

Amendment No. 117

Assembly Amendment to Assembly Bill No. 194
(BDR 34-176)

Proposed by: Assembly Committee on Education

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

Adoption of this amendment will MAINTAIN the unfunded mandate not requested by the affected local government to A.B. 194 (§§ 5, 6).

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

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

AAS/AAK



Date: 4/19/2021

A.B. No. 194—Revises provisions governing the suspension and expulsion of pupils. (BDR 34-176)



ASSEMBLY BILL NO. 194—ASSEMBLYMEN TORRES, FLORES, GONZÁLEZ; CONSIDINE, DURAN, GORELOW, KRASNER, MARTINEZ, MARZOLA, C.H. MILLER, PETERS, SUMMERS-ARMSTRONG AND THOMAS

MARCH 4, 2021

JOINT SPONSOR: SENATOR DONATE

Referred to Committee on Education

SUMMARY—Revises provisions governing the suspension and expulsion of pupils. (BDR 34-176)

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

CONTAINS UNFUNDED MANDATE (§§ 5, 6)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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; requiring the annual report of accountability to include certain information relating to restorative justice; revising provisions relating to the suspension or expulsion of pupils; requiring the ~~{Office for a Safe and Respectful Learning Environment}~~ **Department of Education** to provide certain guidance to the board of trustees of a school district; requiring the Department ~~{of Education, in consultation with the Office,}~~ to adopt regulations relating to the discipline of pupils; exempting certain hearings relating to appeals of the suspension or expulsion of pupils from the provisions governing public meetings; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, certain pupils may be suspended or expelled from school for various reasons. (NRS 392.466, 392.467) Existing law requires that, with certain exceptions, a pupil may not be suspended or 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. (NRS 392.467) **Section 5** of this bill requires the board of trustees of each school district and the governing body of each charter school and university school for profoundly gifted pupils to adopt a policy that allows a pupil or, if the pupil is under 18 years of age, the parent or legal guardian of the pupil to appeal the suspension or expulsion of the pupil. Under **section 5**, the policy must provide, without limitation, that (1) the board of trustees of the school district or the governing body of the charter school or university school, **or a designee**, as applicable, may authorize the suspension or expulsion of a pupil ~~{not later than 3 business days after the occurrence of the conduct that led to the suspension or expulsion,}~~ **within the timeline established by the Department of Education;** (2) the board of trustees of the school district

or the governing body of the charter school or university school, or a designee, as applicable, shall notify the pupil and the parent or legal guardian of the pupil, as applicable, of the suspension or expulsion, the right to appeal the suspension or expulsion and information on the appeal policy; (3) the pupil, parent or legal guardian of the pupil, as applicable, may appeal the suspension or expulsion ~~[not later than 3 business days after receiving notice of the suspension or expulsion.]~~ within the timeline established by the Department; (4) the board of trustees of the school district or the governing body of the charter school or university school, or a designee, as applicable, shall schedule a hearing on an appeal ~~[not later than 3 business days after receiving notice of the appeal.]~~ within the timeline established by the Department; and (5) the board of trustees of the school district or the governing body of the charter school or university school, or a designee, as applicable, may not increase the initial suspension or expulsion of a pupil after conducting a hearing. **Section 5** also requires the board of trustees of a school district or the governing body of the charter school or university school, or a designee, as applicable, to post the appeal policy on the Internet website of the school district and each school within the district or the charter school or university school, as applicable.

Under existing law, certain hearings conducted by public bodies must be open to the public. (Chapter 241 of NRS) **Sections 5 and 11** of this bill exempt any hearing conducted pursuant to **section 5** from those requirements.

~~[Section 6 of this bill provides that a pupil who is suspended or expelled, and is appealing the suspension or expulsion, or a pupil who is being considered for suspension or expulsion is entitled to attend school until the suspension or expulsion is finalized, unless the pupil is found in possession of a firearm or a dangerous weapon or is deemed a danger to himself or herself or other pupils or school employees. Section 6 requires the board of trustees of a school district or the governing body of a charter school or university school, as applicable, or the principal of a school to enroll a pupil who is immediately removed from school in a program for behavioral intervention not later than 1 business day after the pupil is removed. Finally, section 6 of this bill provides that a pupil who is suspended or expelled or who is being considered for suspension or expulsion is entitled to receive an education in the least restrictive environment possible.]~~

Sections 2 and 3 of this bill authorize a pupil of a charter school or university school or the parent or guardian of a pupil of a charter school or university school to appeal a suspension or expulsion in accordance with the policy adopted by the governing body of the charter school or university school, as applicable, pursuant to **section 5**. **Sections 2 and 3** also require a charter school or university school to ensure a pupil who is suspended or expelled and is appealing the suspension or expulsion or a pupil who is being considered for suspension or expulsion continues to attend school and receives an appropriate education in the least restrictive environment possible in accordance with **section 6**.

