sponsored by the district.

(b) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school sponsored by the district.

(c) Records of the suspension , **expulsion** or **permanent expulsion** ~~1, or both,~~ of pupils required or authorized pursuant to NRS 392.466 and 392.467.

(d) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.



(e) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district:

(1) The number of reported violations of NRS 388.135 occurring at a school or otherwise involving a pupil enrolled at a school, regardless of the outcome of the investigation conducted pursuant to NRS 388.1351;

(2) The number of incidents determined to be bullying or cyber-bullying after an investigation is conducted pursuant to NRS 388.1351;

(3) The number of incidents resulting in suspension, **expulsion** or **permanent** expulsion ~~or both~~ for bullying or cyber-bullying; and

(4) Any actions taken to reduce the number of incidents of bullying or cyber-bullying including, without limitation, training that was offered or other policies, practices and programs that were implemented.

(f) For each high school in the district, including, without limitation, each charter school sponsored by the district that operates as a high school, and for high schools in the district as a whole:

(1) The number and percentage of pupils whose violations of the code of honor relating to cheating prescribed pursuant to NRS 392.461 or any other code of honor applicable to pupils enrolled in high school were reported to the principal of the high school, reported by the type of violation;

(2) The consequences, if any, to the pupil whose violation is reported pursuant to subparagraph (1), reported by the type of consequence;

(3) The number of any such violations of a code of honor in a previous school year by a pupil whose violation is reported pursuant to subparagraph (1), reported by the type of violation; and

(4) The process used by the high school to address violations of a code of honor which are reported to the principal.

2. The information included pursuant to subsection 1 must allow such information to be disaggregated by:

- (a) Pupils who are economically disadvantaged;
- (b) Pupils from major racial and ethnic groups;
- (c) Pupils with disabilities;
- (d) Pupils who are English learners;
- (e) Pupils who are migratory children;
- (f) Gender;
- (g) Pupils who are homeless;
- (h) Pupils in foster care; and



(i) Pupils whose parent or guardian is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard.

3. As used in this section:

(a) “Bullying” has the meaning ascribed to it in NRS 388.122.

(b) “Cyber-bullying” has the meaning ascribed to it in NRS 388.123.

(c) “Expulsion” has the meaning ascribed to it in section 12 of this act.

(d) “Permanent expulsion” has the meaning ascribed to it in section 13 of this act.

(e) “Suspension” has the meaning ascribed to it in section 15 of this act.

Sec. 2. NRS 385A.460 is hereby amended to read as follows:

385A.460 1. The annual report of accountability prepared by the State Board pursuant to NRS 385A.400 must include information on the discipline of pupils, including, without limitation:

(a) Incidents involving weapons or violence, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(b) Incidents involving the use or possession of alcoholic beverages or controlled substances, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(c) The suspension, *expulsion* and *permanent* expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(d) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(e) For each school district, including, without limitation, each charter school in the district, and for this State as a whole:

(1) The number of reported violations of NRS 388.135 occurring at a school or otherwise involving a pupil enrolled at a school, regardless of the outcome of the investigation conducted pursuant to NRS 388.1351;

(2) The number of incidents determined to be bullying or cyber-bullying after an investigation is conducted pursuant to NRS 388.1351;

(3) The number of incidents resulting in suspension, *expulsion* or *permanent* expulsion for bullying or cyber-bullying; and



(4) Any actions taken to reduce the number of incidents of bullying or cyber-bullying, including, without limitation, training that was offered or other policies, practices and programs that were implemented.

(f) For each high school in each school district, including, without limitation, each charter school that operates as a high school, and for the high schools in this State as a whole:

(1) The number and percentage of pupils whose violations of the code of honor relating to cheating prescribed pursuant to NRS 392.461 or any other code of honor applicable to pupils enrolled in high school were reported to the principal of the high school, reported by the type of violation;

(2) The consequences, if any, to the pupil whose violation is reported pursuant to subparagraph (1), reported by the type of consequence;

(3) The number of any such violations of a code of honor in a previous school year by a pupil whose violation is reported pursuant to subparagraph (1), reported by the type of violation; and

(4) The process used by the high school to address violations of a code of honor which are reported to the principal.

2. As used in this section:

(a) "Bullying" has the meaning ascribed to it in NRS 388.122.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) "Expulsion" has the meaning ascribed to it in section 12 of this act.

(d) "Permanent expulsion" has the meaning ascribed to it in section 13 of this act.

(e) "Suspension" has the meaning ascribed to it in section 15 of this act.

Sec. 3. NRS 385A.840 is hereby amended to read as follows:

385A.840 1. Each public school in this State shall collect data on the discipline of pupils. Such data must:

(a) Be reported annually to the Department through the automated system of accountability information established pursuant to NRS 385A.800;

(b) Be disaggregated into subgroups of pupils; and

(c) Include occurrences of suspension , *expulsion* and *permanent* expulsion as separate offenses.

2. The Department shall:

(a) Develop and provide guidance to each school district in this State on methods and procedures for the collection of data on the discipline of pupils pursuant to subsection 1;

(b) Establish standard definitions of an offense for which a pupil may be disciplined and any related sanctions; and



(c) Provide training and professional development to educational personnel relating to the reporting and analysis of data on the discipline of pupils. Such training must, without limitation, provide educational personnel with the ability to create a report of any data on the discipline of pupils, interpret the results of such a report and develop a responsive plan of action based on the results of such a report.

3. As used in this section:

(a) *“Expulsion” has the meaning ascribed to it in section 12 of this act.*

(b) *“Permanent expulsion” has the meaning ascribed to it in section 13 of this act.*

(c) *“Suspension” has the meaning ascribed to it in section 15 of this act.*

Sec. 4. NRS 388A.246 is hereby amended to read as follows:

388A.246 An application to form a charter school must include all information prescribed by the Department by regulation and:

1. A summary of the plan for the proposed charter school.

2. A clear written description of the mission of the charter school and the goals for the charter school. A charter school must have as its stated purpose at least one of the following goals:

(a) Improving the academic achievement of pupils;

(b) Encouraging the use of effective and innovative methods of teaching;

(c) Providing an accurate measurement of the educational achievement of pupils;

(d) Establishing accountability and transparency of public schools;

(e) Providing a method for public schools to measure achievement based upon the performance of the schools; or

(f) Creating new professional opportunities for teachers.

