

NEVADA LEGISLATURE

Eighty-Second Session, 2023

ASSEMBLY DAILY JOURNAL

THE ONE HUNDRED AND FIFTEENTH DAY

CARSON CITY (Wednesday), May 31, 2023

Assembly called to order at 12:45 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Member Steep Weiss.

Nevada Assembly and citizens, we pray: Almighty God, we fearlessly place our trust in Your all-embracing care. Yours is the power that arms us with strength, stability, agility, and endurance and makes our way perfect. Yours is the kingdom that governs us and guides us today in all we think and say and do. Your Love protects us from all harm, heals every ill, and prevents us from going astray.

Give us the ability to recognize more of the beautiful truth that we are each created in Your likeness, with all of the spiritual qualities we inherit directly from You—Your wisdom, insight, sensitivity, courage, patience, and respect for each other.

Enable us to stay alert, remain calm, think clearly, and act decisively in service to constituents and for the benefit of all people in Nevada. We thank You with all our heart, soul, and strength.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Jauregui moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 24, 166, 279, 301, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SELENA TORRES, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 294, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BRITTNEY MILLER, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 388, 443, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were referred Assembly Bills Nos. 489, 494, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 153, 156, 195, 226, 232, 270, 430, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

DANIELE MONROE-MORENO, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 30, 2023

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 669 to Senate Bill No. 355.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 527—AN ACT relating to state financial administration; revising requirements relating to the preparation of the state budget; revising provisions relating to revisions of work programs in the state budget; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved to dispense with reprinting of all measures for the balance of the session.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 489.

Bill read second time and ordered to third reading.

Assembly Bill No. 494.

Bill read second time and ordered to third reading.

Senate Bill No. 24.

Bill read second time and ordered to third reading.

Senate Bill No. 166.

Bill read second time and ordered to third reading.

Senate Bill No. 279.

Bill read second time and ordered to third reading.

Senate Bill No. 294.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 812.

SENATORS DONATE; FLORES, D. HARRIS AND SCHEIBLE

JOINT SPONSOR: ASSEMBLYWOMAN BILBRAY-AXELROD

AN ACT relating to firearms; requiring a licensed dealer to provide a locking device capable of securing a firearm with each sale or transfer of a firearm; requiring a licensed gun dealer to post a notice on the premises which informs a buyer that the unlawful storage of a firearm may result in imprisonment or a fine; requiring the board of trustees of each school district and the governing body of each charter school to include certain provisions related to active assailants in a plan for responding to a crisis, emergency or suicide; requiring certain school police officers to receive training in active assailant movement techniques; requiring the Department of Health and Human Services to develop and implement a safe firearm storage education campaign; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) prohibits a person from aiding or knowingly permitting a child to handle, possess or control a firearm under certain circumstances; (2) provides that a person does not aid or knowingly permit a child to violate such existing law if the firearm was stored in a securely locked container or at a location which a reasonable person would have believed to be secure; and (3) makes it a misdemeanor to negligently store or leave a firearm at a location under his or her control, if a person knows or has reason to know that there is a substantial risk that a child, who is otherwise prohibited from handling, possessing or controlling a firearm, may obtain such a firearm. (NRS 202.300)

Section 4 of this bill requires a licensed dealer to: (1) provide with each firearm sold or otherwise transferred a locking device capable of securing the firearm; and (2) post in a conspicuous location on its premises a notice which informs a buyer that the negligent storage of a firearm may result in imprisonment or a fine. A licensed dealer who violates a requirement of **section 4** is guilty of a misdemeanor punishable by a fine of not more than \$500. **Section 5** of this bill makes a conforming change to indicate the proper placement of **section 4** in the Nevada Revised Statutes.

Existing law requires the board of trustees of each school district and the governing body of each charter school to establish a development committee to develop a plan to be used by the schools in the district or the charter school in responding to a crisis, emergency or suicide. Such a committee, under existing law, is required to develop a plan which constitutes the minimum requirements of a plan for a school to use. (NRS 388.241, 388.243)

Section 9.1 of this bill requires such a plan to include, if the school district has school police officers, a plan to coordinate with local law enforcement agencies to train school police officers in active assailant movement

techniques. ~~[In a school district which has more than 50,000 pupils enrolled in its schools, section]~~ **Section 9.1** additionally requires the plan to include a plan to: (1) coordinate with local law enforcement agencies or public safety organizations to provide active assailant trainings to ~~[certain]~~ employees of ~~[the]~~ a school; ~~[district]~~ (2) provide certain support to pupils ~~[and]~~ members of the faculty and staff who have experienced a crisis or emergency; (3) ensure that members of the faculty and staff and a pupil's parents or legal guardians are notified of the occurrence, development and conclusion of a crisis or an emergency through any communication method established by a school; and (4) inform a pupil's parent or legal guardian of any state requirement related to the storage of firearms.

Existing law authorizes: (1) the board of trustees of a school district to employ, appoint or contract for the provision of school police officers; and (2) the governing body of a charter school to contract with the board of trustees of the school district in which the charter school is located to provide school police officers. (NRS 388A.384, 391.281) **Sections 9.2 and 9.3** of this bill require school police officers to receive training in active assailant movement techniques before beginning their service as a school police officer. **Section 9.1** defines the terms "active assailant movement techniques" and "active assailant training" for the purpose of **sections 9.1-9.3**.

Existing law creates within the Department of Health and Human Services a Statewide Program for Suicide Prevention and requires the Coordinator of the Program to develop and maintain an Internet or network site with links to certain resources for suicide prevention. (NRS 439.511) **Section 10** of this bill requires the Program, in consultation with the Department and to the extent that money is available, to develop and implement a safe firearm storage education campaign to inform and educate certain persons about certain information relating to the safe storage of firearms. **Section 10** authorizes the Program to: (1) develop and provide to local law enforcement agencies and health care providers certain materials relating to the safe storage of firearms; (2) provide owners of firearms with information relating to the cost of purchasing locking devices, gun safes or other secure storage containers for firearms; and (3) use any advertising medium or form of messaging deemed appropriate by the Department in furtherance of the goals of the education campaign. Under **section 10**, the Department of Health and Human Services is required to post on the Internet or network site certain information about community programs that allow owners of firearms to voluntarily and temporarily store a firearm at certain secure locations outside of their homes.

Section 11 of this bill further requires the Coordinator to post on the Internet or network site information relating to: (1) the crime of negligent storage of a firearm; (2) the penalties for such an offense; and (3) the requirement that a licensed dealer provide a locking device with each firearm transferred. **Section 11** also requires the Coordinator to develop and provide to certain persons an informational pamphlet which includes certain information about the offense of negligent storage of a firearm.

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

Section 1. Chapter 202 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. 1. Every licensed dealer shall:

(a) Provide with each firearm sold or otherwise transferred a locking device capable of securing the firearm; and

(b) Post in a conspicuous location on its premises and at any other location at which the dealer sells a firearm a sign which is not less than 8.5 inches wide by 11 inches high and which contains, in at least 24-point boldface type, the following:

NOTICE

Negligent storage of a firearm may result in imprisonment or fine.

2. A licensed dealer who violates any provision of subsection 1 is guilty of a misdemeanor and shall be punished by a fine of not more than \$500.

3. The provisions of this section do not apply to ~~storing~~ an antique firearm or a firearm that has been determined to be a curio or relic pursuant to 18 U.S.C. Chapter 44.

4. As used in this section:

(a) "Licensed dealer" has the meaning ascribed to it in NRS 202.2546.

(b) "Locking device" means a device which prohibits the operation or discharge of a firearm and which can only be disabled with the use of a key, a combination, biometric data or other similar means.

Sec. 5. NRS 202.253 is hereby amended to read as follows:

202.253 As used in NRS 202.253 to 202.369, inclusive ~~[]~~, **and section 4 of this act:**

1. "Antique firearm" has the meaning ascribed to it in 18 U.S.C. § 921(a)(16).

2. "Explosive or incendiary device" means any explosive or incendiary material or substance that has been constructed, altered, packaged or arranged in such a manner that its ordinary use would cause destruction or injury to life or property.

3. "Firearm" means any device designed to be used as a weapon from which a projectile may be expelled through the barrel by the force of any explosion or other form of combustion.

4. "Firearm capable of being concealed upon the person" applies to and includes all firearms having a barrel less than 12 inches in length.

5. "Firearms importer or manufacturer" means a person licensed to import or manufacture firearms pursuant to 18 U.S.C. Chapter 44.

6. "Machine gun" means any weapon which shoots, is designed to shoot or can be readily restored to shoot more than one shot, without manual reloading, by a single function of the trigger.

7. “Motor vehicle” means every vehicle that is self-propelled.

8. “Semiautomatic firearm” means any firearm that:

- (a) Uses a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next shell or round;
- (b) Requires a separate function of the trigger to fire each cartridge; and
- (c) Is not a machine gun.

9. “Unfinished frame or receiver” means a blank, a casting or a machined body that is intended to be turned into the frame or lower receiver of a firearm with additional machining and which has been formed or machined to the point at which most of the major machining operations have been completed to turn the blank, casting or machined body into a frame or lower receiver of a firearm even if the fire-control cavity area of the blank, casting or machined body is still completely solid and unmachined.

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 9.1. NRS 388.243 is hereby amended to read as follows:

388.243 1. Each emergency operations plan development committee established by the board of trustees of a school district shall develop one plan, which constitutes the minimum requirements of a plan, to be used by all the public schools other than the charter schools in the school district in responding to a crisis, emergency or suicide and all other hazards. Each emergency operations plan development committee established by the governing body of a charter school shall develop a plan, which constitutes the minimum requirements of a plan, to be used by the charter school in responding to a crisis, emergency or suicide and all other hazards. Each emergency operations plan development committee shall, when developing the plan:

(a) Consult with local social service agencies and local public safety agencies in the county in which its school district or charter school is located.