~~[Existing law creates the Office for a Safe and Respectful Learning Environment. (NRS 388.1323)]~~ **Section 7** of this bill requires the ~~[Office]~~ Department to provide to the board of trustees of a school district guidance regarding the appeal policy adopted pursuant to **section 5** in as many languages as possible for the benefit of pupils and their families.

Existing law requires the Department ~~[of Education]~~ to adopt regulations relating to restorative justice in disciplining pupils. Existing law also requires the Department to post on its Internet website certain guidance relating to the discipline of pupils, including, without limitation, restorative justice. (NRS 392.472) **Section 8** of this bill ~~[authorizes]~~ requires the Department ~~[, in consultation with the Office for a Safe and Respectful Learning Environment,]~~ to adopt any necessary regulations relating to the discipline of pupils and the provisions of **sections 5-8** of this bill. **Section 10** of this bill makes a conforming change related to the role of the Office in providing consultation to the Department relating to restorative justice.

Existing law requires the board of trustees of each school district and the sponsor of each charter school to submit an annual report of accountability that includes, without limitation, certain information on the discipline of pupils. (NRS 385A.070, 385A.250) **Section 1** of this bill requires that the report also include information on: (1) the plan for restorative justice and the process for progressive discipline used by the school; and (2) the manner in which the school trains employees on restorative justice and progressive discipline.

Existing law requires the principal of each school, in consultation with the employees of the school, to prepare a plan to improve the achievement of pupils enrolled

in the school. (NRS 385A.650) Section 1.5 of this bill requires such a plan to be developed in accordance with existing law relating to academic and nonacademic supports for pupils.

Section 9 of this bill makes a conforming change to refer to provisions that have been renumbered by this bill.

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 or expulsion, 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 or 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.

(g) For each school in the district, including, without limitation, each charter school sponsored by the district, information on:

1 *(1) The plan for restorative justice and the process for progressive*
2 *discipline used by the school; and*

3 *(2) The manner in which the school trains employees on restorative*
4 *justice and progressive discipline.*

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

7 (a) Pupils who are economically disadvantaged;

8 (b) Pupils from major racial and ethnic groups;

9 (c) Pupils with disabilities;

10 (d) Pupils who are English learners;

11 (e) Pupils who are migratory children;

12 (f) Gender;

13 (g) Pupils who are homeless;

14 (h) Pupils in foster care; and

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

17 3. As used in this section:

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

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

20 (c) *"Restorative justice" has the meaning ascribed to it in NRS 392.472.*

21 Sec. 1.5. NRS 385A.650 is hereby amended to read as follows:

22 385A.650 1. The principal of each school, including, without limitation,
23 each charter school, shall, in consultation with the employees of the school, prepare
24 a plan to improve the achievement of the pupils enrolled in the school.

25 2. The plan developed pursuant to subsection 1 must:

26 (a) Include any information prescribed by regulation of the State Board;

27 (b) Be developed in accordance with the provisions of NRS 388.885;

28 (c) Include, without limitation, methods for evaluating and improving the
29 school climate in the school; and

30 ~~(c)~~ (d) Comply with the provisions of 20 U.S.C. § 6311(d).

31 3. The principal of each school shall, in consultation with the employees of
32 the school:

33 (a) Review the plan prepared pursuant to this section annually to evaluate the
34 effectiveness of the plan; and

35 (b) Based upon the evaluation of the plan, make revisions, as necessary, to
36 ensure that the plan is designed to improve the academic achievement of pupils
37 enrolled in the school.

38 4. On or before the date prescribed by the Department, the principal of each
39 school shall submit the plan or the revised plan, as applicable, to the:

40 (a) Department;

41 (b) Committee;

42 (c) Bureau; and

43 (d) Board of trustees of the school district in which the school is located or, if
44 the school is a charter school, the sponsor of the charter school and the governing
45 body of the charter school.

46 5. As used in this section, "school climate" means the basis of which to
47 measure the relationships between pupils and the parents or legal guardians of
48 pupils and educational personnel, the cultural and linguistic competence of
49 instructional materials and educational personnel, the emotional and physical safety
50 of pupils and educational personnel and the social, emotional and academic
51 development of pupils and educational personnel.