3. A clear description of the indicators, measures and metrics for the categories of academics, finances and organization that the charter school proposes to use, the external assessments that will be used to assess performance in those categories and the objectives that the committee to form a charter school plans to achieve in those categories, which must be expressed in terms of the objectives, measures and metrics. The objectives and the indicators, measures and metrics used by the charter school must be consistent with the performance framework adopted by the sponsor pursuant to NRS 388A.270.

4. A resume and background information for each person who serves on the board of the charter management organization or the committee to form a charter school, as applicable, which must include the name, telephone number, electronic mail address,



background, qualifications, any past or current affiliation with any charter school in this State or any other state, any potential conflicts of interest and any other information required by the sponsor.

5. The proposed location of, or the geographic area to be served by, the charter school and evidence of a need and community support for the charter school in that area.

6. The minimum, planned and maximum projected enrollment of pupils in each grade in the charter school for each year that the charter school would operate under the proposed charter contract.

7. The procedure for applying for enrollment in the proposed charter school, which must include, without limitation, the proposed dates for accepting applications for enrollment in each year of operation under the proposed charter contract and a statement of whether the charter school will enroll pupils who are in a particular category of at-risk pupils before enrolling other children who are eligible to attend the charter school pursuant to NRS 388A.456 and the method for determining eligibility for enrollment in each such category of at-risk pupils served by the charter school.

8. The academic program that the charter school proposes to use, a description of how the academic program complies with the requirements of NRS 388A.366, the proposed academic calendar for the first year of operation and a sample daily schedule for a pupil in each grade served by the charter school.

9. A description of the proposed instructional design of the charter school and the type of learning environment the charter school will provide, including, without limitation, whether the charter school will provide a program of distance education, the planned class size and structure, the proposed curriculum for the charter school and the teaching methods that will be used at the charter school.

10. The manner in which the charter school plans to identify and serve the needs of pupils with disabilities, pupils who are English learners, pupils who are academically behind their peers and gifted pupils.

11. A description of any co-curricular or extracurricular activities that the charter school plans to offer and the manner in which these programs will be funded.

12. Any uniform or dress code policy that the charter school plans to use.

13. Plans and timelines for recruiting and enrolling students, including procedures for any lottery for admission that the charter school plans to conduct.

14. The rules of behavior and punishments that the charter school plans to adopt pursuant to NRS 388A.495, including, without



1 limitation, any unique discipline policies for pupils ~~enrolled in a~~
2 ~~program of special education.~~ **with disabilities.**

3 15. A chart that clearly presents the proposed organizational
4 structure of the charter school and a clear description of the roles
5 and responsibilities of the governing body, administrators and any
6 other persons included on the chart and a table summarizing the
7 decision-making responsibilities of the staff and governing body of
8 the charter school and, if applicable, the charter management
9 organization that operates the charter school. The table must also
10 identify the person responsible for each activity conducted by the
11 charter school, including, without limitation, the person responsible
12 for establishing curriculum and culture, providing professional
13 development to employees of the charter school and making
14 determinations concerning the staff of the charter school.

15 16. The names of any external organizations that will play a
16 role in operating the charter school and the role each such
17 organization will play.

18 17. The manner in which the governing body of the charter
19 school will be chosen.

20 18. A staffing chart for the first year in which the charter
21 school plans to operate and a projected staffing plan for the term of
22 the charter contract.

23 19. Plans for recruiting administrators, teachers and other staff,
24 providing professional development to such staff.

25 20. Proposed bylaws for the governing body, a description of
26 the manner in which the charter school will be governed, including,
27 without limitation, any governance training that will be provided to
28 the governing body, and a code of ethics for members and
29 employees of the governing body. The code of ethics must be
30 prepared with guidance from the Nevada Commission on Ethics and
31 must not conflict with any policy adopted by the sponsor.

32 21. Explanations of any partnerships or contracts central to the
33 operations or mission of the charter school.

34 22. A statement of whether the charter school will provide for
35 the transportation of pupils to and from the charter school. If the
36 charter school will provide transportation, the application must
37 include the proposed plan for the transportation of pupils. If the
38 charter school will not provide transportation, the application must
39 include a statement that the charter school will work with the
40 parents and guardians of pupils enrolled in the charter school to
41 develop a plan for transportation to ensure that pupils have access to
42 transportation to and from the charter school.

43 23. The procedure for the evaluation of teachers of the charter
44 school, if different from the procedure prescribed in NRS 391.680
45 and 391.725. If the procedure is different from the procedure



prescribed in NRS 391.680 and 391.725, the procedure for the evaluation of teachers of the charter school must provide the same level of protection and otherwise comply with the standards for evaluation set forth in NRS 391.680 and 391.725.

24. A statement of the charter school's plans for food service and other significant operational services, including a statement of whether the charter school will provide food service or participate in the National School Lunch Program, 42 U.S.C. §§ 1751 et seq. If the charter school will not provide food service or participate in the National School Lunch Program, the application must include an explanation of the manner in which the charter school will ensure that the lack of such food service or participation does not prevent pupils from attending the charter school.

25. Opportunities and expectations for involving the parents of pupils enrolled in the charter school in instruction at the charter school and the operation of the charter school, including, without limitation, the manner in which the charter school will solicit input concerning the governance of the charter school from such parents.

26. A detailed plan for starting operation of the charter school that identifies necessary tasks, the persons responsible for performing them and the dates by which such tasks will be accomplished.

27. A description of the financial plan and policies to be used by the charter school.

28. A description of the insurance coverage the charter school will obtain.

29. Budgets for starting operation at the charter school, the first year of operation of the charter school and the first 5 years of operation of the charter school, with any assumptions inherent in the budgets clearly stated.

30. Evidence of any money pledged or contributed to the budget of the charter school.

31. A statement of the facilities that will be used to operate the charter school and a plan for operating such facilities, including, without limitation, any backup plan to be used if the charter school cannot be operated out of the planned facilities.

32. If the charter school operates a vocational school, a description of the career and technical education program that will be used by the charter school.