(b) If the school district has an emergency manager designated pursuant to NRS 388.262, consult with the emergency manager.

(c) If the school district has school resource officers, consult with the school resource officer or a person designated by him or her.

(d) If the school district has school police officers, consult with the chief of school police of the school district or a person designated by him or her.

(e) Consult with the director of the local organization for emergency management or, if there is no local organization for emergency management, with the Chief of the Division of Emergency Management of the Office of the Military or his or her designee.

(f) Consult with the State Fire Marshal or his or her designee and a representative of a local government responsible for enforcement of the ordinances, codes or other regulations governing fire safety.

(g) Determine which persons and organizations in the community, including, without limitation, a provider of mental health services which is operated by a state or local agency, that could be made available to assist pupils and staff in recovering from a crisis, emergency or suicide.

2. The plan developed pursuant to subsection 1 must include, without limitation:

(a) The plans, procedures and information included in the model plan developed by the Department pursuant to NRS 388.253;

(b) A procedure for responding to a crisis or an emergency and for responding during the period after a crisis or an emergency has concluded, including, without limitation, a crisis or an emergency that results in immediate physical harm to a pupil or employee of a school in the school district or the charter school;

(c) A procedure for enforcing discipline within a school in the school district or the charter school and for obtaining and maintaining a safe and orderly environment during a crisis or an emergency;

(d) The names of persons and organizations in the community, including, without limitation, a provider of mental health services which is operated by a state or local agency, that are available to provide counseling and other services to pupils and staff of the school to assist them in recovering from a crisis, emergency or suicide;

(e) A plan for making the persons and organizations described in paragraph (d) available to pupils and staff after a crisis, emergency or suicide;

(f) A procedure for responding to a crisis or an emergency that occurs during an extracurricular activity which takes place on school grounds;

(g) A plan which includes strategies to assist pupils and staff at a school in recovering from a suicide; ~~and~~

(h) A description of the organizational structure which ensures there is a clearly defined hierarchy of authority and responsibility used by the school for the purpose of responding to a crisis, emergency or suicide; ~~and~~

(i) *If the school district has school police officers, a plan to coordinate with local law enforcement agencies to train school police officers in active assailant movement techniques*; ~~and~~

(j) ~~In a school district which has more than 50,000 pupils enrolled in its schools, a~~ A plan to ~~for~~

~~(1) Coordinate~~ coordinate with local law enforcement agencies or public safety organizations to provide active assailant trainings to each employee of the school ~~district~~;

~~(2) Provide~~ ;

(k) A plan to provide support to:

~~(I)~~ (1) Pupils who have experienced a crisis or emergency by using trauma-informed and age-appropriate resources ~~for~~

~~(II) Faculty~~ ; and

(2) Members of the faculty and staff who have experienced a crisis or emergency by using trauma-informed resources ~~for~~

~~(3) Ensure~~;

(l) A plan to ensure that members of the faculty and staff and a pupil's parents or legal guardians are notified of the occurrence, development and conclusion of a crisis or an emergency through any communication method established by a school, including, without limitation, communicating through text message or electronic mail

~~(4) At~~; and

(m) A plan to inform, at least twice each academic year, ~~inform~~ a pupil's parent or legal guardian of any state requirement related to the storage of firearms, including, without limitation, the crimes and penalties described in subsection 5 of NRS 202.300 and section 4 of this act.

3. Each emergency operations plan development committee shall provide for review a copy of the plan that it develops pursuant to this section to the board of trustees of the school district that established the committee or the governing body of the charter school that established the committee.

4. The board of trustees of the school district that established the committee or the governing body of the charter school that established the committee shall submit for review to the Division of Emergency Management of the Office of the Military the plan developed pursuant to this section.

5. Except as otherwise provided in NRS 388.249 and 388.251, each public school must comply with the plan developed for it pursuant to this section.

6. *As used in this section:*

(a) *“Active assailant movement techniques” means any training in the technical and tactical skills necessary for school police officers to respond to a crisis or emergency concerning an active assailant.*

(b) *“Active assailant training” means any training in responding to a crisis or emergency concerning an active assailant that is necessary to evacuate or secure the school.*

Sec. 9.2. NRS 388A.384 is hereby amended to read as follows:

388A.384 1. If the governing body of a charter school makes a request to the board of trustees of the school district in which the charter school is located for the provision of school police officers pursuant to NRS 388A.378, the board of trustees of the school district must enter into a contract with the governing body for that purpose. Such a contract must provide for payment by the charter school for the provision of school police officers by the school district which must be in an amount not to exceed the actual cost to the school district of providing the officers, including, without limitation, any other costs associated with providing the officers. If the school district is the sponsor of the charter school, the contract entered into pursuant to this section must be separate from any other contract or agreement with the sponsor.

2. Any contract for the provision of school police officers pursuant to this section must be entered into between the governing body of the charter school and the board of trustees of the school district by not later than March 15 for the next school year and must provide for the provision of school police officers for not less than 3 school years.

3. A school district that enters into a contract pursuant to this section with a charter school for the provision of school police officers is immune from civil and criminal liability for any act or omission of a school police officer that provides services to the charter school pursuant to the contract.

4. *The governing body of a charter school shall ensure that each school police officer receives training in active assailant movement techniques before beginning his or her service as a school police officer.*

5. *As used in this section, “active assailant movement techniques” has the meaning ascribed to it in NRS 388.243.*

Sec. 9.3. NRS 391.281 is hereby amended to read as follows:

391.281 1. Each applicant for employment or appointment pursuant to this section or employee, except a teacher or other person licensed by the Superintendent of Public Instruction, must, before beginning his or her employment or appointment and at least once every 5 years thereafter, submit to the school district:

(a) A full set of the applicant’s or employee’s fingerprints and written permission authorizing the school district to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant or employee and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant or employee.

(b) Written authorization for the board of trustees of the school district to obtain any information concerning the applicant or employee that may be available from the Statewide Central Registry and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant or employee has resided within the immediately preceding 5 years.

2. In conducting an investigation into the background of an applicant or employee, a school district may cooperate with any appropriate law enforcement agency to obtain information relating to the criminal history of the applicant or employee, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant or employee.

3. The board of trustees of a school district may use a substantiated report of the abuse or neglect of a child, as defined in NRS 392.281, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) In making determinations concerning assignments, requiring retraining, imposing discipline, hiring or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

4. The board of trustees of a school district:

(a) May accept any gifts, grants and donations to carry out the provisions of subsections 1 and 2.

(b) May not be held liable for damages resulting from any action of the board of trustees authorized by subsection 2 or 3.

5. The board of trustees of a school district may employ or appoint persons to serve as school police officers. If the board of trustees of a school district employs or appoints persons to serve as school police officers, the board of trustees shall employ a law enforcement officer to serve as the chief of school police who is supervised by the superintendent of schools of the school district. The chief of school police shall supervise each person appointed or employed by the board of trustees as a school police officer, including any school police officer that provides services to a charter school pursuant to a contract entered into with the board of trustees pursuant to NRS 388A.384. In addition, persons who provide police services pursuant to subsection 6 or 7 shall be deemed school police officers.

6. The board of trustees of a school district in a county that has a metropolitan police department created pursuant to chapter 280 of NRS may contract with the metropolitan police department for the provision and supervision of police services in the public schools within the jurisdiction of the metropolitan police department and on property therein that is owned by the school district and on property therein that is owned or occupied by a charter school if the board of trustees has entered into a contract with the charter school for the provision of school police officers pursuant to NRS 388A.384. If a contract is entered into pursuant to this subsection, the contract must make provision for the transfer of each school police officer employed by the board of trustees to the metropolitan police department. If the board of trustees of a school district contracts with a metropolitan police department pursuant to this subsection, the board of trustees shall, if applicable, cooperate with appropriate local law enforcement agencies within the school district for the provision and supervision of police services in the public schools within the school district, including, without limitation, any charter school with which the school district has entered into a contract for the provision of school police officers pursuant to NRS 388A.384, and on property owned by the school district and, if applicable, the property owned or occupied by the charter school, but outside the jurisdiction of the metropolitan police department.

7. The board of trustees of a school district in a county that does not have a metropolitan police department created pursuant to chapter 280 of NRS may contract with the sheriff of that county for the provision of police services in the public schools within the school district, including, without limitation, in any charter school with which the board of trustees has entered into a contract for the provision of school police officers pursuant to NRS 388A.384, and on property therein that is owned by the school district and, if applicable, the property owned or occupied by the charter school.

8. The board of trustees of a school district shall ensure that each school police officer receives training in ~~the~~ :

(a) *The prevention of suicide ; and*

(b) *Active assailant movement techniques,*

↪ before beginning his or her service as a school police officer.

9. *As used in this section, “active assailant movement techniques” has the meaning ascribed to it in NRS 388.243.*

Sec. 10. Chapter 439 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *To the extent that money is available, and in consultation with the Department, the Statewide Program for Suicide Prevention shall develop and implement a safe firearm storage education campaign to inform and educate purchasers of firearms, licensed dealers, shooting ranges and safety instructors about the safe storage of firearms and state requirements related to the safe storage of firearms.*

2. *As part of the education campaign, the Statewide Program for Suicide Prevention may:*

(a) *Develop and provide materials to local law enforcement agencies and health care providers to assist with educating the public about the safe storage of firearms and state requirements related to the storage of firearms;*

(b) *Provide information to owners of firearms about programs that assist with the cost of purchasing locking devices for firearms, gun safes or other secure storage containers for firearms, including, without limitation, programs that provide free or reduced-price locking devices; and*

(c) *In furtherance of the goals of the education campaign, use any publishing, radio or other advertising medium or any other form of messaging deemed appropriate by the Department.*

3. *The Department shall provide information on the Internet or network site developed pursuant to paragraph (i) of subsection 3 of NRS 439.511, information about community programs that allow owners of firearms to voluntarily and temporarily store a firearm at a secure location outside of the home, including, without limitation, a licensed dealer, gun range or law enforcement agency.*

4. *The Department may provide assistance to any local entity that facilitates a program described in subsection 3.*

5. *The Department may accept gifts, grants and donations from any source for the purpose of carrying out the provisions of this section.*

Sec. 11. NRS 439.511 is hereby amended to read as follows:

439.511 1. There is hereby created within the Department a Statewide Program for Suicide Prevention. The Department shall implement the Statewide Program for Suicide Prevention, which must, without limitation:

(a) Create public awareness for issues relating to suicide prevention;

(b) Build community networks; and

(c) Carry out training programs for suicide prevention for law enforcement personnel, providers of health care, school employees, family members of veterans, members of the military and other persons at risk of suicide and other persons who have contact with persons at risk of suicide.

