

ASSEMBLY BILL NO. 285—ASSEMBLYWOMEN TAYLOR,
TORRES, ANDERSON, BILBRAY-AXELROD AND HANSEN

MARCH 14, 2023

Referred to Committee on Education

SUMMARY—Revises provisions governing school safety and student behavior. (BDR 34-638)

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

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets [omitted-material] is material to be omitted.

AN ACT relating to education; removing certain requirements for the use of restorative disciplinary practices in public schools; requiring certain schools to provide a progressive discipline plan based on restorative justice to certain pupils; revising provisions governing the development of a plan of discipline by the board of trustees of a school district or governing body of a charter school or university school for profoundly gifted pupils; revising provisions governing age and certain other requirements for the suspension, expulsion and permanent expulsion of pupils; requiring the provision and reporting of a plan to provide education services to certain pupils; revising provisions governing the reporting of certain data concerning discipline of pupils; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the board of trustees of each school district to establish a plan to provide for the restorative discipline of pupils, developed: (1) in accordance with the statewide framework for restorative justice developed by the Department of Education; and (2) with input from certain school personnel and the parents and guardians of pupils. (NRS 392.4644) Existing law: (1) to the extent that money is available, requires the Department to develop a statewide framework for restorative justice; and (2) sets forth requirements for that framework. (NRS 388.1333) **Section 5** of this bill removes the requirement to establish such a plan, instead requiring that the board of trustees of each school district, the governing body of each charter school and the governing body of each university school for profoundly gifted pupils establish a plan of progressive discipline. **Section 5** also



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requires such entities to include within such a plan: (1) disciplinary practices based on restorative justice; (2) methods of alternative conflict resolution and interventions based on social and emotional learning; and (3) provisions for the placement of a pupil in a more restrictive educational environment at the school or at a different school. **Sections 1 and 2** of this bill make conforming changes relating to the removal of this requirement. **Section 2.5** of this bill: (1) requires the Department to develop the statewide framework for restorative justice regardless of funding; and (2) requires the framework developed by the Department to include certain training on school climate for teachers, administrators and other school staff.

Existing law requires, in general, that a public school provide a plan of action based on restorative justice before removing a pupil from a classroom or the premises of the school or suspending or expelling the pupil. Existing law requires the Department to develop one or more examples of such a plan of action, with certain required elements. (NRS 392.472) **Section 9** of this bill requires a public school to instead provide a progressive discipline plan based on restorative justice: (1) to a pupil who has been suspended for at least 5 cumulative days during a school year; and (2) within 2 days after removing a pupil. **Section 9** additionally requires an example of a progressive discipline plan developed by the Department to include certain determinations concerning an individualized education program. Further, **section 9** requires the plan to be made available to certain personnel. **Sections 3 and 4** of this bill provide similar authorization concerning the provision of progressive discipline plans based on restorative justice for charter schools and university schools for profoundly gifted pupils.

Existing law requires a public school to offer certain education services to a pupil who is removed from a classroom or the premises of a public school for more than 2 days. (NRS 392.4645) **Section 5.5** of this bill requires the public school to develop a plan to offer such services and requires the plan to include: (1) an option to provide such services in an in-person setting; (2) the location of such services; and (3) a plan for the pupil to complete certain assignments. **Section 5.5** also requires each school district to, on or before August 1 of each year, collect a representative sample of the plans developed and submit a copy of the sampled plans to the: (1) Joint Interim Standing Committee on Education; (2) Department of Education; and (3) State Board of Education.

Existing law authorizes, under certain circumstances, the suspension, expulsion or permanent expulsion of a pupil who attends a public school, charter school or university school for profoundly gifted pupils and who is at least 11 years of age. (NRS 388A.495, 388C.150, 392.466, 392.467) Existing law further provides that a pupil who is less than 11 years of age may be suspended, expelled or permanently expelled by the public school in which the pupil is enrolled if such a punishment is approved by the board of trustees of the school district. (NRS 392.466) **Sections 3, 4 and 7** of this bill provide for the suspension, expulsion or permanent expulsion of certain pupils who are at least 11 years of age. **Sections 3, 4 and 7**: (1) provide that pupils who are less than 11 years of age may, following review and approval by certain school officials, be suspended in certain situations; and (2) prohibit, in general, the expulsion or permanent expulsion of a pupil who is less than 11 years of age.

Under existing law, a public school is prohibited, in general, from permanently expelling a pupil who is less than 11 years of age, except for certain situations in which such a punishment is authorized by the board of trustees of a school district. (NRS 392.466, 392.467) **Section 8** of this bill additionally prohibits a public school, in general, from expelling such a pupil. **Section 7** provides that, for a pupil who sells or distributes a controlled substance in certain situations or commits an act of violence against certain persons in various school settings: (1) the pupil may be suspended if he or she is less than 11 years of age and may also be expelled or



permanently expelled if he or she is at least 11 years of age; (2) the suspension of a pupil who is less than 6 years of age must be reviewed by the superintendent of the school district or his or her designee; and (3) if the removal is of a pupil with a disability, such removal must comply with federal law. **Sections 3 and 4** apply similar provisions to charter schools and university schools for profoundly gifted pupils, respectively.

Existing law provides the process for the principal of a school to deem a pupil a habitual disciplinary problem. (NRS 392.4655) Existing law additionally provides the process by which, after a principal determines a pupil is not a habitual disciplinary problem, a teacher may appeal the decision to the board of trustees of the school district. **Section 6** of this bill provides that a pupil must be at least 11 years of age to be deemed a habitual disciplinary problem. **Section 6** additionally requires that the pupil be deemed a habitual disciplinary problem if the school has written evidence showing that the pupil did not make efforts to enter into or participate in a plan of behavior. **Section 6** revises the persons to whom a pupil or legal guardian of a pupil may appeal a determination that the pupil is a habitual disciplinary problem.