33. If the charter school will provide a program of distance education, a description of the system of course credits that the charter school will use and the manner in which the charter school will:

(a) Monitor and verify the participation in and completion of courses by pupils;



(b) Require pupils to participate in assessments and submit course work;

(c) Conduct parent-teacher conferences; and

(d) Administer any test, examination or assessment required by state or federal law in a proctored setting.

34. If the charter school will provide a program where a student may earn college credit for courses taken in high school, a draft memorandum of understanding between the charter school and the college or university through which the credits will be earned and a term sheet, which must set forth:

(a) The proposed duration of the relationship between the charter school and the college or university and the conditions for renewal and termination of the relationship;

(b) The roles and responsibilities of the governing body of the charter school, the employees of the charter school and the college or university;

(c) The scope of the services and resources that will be provided by the college or university;

(d) The manner and amount that the college or university will be compensated for providing such services and resources, including, without limitation, any tuition and fees that pupils at the charter school will pay to the college or university;

(e) The manner in which the college or university will ensure that the charter school effectively monitors pupil enrollment and attendance and the acquisition of college credits; and

(f) Any employees of the college or university who will serve on the governing body of the charter school.

35. If the applicant currently operates a charter school in another state, evidence of the performance of such charter schools and the capacity of the applicant to operate the proposed charter school.

36. If the applicant proposes to contract with an educational management organization or any other person to provide educational or management services:

(a) Evidence of the performance of the educational management organization or other person when providing such services to a population of pupils similar to the population that will be served by the proposed charter school;

(b) A term sheet that sets forth:

(1) The proposed duration of the proposed contract between the governing body of the charter school and the educational management organization;

(2) A description of the responsibilities of the governing body of the charter school, employees of the charter school and the educational management organization or other person;



(3) All fees that will be paid to the educational management organization or other person;

(4) The manner in which the governing body of the charter school will oversee the services provided by the educational management organization or other person and enforce the terms of the contract;

(5) A disclosure of the investments made by the educational management organization or other person in the proposed charter school; and

(6) The conditions for renewal and termination of the contract; and

(c) A disclosure of any conflicts of interest concerning the applicant and the educational management organization or other person, including, without limitation, any past or current employment, business or familial relationship between any prospective employee of the charter school and a member of the committee to form a charter school or the board of directors of the charter management organization, as applicable.

37. Any additional information that the sponsor determines is necessary to evaluate the ability of the proposed charter school to serve pupils in the school district in which the proposed charter school will be located.

38. As used in this section, “pupil with a disability” has the meaning ascribed to it in NRS 388.417.

Sec. 5. NRS 388A.3965 is hereby amended to read as follows:

388A.3965 1. A parent or legal guardian of a pupil enrolled in a charter school, a pupil who is at least 18 years of age enrolled in a charter school, a member of the governing body of a charter school or an employee of a charter school may file a complaint relating to that charter school directly with the State Public Charter School Authority if the person has evidence that the charter school has:

(a) Violated any law or regulation relating to the health and safety of pupils;

(b) Violated any law or regulation relating to the civil rights of pupils, except for a law or regulation described in subsection 1 of NRS 388A.396;

(c) Violated any law or regulation or policy of the sponsor of the charter school relating to the enrollment, suspension, ***expulsion*** or ***permanent*** expulsion of pupils;

(d) Committed fraud, financial mismanagement or financial malfeasance; or

(e) Committed academic dishonesty, including, without limitation, engaging in a policy or practice that has the intent or effect of inappropriately increasing the graduation rate or



1 inappropriately increasing performance on assessments mandated by
2 this State or the State Public Charter School Authority.

3 2. If the State Public Charter School Authority determines that
4 credible evidence exists to support a complaint submitted pursuant
5 to subsection 1, the State Public Charter School Authority shall
6 investigate the complaint and respond to the complaining party in
7 writing.

8 **3. As used in this section:**

9 **(a) “Expulsion” has the meaning ascribed to it in section 12 of**
10 **this act.**

11 **(b) “Permanent expulsion” has the meaning ascribed to it in**
12 **section 13 of this act.**

13 **(c) “Suspension” has the meaning ascribed to it in section 15**
14 **of this act.**

15 **Sec. 6.** NRS 388A.495 is hereby amended to read as follows:

16 388A.495 1. A governing body of a charter school shall
17 adopt:

18 (a) Written rules of behavior required of and prohibited for
19 pupils attending the charter school; and

20 (b) Appropriate punishments for violations of the rules.

21 2. If suspension, **expulsion** or **permanent** expulsion of a pupil
22 is used as a punishment for a violation of the rules, the charter
23 school shall ensure that, before the suspension, **expulsion** or
24 **permanent** expulsion, the pupil and, if the pupil is under 18 years of
25 age, the parent or guardian of the pupil, has been given notice of the
26 charges against him or her, an explanation of the evidence and an
27 opportunity for a hearing. The provisions of chapter 241 of NRS do
28 not apply to any hearing **or proceeding** conducted pursuant to this
29 section. Such a hearing **or proceeding** must be closed to the public.

30 3. A pupil who is at least 11 years of age and who poses a
31 continuing danger to persons or property or an ongoing threat of
32 disrupting the academic process, who is selling or distributing any
33 controlled substance or who is found to be in possession of a
34 dangerous weapon as provided in NRS 392.466 may be removed
35 from the charter school only after the charter school has made a
36 reasonable effort to complete a plan of action based on restorative
37 justice with the pupil in accordance with the provisions of NRS
38 392.466 and 392.467.

39 4. A pupil **with a disability** who is at least 11 years of age and
40 who is enrolled in a charter school ~~{and participating in a program~~
41 ~~of special education pursuant to NRS 388.419}~~ may, in accordance
42 with the procedural policy adopted by the governing body of the
43 charter school for such matters and only after the governing body **or**
44 **its designee** has reviewed the circumstances and determined that the



1 action is in compliance with the Individuals with Disabilities
2 Education Act, 20 U.S.C. §§ 1400 et seq., be:

3 (a) Suspended from the charter school pursuant to this section
4 for not more than 5 days for each occurrence ~~H~~ of *proscribed*
5 *conduct*.

6 (b) *Expelled from school pursuant to this section*.

7 (c) Permanently expelled from school pursuant to this section.

