

SENATE BILL NO. 152—SENATORS BUCK, SEEVERS GANSERT,  
HANSEN, GOICOECHEA; AND STONE

FEBRUARY 14, 2023

Referred to Committee on Education

SUMMARY—Revises provisions relating to the discipline of pupils. (BDR 34-25)

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

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

AN ACT relating to education; revising provisions governing the plan for the discipline of pupils established by the board of trustees of a school district; revising provisions governing the age at which a pupil of a public school may be suspended, expelled or permanently expelled under certain circumstances; removing the requirement for a public school to provide a plan of action based on restorative justice before taking certain disciplinary action against a pupil; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law, with certain exceptions, requires a public school to provide a plan of action based on restorative justice to a pupil before removing the pupil from a classroom or other premises of the public school or suspending or expelling the pupil. (NRS 392.472) **Sections 6 and 8** of this bill remove the requirement to provide a plan of action based on restorative justice to a pupil and instead authorize a public school to provide such a plan before removing a pupil from a classroom or other premises of the public school or suspending or expelling the pupil. **Sections 3 and 4** of this bill remove the requirement for a charter school or university school for profoundly gifted pupils, respectively, to make a reasonable effort to complete a plan of action based on restorative justice with a pupil before removing the pupil from the school under certain circumstances.

Existing law prohibits a public school from permanently expelling a pupil who is less than 11 years of age except that a school may request an exception to this prohibition from the board of trustees of the school district under certain extraordinary circumstances. (NRS 392.466, 392.467) Existing law provides for the suspension, expulsion or permanent expulsion of a pupil who is at least 11 years of age from a public school, including a charter school or university school for



profoundly gifted pupils, under certain circumstances. (NRS 388A.495, 388C.150, 392.466, 392.467) **Sections 6 and 7** of this bill remove the prohibition against permanently expelling a pupil who is less than 11 years of age. **Sections 3, 4, 6 and 7** revise certain provisions of law relating to the suspension, expulsion or permanent expulsion of a pupil to make such provisions applicable to pupils who are less than 11 years of age.

Existing law requires the board of trustees of each school district to establish a plan to provide for the restorative discipline of pupils which must provide for restorative disciplinary practices and be in accordance with the statewide framework for restorative justice developed by the Department of Education. (NRS 392.4644) **Section 5** of this bill requires the board of trustees of each school district to instead establish a plan for progressive discipline which may provide for restorative disciplinary practices and be in accordance with the statewide framework for restorative justice. **Sections 1 and 2** of this bill make conforming changes to reflect that the plan established by the board of trustees of each school district is a plan for progressive discipline and that schools are not required to engage in restorative disciplinary practices.

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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 ~~[-]~~, *including, without limitation, any restorative disciplinary practices included in the plan*; and

(2) The manner in which the school trains employees on ~~restorative justice and~~ progressive discipline ~~[-]~~ *and, if the school provides such training, restorative justice.*

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. 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. 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, who is selling or distributing any controlled substance or who is found to be in possession of a dangerous weapon as provided in NRS 392.466 may be removed 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 his or her removal and pending*



*proceedings, which must be conducted as soon as practicable after removal, for suspension or expulsion of the pupil.*

4. A pupil with a disability who ~~is at least 11 years of age and who~~ is enrolled in a charter school may, in accordance with the procedural policy adopted by the governing body of the charter 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 charter 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. 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.

6. 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.

7. 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. ~~HF~~ *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 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, who is selling or distributing any controlled substance or who is found to be in possession of a dangerous weapon as provided in NRS 392.466 may be removed ~~only after the university school for profoundly gifted pupils has made a reasonable effort to complete a plan of action based on restorative justice with the pupil in accordance with the provisions of NRS 392.466 and 392.467.]~~ *from the university school for profoundly gifted pupils immediately upon being given an explanation of the reasons for his or her removal and pending proceedings, which must be conducted as soon as practicable after removal, for suspension or expulsion of the pupil.*

4. A pupil with a disability who ~~is at least 11 years of age and who~~ is enrolled in a university school for profoundly gifted pupils 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. A copy of the rules of behavior, prescribed punishments and procedures to be followed in imposing punishments must be:

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

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

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

7. As used in this section:

(a) “Expel” or “expulsion” has the meaning ascribed to it in 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. 5.** NRS 392.4644 is hereby amended to read as follows:

392.4644 1. The board of trustees of each school district shall establish a plan to provide for the ~~restorative~~ *progressive* discipline of pupils and on-site review of disciplinary decisions. The plan must:

(a) Be developed with the input and participation of teachers, school administrators and other educational personnel and support personnel who are employed by the school district, pupils who are enrolled in schools within the school district and the parents and guardians of pupils who are enrolled in schools within the school district.

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





(c) Include, without limitation, provisions designed to address the specific disciplinary needs and concerns of each school within the school district.

~~(d) [Provide restorative disciplinary practices 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.~~

~~(e)]~~ Provide for the temporary removal of a pupil from a classroom or other premises of a public school in accordance with NRS 392.4645.

~~[(f)]~~ (e) Provide for the placement of a pupil in a different school within the school district in accordance with NRS 392.466.