Existing law requires, in general, that the principal of a school deem a pupil a habitual disciplinary problem following a determination that homelessness is not the cause of the behavior of the pupil. (NRS 392.4655) Existing law also requires that, to suspend or expel a pupil in certain situations, a determination be made that the behavior of a pupil is not caused by homelessness or being in foster care. (NRS 392.466, 392.467) **Section 6** removes the requirement that a principal presume the behavior of a pupil is due to homelessness unless evidence indicates otherwise. Additionally, **section 6** requires that, before deeming a pupil to be a habitual disciplinary problem, a determination be made that: (1) homelessness is not a factor in the behavior of the pupil; and (2) the placement of the pupil in foster care is not a factor in his or her behavior. Similar requirements are prescribed by **sections 7 and 8**.

Existing law requires each public school to collect data on the discipline of pupils. (NRS 392.462) **Section 4.5** of this bill requires such data collection to occur quarterly. **Section 4.5** also requires the data collection to include data on: (1) the implementation of a plan for progressive discipline; (2) the training that teachers and administrators have received regarding the plan; (3) the number of staff positions in the school that are vacant; (4) the average class size for each grade in the school; and (5) the ratio of pupils to school counselors, psychologists and social workers. **Section 4.5** additionally requires the principal of each school to, before August 1 of each year, report the data to: (1) the board of trustees of the school district; (2) the Joint Interim Standing Committee on Education; (3) the Superintendent of Public Instruction; and (4) the Department of Education.

Existing law requires the Department to include in the statewide system of accountability for public schools data to recognize public schools that reduce the frequency of suspension, expulsion or removal of pupils from school. (NRS 385A.605) **Section 1.5** of this bill requires certain data collected pursuant to **section 4.5** to be included in the statewide system of accountability.



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, and categorized by types of incidents and the demographics identified in subsection 1 of NRS 388.1235:

(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 discrimination based on race, 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 discrimination based on race, bullying or cyber-bullying; and

(4) Any actions taken to reduce the number of incidents of discrimination based on race, 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) The plan ~~{for restorative justice and the process}~~ for progressive discipline used by the school ~~{}~~ and *any disciplinary practices based on restorative justice used by the school; and*

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

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) “Discrimination based on race” has the meaning ascribed to it in NRS 388.1235.

(d) “Expulsion” has the meaning ascribed to it in NRS 392.4603.

(e) “Restorative justice” has the meaning ascribed to it in NRS 392.472.

(f) “Suspension” has the meaning ascribed to it in NRS 392.4607.



Sec. 1.5. NRS 385A.605 is hereby amended to read as follows:

385A.605 The Department shall include in the statewide system of accountability for public schools data ~~to~~:

1. To recognize public schools that reduce the frequency of the suspension, expulsion or removal of pupils from school as a means of discipline, including, without limitation, a reduction in the occurrences of the suspension, expulsion or removal of pupils that disproportionately affect pupils who belong to a group of pupils listed in subsection 2 of NRS 385A.250 ~~to~~; and

2. That is collected pursuant to NRS 392.462 and submitted to the Department pursuant to paragraph (d) of subsection 2 of that section.

Sec. 2. NRS 388.133 is hereby amended to read as follows:

388.133 1. The Department shall, in consultation with the governing bodies, educational personnel, local associations and organizations of parents whose children are enrolled in schools throughout this State, and individual parents and legal guardians whose children are enrolled in schools throughout this State, prescribe by regulation a policy for all school districts and schools to provide a safe and respectful learning environment that is free of discrimination based on race, bullying and cyber-bullying.

2. The policy must include, without limitation:

(a) Requirements and methods for reporting violations of NRS 388.135, including, without limitation, violations among teachers and violations between teachers and administrators, coaches and other personnel of a school district or school;

(b) Requirements and methods for addressing the rights and needs of persons with diverse gender identities or expressions;

(c) ~~Requirements and methods~~ **Recommendations** for restorative disciplinary practices that align with the statewide framework for restorative justice ; ~~if such a framework is developed pursuant to NRS 388.1333;~~ and

(d) A policy for use by school districts and schools to train members of the governing body and all administrators, teachers and all other personnel employed by the governing body. The policy must include, without limitation:

(1) Training in the appropriate methods to facilitate positive human relations among pupils by eliminating the use of discrimination based on race, bullying and cyber-bullying so that pupils may realize their full academic and personal potential;

(2) Training in methods to prevent, identify and report incidents of discrimination based on race, bullying and cyber-bullying;



(3) Training concerning the needs of persons with diverse gender identities or expressions;

(4) Training concerning the needs of pupils with disabilities and pupils with autism spectrum disorder;

(5) Methods to promote a positive learning environment;

(6) Methods to improve the school environment in a manner that will facilitate positive human relations among pupils; and

(7) Methods to teach skills to pupils so that the pupils are able to replace inappropriate behavior with positive behavior.

Sec. 2.5. NRS 388.1333 is hereby amended to read as follows:

388.1333 1. ~~[To the extent that money is available, the]~~ *The*

Department shall develop a statewide framework for restorative justice. The statewide framework must, without limitation:

(a) In accordance with NRS 392.472, establish standards for a *progressive discipline* plan ~~[of action]~~ based on restorative justice to enable a public school to address the unique needs of pupils enrolled in the school;

(b) Provide for the identification of and address the needs of homeless pupils, unaccompanied pupils or pupils in foster care;

(c) Address the occurrences of the suspension, expulsion or removal of pupils from school that disproportionately affect pupils who belong to a group of pupils listed in subsection 2 of NRS 385A.250; *and*

(d) Provide for the improvement of school climate, culture and safety and pupil outcomes by providing information *and training for teachers, administrators and other school staff* on, without limitation:

(1) Multi-tiered systems of support;

(2) Early warning systems;

(3) Positive behavioral interventions and support;

(4) The provision of school social workers;

(5) Curriculum on social and emotional learning; ~~[and]~~

(6) Trauma-informed practices; ~~[and]~~

~~—(e) Provide for training for teachers, administrators and other school staff in:~~

~~(1)]~~ (7) Child and adolescent development;

~~[(2)]~~ (8) Restorative justice, including, without limitation, positive behavioral interventions and support, conflict resolution and de-escalation techniques; and

~~[(3)]~~ (9) Psychology, trauma and chronic stress, the effect of trauma and chronic stress on pupils and learning and effective responses to trauma and chronic stress.