52 Sec. 2. NRS 388A.495 is hereby amended to read as follows:

53 388A.495 1. A governing body of a charter school shall adopt:

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

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

4 2. If suspension or expulsion of a pupil is used as a punishment for a violation
5 of the rules, the charter school shall ensure that, before the suspension or expulsion,
6 the pupil and, if the pupil is under 18 years of age, the parent or guardian of the
7 pupil, has been given notice of the charges against him or her, an explanation of the
8 evidence and an opportunity for a hearing. *If a pupil is suspended or expelled, the*
9 *pupil or, if the pupil is under 18 years of age, the parent or guardian of the pupil*
10 *may appeal the suspension or expulsion in accordance with the provisions of*
11 *section 5 of this act. The charter school shall ensure that a pupil who is*
12 *suspended or expelled and is appealing the suspension or expulsion or a pupil*
13 *who is being considered for suspension or expulsion continues to attend school*
14 *and receives an appropriate education in the least restrictive environment*
15 *possible* ~~*in accordance with the provisions of*~~ *as required by section 6 of this act.*

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

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

25 4. A pupil who is at least 11 years of age and who is enrolled in a charter
26 school and participating in a program of special education pursuant to NRS 388.419
27 may, in accordance with the procedural policy adopted by the governing body of
28 the charter school for such matters and only after the governing body has reviewed
29 the circumstances and determined that the action is in compliance with the
30 Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:

31 (a) Suspended from the charter school pursuant to this section for not more
32 than 5 days for each occurrence.

33 (b) Permanently expelled from school pursuant to this section.

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

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

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

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

44 **Sec. 3.** NRS 388C.150 is hereby amended to read as follows:

45 388C.150 1. The governing body of a university school for profoundly
46 gifted pupils shall adopt:

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

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

50 2. If suspension or expulsion of a pupil is used as a punishment for a violation
51 of the rules, the university school for profoundly gifted pupils shall ensure that,
52 before the suspension or expulsion, the pupil has been given notice of the charges
53 against him or her, an explanation of the evidence and an opportunity for a hearing.

1 *If a pupil is suspended or expelled, the pupil or, if the pupil is under 18 years of*
2 *age, the parent or guardian of the pupil may appeal the suspension or expulsion*
3 *in accordance with the provisions of section 5 of this act. The university school*
4 *shall ensure that a pupil who is suspended or expelled and is appealing the*
5 *suspension or expulsion or a pupil who is being considered for suspension or*
6 *expulsion continues to attend school and receives an appropriate education in the*
7 *least restrictive environment possible* ~~(in accordance with the provisions of)~~ as
8 required by section 6 of this act. The provisions of chapter 241 of NRS do not
9 apply to any hearing conducted pursuant to this section. Such a hearing must be
10 closed to the public.

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

18 4. A pupil who is at least 11 years of age and who is enrolled in a university
19 school for profoundly gifted pupils and participating in a program of special
20 education pursuant to NRS 388.419 may, in accordance with the procedural policy
21 adopted by the governing body of the university school for such matters and only
22 after the governing body has reviewed the circumstances and determined that the
23 action is in compliance with the Individuals with Disabilities Education Act, 20
24 U.S.C. §§ 1400 et seq., be:

25 (a) Suspended from the university school pursuant to this section for not more
26 than 5 days for each occurrence.

27 (b) Permanently expelled from school pursuant to this section.

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

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

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

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

40 **Sec. 4.** Chapter 392 of NRS is hereby amended by adding thereto the
41 provisions set forth as sections 5 to 8, inclusive, of this act.

42 **Sec. 5. 1. *The board of trustees of each school district and the governing***
43 ***body of each charter school or university school for profoundly gifted pupils, as***
44 ***applicable, shall adopt a policy for appealing the suspension or expulsion of a***
45 ***pupil enrolled in the school district, charter school or university school, as***
46 ***applicable. The policy must provide, without limitation, that:***

47 ***(a) The board of trustees of a school district, ~~for~~ the governing body of a***
48 ***charter school or university school for profoundly gifted pupils ~~or~~ or the designee***
49 ***of the board of trustees or governing body, as applicable, may authorize the***
50 ***suspension or expulsion of a pupil ~~not later than 3 business days after the~~***
51 ***occurrence of the conduct that led to the suspension or expulsion;*** within the
52 timeline established by the Department pursuant to section 8 of this act;

(b) ~~As soon as practicable after the occurrence of the conduct that led to the suspension or expulsion of a pupil,~~ Within the timeline established by the Department pursuant to section 8 of this act, the board of trustees of a school district ~~, for the governing body of a charter school or university school for profoundly gifted pupils~~ or the designee of the board of trustees or governing body, as applicable, shall notify the pupil and, if the pupil is under 18 years of age, the parent or legal guardian of the pupil who is suspended or expelled of:

(1) The suspension or expulsion;