~~[(g)]~~ (f) Include the names of any members of a committee to review the temporary alternative placement of pupils required by NRS 392.4647.

~~[(h)]~~ 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 school that disproportionately affect pupils who belong to a group of pupils listed in subsection 2 of NRS 385A.250.

~~(i)]~~ (g) Be posted on the Internet website maintained by the school district.

2. *The plan may:*

*(a) Provide restorative disciplinary practices which include, without limitation:*

*(1) Holding a pupil accountable for his or her behavior;*

*(2) Restoration of remedies related to the behavior of the pupil;*

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

*(4) Changing the behavior of the pupil.*

*(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 school 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 and other educational personnel and support personnel who are employed at the school



1 and the parents and guardians of pupils and the pupils who are  
2 enrolled in the school;

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

7 ~~—(e)}~~ Based upon the review, recommend to the board of trustees  
8 of the school district revisions to the plan, as recommended by the  
9 teachers, school administrators and other educational personnel and  
10 support personnel and the parents and guardians of pupils and the  
11 pupils who are enrolled in the school, if necessary;

12 ~~{(d)}~~ (c) Post a copy of the plan or the revised plan, as provided  
13 by the school district, on the Internet website maintained by the  
14 school; and

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

19 ~~{3-}~~ 4. *If the plan established by the board of trustees of a*  
20 *school district addresses the occurrences of the suspension,*  
21 *expulsion or removal of pupils from school that disproportionately*  
22 *affect pupils who belong to a group of pupils listed in subsection 2*  
23 *of NRS 385A.250, as authorized pursuant to subsection 2, the*  
24 *principal of each public school in the school district, on or before*  
25 *September 15 of each year, shall determine whether and to what*  
26 *extent the occurrences of the suspension, expulsion or removal of*  
27 *pupils from school disproportionately affect pupils who belong to*  
28 *a group of pupils listed in subsection 2 of NRS 385A.250. The*  
29 *principal of a public school may include any recommendations for*  
30 *revisions to the plan that are based upon the review conducted*  
31 *pursuant to this subsection in the recommendations submitted to*  
32 *the board of trustees of the school district pursuant to*  
33 *subsection 3.*

34 5. On or before November 15 of each year, the board of  
35 trustees of each school district shall:

36 (a) Submit a written report to the Superintendent of Public  
37 Instruction that reports the progress of each school within the  
38 district in complying with the requirements of this section ; ~~{~~  
39 ~~including, without limitation, addressing the occurrences of the~~  
40 ~~suspension, expulsion or removal of pupils from school that~~  
41 ~~disproportionately affect pupils who belong to a group of pupils~~  
42 ~~listed in subsection 2 of NRS 385A.250;}~~ and

43 (b) Post a copy of the report on the Internet website maintained  
44 by the school district.



~~[4.]~~ 6. As used in this section, "restorative justice" has the meaning ascribed to it in NRS 392.472.

**Sec. 6.** 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]~~ *may* 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]~~ :

(a) *Suspended* or expelled from the school, in which case the pupil shall:

~~[(a)]~~ (1) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or

~~[(b)]~~ (2) 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*

(b) *Placed in another school.*

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 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 ~~[ ]~~ *pursuant to subsection 1*, 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]~~ *may* 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.

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]~~ *may* 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 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 for such matters and only after the board of trustees of the school district or its designee has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:

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

(b) Expelled from school pursuant to this section.

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

~~[11.]~~ **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 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 the behavior was caused by homelessness or being in foster care shall presume that 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 pursuant to this subsection. A determination that 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 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.

~~[12.]~~ **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.

~~[13.]~~ **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).

~~14-1~~ 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. 7.** NRS 392.467 is hereby amended to read as follows:

392.467 1. Except as otherwise provided in subsections 5 and 6 and NRS 392.466, the board of trustees of a school district or its designee may authorize the suspension or expulsion of any pupil



~~[who is at least 11 years of age] from any public school within the school district. [Except as otherwise provided in this subsection and subsection 3 of NRS 392.466, a pupil who is less than 11 years of age must not be permanently expelled from school. In extraordinary circumstances, a school may request an exception to the prohibition set forth in this subsection against permanently expelling a pupil who is less than 11 years of age from school from the board of trustees of the school district.]~~

2. Except as otherwise provided in subsection 6, no pupil may be suspended 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 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. The board of trustees of a school district 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. A pupil with a disability may, in accordance with the procedural policy adopted by the board of trustees of the school district for such matters and only after the board of trustees of the school district or its designee has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:

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

(b) Expelled from school pursuant to this section.

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





7. 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 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 the behavior was caused by homelessness or being in foster care shall presume that 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 pursuant to this subsection. A determination that 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 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. 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. 8.** 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]~~ *may* provide a plan of action based on restorative justice before removing a pupil from a classroom or other premises of the public school or suspending or 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 statewide framework for restorative justice developed pursuant to NRS 388.1333 and the requirements of this section and NRS 392.462;

~~{A timeline for implementation of the requirements of this section and NRS 392.462 by a public school;~~

~~—(e)}~~ 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 plan of action based on restorative justice developed pursuant to subsection 2.

~~{5.}~~ 4. 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. 9.** This act becomes effective on July 1, 2023.