8 5. A copy of the rules of behavior, prescribed punishments and
9 procedures to be followed in imposing punishments must be:

10 (a) Distributed to each pupil at the beginning of the school year
11 and to each new pupil who enters school during the year.

12 (b) Available for public inspection at the charter school.

13 6. The governing body of a charter school may adopt rules
14 relating to the truancy of pupils who are enrolled in the charter
15 school if the rules are at least as restrictive as the provisions
16 governing truancy set forth in NRS 392.130 to 392.220, inclusive. If
17 a governing body adopts rules governing truancy, it shall include the
18 rules in the written rules adopted by the governing body pursuant to
19 subsection 1.

20 7. *As used in this section:*

21 (a) *“Expel” or “expulsion” has the meaning ascribed to it in*
22 *section 12 of this act.*

23 (b) *“Permanently expel” or “permanent expulsion” has the*
24 *meaning ascribed to it in section 13 of this act.*

25 (c) *“Pupil with a disability” has the meaning ascribed to it in*
26 *NRS 388.417.*

27 (d) *“Suspend” or “suspension” has the meaning ascribed to it*
28 *in section 15 of this act.*

29 **Sec. 7.** NRS 388A.740 is hereby amended to read as follows:

30 388A.740 1. The Department shall adopt any regulations
31 necessary to carry out the provisions of NRS 388A.462 and
32 388A.700 to 388A.740, inclusive, including, without limitation,
33 regulations for:

34 ~~H1~~ (a) The delegation of oversight responsibilities to any
35 subcommittee of the State Public Charter School Authority.

36 ~~H2~~ (b) Establishing different requirements for the operation or
37 regulation of or any other matter that requires the different treatment
38 of charter schools for distance education sponsored by the State
39 Public Charter School Authority and traditional charter schools
40 sponsored by the State Public Charter School Authority.

41 ~~H3~~ (c) Determining when a pupil enrolled at a charter school
42 for distance education may be suspended, *expelled* or *permanently*
43 *expelled* from such charter school pursuant to NRS 388A.495 for
44 failing to actively participate in the charter school for distance
45 education.



2. *As used in this section:*

(a) *"Expel" has the meaning ascribed to it in section 12 of this act.*

(b) *"Permanently expel" has the meaning ascribed to it in section 13 of this act.*

(c) *"Suspend" has the meaning ascribed to it in section 15 of this act.*

Sec. 8. NRS 388C.150 is hereby amended to read as follows:

388C.150 1. The governing body of a university school for profoundly gifted pupils shall adopt:

(a) Written rules of behavior for pupils enrolled in the university school, including, without limitation, prohibited acts; and

(b) Appropriate punishments for violations of the rules.

2. If suspension, *expulsion* or *permanent* expulsion of a pupil is used as a punishment for a violation of the rules, the university school for profoundly gifted pupils shall ensure that, before the suspension, *expulsion* or *permanent* expulsion, the pupil has been given notice of the charges against him or her, an explanation of the evidence and an opportunity for a hearing. The provisions of chapter 241 of NRS do not apply to any hearing *or proceeding* conducted pursuant to this section. Such a hearing *or proceeding* must be closed to the public.

3. A pupil who is at least 11 years of age and who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, who is selling or distributing any controlled substance or who is found to be in possession of a dangerous weapon as provided in NRS 392.466 may be removed only after the university school for profoundly gifted pupils has made a reasonable effort to complete a plan of action based on restorative justice with the pupil in accordance with the provisions of NRS 392.466 and 392.467.

4. A pupil *with a disability* who is at least 11 years of age and who is enrolled in a university school for profoundly gifted pupils ~~and participating in a program of special education pursuant to NRS 388.419~~ may, in accordance with the procedural policy adopted by the governing body of the university school for such matters and only after the governing body *or its designee* 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., be:

(a) Suspended from the university school pursuant to this section for not more than 5 days for each occurrence ~~of~~ *of proscribed conduct.*

(b) *Expelled from school pursuant to this section.*

(c) *Permanently expelled from school pursuant to this section.*



5. A copy of the rules of behavior, prescribed punishments and procedures to be followed in imposing punishments must be:

(a) Distributed to each pupil at the beginning of the school year and to each new pupil who enters the university school for profoundly gifted pupils during the year.

(b) Available for public inspection at the university school.

6. The governing body of a university school for profoundly gifted pupils may adopt rules relating to the truancy of pupils who are enrolled in the university school if the rules are at least as restrictive as the provisions governing truancy set forth in NRS 392.130 to 392.220, inclusive. If the governing body adopts rules governing truancy, it shall include the rules in the written rules adopted by the governing body pursuant to subsection 1.

7. As used in this section:

(a) *“Expel” or “expulsion” has the meaning ascribed to it in section 12 of this act.*

(b) *“Permanently expel” or “permanent expulsion” has the meaning ascribed to it in section 13 of this act.*

(c) *“Pupil with a disability” has the meaning ascribed to it in NRS 388.417.*

(d) *“Suspend” or “suspension” has the meaning ascribed to it in section 15 of this act.*

Sec. 9. NRS 389.155 is hereby amended to read as follows:

389.155 1. The State Board shall, by regulation, establish a program pursuant to which a pupil:

(a) Enrolled full-time in public school;

(b) Enrolled in an alternative program pursuant to NRS 388.537;

(c) Enrolled in a program designed to meet the requirements for an adult standard diploma; or

(d) Except as otherwise provided in subsection 4, who has been suspended, *expelled* or *permanently* expelled from a public school, may complete any required or elective course by independent study outside of the normal classroom setting. A program of independent study provided pursuant to this section may be offered through a program of distance education pursuant to NRS 388.820 to 388.874, inclusive.

2. The regulations must:

(a) Require that:

(1) The teacher of the course assign to the pupil the work assignments necessary to complete the course; and

(2) For each course in which the pupil is enrolled, the pupil and the teacher of the course meet or otherwise communicate with each other at least once each week for the duration of the course to discuss the pupil’s progress; or



(b) Require that the program of independent study satisfies the requirements of a plan to operate an alternative program of education submitted by the school district and approved pursuant to NRS 388.537.