2. The Director shall employ a Coordinator of the Statewide Program for Suicide Prevention. The Coordinator:

(a) Must have at least the following education and experience:

(1) A bachelor's degree in social work, psychology, sociology, counseling or a closely related field and 5 years or more of work experience in behavioral health or a closely related field; or

(2) A master's degree or a doctoral degree in social work, psychology, sociology, counseling, public health or a closely related field and 2 years or more of work experience in behavioral health or a closely related field.

(b) Should have as many of the following characteristics as possible:

(1) Significant professional experience in social services, mental health or a closely related field;

(2) Knowledge of group behavior and dynamics, methods of facilitation, community development, behavioral health treatment and prevention programs, and community-based behavioral health problems;

(3) Experience in working with diverse community groups and constituents; and

(4) Experience in writing grants and technical reports.

3. The Coordinator shall:

(a) Provide educational activities to the general public relating to suicide prevention;

(b) Provide training to persons who, as part of their usual routine, have face-to-face contact with persons who may be at risk of suicide, including, without limitation, training to recognize persons at risk of suicide and providing information on how to refer those persons for treatment or supporting services, as appropriate;

(c) To the extent that money is available for this purpose, provide training to family members of veterans, members of the military and other persons at risk of suicide, including, without limitation, training in recognizing and productively interacting with persons at risk of suicide and the manner in which to refer those persons to persons professionally trained in suicide intervention and prevention;

(d) Develop and carry out public awareness and media campaigns in each county targeting groups of persons who are at risk of suicide;

(e) Enhance crisis services relating to suicide prevention;

(f) Link persons trained in the assessment of and intervention in suicide with schools, public community centers, nursing homes and other facilities serving persons most at risk of suicide;

(g) Coordinate the establishment of local advisory groups in each county to support the efforts of the Statewide Program;

(h) Work with groups advocating suicide prevention, community coalitions, managers of existing crisis hotlines that are nationally accredited or certified, and staff members of mental health agencies in this State to identify and address the barriers that interfere with providing services to groups of persons who are at risk of suicide, including, without limitation, elderly persons, Native Americans, youths and residents of rural communities;

(i) Develop and maintain an Internet or network site with links to appropriate resource documents, suicide hotlines that are nationally accredited or certified, licensed professional personnel, state and local mental health agencies and appropriate national organizations;

(j) *Post on the Internet or network site developed and maintained pursuant to paragraph (i) any applicable law relating to the negligent storage of a firearm, including, without limitation, the crimes and penalties described in subsection 5 of NRS 202.300 and section 4 of this act;*

(k) Review current research on data collection for factors related to suicide and develop recommendations for improved systems of surveillance and uniform collection of data;

~~[(k)]~~ (l) Develop and submit proposals for funding from agencies of the Federal Government and nongovernmental organizations; ~~and~~

~~—(l)]~~ (m) Oversee and provide technical assistance to each person employed to act as a trainer for suicide prevention pursuant to NRS 439.513 ~~[-]~~; and

(n) *Develop and provide to licensed dealers, shooting ranges, safety instructors and health care providers an information pamphlet which includes information about any applicable law relating to the negligent storage of a firearm, including, without limitation, subsection 5 of NRS 202.300 and section 4 of this act.*

4. As used in this section:

(a) “Internet or network site” means any identifiable site on the Internet or on a network and includes, without limitation:

(1) A website or other similar site on the World Wide Web;

(2) A site that is identifiable through a Uniform Resource Locator; and

(3) A site on a network that is owned, operated, administered or controlled by a provider of Internet service.

(b) “Systems of surveillance” means systems pursuant to which the health conditions of the general public are regularly monitored through systematic collection, evaluation and reporting of measurable information to identify and understand trends relating to suicide.

Sec. 12. (Deleted by amendment.)

Sec. 13. This act becomes effective on July 1, 2023.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 301.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 7.

Bill read third time.

Roll call on Assembly Bill No. 7:

YEAS—28.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

Assembly Bill No. 7 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 16.

Bill read third time.

Roll call on Assembly Bill No. 16:

YEAS—42.

NAYS—None.

Assembly Bill No. 16 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 50.

Bill read third time.

Roll call on Assembly Bill No. 50:

YEAS—42.

NAYS—None.

Assembly Bill No. 50 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 72.

Bill read third time.

Roll call on Assembly Bill No. 72:

YEAS—42.

NAYS—None.

Assembly Bill No. 72 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 77.

Bill read third time.

Roll call on Assembly Bill No. 77:

YEAS—30.

NAYS—DeLong, Dickman, Gallant, Gurr, Hafen, Hansen, Hardy, Kasama, Koenig, McArthur, O'Neill, Yurek—12.

Assembly Bill No. 77 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 130.

Bill read third time.

Roll call on Assembly Bill No. 130:

YEAS—42.

NAYS—None.

Assembly Bill No. 130 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 135.

Bill read third time.

Roll call on Assembly Bill No. 135:

YEAS—42.

NAYS—None.

Assembly Bill No. 135 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 161.

Bill read third time.

Roll call on Assembly Bill No. 161:

YEAS—42.

NAYS—None.

Assembly Bill No. 161 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 184.

Bill read third time.

Roll call on Assembly Bill No. 184:

YEAS—42.

NAYS—None.

Assembly Bill No. 184 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 192.

Bill read third time.

Roll call on Assembly Bill No. 192:

YEAS—41.

NAYS—Dickman.

Assembly Bill No. 192 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 201.

Bill read third time.

Roll call on Assembly Bill No. 201:

YEAS—30.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Koenig,
McArthur, O'Neill—12.

Assembly Bill No. 201 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 203.

Bill read third time.

Roll call on Assembly Bill No. 203:

YEAS—42.

NAYS—None.

Assembly Bill No. 203 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 246.

Bill read third time.

Roll call on Assembly Bill No. 246:

YEAS—28.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama,
Koenig, McArthur, O'Neill, Yurek—14.

Assembly Bill No. 246 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 260.

Bill read third time.

Roll call on Assembly Bill No. 260:

YEAS—42.

NAYS—None.

Assembly Bill No. 260 having received a constitutional majority,
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 304.

Bill read third time.

Roll call on Assembly Bill No. 304:

YEAS—42.

NAYS—None.

Assembly Bill No. 304 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 310.

Bill read third time.

Roll call on Assembly Bill No. 310:

YEAS—42.

NAYS—None.

Assembly Bill No. 310 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 349.

Bill read third time.

The following amendment was proposed by Assemblyman O'Neill:

Amendment No. 823.

~~[ASSEMBLYMAN]~~ ASSEMBLYMEN O'NEILL ; AND WATTS

AN ACT relating to wildlife; ~~revising provisions governing the Wildlife Account in the State General Fund;~~ establishing the Nevada Wildlife Conservation Program and Nevada Wildlife Conservation Program Account to support the preservation, protection, management and restoration of wildlife and wildlife habitats; creating the Board of the Nevada Wildlife Conservation Program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Department of Wildlife, which administers the wildlife laws of this State. (NRS 501.331) **Section 3** of this bill establishes the Nevada Wildlife Conservation Program to support the preservation, protection, management and restoration of wildlife and wildlife habitats. **Section 3:** (1) requires the Department to administer the Program; and (2) authorizes the Department to contract with the Community Foundation of Northern Nevada to assist with the administration of the Program. **Section 3** also creates the Nevada Wildlife Conservation Program Account in the State General Fund and requires that the money in the Account be used: (1) to provide matching money required as a condition of federal grants; or (2) for the preservation, protection, management and restoration of wildlife and wildlife habitats.

Section 3 further provides that, upon request, the personal identifying information of a person who donates to the Account must be kept confidential. **Section 5** of this bill makes a conforming change to account for the confidentiality of personal identifying information of certain people who make a donation to the Program.

Section 4 of this bill establishes the Board of the Nevada Wildlife Conservation Program to advise the Department on the expenditure of money in the Nevada Wildlife Conservation Program Account created by **section 3**.

Existing law establishes the Wildlife Account in the State General Fund and authorizes the Department, with certain exceptions, to use the money in the Wildlife Account to carry out certain provisions of existing law relating to wildlife. (NRS 501.356) **Section 1** of this bill ~~[(1) provides that the Department is authorized to use the money in the Wildlife Account under the direction of the Board of Wildlife Commissioners; and (2) makes a conforming change relating to section 1 to provide]~~ **provides** that money received by the Department for the Nevada Wildlife Conservation Program Account is not required to be deposited in the Wildlife Account in the State General Fund.

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

Section 1. NRS 501.356 is hereby amended to read as follows:

501.356 1. Money received by the Department from:

- (a) The sale of licenses;
- (b) Fees described in NRS 278.337;

- (c) Fees pursuant to the provisions of NRS 488.075 and 488.1795;
- (d) Remittances from the State Treasurer pursuant to the provisions of NRS 365.535;
- (e) Appropriations made by the Legislature; and
- (f) All other sources, including, without limitation, the Federal Government, except money derived from the forfeiture of any property described in NRS 501.3857 or money deposited in the Wildlife Heritage Account pursuant to NRS 501.3575, the Wildlife Trust Fund pursuant to NRS 501.3585, *the Nevada Wildlife Conservation Program Account pursuant to section 3 of this act*, the Energy Planning and Conservation Account created by NRS 701.630 or the Account for the Recovery of Costs created by NRS 701.640,

↪ must be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund.