2. The Department may apply for grants, gifts and donations of money to carry out the objectives of the statewide framework for restorative justice.



3. As used in this section:

(a) "Foster care" has the meaning ascribed to it in 45 C.F.R. § 1355.20.

(b) "Homeless pupil" has the meaning ascribed to the term "homeless children and youths" in 42 U.S.C. § 11434a(2).

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

(d) "Unaccompanied pupil" has the meaning ascribed to the term "unaccompanied youth" in 42 U.S.C. § 11434a(6).

Sec. 3. NRS 388A.495 is hereby amended to read as follows:

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

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

(b) Appropriate punishments for violations of the rules.

2. ~~HH~~ *Except as otherwise provided in subsection 3, if* suspension or expulsion of a pupil is used as a punishment for a violation of the rules, the charter school shall ensure that, before the suspension or expulsion, the pupil and, if the pupil is under 18 years of age, the parent or guardian of the pupil, has been given notice of the charges against him or her, an explanation of the evidence and an opportunity for a hearing. If a pupil is suspended or expelled, the pupil or, if the pupil is under 18 years of age, the parent or guardian of the pupil may appeal the suspension or expulsion in accordance with the provisions of NRS 392.4671. The charter school shall ensure 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 continues to attend school and receives an appropriate education in the least restrictive environment possible as required by NRS 392.4673. 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 ~~[.] or [who is selling or distributing any controlled substance or]~~ who is found to be in possession of a *firearm or* dangerous weapon as provided in NRS 392.466 may be removed from the charter school ~~[only after the charter school 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.]~~ *immediately upon being given an explanation of the reasons for the removal of the pupil and pending proceedings, which must be conducted as soon as practicable after removal, for his or her suspension or expulsion, except that:*



1 (a) A pupil who is less than 11 years of age may not be
2 expelled or permanently expelled pursuant to this section.

3 (b) A pupil who is less than 6 years of age may be suspended
4 pursuant to this section, and the suspension must be reviewed and
5 approved by the governing body of the charter school.

6 (c) For a pupil with a disability who has been suspended or
7 expelled pursuant to this section, the charter school in which the
8 pupil is enrolled shall make available to the pupil a free
9 appropriate public education in compliance with the Individuals
10 with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., for each
11 school day the pupil is suspended or expelled after the pupil has
12 been removed for 10 cumulative days.

13 4. Any pupil who sells or distributes any controlled substance
14 while on the premises of any charter school, at an activity
15 sponsored by a charter school or on any charter school bus shall
16 meet with the school and his or her parent or legal guardian. The
17 school may provide a plan for progressive discipline based on
18 restorative justice to the parent or legal guardian of the pupil or, if
19 the pupil is an unaccompanied pupil, the pupil. The pupil may be
20 suspended, expelled or permanently expelled from the school,
21 except that:

22 (a) A pupil who is less than 11 years of age may not be
23 expelled or permanently expelled pursuant to this section.

24 (b) A pupil who is less than 6 years of age may be suspended
25 pursuant to this section, and the suspension must be reviewed and
26 approved by the governing body of the charter school.

27 (c) For a pupil with a disability who has been suspended or
28 expelled pursuant to this section, the charter school in which the
29 pupil is enrolled shall make available to the pupil a free
30 appropriate public education in compliance with the Individuals
31 with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., for each
32 school day the pupil is suspended or expelled after the pupil has
33 been removed for 10 cumulative days.

34 5. A pupil with a disability who is at least 11 years of age and
35 who is enrolled in a charter school may, in accordance with the
36 procedural policy adopted by the governing body of the charter
37 school for such matters and only after the governing body or its
38 designee has reviewed the circumstances and determined that the
39 action is in compliance with the Individuals with Disabilities
40 Education Act, 20 U.S.C. §§ 1400 et seq., be:

41 (a) Suspended from the charter school pursuant to this section
42 for not more than 5 days for each occurrence of proscribed conduct.

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

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



~~15.1~~ 6. 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 school during the year.

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

~~16.1~~ 7. The governing body of a charter school may adopt rules relating to the truancy of pupils who are enrolled in the charter 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 a governing body adopts rules governing truancy, it shall include the rules in the written rules adopted by the governing body pursuant to subsection 1.

~~17.1~~ 8. As used in this section:

(a) "Expel" or "expulsion" has the meaning ascribed to it in NRS 392.4603.

(b) "Permanently expelled" means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled:

(1) Except as otherwise provided in subparagraph (2), without the possibility of returning to the school in which the pupil is currently enrolled or another public school within the school district; and

(2) With the possibility of enrolling in a program or public school for alternative education for pupils who are expelled or permanently expelled after being permanently expelled.

(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 NRS 392.4607.

Sec. 4. 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. ~~11.1~~ *Except as otherwise provided in subsection 3, if suspension or 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 or 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. If a pupil is suspended or expelled, the pupil or, if the pupil is under 18 years of age, the parent or guardian of the pupil may appeal the suspension or expulsion in accordance with the provisions of NRS 392.4671. The university school shall ensure that a pupil who is suspended or expelled and is appealing the suspension or expulsion*



1 or a pupil who is being considered for suspension or expulsion
2 continues to attend school and receives an appropriate education in
3 the least restrictive environment possible as required by NRS
4 392.4673. The provisions of chapter 241 of NRS do not apply to any
5 hearing or proceeding conducted pursuant to this section. Such a
6 hearing or proceeding must be closed to the public.