3. The board of trustees of a school district may, in accordance with the regulations adopted pursuant to subsections 1 and 2, provide for independent study by the pupils described in subsection 1.

4. A program of independent study offered pursuant to this section must not allow a pupil who has been suspended, *expelled* or *permanently expelled* from a public school to attend that public school during the period of his or her suspension, *expulsion* or *permanent expulsion*.

5. *As used in this section:*

(a) *“Expel” or “expulsion” has the meaning ascribed to it in section 12 of this act.*

(b) *“Permanently expel” or “permanent expulsion” has the meaning ascribed to it in section 13 of this act.*

(c) *“Suspend” or “suspension” has the meaning ascribed to it in section 15 of this act.*

Sec. 10. Chapter 392 of NRS is hereby amended by adding thereto the provisions set forth as sections 11 to 15, inclusive, of this act.

Sec. 11. *As used in NRS 392.461 to 391.472, inclusive, and sections 11 to 15, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 12 to 15, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 12. *“Expel” or “expulsion” means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled for more than one school semester with the possibility of returning to the school in which the pupil is currently enrolled or another public school within the school district after the expulsion.*

Sec. 13. *“Permanently expel” or “permanent expulsion” means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled without the possibility of returning to the school in which the pupil is currently enrolled or another public school within the school district.*

Sec. 14. *“Pupil with a disability” has the meaning ascribed to it in NRS 388.417.*

Sec. 15. *“Suspend” or “suspension” means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled for not more than one school semester.*



Sec. 16. NRS 392.463 is hereby amended to read as follows:

392.463 1. Each school district shall adopt a plan to ensure that the public schools within the school district are safe and free of controlled substances. The plan must comply with the Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101 et seq.

2. Each school district shall prescribe written rules of behavior required of and prohibited for pupils attending school within their district and shall prescribe appropriate punishments for violations of the rules. If suspension, *expulsion* or *permanent* expulsion is used as a punishment for a violation of the rules, the school district shall follow the procedures in NRS 392.467.

3. A copy of the plan adopted pursuant to subsection 1 and the rules of behavior, prescribed punishments and procedures to be followed in imposing punishments prescribed pursuant to subsection 2 must be distributed to each pupil at the beginning of the school year and to each new pupil who enters school during the year. Copies must also be made available for inspection at each school located in that district in an area on the grounds of the school which is open to the public.

Sec. 17. NRS 392.4634 is hereby amended to read as follows:

392.4634 1. Except as otherwise provided in subsection 3, a pupil enrolled in kindergarten or grades 1 to 8, inclusive, may not be disciplined, including, without limitation, pursuant to NRS 392.466, for:

(a) Simulating a firearm or dangerous weapon while playing; or
(b) Wearing clothing or accessories that depict a firearm or dangerous weapon or express an opinion regarding a constitutional right to keep and bear arms, unless it substantially disrupts the educational environment.

2. Simulating a firearm or dangerous weapon includes, without limitation:

(a) Brandishing a partially consumed pastry or other food item to simulate a firearm or dangerous weapon;

(b) Possessing a toy firearm or toy dangerous weapon that is 2 inches or less in length;

(c) Possessing a toy firearm or toy dangerous weapon made of plastic building blocks which snap together;

(d) Using a finger or hand to simulate a firearm or dangerous weapon;

(e) Drawing a picture or possessing an image of a firearm or dangerous weapon; and

(f) Using a pencil, pen or other writing or drawing implement to simulate a firearm or dangerous weapon.

3. A pupil who simulates a firearm or dangerous weapon may be disciplined when disciplinary action is consistent with a policy



adopted by the board of trustees of the school district and such simulation:

(a) Substantially disrupts learning by pupils or substantially disrupts the educational environment at the school;

(b) Causes bodily harm to another person; or

(c) Places another person in reasonable fear of bodily harm.

4. Except as otherwise provided in subsection 5, a school, school district, board of trustees of a school district or other entity shall not adopt any policy, ordinance or regulation which conflicts with this section.

5. The provisions of this section shall not be construed to prohibit a school from establishing and enforcing a policy requiring pupils to wear a school uniform as authorized pursuant to NRS 386.855.

6. As used in this section:

(a) "Dangerous weapon" has the meaning ascribed to it in paragraph (b) of subsection ~~111~~ 12 of NRS 392.466.

(b) "Firearm" has the meaning ascribed to it in paragraph (c) of subsection ~~111~~ 12 of NRS 392.466.

Sec. 18. NRS 392.4635 is hereby amended to read as follows:

392.4635 1. The board of trustees of each school district shall establish a policy that prohibits the activities of criminal gangs on school property.

2. The policy established pursuant to subsection 1 may include, without limitation:

(a) The provision of training for the prevention of the activities of criminal gangs on school property.

(b) If the policy includes training:

(1) A designation of the grade levels of the pupils who must receive the training.

(2) A designation of the personnel who must receive the training, including, without limitation, personnel who are employed in schools at the grade levels designated pursuant to subparagraph (1).

➤ The board of trustees of each school district shall ensure that the training is provided to the pupils and personnel designated in the policy.

(c) Provisions which prohibit:

(1) A pupil from wearing any clothing or carrying any symbol on school property that denotes membership in or an affiliation with a criminal gang; and

(2) Any activity that encourages participation in a criminal gang or facilitates illegal acts of a criminal gang.



(d) Provisions which provide for the suspension , *expulsion* or *permanent* expulsion pursuant to NRS 392.466 and 392.467 of pupils who violate the policy.

3. The board of trustees of each school district may develop the policy required pursuant to subsection 1 in consultation with:

(a) Local law enforcement agencies;

(b) School police officers, if any;

(c) Persons who have experience regarding the actions and activities of criminal gangs;

(d) Organizations which are dedicated to alleviating criminal gangs or assisting members of criminal gangs who wish to disassociate from the gang; and

(e) Any other person deemed necessary by the board of trustees.

4. As used in this section, “criminal gang” has the meaning ascribed to it in NRS 213.1263.

Sec. 19. 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, 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. 20. 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



1 after the removal of a pupil pursuant to this section, the principal of
2 the school shall notify the parent or legal guardian of the pupil of the
3 removal.