2. The interest and income earned on the money in the Wildlife Account, after deducting any applicable charges, must be credited to the Account.

3. Except as otherwise provided in subsection 4 and NRS 503.597, the Department ~~under the direction of the Commission,~~ may use money in the Wildlife Account only to carry out the provisions of this title and chapter 488 of NRS and as provided in NRS 365.535, and the money must not be diverted to any other use.

4. Except as otherwise provided in NRS 502.250, 502.410 and 504.155, all fees for the sale or issuance of stamps, tags, permits and licenses that are required to be deposited in the Wildlife Account pursuant to the provisions of this title and any matching money received by the Department from any source must be accounted for separately and must be used:

- (a) Only for the protection, propagation and management of wildlife; and
- (b) If the fee is for the sale or issuance of a license, permit or tag other than a tag specified in subsection 5 or 6 of NRS 502.250, under the guidance of the Commission pursuant to subsection 2 of NRS 501.181.

Sec. 2. Chapter 502 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this act.

Sec. 3. 1. *The Nevada Wildlife Conservation Program is hereby established to support the preservation, protection, management and restoration of wildlife and wildlife habitats in this State. The Nevada Wildlife Conservation Program Account is hereby created in the State General Fund.*

2. The Department shall administer the Program and shall take such actions as the Department determines are necessary to carry out the provisions of this section. The Department may contract with the Community Foundation of Northern Nevada to provide assistance in the administration of the Program including, without limitation, the collection of donations for the Program.

3. In addition to any direct legislative appropriation, the Department may apply for and accept any gift, grant, bequest, donation for deposit in the Account and use by the Program. The money in the Account must be used

in accordance with any recommendations of the Board of the Nevada Wildlife Conservation Program created by section 4 of this act:

(a) To provide matching money required as a condition of any federal grant related to the preservation, protection, management and restoration of wildlife and wildlife habitats; or

(b) For the preservation, protection, management or restoration of wildlife and wildlife habitats.

4. A person that makes a donation to the Program may request to remain anonymous. The personal identifying information of such a person is confidential. As used in this subsection, "personal identifying information" has the meaning ascribed to it in NRS 205.4617.

5. Any interest and income earned on money in the Account, after deducting any applicable charges, must be credited to the Account. Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year. Claims against the Account must be paid as other claims against the State are paid.

6. The Department shall, on or before February 1 of each year, submit a report to the Interim Finance Committee concerning the Nevada Wildlife Conservation Program Account, including, without limitation:

(a) The number of donations and total value of each donation during the immediately preceding calendar year;

(b) The total amount of any grants of money received by the Department for deposit in the Account during the immediately preceding calendar year;

(c) The total amount of money received by the Program, the amount of money expended from the Account, and a description of each project for which the money was spent; and

(d) Any recommendations concerning legislation to improve the Program.

Sec. 4. 1. There is hereby created the Board of the Nevada Wildlife Conservation Program to advise the Department on the expenditure of money in the Nevada Wildlife Conservation Program Account created by section 3 of this act.

2. The Board consists of the following ~~three~~ six members:

(a) One member from ~~a field related to the management of wildlife,~~ the Commission, appointed by the Governor;

(b) One member ~~with background in the management of rangeland or the management of wildlife,~~ appointed by the Chair of the Commission; and ~~from a nongovernmental organization in this State that is focused on conservation,~~ appointed by the Majority Leader of the Senate;

(c) ~~The Chair of the Commission or a member of the Commission appointed by the Chair,~~ One member who represents the mining industry, appointed by the Minority Leader of the Senate;

(d) One member who is an attorney with legal expertise in the field of real estate or personal estate planning, appointed by the Speaker of the Assembly;

(e) One member who represents an energy corporation that operates in this State, appointed by the Minority Leader of the Assembly; and

(f) The Director, who serves as an ex officio member of the Board.

3. Each appointed member of the Board:

(a) Must be a resident of this State; and

(b) Serves a term of 2 years.

4. At its first meeting each year, the members of the Board shall elect a Chair, who shall serve until the next Chair is elected. The Board shall meet as necessary at the call of the Chair.

5. A majority of the members of the Board constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Board.

6. While engaged in the business of the Board, to the extent of legislative appropriation, each member of the Board is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 5. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247,

360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117,

692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, **and section 3 of this act**, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

- (1) Was not created or prepared in an electronic format; and
- (2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

- (1) Give access to proprietary software; or
- (2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 6. This act becomes effective on July 1, 2023.

Assemblyman O'Neill moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 451.

Bill read third time.

Roll call on Assembly Bill No. 451:

YEAS—42.

NAYS—None.

Assembly Bill No. 451 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 457.

Bill read third time.

Roll call on Assembly Bill No. 457:

YEAS—42.

NAYS—None.

Assembly Bill No. 457 having received a constitutional majority,
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 460.

Bill read third time.

Roll call on Assembly Bill No. 460:

YEAS—37.

NAYS—Anderson, Carter, Duran, Brittney Miller, Nguyen—5.

Assembly Bill No. 460 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 480.

Bill read third time.

Roll call on Assembly Bill No. 480:

YEAS—42.

NAYS—None.

Assembly Bill No. 480 having received a constitutional majority,
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 485.

Bill read third time.

Roll call on Assembly Bill No. 485:

YEAS—42.

NAYS—None.

Assembly Bill No. 485 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 486.

Bill read third time.

Roll call on Assembly Bill No. 486:

YEAS—42.

NAYS—None.

Assembly Bill No. 486 having received a constitutional majority,
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 492.

Bill read third time.

Roll call on Assembly Bill No. 492:

YEAS—42.

NAYS—None.

Assembly Bill No. 492 having received a constitutional majority,
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 493.

Bill read third time.

Roll call on Assembly Bill No. 493:

YEAS—42.

NAYS—None.

Assembly Bill No. 493 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 495.

Bill read third time.

Roll call on Assembly Bill No. 495:

YEAS—42.

NAYS—None.

Assembly Bill No. 495 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 496.

Bill read third time.

Roll call on Assembly Bill No. 496:

YEAS—42.

NAYS—None.

Assembly Bill No. 496 having received a constitutional majority,
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 498.

Bill read third time.

Roll call on Assembly Bill No. 498:

YEAS—28.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama,
Koenig, McArthur, O'Neill, Yurek—14.

Assembly Bill No. 498 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 500.

Bill read third time.

Roll call on Assembly Bill No. 500:

YEAS—42.

NAYS—None.

Assembly Bill No. 500 having received a constitutional majority,
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 502.

Bill read third time.

Roll call on Assembly Bill No. 502:

YEAS—42.

NAYS—None.

Assembly Bill No. 502 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 503.

Bill read third time.

Roll call on Assembly Bill No. 503:

YEAS—42.

NAYS—None.

Assembly Bill No. 503 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 504.

Bill read third time.

Roll call on Assembly Bill No. 504:

YEAS—42.

NAYS—None.

Assembly Bill No. 504 having received a constitutional majority,
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 505.

Bill read third time.

Roll call on Assembly Bill No. 505:

YEAS—42.

NAYS—None.

Assembly Bill No. 505 having received a constitutional majority,

Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 508.

Bill read third time.

Roll call on Assembly Bill No. 508:

YEAS—42.

NAYS—None.

Assembly Bill No. 508 having received a constitutional majority,

Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 509.

Bill read third time.

Roll call on Assembly Bill No. 509:

YEAS—42.

NAYS—None.

Assembly Bill No. 509 having received a constitutional majority,

Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 510.

Bill read third time.

Roll call on Assembly Bill No. 510:

YEAS—42.

NAYS—None.

Assembly Bill No. 510 having received a constitutional majority,

Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 511.

Bill read third time.

Roll call on Assembly Bill No. 511:

YEAS—42.

NAYS—None.

Assembly Bill No. 511 having received a constitutional majority,

Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 512.

Bill read third time.

Roll call on Assembly Bill No. 512:

YEAS—42.

NAYS—None.

Assembly Bill No. 512 having received a constitutional majority,
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 516.

Bill read third time.

Roll call on Assembly Bill No. 516:

YEAS—42.

NAYS—None.

Assembly Bill No. 516 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 517.

Bill read third time.

Roll call on Assembly Bill No. 517:

YEAS—42.

NAYS—None.

Assembly Bill No. 517 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 523.

Bill read third time.

Roll call on Assembly Bill No. 523:

YEAS—42.

NAYS—None.

Assembly Bill No. 523 having received a constitutional majority,
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Senate Bills Nos. 36, 71, 167, 273, 281, 282, 291, 367, 371, and 387 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 153.

Bill read third time.

Roll call on Assembly Bill No. 153:

YEAS—42.

NAYS—None.

Assembly Bill No. 153 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 156.

Bill read third time.

Roll call on Assembly Bill No. 156:

YEAS—42.

NAYS—None.

Assembly Bill No. 156 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 195.

Bill read third time.

Roll call on Assembly Bill No. 195:

YEAS—42.

NAYS—None.

Assembly Bill No. 195 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 226.

Bill read third time.

Roll call on Assembly Bill No. 226:

YEAS—42.

NAYS—None.

Assembly Bill No. 226 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 232.

Bill read third time.

Roll call on Assembly Bill No. 232:

YEAS—35.

NAYS—Brown-May, Considine, DeLong, Gorelow, La Rue Hatch, Orentlicher, Summers-Armstrong—7.