7 3. A pupil ~~[who is at least 11 years of age and]~~ who poses a
8 continuing danger to persons or property or an ongoing threat of
9 disrupting the academic process ~~[.] or [who is selling or distributing~~
10 ~~any controlled substance or]~~ who is found to be in possession of a
11 *firearm or* dangerous weapon as provided in NRS 392.466 may be
12 removed ~~[only after]~~ *from* the university school for profoundly
13 gifted pupils ~~[has made a reasonable effort to complete a plan of~~
14 ~~action based on restorative justice with the pupil in accordance with~~
15 ~~the provisions of NRS 392.466 and 392.467.]~~ *immediately upon*
16 *being given an explanation of the reasons for the removal of the*
17 *pupil and pending proceedings, which must be conducted as soon*
18 *as practicable after removal, for his or her suspension or*
19 *expulsion, except that:*

20 (a) *A pupil who is less than 11 years of age may not be*
21 *expelled or permanently expelled pursuant to this section.*

22 (b) *A pupil who is less than 6 years of age may be suspended*
23 *pursuant to this section, and the suspension must be reviewed and*
24 *approved by the governing body of the university school for*
25 *profoundly gifted pupils.*

26 (c) *For a pupil with a disability who has been suspended or*
27 *expelled pursuant to this section, the university school for*
28 *profoundly gifted pupils in which the pupil is enrolled shall make*
29 *available to the pupil a free appropriate public education in*
30 *compliance with the Individuals with Disabilities Education Act,*
31 *20 U.S.C. §§ 1400 et seq., for each school day the pupil is*
32 *suspended or expelled after the pupil has been removed for 10*
33 *cumulative days.*

34 4. *Any pupil who sells or distributes any controlled substance*
35 *while on the premises of any university school for profoundly*
36 *gifted pupils, at an activity sponsored by a university school for*
37 *profoundly gifted pupils or on any bus owned by a university*
38 *school for profoundly gifted pupils shall meet with the school and*
39 *his or her parent or legal guardian. The school may provide a plan*
40 *for progressive discipline based on restorative justice to the parent*
41 *or legal guardian of the pupil or, if the pupil is an unaccompanied*
42 *pupil, the pupil. The pupil may be suspended, expelled or*
43 *permanently expelled from the school, except that:*

44 (a) *A pupil who is less than 11 years of age may not be*
45 *expelled or permanently expelled pursuant to this section.*



(b) *A pupil who is less than 6 years of age may be suspended pursuant to this section, and the suspension must be reviewed and approved by the governing body of the university school for profoundly gifted pupils.*

(c) *For a pupil with a disability who has been suspended or expelled pursuant to this section, the university school for profoundly gifted pupils in which the pupil is enrolled shall make available to the pupil a free appropriate public education in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., for each school day the pupil is suspended or expelled after the pupil has been removed for 10 cumulative days.*

5. 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 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 proscribed conduct.

(b) Expelled from school pursuant to this section.

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

~~5-1~~ 6. 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.

~~6-1~~ 7. 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.

~~7-1~~ 8. As used in this section:

(a) "Expel" or "expulsion" has the meaning ascribed to it in NRS 392.4603.

(b) "Permanently expelled" means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled:

(1) Except as otherwise provided in subparagraph (2), without the possibility of returning to the school in which the pupil



1 is currently enrolled or another public school within the school
2 district; and

3 (2) With the possibility of enrolling in a program or public
4 school for alternative education for pupils who are expelled or
5 permanently expelled after being permanently expelled.

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

8 (d) “Suspend” or “suspension” has the meaning ascribed to it in
9 NRS 392.4607.

10 **Sec. 4.5.** NRS 392.462 is hereby amended to read as follows:

11 392.462 Each public school shall *quarterly* collect data on the
12 discipline of pupils ~~[]~~ *and the plans developed pursuant to NRS*
13 *392.4644*. Such data must include, without limitation, the number of
14 expulsions and suspensions of pupils , *the number of staff positions*
15 *in the school that are vacant, the average class size for each grade*
16 *in the school, the implementation of each plan, the training*
17 *received by teachers and administrators regarding each plan,*
18 ~~[and]~~ the number of placements of pupils in another school ~~[]~~ *and*
19 *the ratio of pupils to school counselors, school psychologists and*
20 *school social workers*. Such data must be disaggregated into the
21 subgroups of pupils listed in subsection 2 of NRS 385A.250 and the
22 types of offense. The principal of each public school shall:

23 1. Review the data and take appropriate action;

24 2. ~~[Report]~~ *On or before August 1 of each year, report* the
25 data to ~~[the]~~ :

26 (a) *The board of trustees of the school district* ~~[each quarter;]~~ *or*
27 *the governing body of the public school, as applicable;*

28 (b) *The Joint Interim Standing Committee on Education;* ~~[and]~~

29 (c) *The Superintendent of Public Instruction; and*

30 (d) *The Department; and*

31 3. To the extent allowed by the Family Educational Rights and
32 Privacy Act of 1974, 20 U.S.C. § 1232g, post the data on the
33 Internet website maintained by the public school.