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

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

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

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

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

18 (a) Required by NRS 392.466; or

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

21 ➤ If the principal proceeds in accordance with NRS 392.466 or
22 392.467, the pupil must be removed from school in accordance with
23 those sections and the provisions of NRS 392.4642 to 392.4648,
24 inclusive, do not apply to the pupil.

25 **Sec. 21.** NRS 392.4648 is hereby amended to read as follows:

26 392.4648 1. If the teacher or other staff member who
27 removed a pupil from the classroom or other premises of a public
28 school does not agree with the recommendation of the principal
29 pursuant to subsection 6 of NRS 392.4646, the principal shall
30 continue the temporary alternative placement of the pupil and shall
31 immediately convene a meeting of the committee created pursuant
32 to NRS 392.4647. The principal shall inform the parent or legal
33 guardian of the pupil that the committee will be conducting a
34 meeting. The committee shall review the circumstances of the
35 pupil's removal from the classroom or other premises of the public
36 school and the pupil's behavior that caused the pupil to be removed
37 from the classroom or other premises. Based upon its review, the
38 committee shall assess the best placement available for the pupil and
39 shall, without limitation:

40 (a) Direct that the pupil be returned to the classroom or other
41 premises from which he or she was removed;

42 (b) Assign the pupil to another appropriate classroom or other
43 premises;

44 (c) Assign the pupil to an alternative program of education, if
45 available;



(d) Recommend the suspension , *expulsion* or *permanent* expulsion of the pupil in accordance with NRS 392.467; or

(e) Take any other appropriate disciplinary action against the pupil that the committee deems necessary.

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

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

Sec. 22. NRS 392.4655 is hereby amended to read as follows:

392.4655 1. Except as otherwise provided in this section, a principal of a school shall deem a pupil enrolled in the school a habitual disciplinary problem if the school has written evidence which documents that in 1 school year:

(a) The pupil has threatened or extorted, or attempted to threaten or extort, another pupil or a teacher or other personnel employed by the school two or more times or the pupil has a record of five *significant* suspensions from the school for any reason; and

(b) The pupil has not entered into and participated in a plan of behavior pursuant to subsection 5.

2. At least one teacher of a pupil who is enrolled in elementary school and at least two teachers of a pupil who is enrolled in junior high, middle school or high school may request that the principal of the school deem a pupil a habitual disciplinary problem. Upon such a request, the principal of the school shall meet with each teacher who made the request to review the pupil's record of discipline. If, after the review, the principal of the school determines that the provisions of subsection 1 do not apply to the pupil, a teacher who submitted a request pursuant to this subsection may appeal that determination to the board of trustees of the school district. Upon receipt of such a request, the board of trustees shall review the initial request and determination pursuant to the procedure established by the board of trustees for such matters.

3. If a pupil is suspended, the school in which the pupil is enrolled shall provide written notice to the parent or legal guardian of the pupil that contains:

(a) A description of the act committed by the pupil and the date on which the act was committed;

(b) An explanation that if the pupil receives five *significant* suspensions on his or her record during the current school year and



has not entered into and participated in a plan of behavior pursuant to subsection 5, the pupil will be deemed a habitual disciplinary problem;

(c) An explanation that, pursuant to subsection 5 of NRS 392.466, a pupil who is deemed a habitual disciplinary problem may be:

(1) Suspended from school ; ~~for a period not to exceed one school semester as determined by the seriousness of the acts which were the basis for the discipline; or~~

(2) Expelled from school under extraordinary circumstances as determined by the principal of the school; **or**

(3) Permanently expelled from the school under extraordinary circumstances as determined by the principal of the school;

(d) If the pupil ~~has~~ **is a pupil with** a disability , ~~and is participating in a program of special education pursuant to NRS 388.419;~~ an explanation of the effect of subsection 10 of NRS 392.466, including, without limitation, that if it is determined in accordance with 20 U.S.C. § 1415 that the pupil's behavior is not a manifestation of the pupil's disability, he or she may be suspended , **expelled or permanently** expelled from school in the same manner as a pupil without a disability; and

(e) A summary of the provisions of subsection 5.

4. A school shall provide the notice required by subsection 3 for each suspension on the record of a pupil during a school year. Such notice must be provided at least 7 days before the school deems the pupil a habitual disciplinary problem.

5. If a pupil is suspended, the school in which the pupil is enrolled shall develop, in consultation with the pupil and the parent or legal guardian of the pupil, a plan of behavior for the pupil. The parent or legal guardian of the pupil may choose for the pupil not to participate in the plan of behavior. If the parent or legal guardian of the pupil chooses for the pupil not to participate, the school shall inform the parent or legal guardian of the consequences of not participating in the plan of behavior. Such a plan must be designed to prevent the pupil from being deemed a habitual disciplinary problem and may include, without limitation:

(a) A plan for graduating if the pupil is deficient in credits and not likely to graduate according to schedule.

(b) Information regarding schools with a mission to serve pupils who have been:

(1) ~~Expelled or suspended~~ **Suspended, expelled or permanently expelled** from a public school, including, without limitation, a charter school; or



(2) Deemed to be a habitual disciplinary problem pursuant to this section.

(c) A voluntary agreement by the parent or legal guardian to attend school with his or her child.

(d) A voluntary agreement by the pupil and the pupil's parent or legal guardian to attend counseling, programs or services available in the school district or community.

(e) A voluntary agreement by the pupil and the pupil's parent or legal guardian that the pupil will attend summer school, intersession school or school on Saturday, if any of those alternatives are offered by the school district.

6. If a pupil commits the same act for which notice was provided pursuant to subsection 3 after he or she enters into a plan of behavior pursuant to subsection 5, the pupil shall be deemed to have not successfully completed the plan of behavior and may be deemed a habitual disciplinary problem.

7. A pupil may, pursuant to the provisions of this section, enter into one plan of behavior per school year.

8. The parent or legal guardian of a pupil who has entered into a plan of behavior with a school pursuant to this section may appeal to the board of trustees of the school district a determination made by the school concerning the contents of the plan of behavior or action taken by the school pursuant to the plan of behavior. Upon receipt of such a request, the board of trustees of the school district shall review the determination in accordance with the procedure established by the board of trustees for such matters.