(2) The right to appeal the suspension or expulsion; and

(3) Information on the appeal policy adopted by the board of trustees of the school district or the governing body of the charter school or university school, as applicable;

(c) A pupil or, if the pupil is under 18 years of age, the parent or legal guardian of the pupil, who is suspended or expelled may file an appeal with the board of trustees of the school district ~~, for the governing body of the charter school or university school for profoundly gifted pupils~~ or the designee of the board of trustees or governing body, as applicable, ~~not later than 3 business days after receiving notice of the suspension or expulsion from the board of trustees of the school district or the governing body of the charter school or university school, as applicable,~~ within the timeline established by the Department pursuant to section 8 of this act;

(d) The board of trustees of a school district ~~, for the governing body of a charter school or university school for profoundly gifted pupils~~ or the designee of the board of trustees or governing body, as applicable, shall schedule a hearing on an appeal of a suspension or expulsion of a pupil ~~not later than 3 business days after receiving notice of an appeal pursuant to paragraph (c),~~ within the timeline established by the Department pursuant to section 8 of this act; and

(e) After conducting a hearing pursuant to this subsection, the board of trustees of a school district ~~, for the governing body of a charter school or university school for profoundly gifted pupils~~ or the designee of the board of trustees or governing body, as applicable, may not increase the initial suspension or expulsion of a pupil.

2. The board of trustees of a school district ~~, for the governing body of a charter school or university school for profoundly gifted pupils~~ or the designee of the board of trustees or governing body, as applicable, shall post the appeal policy on the Internet website of the school district and each school within the district or of the charter school or university school, as applicable.

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.

Sec. 6. ~~[1. Except as otherwise provided in subsection 2, a pupil who is suspended or expelled and is appealing the suspension or expulsion or a pupil who is being considered for suspension or expulsion is entitled to continue to attend school until the suspension or expulsion of the pupil is authorized by the board of trustees of the school district or the governing body of the charter school or university school for profoundly gifted pupils, as applicable, or, if the suspension or expulsion of a pupil is appealed pursuant to section 5 of this act, until the board of trustees of the school district or the governing body of the charter school or university school, as applicable, makes a final decision on the appeal of the suspension or expulsion.~~

~~2. Notwithstanding the provisions of subsection 1, the board of trustees of a school district, the governing body of a charter school or university school for~~

~~profoundly gifted pupils or the principal of a school may immediately remove a pupil from the premises of a school if the pupil is:~~

~~—(a) Found to be in possession of a firearm or a dangerous weapon as provided in NRS 392.466; or~~

~~—(b) Deemed to be a danger to himself or herself or other pupils or school employees by the crisis team of the school or, if the school does not have a crisis team, a school social worker.~~

~~3. To the extent practicable, the board of trustees of a school district, the governing body of a charter school or university school for profoundly gifted pupils or the principal of a school shall enroll a pupil who is immediately removed from the premises of a school pursuant to subsection 2 in a program for behavioral intervention not later than 1 business day after the pupil is removed.~~

~~4. A pupil who is suspended or expelled or is being considered for suspension or expulsion is entitled to receive an appropriate education in the least restrictive environment possible.~~

Sec. 7. The ~~[Office for a Safe and Respectful Learning Environment]~~ Department shall, to the extent practicable, provide guidance to the board of trustees of each school district on the appeal policy adopted by the board of trustees of each school district pursuant to section 5 of this act in as many languages as possible for the benefit of pupils and parents or legal guardians of pupils.

Sec. 8. The Department ~~[, in consultation with the Office for a Safe and Respectful Learning Environment,]~~ shall adopt any regulations necessary to carry out the provisions of NRS 392.461 to 392.472, inclusive, and sections 5 to 8, inclusive, of this act ~~[,], including, without limitation, regulations which establish timelines for the purposes of subsection 1 of section 5 of this act.~~

Sec. 9. 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 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 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 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 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 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 or 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, 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.

6. If the pupil is 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 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.

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 or 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, a pupil who is not more than 10 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 or permanently expelled from school pursuant to this section only after the board of trustees of the school district has reviewed the circumstances and approved this action in accordance with the procedural policy adopted by the board for such issues.

10. A pupil 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 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) Permanently expelled from school pursuant to this section.

11. 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. The provisions of this section do not prohibit a pupil who is suspended or 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 or expulsion in accordance with applicable federal and state law before the governing body makes a decision concerning the enrollment of the pupil.

Sec. 10. 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 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, *in consultation with the Office for a Safe and Respectful Learning Environment*, 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. 11. 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, 392.467, 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 ~~and section 5 of this act~~, 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. 12. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 13. This act becomes effective on July 1, 2021.