Assembly Bill No. 232 having received a two-thirds majority, Mr. Speaker
declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 270.

Bill read third time.

Roll call on Assembly Bill No. 270:

YEAS—42.

NAYS—None.

Assembly Bill No. 270 having received a two-thirds majority, Mr. Speaker
declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 388.

Bill read third time.

Roll call on Assembly Bill No. 388:

YEAS—33.

NAYS—DeLong, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, McArthur, Yurek—9.

Assembly Bill No. 388 having received a constitutional majority,
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 430.

Bill read third time.

Roll call on Assembly Bill No. 430:

YEAS—42.

NAYS—None.

Assembly Bill No. 430 having received a two-thirds majority, Mr. Speaker
declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 443.

Bill read third time.

Roll call on Assembly Bill No. 443:

YEAS—42.

NAYS—None.

Assembly Bill No. 443 having received a constitutional majority,
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 349.

Bill read third time.

Roll call on Assembly Bill No. 349:

YEAS—42.

NAYS—None.

Assembly Bill No. 349 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that the person as set forth on the Nevada
Legislature's Press Accreditation List of May 31, 2023, be accepted as an
accredited press representative, assigned space at the press table in the
Assembly Chamber, allowed the use of appropriate broadcasting facilities, and
that the list be included in this day's journal.

PBS Reno: Rebecca Cronon.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly
Bills Nos. 22, 23, 33, 34, 35, 39, 52, 54, 55, 57, 60, 65, 70, 74, 75, 114, 121,
127, 132, 143, 163, 169, 172, 175, 191, 193, 202, 207, 213, 218, 220, 231, 241,
242, 244, 256, 262, 267, 272, 334, 340, 356, 364, 371, 373, 391, 405, 408, 410,

415, 432, 437, 439, 465; Senate Bills Nos. 57, 80, 92, 208, 211, 330, 346, 349, 386, 407, 436.

Assemblywoman Jauregui moved that the Assembly recess until 6 p.m.
Motion carried.

Assembly in recess at 2 p.m.

ASSEMBLY IN SESSION

At 11:05 p.m.
Mr. Speaker presiding.
Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 31, 2023

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 285, Amendments Nos. 701, 821; Assembly Bill No. 330, Amendment No. 851, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 58, 467, 475, 480, 495, 498.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 285.

The following Senate amendment was read:

Amendment No. 701.

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 ~~to~~ **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 requires such entities to include **within such a plan: (1) disciplinary practices based on restorative justice** ~~[within such a plan]~~; **(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) ~~[Sections 7 and 9]~~ **Section 9** of this bill ~~[require]~~ **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 ~~[of action]~~ 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 ~~[to]~~ **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 ~~[such a plan]~~ **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 ~~8~~ 7 of this bill provide for the suspension, expulsion or permanent expulsion of certain pupils ~~less than~~ 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 ~~[authorizes the permanent expulsion of a pupil who is less than 11 years of age.] of this bill additionally prohibits a public school, in general, from expelling such a pupil. Section 7 ~~[of this bill authorizes the suspension, expulsion or permanent expulsion of]~~ 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)]~~ **(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 ~~[(6)]~~ **11** years of age; **(2) the suspension ~~for expulsion is] 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 ~~[complies]~~ **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 ~~[instead]~~ provides that ~~[such an]~~ 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 ~~[must be made to either the superintendent of the school district or his or her designee.]~~ **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~~ ~~the~~ ~~(1)~~ such data collection to occur quarterly ~~;~~ ~~and (2)~~ **Section 4.5 also requires the data collection to include data on :** **(1) the implementation of a plan for progressive discipline** ~~and~~ **;** **(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;** ~~and~~ **(3) the Superintendent of Public Instruction** ~~;~~

~~Section 6 makes a conforming change to refer to provisions that have been renumbered by section 7.1 ; 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, ~~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. 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 ~~for~~:

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. ~~[(4)]~~ ***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 ~~for~~, except that:

(a) A pupil who is less than 11 years of age may not be 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 charter school.

(c) For a pupil with a disability who has been suspended or expelled pursuant to this section, the charter 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.

4. Any pupil who sells or distributes any controlled substance while on the premises of any charter school, at an activity sponsored by a charter school or on any charter school bus shall meet with the school and his or her parent or legal guardian. The school may provide a plan ~~for action~~ for progressive discipline 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, except that:

(a) A pupil who is less than ~~6~~ 11 years of age may not be expelled or permanently expelled pursuant to this section.

(b) A pupil who is less than 6 years of age may be suspended ~~for expelled~~ pursuant to this section ~~only after~~, and the suspension ~~for expulsion is~~ must be reviewed and approved by the governing body of the charter school.

(c) For a pupil with a disability who has been suspended or expelled pursuant to this section, the charter 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.

5. 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.

~~§ 6.~~ 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.

~~{6-}~~ 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.

~~{7-}~~ 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. ~~{H}~~ ***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 ~~[,] 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 ~~[only after]~~ from 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.]~~ 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 ~~f-,~~ except that:

(a) A pupil who is less than 11 years of age may not be 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.

4. Any pupil who sells or distributes any controlled substance while on the premises of any university school for profoundly gifted pupils, at an activity sponsored by a university school for profoundly gifted pupils or on any bus owned by a university school for profoundly gifted pupils shall meet with the school and his or her parent or legal guardian. The school may provide a plan ~~[of action]~~ for progressive discipline 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, except that:

(a) A pupil who is less than ~~6~~ 11 years of age may not be expelled or permanently expelled pursuant to this section.

(b) A pupil who is less than 6 years of age may be suspended ~~for expelled~~ pursuant to this section ~~[only after]~~, and the suspension ~~for expulsion is~~ 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-}~~ 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-}~~ 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-}~~ 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. 4.5. NRS 392.462 is hereby amended to read as follows:

392.462 Each public school shall *quarterly* collect data on the discipline of pupils ~~{-}~~ *and the ~~{plan}~~ plans developed pursuant to NRS 392.4644.* Such data must include, without limitation, the number of expulsions and suspensions of pupils *, the number of staff positions in the school that are vacant, the average class size for each grade in the school , the implementation of ~~{the}~~ each plan, the training received by teachers and administrators regarding ~~{the}~~ each plan , ~~{and}~~ the number of placements of pupils in another school ~~{-}~~ *and the ratio of pupils to school counselors, school psychologists and school social workers.* Such data must be*

disaggregated into the subgroups of pupils listed in subsection 2 of NRS 385A.250 and the types of offense. The principal of each public school shall:

1. Review the data and take appropriate action;
2. ~~[Report]~~ **On or before August 1 of each year, report** the data to ~~[the]~~ :
 - (a) ~~The board of trustees of the school district [each quarter; or the governing body of the public school, as applicable];~~
 - (b) ~~The Joint Interim Standing Committee on Education; [and]~~
 - (c) ~~The Superintendent of Public Instruction; and~~
 - (d) ~~The Department; and~~
3. To the extent allowed by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, post the data on the Internet website maintained by the public school.

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

392.4644 1. 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*** 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, ***school counselors, school social workers, school psychologists, behavior analysts*** and other educational personnel and support personnel who are employed ~~[by]~~ ***at*** the ***public*** school, ~~[district]~~ pupils who are enrolled in ***the public school or*** schools within the school district, ***as applicable***, and the parents and guardians of pupils who are enrolled in ***the public school or*** schools within the school district ~~[]~~, ***as applicable***.

(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 ***the public school or*** each school within the school district ~~[]~~, ***as applicable***.

(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]~~ ***Prescribe methods of alternative conflict resolution and interventions based on social and emotional learning that are developed to avoid the need for the removal of a pupil.***

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

(f) [(e)] Provide for the placement of a pupil in a more restrictive educational environment at that school or at a different public school or

school within the school district , as applicable, 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 provided to each school over which the board of trustees or governing body has authority and posted on the Internet website maintained by the public school. ~~district.~~

~~(h)~~ (i) Be in accordance with a plan to use disciplinary practices based on restorative justice developed pursuant to subsection 2 ~~1~~, if applicable.

2. The board of trustees of a school district shall, in addition to establishing a plan to provide for the progressive discipline of pupils pursuant to subsection 1, establish a plan to use disciplinary practices based on restorative justice. Such a plan 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 ~~1~~ 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. ~~It~~

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

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

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

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

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

(a) Submit a written report to the Superintendent of Public Instruction that reports the progress of each school ~~[within the district]~~ over which the board of trustees or governing body has authority in complying with the requirements of this section, including, without limitation, 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; and

(b) Post a copy of the report on the Internet website maintained by the school district ~~It~~

~~—4.5.]~~ , charter school or university school for profoundly gifted pupils, as applicable.

7. If the Superintendent of Public Instruction determines that the data collected pursuant to NRS 392.462 indicates disproportionality in disciplinary actions or is insufficient to determine whether

disproportionality exists, the Superintendent shall issue a written notice to the school district, charter school or university school for profoundly gifted pupils, as applicable, listing the specific areas of concern and providing a specific corrective period for the school district, charter school or university school for profoundly gifted pupils, as applicable, to implement a framework to reduce the disproportionality or correct the 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~~ **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 [plan developed pursuant to subsection 4] sampled plans to:**

(a) The Joint Interim Standing Committee on Education;

(b) The Department; and

(c) The State Board.

~~7.7~~ **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

(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 [his] the administrative head of the charter school or [her designee.] university school~~

for profoundly gifted pupils, as applicable. Upon receipt of such a request, the ~~[board of trustees]~~ superintendent or ~~this or her designee~~ 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 ~~[10.]~~ 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 ~~his~~ the administrative head of the charter school or ~~her designee~~ 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 ~~his~~ the administrative head of the charter school or ~~her designee~~ 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.

~~{10}~~ 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.

~~{11}~~ (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 ~~[6]~~ 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 ~~[or expelled]~~ pursuant to this section ~~[only after]~~, and the suspension ~~[or expulsion is]~~ 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.