9. As used in this section, "significant suspension" means the school in which the pupil is enrolled:

(a) Prohibits the pupil from attending school for 3 or more consecutive days; and

(b) Requires a conference or some other form of communication with the parent or legal guardian of the pupil before the pupil is allowed to return to school.

Sec. 23. 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 and who is at least 11 years of age shall meet with the school and his or her parent or legal guardian. The school shall provide a plan of action based on restorative justice to the parent or legal guardian of the pupil. The pupil may be **suspended, expelled or permanently** expelled from the school . ~~in which case the pupil shall:~~



~~—(a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or~~

~~—(b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.]~~

2. An employee who is a victim of a battery which results in the bodily injury of an employee of the school may appeal to the school the plan of action provided pursuant to subsection 1 if:

(a) The employee feels any actions taken pursuant to such plan are inappropriate; and

(b) For a pupil *with a disability* who committed the battery , ~~[and is participating in a program of special education pursuant to NRS 388.419,]~~ the board of trustees of the school district *or its designee* has reviewed the circumstances and determined that such an appeal is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.

3. Except as otherwise provided in this section, any pupil *of any age, including, without limitation, a pupil with a disability*, 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 the pupil 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 be permanently expelled from the school . ~~[and:~~

~~—(a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or~~

~~—(b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.]~~

4. If a school is unable to retain a pupil in the school pursuant to subsection 1 for the safety of any person or because doing so would not be in the best interest of the pupil, the pupil may be suspended, expelled , *permanently expelled* or placed in another school. If a pupil is placed in another school, the current school of the pupil shall explain what services will be provided to the pupil at the new school that the current school is unable to provide to address the specific needs and behaviors of the pupil. The school



district of the current school of the pupil shall coordinate with the new school ~~for the board of trustees of the school district of the new school~~ to create a plan of action based on restorative justice for the pupil and to ensure that any resources required to execute the plan of action based on restorative justice are available at the new school.

5. Except as otherwise provided in this section, if a pupil is deemed a habitual disciplinary problem pursuant to NRS 392.4655, the pupil is at least 11 years of age and the school has made a reasonable effort to complete a plan of action based on restorative justice with the pupil, *based on the seriousness of the acts which were the basis for the discipline*, the pupil may be:

(a) Suspended from the school ; ~~for a period not to exceed one school semester as determined by the seriousness of the acts which were the basis for the discipline; or~~

(b) Expelled from the school under extraordinary circumstances as determined by the principal of the school ~~H~~ ; or

(c) Permanently expelled from the school under extraordinary circumstances as determined by the principal of the school.

6. If the pupil is expelled ~~H~~ or *permanently expelled* or the period of the pupil's suspension is for one school semester, the pupil must:

(a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or

(b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended , *expelled* or *permanently* expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.

7. 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 a suspension , *expulsion* or *permanent* expulsion pursuant to subsections 1 to 5, inclusive, if such modification is set forth in writing. The superintendent shall allow such a modification if the superintendent determines that a plan of action based on restorative justice may be used successfully.

8. This section does not prohibit a pupil from having in his or her 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.

9. Except as otherwise provided in this ~~section,~~ *subsection and subsection 3*, a pupil who is ~~not more~~ *less* than ~~10~~ *11* years of age must not be permanently expelled from school. In extraordinary circumstances, a school may request an exception to



this subsection from the board of trustees of the school district. A pupil who is at least 11 years of age may be suspended ~~from school~~, *expelled* or permanently expelled from school pursuant to this section only after the board of trustees of the school district *or its designee* has reviewed the circumstances and approved this action in accordance with the procedural policy adopted by the board for such issues.

10. ~~{A}~~ *Except as otherwise provided in subsection 3, a pupil with a disability* who is at least 11 years of age ~~and who is participating in a program of special education pursuant to NRS 388.419~~ may, in accordance with the procedural policy adopted by the board of trustees of the school district for such matters and only after the board of trustees of the school district *or its designee* 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., be:

(a) Suspended from school pursuant to this section for not more than 5 days. Such a suspension may be imposed pursuant to this paragraph for each occurrence of conduct proscribed by subsection 1.

(b) *Expelled from school pursuant to this section.*

(c) Permanently expelled from school pursuant to this section.

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

12. As used in this section:

(a) “Battery” has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

(b) “Dangerous weapon” includes, without limitation, a blackjack, slungshot, billy, sand-club, sandbag, metal knuckles, dirk or dagger, a nunchaku or trefoil, as defined in NRS 202.350, a butterfly knife or any other knife described in NRS 202.350, a switchblade knife as defined in NRS 202.265, or any other object which is used, or threatened to be used, in such a manner and under such circumstances as to pose a threat of, or cause, bodily injury to a person.

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

(d) “Restorative justice” has the meaning ascribed to it in subsection 6 of NRS 392.472.

~~{12-}~~ 13. The provisions of this section do not prohibit a pupil who is suspended, *expelled* or *permanently* expelled from enrolling in a charter school that is designed exclusively for the enrollment of



pupils with disciplinary problems if the pupil is accepted for enrollment by the charter school pursuant to NRS 388A.453 or 388A.456. Upon request, the governing body of a charter school must be provided with access to the records of the pupil relating to the pupil's suspension , *expulsion* or *permanent* expulsion in accordance with applicable federal and state law before the governing body makes a decision concerning the enrollment of the pupil.

Sec. 24. NRS 392.467 is hereby amended to read as follows:

392.467 1. Except as otherwise provided in subsections 5 and 6 and NRS 392.466, the board of trustees of a school district *or its designee* may authorize the suspension , *expulsion* or *permanent* expulsion of any pupil who is at least 11 years of age from any public school within the school district. Except as otherwise provided in *this subsection and subsection 3 of* NRS 392.466, a pupil who is ~~not more~~ *less* than ~~10~~ *11* years of age must not be permanently expelled from school. *In extraordinary circumstances, a school may request an exception to the prohibition set forth in this subsection against permanently expelling a pupil who is less than 11 years of age from school from the board of trustees of the school district.*

2. Except as otherwise provided in subsection 6, no pupil may be suspended , *expelled* or *permanently* expelled until the pupil has been given notice of the charges against him or her, an explanation of the evidence and an opportunity for a hearing, except that a pupil who is found to be in possession of a firearm or 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~~ *expulsion* or *permanent* expulsion.