34 **Sec. 5.** NRS 392.4644 is hereby amended to read as follows:

35 392.4644 1. The board of trustees of each school district , *the*
36 *governing body of each charter school and the governing body of*
37 *each university school for profoundly gifted pupils* shall establish a
38 plan to provide for the ~~[restorative]~~ *progressive* discipline of pupils
39 and on-site review of disciplinary decisions. The plan must:

40 (a) Be developed with the input and participation of teachers,
41 school administrators , *school counselors, school social workers,*
42 *school psychologists, behavior analysts* and other educational
43 personnel and support personnel who are employed ~~[by]~~ *at the*
44 *public school ,* ~~[district;]~~ pupils who are enrolled *in the public*
45 *school or* schools within the school district , *as applicable,* and the



1 parents and guardians of pupils who are enrolled in *the public*
2 *school or* schools within the school district ~~[]~~, *as applicable*.

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

5 (c) Include, without limitation, provisions designed to address
6 the specific disciplinary needs and concerns of *the public school or*
7 each school within the school district ~~[]~~, *as applicable*.

8 ~~(d) [Provide restorative disciplinary practices which include,~~
9 ~~without limitation:~~

10 ~~—(1) Holding a pupil accountable for his or her behavior;~~

11 ~~—(2) Restoration or remedies related to the behavior of the~~
12 ~~pupil;~~

13 ~~—(3) Relief for any victim of the pupil; and~~

14 ~~—(4) Changing the behavior of the pupil.~~

15 ~~—(e) Provide for]~~ *Prescribe methods of alternative conflict*
16 *resolution and interventions based on social and emotional*
17 *learning that are developed to avoid the need for the removal of a*
18 *pupil.*

19 (e) *Include provisions that authorize* the temporary removal of
20 a pupil from a classroom or other premises of a public school ~~[in~~
21 ~~accordance with]~~ *pursuant to* NRS 392.4645.

22 (f) Provide for the placement of a pupil in *a more restrictive*
23 *educational environment at that school or at* a different *public*
24 *school or* school within the school district , *as applicable*, in
25 accordance with NRS 392.466.

26 (g) Include the names of any members of a committee to review
27 the temporary alternative placement of pupils required by
28 NRS 392.4647.

29 ~~(h) [Be in accordance with the statewide framework for~~
30 ~~restorative justice developed pursuant to NRS 388.1333, including,~~
31 ~~without limitation, by addressing the occurrences of the suspension,~~
32 ~~expulsion or removal of pupils from school that disproportionately~~
33 ~~affect pupils who belong to a group of pupils listed in subsection 2~~
34 ~~of NRS 385A.250.~~

35 ~~—(i)]~~ Be *provided to each school over which the board of*
36 *trustees or governing body has authority and* posted on the Internet
37 website maintained by the *public* school . ~~[district.]~~

38 (i) *Be in accordance with a plan to use disciplinary practices*
39 *based on restorative justice developed pursuant to subsection 2, if*
40 *applicable.*

41 2. *The board of trustees of a school district shall, in addition*
42 *to establishing a plan to provide for the progressive discipline of*
43 *pupils pursuant to subsection 1, establish a plan to use*
44 *disciplinary practices based on restorative justice. Such a plan*
45 *must:*



(a) *Authorize the use of disciplinary practices based on restorative justice which include, without limitation:*

(1) *Holding a pupil accountable for his or her behavior;*
(2) *Restoration or remedies related to the behavior of the pupil;*

(3) *Relief for any victim of the pupil; and*

(4) *Changing the behavior of the pupil; and*

(b) *Be in accordance with the statewide framework for restorative justice developed pursuant to NRS 388.1333, including, without limitation, by addressing the occurrences of the suspension, expulsion or removal of pupils from schools that disproportionately affect pupils who belong to a group of pupils listed in subsection 2 of NRS 385A.250.*

3. On or before September 15 of each year, the principal of each public school shall:

(a) Review the plan established by subsection 1 in consultation with the teachers, school administrators, *school counselors, school social workers, school psychologists, behavior analysts* and other educational personnel and support personnel who are employed at the school, ~~and~~ the parents and guardians of pupils, ~~and~~ the pupils who are enrolled in the school ~~and~~ *and, if applicable, the organizational team established pursuant to NRS 388G.700;*

(b) Determine whether and to what extent the occurrences of the suspension, expulsion or removal of pupils from school disproportionately affect pupils who belong to a group of pupils listed in subsection 2 of NRS 385A.250; *and*

(c) Based upon the review, recommend to the board of trustees of the school district *or governing body of the charter school or university school for profoundly gifted pupils, as applicable,* revisions to the plan, as recommended by the teachers, school administrators, *school counselors, school social workers, school psychologists, behavior analysts* and other educational personnel and support personnel, ~~and~~ the parents and guardians of pupils, ~~and~~ the pupils who are enrolled in the school ~~and~~ *and, if applicable, the organizational team established pursuant to NRS 388G.700,* if necessary. ~~and~~

~~—(d) Post a copy of the plan or the revised plan, as provided by the school district, on the Internet website maintained by the school; and~~

~~—(e) Distribute to each teacher, school administrator and all educational support personnel who are employed at or assigned to the school a written or electronic copy of the plan or the revised plan, as provided by the school district.~~

~~—3.]~~ 4. *On or before September 30 of each year, the board of trustees of each school district and the governing body of each*



1 *charter school or university school for profoundly gifted pupils*
2 *shall issue a revised plan that appropriately reflects comments*
3 *provided by teachers, school administrators, school counselors,*
4 *school social workers, school psychologists, behavior analysts,*
5 *other educational personnel and support personnel, the parents*
6 *and guardians of pupils, the pupils who are enrolled in the school*
7 *and, if applicable, organizational teams established pursuant to*
8 *NRS 388G.700.*

9 5. *Not more than 14 days after the receipt of a plan*
10 *established pursuant to subsection 1 or a revised plan issued*
11 *pursuant to subsection 4, the principal of each school shall:*

12 (a) *Post a copy of the plan or the revised plan on the Internet*
13 *website maintained by the school; and*