~~{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}~~ **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;***
~~and~~

(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.

Assemblywoman Bilbray-Axelrod moved that the Assembly concur in the Senate Amendment No. 701 to Assembly Bill No. 285.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 821.

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 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~~ **requirements** 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 , on or before August 1 of each year, develop or review and revise a plan to offer such services to, without limitation, pupils who are less than 11 years of age 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 requires each public school to, on or before August 1 of each year, submit such a plan to: (1) the board of trustees of the school district, governing body of the charter school or governing body of the university school for profoundly gifted pupils, as applicable; (2) the State Board of Education; and (3) the Joint Interim Standing Committee on Education.** **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.~~ **Section 1 requires the plan developed pursuant to section 5.5 to be included in the annual report of accountability for the quality of schools and the educational achievement of pupils.**

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]~~ **Section 7** of this bill ~~[provide]~~ **provides** for the suspension, expulsion or permanent expulsion of certain pupils who are at least 11 years of age. ~~[Sections 3, 4 and]~~ **Section 7**: (1) ~~[provide]~~ **provides** 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]~~ **prohibits**, in general, the expulsion or permanent expulsion of a pupil who is less than 11 years of age. **Sections 3 and 4 apply these provisions to the discipline of certain pupils in charter schools and university schools for profoundly gifted pupils, respectively.**

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]~~ **a battery other than a battery intended to result in the bodily injury of an employee of the school** 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. **Additionally, section 7 provides that, for a pupil who commits a battery which is intended to result in the bodily injury of an employee of the school: (1) the pupil shall be suspended or expelled if he or she is at least 8 years of age; (2) the suspension of a pupil who is less than 6 years of age must be reviewed and approved 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. Finally section 7 provides that a pupil who is found in possession of a firearm at a public school or an activity or school bus of a public school: (1) shall be**

suspended, expelled or permanently expelled if he or she is at least 11 years of age; (2) shall be suspended or expelled if he or she is at least 8 but less than 11 years of age; (3) may be suspended if he or she is at least 6 but less than 8 years of age; (4) may be suspended if he or she is less than 6 years of age upon review and approval by the superintendent of the school district or his or her designee; and (5) if the pupil is a pupil with a disability, any removal of the pupil 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 plan developed pursuant to subsection 4 of NRS 392.4645; and***

~~(3)~~ 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 ~~{}; 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. ~~{{}}~~ **A pupil enrolled in a charter school shall only be suspended or expelled in a manner consistent with the requirements for the suspension or expulsion of a pupil enrolled in a public school within a school district as set forth in NRS 392.4601 to 392.472, inclusive.**

3. Except as otherwise provided in ~~[subsection 3,]~~ NRS 392.467, 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:**~~

~~—(a) A pupil who is less than 11 years of age may not be 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 charter school.~~

~~—(c) For a pupil with a disability who has been suspended or expelled pursuant to this section, the charter 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.]~~

4. ~~[Any pupil who sells or distributes any controlled substance while on the premises of any charter school, at an activity sponsored by a charter school or on any charter school bus shall meet with the school and his or her parent or legal guardian. The school may provide a plan for progressive discipline 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, except that:~~

~~—(a) A pupil who is less than 11 years of age may not be 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 charter school.~~

~~—(c) For a pupil with a disability who has been suspended or expelled pursuant to this section, the charter 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.~~

~~—5. 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.~~

~~—5.6.7~~ 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.

~~{6.7.7~~ 5. 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.

~~{7.8.7~~ 6. 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. ~~[[#]]~~ A pupil enrolled in a university school for profoundly gifted pupils shall only be suspended or expelled in a manner consistent with the requirements for the suspension or expulsion of a pupil enrolled in a public school within a school district as set forth in NRS 392.4601 to 392.472, inclusive.

3. Except as otherwise provided in ~~[subsection 3,]~~ NRS 392.467, 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.

~~[2. 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 only after from 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. 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:~~

~~—(a) A pupil who is less than 11 years of age may not be 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.]~~

~~4. [Any pupil who sells or distributes any controlled substance while on the premises of any university school for profoundly gifted pupils, at an activity sponsored by a university school for profoundly gifted pupils or on any bus owned by a university school for profoundly gifted pupils shall meet with the school and his or her parent or legal guardian. The school may provide a plan for progressive discipline 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, except that:~~

~~—(a) A pupil who is less than 11 years of age may not be 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.~~

~~5.6.]~~ 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.

~~{6.7.}~~ 5. 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. 8.7]~~ **6.** 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. 4.5. NRS 392.462 is hereby amended to read as follows:

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

1. Review the data and take appropriate action;

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

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

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

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

(d) *The Department; and*

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

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

392.4644 1. 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* 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 , *school counselors, school social workers, school psychologists, behavior analysts* and other educational personnel and support personnel who are employed ~~[by]~~ at the *public* school , ~~[district,]~~ pupils who are enrolled in *the public school or* schools within the school district , *as applicable*, and the parents and guardians of pupils who are enrolled in *the public school or* schools within the school district ~~[,]~~ , *as applicable*.

(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 *the public school or* each school within the school district ~~[,]~~ , *as applicable*.

(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] Prescribe methods of alternative conflict resolution and interventions based on social and emotional learning that are developed to avoid the need for the removal of a pupil.~~

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

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

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

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

2. *The board of trustees of a school district shall, in addition to establishing a plan to provide for the progressive discipline of pupils pursuant to subsection 1, establish a plan to use disciplinary practices based on restorative justice. Such a plan 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, 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, if applicable, the organizational team established pursuant to NRS 388G.700*, if necessary. ~~;~~

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

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

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

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

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

(a) Submit a written report to the Superintendent of Public Instruction that reports the progress of each school ~~[within the district]~~ **over which the board of trustees or governing body has authority** in complying with the requirements of this section, including, without limitation, 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; and

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

7. *If the Superintendent of Public Instruction determines that the data collected pursuant to NRS 392.462 indicates disproportionality in disciplinary actions or is insufficient to determine whether disproportionality exists, the Superintendent shall issue a written notice to the school district, charter school or university school for profoundly gifted pupils, as applicable, listing the specific areas of concern and providing a specific corrective period for the school district, charter school or university school for profoundly gifted pupils, as applicable, to implement a framework to reduce the disproportionality or correct the 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]~~ A pupil *may be temporarily removed* 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]~~ *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 , on or before August 1 of each year, develop or review and revise a plan to offer a pupil, including, without limitation, a pupil who is less than 11 years of age, who is removed from a classroom or any other premises of the public school pursuant to this section or NRS 392.466 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. *Each public school shall, on or before August 1 of each year, submit the plan that is developed or reviewed and revised pursuant to subsection 4 to:*

(a) The board of trustees of the school district, governing body of the charter school or governing body of the university school for profoundly gifted pupils, as applicable;

(b) The State Board; and

(c) The Joint Interim Standing Committee on Education.

7. *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.]~~ 8. *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.]~~ 9. *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.*

~~10.~~ **10.** 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~~

(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.}~~ 8 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 ~~{10.}~~ ~~9.~~ 12 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, ***including, without limitation, a pupil who is less than 11 years of age,*** 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.

~~{10-}~~ 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.]~~ subsection.*

(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.]~~ subsection, 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.]~~ subsection, 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. *Except as otherwise provided in this section, any pupil who commits a battery against an employee of the school while on the premises of any public school, at an activity sponsored by a public school or on any school bus 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, except that:*

(a) A pupil who is less than 8 years of age may not be expelled or permanently expelled pursuant to this subsection.

(b) A pupil who is less than 6 years of age may be suspended pursuant to this subsection, 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 subsection, 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.

3. Except as otherwise provided in this section, any pupil who commits a battery which is intended to result in the bodily injury of an employee of the school while on the premises of any public school, at an activity sponsored by a public school or on any school bus 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 shall be suspended, expelled or permanently expelled from the school, except that:

(a) A pupil who is less than 8 years of age may not be expelled or permanently expelled pursuant to this subsection.

(b) A pupil who is less than 6 years of age may be suspended pursuant to this subsection, 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 subsection, 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.

4. An employee who is a victim of a battery which ~~results~~ is intended to result in the bodily injury of an employee of the school may appeal to the school ~~the~~ a plan of action provided pursuant to subsection ~~4.3~~ 3 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.

~~3.3~~ 5. Except as otherwise provided in this section, any pupil, ~~of any age,~~ including, without limitation, a pupil with a disability, who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process or who is found in possession of ~~a firearm or~~ a dangerous weapon other than a firearm 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.~~

~~4.3~~ may be removed from the public school 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, expulsion or permanent expulsion, except that:

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

(b) A pupil who is less than 6 years of age may be suspended pursuant to this subsection only after the suspension is 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 subsection, the public 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.

6. Except as otherwise provided in this section, any pupil, including, without limitation, a pupil with a disability, who is found in possession of a firearm while on the premises of any public school, at an activity sponsored by a public school or on any school bus must be removed from the public school 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, expulsion or permanent expulsion. A pupil who is:

(a) Eleven years of age or older shall be suspended, expelled or permanently expelled pursuant to this section.

(b) At least 8 but less than 11 years of age shall be suspended or expelled pursuant to this subsection.

(c) At least 6 but less than 8 years of age may be suspended pursuant to this subsection.

(d) Less than 6 years of age may be suspended pursuant to this subsection only after the suspension is 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.

(e) A pupil with a disability who has been suspended or expelled pursuant to this subsection must be provided with a free appropriate public education in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., by the public school in which the pupil is enrolled for each school day the pupil is suspended or expelled after the pupil has been removed for 10 cumulative days.

7. If a school is unable to retain a pupil in the school pursuant to ~~subsection~~ subsections 1 to 6, inclusive, 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, including, without limitation, a pupil who is less than 11 years of age, 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.