3. The board of trustees of a school district *or its designee* may authorize the expulsion, *permanent expulsion*, suspension or removal of a pupil who has been charged with a crime from the school at which the pupil is enrolled regardless of the outcome of any criminal or delinquency proceedings brought against the pupil only if the school:

(a) Conducts an independent investigation of the conduct of the pupil; and

(b) Gives notice of the charges brought against the pupil by the school to the pupil.

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



5. The board of trustees of a school district *or its designee* shall not authorize the expulsion, *permanent expulsion*, suspension or removal of any pupil from the public school system solely for offenses related to attendance or because the pupil is declared a truant or habitual truant in accordance with NRS 392.130 or 392.140.

6. 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,}~~ *with a disability* may, in accordance with the procedural policy adopted by the board of trustees of the school district for such matters and only after the board of trustees of the school district *or its designee* 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., be:

(a) Suspended from school pursuant to this section for not more than 5 days for each occurrence ~~{}~~ *of proscribed conduct.*

(b) *Expelled from school pursuant to this section.*

(c) Permanently expelled from school pursuant to this section.

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

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

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

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

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

2. A school district or a charter school, if the charter school offers the applicable program, may allow a pupil who is ineligible to attend a public school pursuant to this section to enroll in:

(a) An alternative program for the education of pupils at risk of dropping out of school provided pursuant to NRS 388.537;

(b) A program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended, *, expelled or permanently* expelled from public school;

(c) A program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive;

(d) Any program of instruction offered pursuant to the provisions of NRS 388.550; or

(e) A challenge school,

➤ if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable school or program. A school district or charter school may conduct an investigation of the background of any such pupil to determine if



the educational needs of the pupil may be satisfied without undue disruption to the school or program. If an investigation is conducted, the board of trustees of the school district or the governing body of the charter school shall, based on the results of the investigation, determine if the pupil will be allowed to enroll in such a school or program.

3. The provisions of subsections 1 and 2 do not prohibit a pupil from enrolling in a charter school that is designed exclusively for the enrollment of pupils with disciplinary problems if the pupil is accepted for enrollment by the charter school pursuant to NRS 388A.453 or 388A.456. Upon request, the governing body of a charter school must be provided with access to the records of the pupil relating to the pupil's suspension, *expulsion* or *permanent expulsion* in accordance with applicable federal and state law before the governing body makes a decision concerning the enrollment of the pupil.

Sec. 26. NRS 392.472 is hereby amended to read as follows:

392.472 1. Except as otherwise provided in NRS 392.466 and to the extent practicable, a public school shall provide a plan of action based on restorative justice before *expelling or permanently expelling* a pupil from school.

2. The Department shall develop one or more examples of a plan of action which may include, without limitation:

- (a) Positive behavioral interventions and support;
- (b) A plan for behavioral intervention;
- (c) A referral to a team of student support;
- (d) A referral to an individualized education program team;
- (e) A referral to appropriate community-based services; and
- (f) A conference with the principal of the school or his or her designee and any other appropriate personnel.

3. The Department may approve a plan of action based on restorative justice that meets the requirements of this section submitted by a public school.

4. The Department shall post on its Internet website a guidance document that includes, without limitation:

(a) A description of the requirements of this section and NRS 392.462;

(b) A timeline for implementation of the requirements of this section and NRS 392.462 by a public school;

(c) One or more models of restorative justice and best practices relating to restorative justice;

(d) A curriculum for professional development relating to restorative justice and references for one or more consultants or presenters qualified to provide additional information or training relating to restorative justice; and



(e) One or more examples of a plan of action based on restorative justice developed pursuant to subsection 2.

5. The Department shall adopt regulations necessary to carry out the provisions of this section.

6. As used in this section:

(a) “Individualized education program team” has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).

(b) “Restorative justice” means nonpunitive intervention and support provided by the school to a pupil to improve the behavior of the pupil and remedy any harm caused by the pupil.

Sec. 27. NRS 241.016 is hereby amended to read as follows:

241.016 1. The meetings of a public body that are quasi-judicial in nature are subject to the provisions of this chapter.

2. The following are exempt from the requirements of this chapter:

(a) The Legislature of the State of Nevada.

(b) Judicial proceedings, including, without limitation, proceedings before the Commission on Judicial Selection and, except as otherwise provided in NRS 1.4687, the Commission on Judicial Discipline.

(c) Meetings of the State Board of Parole Commissioners when acting to grant, deny, continue or revoke the parole of a prisoner or to establish or modify the terms of the parole of a prisoner.

3. Any provision of law, including, without limitation, NRS 91.270, 219A.210, 228.495, 239C.140, 239C.420, 281A.350, 281A.690, 281A.735, 281A.760, 284.3629, 286.150, 287.0415, 287.04345, 287.338, 288.220, 288.590, 289.387, 295.121, 360.247, 388.261, 388A.495, 388C.150, 388D.355, 388G.710, 388G.730, 392.147, **392.466**, 392.467, 394.1699, 396.3295, 414.270, 422.405, 433.534, 435.610, 442.774, 463.110, 480.545, 622.320, 622.340, 630.311, 630.336, 631.3635, 639.050, 642.518, 642.557, 686B.170, 696B.550, 703.196 and 706.1725, which:

(a) Provides that any meeting, hearing or other proceeding is not subject to the provisions of this chapter; or

(b) Otherwise authorizes or requires a closed meeting, hearing or proceeding,

↪ prevails over the general provisions of this chapter.

4. The exceptions provided to this chapter, and electronic communication, must not be used to circumvent the spirit or letter of this chapter to deliberate or act, outside of an open and public meeting, upon a matter over which the public body has supervision, control, jurisdiction or advisory powers.

Sec. 28. NRS 392.4657 is hereby repealed.

Sec. 29. This act becomes effective on July 1, 2021.



TEXT OF REPEALED SECTION

392.4657 Conditions under which pupil deemed suspended.

A pupil shall be deemed suspended from school if the school in which the pupil is enrolled:

1. Prohibits the pupil from attending school for 3 or more consecutive days; and
2. Requires a conference or some other form of communication with the parent or legal guardian of the pupil before the pupil is allowed to return to school.

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