14 (b) *Distribute to each teacher, school administrator, school*
15 *counselors, school social workers, school psychologists, behavior*
16 *analysts, and all educational support personnel who are employed*
17 *at or assigned to the school and, if applicable, the organizational*
18 *team a written or electronic copy of the plan or the revised plan.*

19 6. On or before November 15 of each year, the board of
20 trustees of each school district *and the governing body of each*
21 *charter school or university school for profoundly gifted pupils*
22 *shall:*

23 (a) Submit a written report to the Superintendent of Public
24 Instruction that reports the progress of each school ~~{within the~~
25 ~~district}~~ *over which the board of trustees or governing body has*
26 *authority* in complying with the requirements of this section,
27 including, without limitation, addressing the occurrences of the
28 suspension, expulsion or removal of pupils from school that
29 disproportionately affect pupils who belong to a group of pupils
30 listed in subsection 2 of NRS 385A.250; and

31 (b) Post a copy of the report on the Internet website maintained
32 by the school district ~~[-~~
33 ~~—4.],~~ *charter school or university school for profoundly gifted*
34 *pupils, as applicable.*

35 7. *If the Superintendent of Public Instruction determines that*
36 *the data collected pursuant to NRS 392.462 indicates*
37 *disproportionality in disciplinary actions or is insufficient to*
38 *determine whether disproportionality exists, the Superintendent*
39 *shall issue a written notice to the school district, charter school or*
40 *university school for profoundly gifted pupils, as applicable, listing*
41 *the specific areas of concern and providing a specific corrective*
42 *period for the school district, charter school or university school*
43 *for profoundly gifted pupils, as applicable, to implement a*
44 *framework to reduce the disproportionality or correct the*
45 *insufficiency of the data, as applicable. The specific corrective*



period must be at least 12 months but not more than 36 months, and must include required monitoring of the progress made by the school district, charter school or university school for profoundly gifted pupils, as applicable. If, after the conclusion of the specific corrective period, the school district, charter school or university school for profoundly gifted pupils, as applicable, fails to:

(a) Make measurable progress in addressing the disproportionality or insufficiency listed in the notice issued pursuant to this subsection; or

(b) Provide the required progress reports,
↪ the Superintendent may issue an alternative plan for the school district, charter school or university school for profoundly gifted pupils, as applicable, for mandatory implementation.

8. As used in this section ~~["restorative"]~~:

(a) "Behavior analyst" has the meaning ascribed to it in NRS 641D.030.

(b) "Restorative justice" has the meaning ascribed to it in NRS 392.472.

Sec. 5.5. NRS 392.4645 is hereby amended to read as follows:

392.4645 1. ~~["Except as otherwise provided in subsection 5, the"]~~ The plan for progressive discipline established pursuant to subsection 1 of 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"]~~ a written explanation of the reason for the removal of the pupil to the pupil and offer the pupil an opportunity to respond to the explanation. Within 24 hours after the removal of a pupil pursuant to this section, the principal of the school shall notify the parent or legal guardian of the pupil of the removal.

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

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

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



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

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

(a) Required by NRS 392.466; or

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

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

4. A public school must *develop a plan to* offer a pupil who is removed from a classroom or any other premises of the public school pursuant to this section for more than 2 school days:

(a) Education services to prevent the pupil from losing academic credit or becoming disengaged from school during the period the pupil is removed from a classroom or any other premises of the public school; and

(b) Appropriate positive behavioral interventions and support, trauma-informed support and a referral to a school social worker or school counselor.

5. ~~[Before]~~ *A plan developed by a public school pursuant to subsection 4 must include:*

(a) An option to provide such education and support services to a pupil in an in-person setting;

(b) The location where such services will be provided to the pupil; and

(c) A plan for the pupil to complete any assignments or course work missed during his or her removal.

6. Upon removing a pupil from a classroom or any other premises of a public school pursuant to this section for more than 1 school day, the principal of the school must contact the local educational agency liaison for homeless pupils designated in accordance with the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq., or a contact person at a school, including, without limitation, a school counselor or school social worker, to make a determination of whether the pupil is a homeless pupil.

~~[6.]~~ 7. *Each school district shall, on or before August 1 of each year, collect a representative sample of the plans developed pursuant to subsection 4 and submit a copy of the sampled plans to:*

(a) The Joint Interim Standing Committee on Education;

(b) The Department; and



(c) *The State Board.*

8. *The sample of plans that is collected pursuant to subsection 7 must correspond with the proportion of pupils within the school district who are:*

(a) *Economically disadvantaged;*

(b) *From major racial and ethnic groups;*

(c) *Pupils with disabilities;*

(d) *English learners;*

(e) *Migratory children;*

(f) *Of each gender;*

(g) *Homeless;*

(h) *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.*

9. As used in this section, "homeless pupil" has the meaning ascribed to the term "homeless children and youths" in 42 U.S.C. § 11434a(2).

Sec. 6. 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 *who is at least 11 years of age and* 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;

(b) The *school has made reasonable efforts to develop a plan of behavior pursuant to subsection 5 and the* pupil has not ~~entered~~ *made efforts to enter* into ~~and participated~~ *or participate* in *such* a plan of behavior ; ~~pursuant to subsection 6; and~~

(c) The ~~behavior~~ *homelessness* of the pupil was not ~~caused by homelessness;~~ *a factor in his or her behavior*, as determined in consultation with the local educational agency liaison for homeless pupils designated in accordance with the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq., or a contact person at a school, including, without limitation, a school counselor or school social worker ~~and~~ ; *and*

(d) *The placement in foster care of the pupil was not a factor in his or her behavior, as determined in consultation with a contact person at the school, including, without limitation, a school counselor or school social worker.*

2. ~~[A principal of a school shall presume that the behavior of the pupil was caused by homelessness unless the principal~~



~~determines the behavior was not caused by homelessness pursuant to subsection 1.~~

~~—3.]~~ 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]~~ *superintendent* of the school district ~~[]~~ *or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable.* Upon receipt of such a request, the ~~[board of trustees]~~ *superintendent or administrative head* shall review the initial request and determination pursuant to the procedure established 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,* for such matters.