~~§ 8.~~ 8. 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.

~~§ 9.~~ 9. 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

- (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.*

~~§ 10.~~ 10. 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 public school, as applicable,*** allow a modification to a suspension or expulsion pursuant to subsections 1 to ~~§ 8.~~ 8., 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.

~~§ 11.~~ 11. 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 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.]~~ **12.** Except as otherwise provided in subsection ~~[3.]~~ **5 or 6**, 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.]~~ **13.** 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.

~~§12.11.7~~ **14.** 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.

~~§13.12.7~~ **15.** As used in this section:

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

(b) **“Bodily injury” means any actual damage or injury to a person that interferes with or is detrimental to the health of the person and is more than merely accidental, transient or trifling in nature.**

~~(c)~~ **“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.

~~(d)~~ **“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.

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

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

~~(g)~~ **“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.

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

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

~~§14.13.7~~ **16.** 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.]~~ **subsections 5 and 6** 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, including, without limitation, a pupil who is less than 11 years of age, who has received at least 5 cumulative days of suspension during a school year; and***

(b) ***Within 2 days after removing a pupil, including, without limitation, a pupil who is less than 11 years of age, from a classroom or other premises of the public school or suspending or expelling a pupil from school ~~for~~ 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 ~~to~~;

(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.

Assemblywoman Bilbray-Axelrod moved that the Assembly concur in the Senate Amendment No. 821 to Assembly Bill No. 285.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 330.

The following Senate amendment was read:

Amendment No. 851.

AN ACT relating to education; requiring a suspension or expulsion in a charter school or a university school for profoundly gifted pupils to be consistent with such punishments in certain public schools; requiring a plan for restorative discipline for public schools to include consideration of certain data relating to pupil discipline; authorizing the Superintendent of Public Instruction to require implementation of an alternative plan for restorative discipline if a public school fails to take certain actions relating to disproportionality in pupil discipline; requiring a plan for restorative discipline to reflect the authority to temporarily remove a pupil from the classroom; requiring certain actions by a school at the time of a suspension or expulsion of a pupil for committing certain acts; revising the persons to whom the appeals of certain disciplinary determinations may be made; revising requirements for policies for the appeal of suspensions and expulsions; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law establishes certain provisions relating to the behavior and discipline of pupils. (NRS 392.4601-392.472) **Sections 2 and 3** of this bill apply these provisions to charter schools and university schools for profoundly gifted pupils.

Section 3.3 of this bill establishes: (1) requirements for proper notification to a pupil and the parent or legal guardian of the pupil, if the pupil is less than 18 years of age, of the policy to appeal a suspension or expulsion; (2) a 5-day timeline for a pupil or, if the pupil is less than 18 years of age, the parent or guardian of the pupil to appeal the suspension or expulsion; (3) a 5-day timeline for a hearing to be scheduled upon receipt of such an appeal; (4) the method for determining whether a pupil who is suspended or expelled or is being considered for suspension or expulsion may be considered for temporary alternative placement; and (5) that education services are required to be provided to the pupil to prevent the pupil from losing academic credit or being disengaged from school during the period the pupil is suspended or expelled. **Sections 3.5 and 3.7** of this bill make conforming changes to indicate the proper placement of **section 3.3** in the Nevada Revised Statutes.

Under existing law, the board of trustees of each school district is required to establish a plan to provide for the restorative discipline of pupils, which must be developed with the input of certain school personnel and the parents and guardians of pupils. (NRS 392.4644) Existing law also requires each public school to collect and submit data on the discipline of pupils and categorize such data by various subgroups of pupils. (NRS 392.462) **Section 4** of this bill requires that the data be reported to the superintendent of the school district or to the administrative head of a charter school. **Section 6** also requires the Superintendent of Public Instruction to review data on the disproportionality of punishments and provide a corrective period for any deficient schools to make progress in addressing any disproportionalities or any insufficiency in such data.

Existing law requires a plan to provide for the restorative discipline of pupils to provide for the temporary removal of a pupil from a classroom or other premises of a public school under certain circumstances. (NRS 392.4645) **Section 7** instead authorizes the temporary removal of a pupil from a classroom or other premises of a public school under such circumstances, and **section 6** requires a plan to provide for the restorative discipline of pupils to include provisions for such a temporary removal.

Existing law requires that a pupil who has been removed from the classroom or other premises of a public school must have a conference within 3 days after removal, with certain exceptions. If such a conference is not held within 3 days, the pupil is required to be allowed to return to the classroom or other premises, with certain exceptions. (NRS 392.4646) **Section 8** of this bill removes the requirement if, in the judgment of the principal, the pupil continues to pose a threat and the superintendent has authorized an extension of the removal.

Existing law provides certain requirements concerning the determination that a pupil is deemed a habitual disciplinary problem. (NRS 392.4655) **Section 9** of this bill revises the persons to whom a pupil or parent or legal guardian of a pupil may appeal such a determination.

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) Section 10 of this bill provides for the suspension, expulsion or permanent expulsion of certain pupils who are at least 11 years of age. Section 10: (1) provides 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) prohibits, in general, the expulsion or permanent expulsion of a pupil who is less than 11 years of age.

~~Under existing law, [certain pupils may be suspended or expelled from school for: (1) committing a battery which results in the bodily injury of an employee of the school; or (2) selling or distributing any controlled substance in certain circumstances. (NRS 392.466) Section 10 of this bill: (1) revises the circumstances under which a pupil is expelled or assigned to a temporary alternative placement; and (2) requires the pupil to be permanently expelled for the second occurrence. Section 10 also requires a school to develop and implement a reentry plan based on restorative justice practices following the first occurrence.] 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 10 provides that, for a pupil who sells or distributes a controlled substance in certain situations or commits a battery other than a battery intended to result in the bodily injury of an employee of the school 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. Additionally, section 10 provides that, for a pupil who commits a battery which is intended to result in the bodily injury of an employee of the school: (1) the pupil shall be suspended or expelled if he or she is at least 8 years of age; (2) the suspension of a pupil who is less than 6 years of age must be reviewed and approved 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. Finally, section 10 provides that a pupil who is found in possession of a firearm at a public school or an activity or school bus of a public school: (1) shall be suspended, expelled or permanently expelled if he or she is at least 11 years of age; (2) shall be suspended or expelled if he or she is at least 8 but less than 11 years of age; (3) may be suspended if he or she is at least 6 but less than 8 years of age; (4) may be suspended if he or she is less than 6 years of age upon review and approval by the superintendent of the school district or his or her designee; and (5) if the pupil is a pupil with a disability, any removal of the pupil must comply with federal law. Sections 10 and 11 of this bill: (1) prohibit the permanent expulsion of a pupil who is less than 6 years of age; and (2) authorize a homeless pupil or a pupil in foster care of any age to be suspended or expelled for not more than 5 days if the principal determines that the conduct of the pupil poses an ongoing threat.

Existing law provides that a pupil may not be suspended or expelled unless the pupil is given the opportunity for a hearing. (NRS 392.467) **Section 11** removes the hearing requirement before suspension or expulsion for certain pupils who: (1) pose a danger to other persons or property; (2) threaten to disrupt the academic process; (3) are selling or distributing a controlled substance; or (4) are in possession of a firearm or other dangerous weapon.

Existing law provides certain requirements concerning the process for appealing a suspension or expulsion. (NRS 392.4671) **Section 12** of this bill makes these requirements applicable to significant suspensions, expulsions or permanent expulsions.

Existing law requires that, with certain exceptions, a public school must provide a plan of action based on restorative justice to a pupil before removing, suspending or expelling the pupil. (NRS 392.472) **Section 13** of this bill allows a pupil to be temporarily removed in certain circumstances without first providing such a plan.

Section 13.5 of this bill amends Assembly Bill No. 285 to resolve a conflict.

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

Section 1. 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 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.

3. *As used in this section, “restorative justice” has the meaning ascribed to it in NRS 392.472.*

Sec. 2. 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. ~~[[A]]~~ ***A pupil enrolled in a charter school shall only be suspended or expelled in a manner consistent with the requirements for the suspension or expulsion of a pupil enrolled in a public school within a school district as set forth in NRS 392.4601 to 392.472, inclusive.***

3. ***Except as otherwise provided in NRS 392.467, 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]~~ at the time of 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]~~ are given notice of the charges against him or her, an explanation of the evidence and an opportunity for a hearing. If a pupil is significantly suspended, ~~[or]~~ expelled ~~[or]~~ or permanently expelled, the pupil or, if the pupil is under 18 years of age, the parent or guardian of the pupil may appeal the significant suspension, expulsion or permanent***

expulsion in accordance with the provisions of NRS 392.4671. The charter school shall ensure that a pupil who is *significantly* suspended, ~~for~~ expelled *or permanently expelled* and is appealing the *significant* suspension, *expulsion* or *permanent* expulsion or a pupil who is being considered for *significant* suspension, *expulsion* or *permanent* 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.~~

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.}~~ 5. 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.}~~ 6. 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.]~~ ***"Significantly suspended" has the meaning ascribed to "significant suspension" in NRS 392.4655.***

(d) "Suspend" or "suspension" has the meaning ascribed to it in NRS 392.4607.