~~[4.]~~ 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 or, if the pupil is an unaccompanied pupil, 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 ~~[6.]~~ 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; or

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

(d) If the pupil is a pupil with a disability, an explanation of the effect of subsection ~~[40]~~ 9 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 or expelled from school in the same manner as a pupil without a disability; and

(e) A summary of the provisions of subsection ~~[6.]~~ 5.



~~[5.]~~ 4. A school shall provide the notice required by subsection ~~[4]~~ 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.

~~[6.]~~ 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 or, if the pupil is an unaccompanied pupil, the pupil may choose for the pupil not to participate in the plan of behavior. If the parent or legal guardian of the pupil or the pupil chooses for the pupil not to participate, the school shall inform the parent or legal guardian or the pupil 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 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, if the pupil is not an unaccompanied pupil, the pupil's parent or legal guardian to attend counseling, programs or services available in the *school*, school district or community.

(e) A voluntary agreement by the pupil and, if the pupil is not an unaccompanied pupil, 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 or* school district.

~~[7.]~~ 6. If a pupil commits the same act for which notice was provided pursuant to subsection ~~[4]~~ 3 after he or she enters into a plan of behavior pursuant to subsection ~~[6.]~~ 5, the pupil shall be deemed to have not successfully completed the plan of behavior and may be deemed a habitual disciplinary problem.

~~[8.]~~ 7. A pupil may, pursuant to the provisions of this section, enter into one plan of behavior per school year.

~~[9.]~~ 8. The parent or legal guardian of a pupil or, if the pupil is an unaccompanied pupil, a pupil who has entered into a plan of behavior with a school pursuant to this section may appeal to the ~~[board of trustees]~~ *superintendent* of the school district *or the*



administrative head of the charter school or university school for profoundly gifted pupils, as applicable, 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]~~ *superintendent* of the school district *or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable*, shall review the determination in accordance with the procedure established 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*, for such matters.

~~[H0-]~~ 9. As used in this section:

(a) *"Foster care" has the meaning ascribed to it in 45 C.F.R. § 1355.20.*

(b) "Significant suspension" means 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.

~~[(b)]~~ (c) "Unaccompanied pupil" has the meaning ascribed to the term "unaccompanied youth" in 42 U.S.C. § 11434a(6).

Sec. 7. 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 or, if the pupil is an unaccompanied pupil, the pupil. The pupil may be suspended, *expelled* or *permanently* expelled from the school, ~~[in which case the pupil shall:]~~ *except that:*

(a) ~~[Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or]~~ *A pupil who is less than 11 years of age may not be expelled or permanently expelled pursuant to this section.*

(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.]~~ *A pupil who is less than 6 years of age may be suspended pursuant to this section, and the*



suspension must be reviewed and approved by the superintendent of the school district or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable, or his or her designee.

(c) For a pupil with a disability who has been suspended or expelled pursuant to this section, the school in which the pupil is enrolled shall make available to the pupil a free appropriate public education in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., for each school day the pupil is suspended or expelled after the pupil has been removed for 10 cumulative days.

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]~~ a 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, 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 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.

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 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; 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 ~~or~~; or

(c) Enroll in a program of alternative education provided by the school district in which the pupil resides. Each school district shall, alone or through a partnership with another school district, provide a program of alternative education pursuant to this paragraph in an in-person setting that allows each pupil enrolled in the program to receive educational services in the least restrictive educational environment.

7. The superintendent of schools of a school district *or the administrative head of a charter school or university school for profoundly gifted pupils, as applicable*, may, for good cause shown in a particular case in that school district ~~or~~ *or public school, as applicable*, 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 *or the administrative head of a charter school or university school for profoundly gifted pupils, as applicable*, shall allow such a modification if ~~the superintendent~~ *he or she* 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 ~~or~~ *or the governing body of the charter school or university school for profoundly gifted pupils, as applicable*.

9. ~~Except as otherwise provided in this subsection and subsection 3, a pupil who is less than 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, 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.]~~ Except as otherwise provided in subsection 3, a pupil with a disability who is at least 11 years of age may, in accordance with the procedural policy adopted 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*, for such matters and only after the board of trustees of the school district *or governing body, as applicable*, 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.]~~ 10. A homeless pupil or a pupil in foster care who is at least 11 years of age may be suspended or expelled from school pursuant to this section only if a determination is made that *homelessness or being in foster care was not a factor in* the behavior that led to the consideration for suspension or expulsion . ~~[was not caused by homelessness or being in foster care.]~~ The person responsible for making a determination of whether or not *homelessness or being in foster care was a factor in* the behavior ~~[was caused by homelessness or being in foster care]~~ shall presume that *homelessness or being in foster care was not a factor in* the behavior ~~[was caused by homelessness or being in foster care]~~ unless the person determines ~~[that the behavior was not caused by homelessness or being in foster care]~~ *otherwise* pursuant to this subsection. A determination that *homelessness was not a factor in* the behavior ~~[was not caused by homelessness]~~ must be made in consultation with the local educational agency liaison for homeless pupils designated in accordance with the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq., or a contact person at a school, including, without limitation, a school counselor or school social worker. A determination that *being in foster care was not a factor in* the behavior ~~[was not caused by being in foster care]~~ must be made in consultation with an advocate



for pupils in foster care at the school in which the pupil is enrolled or the school counselor of the pupil.

~~H2-1~~ **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.

~~H3-1~~ **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) “Foster care” has the meaning ascribed to it in 45 C.F.R. § 1355.20.

(e) “Homeless pupil” has the meaning ascribed to the term “homeless children and youths” in 42 U.S.C. § 11434a(2).

(f) “Permanently expelled” means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled:

(1) Except as otherwise provided in subparagraph (2), without the possibility of returning to the school in which the pupil is currently enrolled or another public school within the school district; and

(2) With the possibility of enrolling in a program or public school for alternative education for pupils who are expelled or permanently expelled after being permanently expelled.

(g) “Restorative justice” has the meaning ascribed to it in NRS 392.472.

(h) “Unaccompanied pupil” has the meaning ascribed to the term “unaccompanied youth” in 42 U.S.C. § 11434a(6).

~~H4-1~~ **13.** 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. 8. NRS 392.467 is hereby amended to read as follows:

392.467 1. Except as otherwise provided in subsections ~~[5]~~ 4 and ~~[6]~~ 5 and NRS 392.466, the board of trustees of a school district *or the governing body of a charter school or university school for profoundly gifted pupils, as applicable,* or its designee may authorize the suspension or expulsion of any pupil who is at least 11 years of age from ~~[any]~~ a public school . ~~[within the school district.]~~ Except as otherwise provided in this subsection and subsection 3 of NRS 392.466, a pupil who is less than 11 years of age must not be *expelled or* permanently expelled from school. In extraordinary circumstances, a school may request an exception to the prohibition set forth in this subsection against *expelling or* permanently expelling a pupil who is less than 11 years of age from school from the board of trustees of the school district ~~[]~~ *or the governing body of the charter school or university school, as applicable.*

2. Except as otherwise provided in subsection ~~[6]~~ 5, no pupil may 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, except that a pupil who *poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process or who is selling or distributing any controlled substance or* is found to be in possession of a 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 or expulsion.

3. ~~[The board of trustees of a school district or its designee may authorize the 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]~~ 4. The board of trustees of a school district *or the governing body of a charter school or university school for profoundly gifted pupils, as applicable,* or its designee shall not authorize the 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.]~~ 5. A pupil with a disability may, in accordance with the procedural policy adopted 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*, for such matters and only after 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 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.

~~[7.]~~ 6. A homeless pupil or a pupil in foster care who is at least 11 years of age may be suspended or expelled from school pursuant to this section only if a determination is made that *homelessness or being in foster care was not a factor in* the behavior that led to the consideration for suspension or expulsion . ~~[was not caused by homelessness or being in foster care.]~~ The person responsible for making a determination of whether or not *homelessness or being in foster care was a factor in* the behavior ~~[was caused by homelessness or being in foster care]~~ shall presume that *homelessness or being in foster care was not a factor in* the behavior ~~[was caused by homelessness or being in foster care]~~ unless the person determines ~~[that the behavior was not caused by homelessness or being in foster care]~~ *otherwise* pursuant to this subsection. A determination that *homelessness was not a factor in* the behavior ~~[was not caused by homelessness]~~ must be made in consultation with the local educational agency liaison for homeless pupils designated in accordance with the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq., or a contact person at a school, including, without limitation, a school counselor or school social worker. A determination that *being in foster care was not a factor in* the behavior ~~[was not caused by being in foster care]~~ must be made in consultation with an advocate for pupils in foster care at the school in which the pupil is enrolled or the school counselor of the pupil.

~~[8.]~~ 7. As used in this section:

(a) “Foster care” has the meaning ascribed to it in 45 C.F.R. § 1355.20.



(b) “Homeless pupil” has the meaning ascribed to the term “homeless children and youths” in 42 U.S.C. § 11434a(2).

(c) “Permanently expelled” means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled:

(1) Except as otherwise provided in subparagraph (2), without the possibility of returning to the school in which the pupil is currently enrolled or another public school within the school district; and

(2) With the possibility of enrolling in a program or public school for alternative education for pupils who are expelled or permanently expelled after being permanently expelled.

Sec. 9. 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 *progressive discipline* plan ~~{of action}~~ based on restorative justice ~~{before}~~ :

(a) To a pupil who has received at least 5 cumulative days of suspension during a school year; and

(b) Within 2 days after removing a pupil from a classroom or other premises of the public school or suspending or expelling a pupil from school ~~{}~~ for a period of at least 3 days. Such a plan must include information concerning the provision of education services to the pupil during his or her removal pursuant to subsection 4 of NRS 392.4645.

2. The Department shall develop one or more examples of a *progressive discipline* plan ~~{of action}~~ *based on restorative justice* which ~~{may}~~ *must* 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 ~~{}~~ *to determine:*

(1) Whether an individualized education program is needed for the pupil;

(2) Whether an individualized education program, if one has been developed, has been appropriately implemented; and

(3) Whether any adjustments should be made to an individualized education plan that has been developed;

(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 ~~{}~~ ;

(g) A determination of the need for a referral to a school social worker;

(h) Guidelines for the provision of notice to a pupil to initiate his or her reinstatement; and



(i) A plan for the reinstatement of a pupil who was expelled.

~~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 statewide framework for restorative justice developed pursuant to NRS 388.1333 and 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)]~~ (c) 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)]~~ (d) One or more examples of a *progressive discipline* plan ~~[of action]~~ based on restorative justice developed pursuant to subsection 2.

4. A progressive discipline plan based on restorative justice developed pursuant to this section shall be made available to any teacher or appropriate personnel of the school district who administers temporary alternative placement after the removal of a pupil.

5. 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. 10. 1. This section becomes effective upon passage and approval.

2. Section 2.5 of this act becomes effective upon passage and approval for the purpose of creating a statewide framework for restorative justice and developing the training required pursuant to paragraph (d) of subsection 1 of that section, and on July 1, 2028, for all other purposes.

3. Sections 1, 1.5, 2 and 3 to 9, inclusive, of this act become effective on July 1, 2023.