Sec. 3. 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. ~~[[A pupil enrolled in a university school for profoundly gifted pupils shall only be suspended or expelled in a manner consistent with the requirements for the suspension or expulsion of a pupil enrolled in a public school within a school district as set forth in NRS 392.4601 to 392.472, inclusive.~~

3. ***Except as otherwise provided in NRS 392.467, 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]~~ ***at the time of*** the suspension or expulsion, the pupil ~~[has been]~~ is given notice of the charges against him or her, an explanation of the evidence and an opportunity for a hearing. If a pupil is ***significantly*** suspended , ~~[or]~~ expelled ~~[,]~~ ***or permanently expelled***, the pupil or, if the pupil is under 18 years of age, the parent or guardian of the pupil may appeal the ***significant*** suspension , ***expulsion*** or ***permanent*** expulsion in accordance with the provisions of NRS 392.4671. The university school shall ensure that a pupil who is ***significantly*** suspended , ~~[or]~~ expelled ***or permanently expelled*** and is appealing the ***significant*** suspension , ***expulsion*** or ***permanent*** expulsion or a pupil who is being considered for ***significant*** suspension , ***expulsion*** or ***permanent*** 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.]~~

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.}~~ 5. 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.}~~ 6. 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.}~~ **“Significantly suspended” has the meaning ascribed to “significant suspension” in NRS 392.4655.**

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

Sec. 3.3. Chapter 392 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If a pupil is suspended or expelled from a public school, the board of trustees of the school district or the governing body of the charter school or university school for profoundly gifted pupils in which the pupil is enrolled or the designee of the board of trustees or governing body, as applicable, shall provide, on the same day that the pupil is suspended or expelled, a*

notice of the policy for appealing a suspension or expulsion of a pupil adopted by the board of trustees or governing body, as applicable, pursuant to NRS 392.4671, to the pupil and, if the pupil is less than 18 years of age, the parent or legal guardian of the pupil. A notice provided pursuant to this subsection must:

(a) Include information regarding the timelines for appealing the suspension or expulsion, as applicable, pursuant to subsection 2;

(b) Be written clearly and in a manner that allows the pupil and, if the pupil is less than 18 years of age, the parent or legal guardian of the pupil, to understand each provision of the policy; and

(c) To the extent practicable, be provided in as many languages as possible.

2. Not later than 5 school days after receiving notification of the suspension or expulsion of the pupil pursuant to NRS 392.4671, the pupil or, if the pupil is less than 18 years of age, the parent or legal guardian of the pupil may file an appeal pursuant to the 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, pursuant to NRS 392.4671.

3. Not later than 5 school days after receiving notification of an appeal of a suspension or expulsion made pursuant to the policy adopted pursuant to NRS 392.4671, the board of trustees of the school district or the governing body of the charter school or university school for profoundly gifted pupils or the designee of the board of trustees or governing body, as applicable, must schedule a hearing.

4. A pupil who is suspended or expelled or is being considered for suspension or expulsion:

(a) May be considered for temporary alternative placement pursuant to NRS 392.4645 if, in the judgment of the principal after consideration of the seriousness of the acts which were the basis for the discipline of the pupil:

(1) The temporary alternative placement will serve as the least restrictive environment possible, pursuant to NRS 392.4673; and

(2) The pupil does not pose a serious threat to the safety of the school.

(b) Must be provided education services to prevent the pupil from losing academic credit or becoming disengaged from school during the period of suspension or expulsion.

5. As used in this section, “principal” means the lead administrator of a public school, including, without limitation, such an administrator who is referred to by another title.

Sec. 3.5. NRS 392.4601 is hereby amended to read as follows:

392.4601 As used in NRS 392.4601 to 392.472, inclusive, **and section 3.3 of this act**, unless the context otherwise requires, the words and terms defined in NRS 392.4603, 392.4605 and 392.4607 have the meanings ascribed to them in those sections.

Sec. 3.7. NRS 392.4609 is hereby amended to read as follows:

392.4609 The Department shall adopt any regulations necessary to carry out the provisions of NRS 392.4601 to 392.472, inclusive, **and section 3.3 of this act**, including, without limitation, regulations which establish timelines for the purposes of subsection 1 of NRS 392.4671.

Sec. 4. NRS 392.462 is hereby amended to read as follows:

392.462 Each public school shall collect data on the discipline of pupils. Such data must include, without limitation, the number of expulsions and suspensions of pupils and the number of placements of pupils in another school. Such data must be disaggregated into the subgroups of pupils listed in subsection 2 of NRS 385A.250 and the types of offense. The principal of each public school shall:

1. Review the data and take appropriate action;
2. Report the data 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**, each quarter; and
3. To the extent allowed by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, post the data on the Internet website maintained by the public school.

Sec. 5. NRS 392.4634 is hereby amended to read as follows:

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

- (a) Simulating a firearm or dangerous weapon while playing; or
- (b) Wearing clothing or accessories that depict a firearm or dangerous weapon or express an opinion regarding a constitutional right to keep and bear arms,
↪ unless it substantially disrupts the educational environment ~~[]~~, **creates a risk of harm to another person or places another person in reasonable fear of harm.**

2. Simulating a firearm or dangerous weapon includes, without limitation:
 - (a) Brandishing a partially consumed pastry or other food item to simulate a firearm or dangerous weapon;
 - (b) Possessing a toy firearm or toy dangerous weapon that is 2 inches or less in length;
 - (c) Possessing a toy firearm or toy dangerous weapon made of plastic building blocks which snap together;
 - (d) Using a finger or hand to simulate a firearm or dangerous weapon;
 - (e) Drawing a picture or possessing an image of a firearm or dangerous weapon; and
 - (f) Using a pencil, pen or other writing or drawing implement to simulate a firearm or dangerous weapon.

3. ~~[A pupil who simulates a firearm or dangerous weapon may be disciplined when disciplinary action is consistent with a policy adopted by the board of trustees of the school district and such simulation:~~

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

~~—(b) Causes bodily harm to another person; or~~

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

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

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

~~{6.}~~ 4. As used in this section:

(a) “Dangerous weapon” has the meaning ascribed to it in NRS 392.466.

(b) “Firearm” has the meaning ascribed to it in NRS 392.466.

Sec. 6. NRS 392.4644 is hereby amended to read as follows:

392.4644 1. The ~~{board of trustees}~~ **superintendent** of each school district ~~{,} and the administrative head of each charter school and university school for profoundly gifted pupils~~ shall establish a plan to provide for the restorative 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}~~ **Include provisions that authorize** the temporary removal of a pupil from a classroom or other premises of a public school ~~{in accordance with}~~ **pursuant to** NRS 392.4645.

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

(g) 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}~~

(i) *Include consideration of the results of the data collected and reported pursuant to NRS 392.462 and include methods for 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) Be posted on the Internet website maintained by the school district.]~~

2. 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, ~~and~~ the parents and guardians of pupils and the pupils who are enrolled in the school ~~;~~ *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~~ superintendent of the school district *or* ~~governing body~~ the administrative head of the charter school or university school for profoundly gifted pupils, as applicable, revisions to the plan, as recommended by the teachers, school administrators and other educational personnel and support personnel, ~~and~~ the parents and guardians of pupils and the pupils who are enrolled in the school ~~;~~ *and, if applicable, the organizational team established pursuant to NRS 388G.700, if necessary .* ~~;~~

~~(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. *On or before September 30 of each year, the* ~~board of trustees~~ superintendent *of each school district and the* ~~governing body~~ administrative head of each charter school or university school for profoundly gifted pupils shall issue a revised plan that appropriately reflects comments provided by teachers, school administrators, other educational personnel and support personnel and, if applicable, organizational teams pursuant to subsection 2.

4. *Not more than 14 days after the receipt of the revised plan issued pursuant to subsection 3, the principal of each school shall:*

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

(b) *Distribute to each teacher, school administrator and all educational support personnel who are employed at or assigned to the school and, if*

applicable, the organizational team a written or electronic copy of the plan or the revised plan.

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

(a) Submit a written report to the Superintendent of Public Instruction that reports the progress of each school ~~[within the district]~~ in complying with the requirements of this section, including, without limitation, 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; and

(b) Post a copy of the report on the Internet website maintained by the school district ~~[-~~

~~4. As used in this section, “restorative justice” has the meaning ascribed to it in NRS 392.472.] , charter school or university school for profoundly gifted pupils, as applicable.~~

6. *If the Superintendent of Public Instruction determines that the data collected pursuant to NRS 392.462 indicates disproportionality in disciplinary actions or is insufficient to determine whether disproportionality exists, the Superintendent shall issue a written notice to the school district, charter school or university school for profoundly gifted pupils, as applicable, listing the specific areas of concern and providing a specific corrective period for the school district, charter school or university school for profoundly gifted pupils, as applicable, to implement a framework to reduce the disproportionality or correct the insufficiency of the data, as applicable. The specific corrective period shall be at least 12 months and not more than 36 months, and shall include required monitoring of the progress made by the school district, charter school or university school for profoundly gifted pupils, as applicable. If, following 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 received pursuant to this subsection; or

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

Sec. 7. NRS 392.4645 is hereby amended to read as follows:

392.4645 1. ~~[Except as otherwise provided in subsection 5, the plan established pursuant to NRS 392.4644 must provide for the temporary removal of a]~~ A pupil *may be temporarily removed* 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]~~ **Upon** the removal of a pupil from a classroom or any other premises of a public school pursuant to this section, the principal of the school shall provide an explanation of the reason for the removal of the pupil to the pupil and offer the pupil an opportunity to respond to the explanation. Within 24 hours 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 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 When]~~ **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. 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. 8. NRS 392.4646 is hereby amended to read as follows:

392.4646 1. Except as otherwise provided in this section, not later than 3 school days after a pupil is removed from a classroom or any other premises of a public school pursuant to NRS 392.4645, a conference must be held with:

- (a) The pupil;
- (b) A parent or legal guardian of the pupil, unless the pupil is an unaccompanied pupil;
- (c) The principal of the school; and
- (d) The teacher or other staff member who removed the pupil.

➔ The principal shall give an oral and written notice of the conference to each person who is required to participate.

2. After receipt of the notice required pursuant to subsection 1, the parent or legal guardian of the pupil may, not later than 3 school days after the removal of the pupil, request that the date of the conference be postponed. The principal shall accommodate such a request. If the date of the conference is postponed pursuant to this subsection, the principal shall send written notice to the parent or legal guardian confirming that the conference has been postponed at the request of the parent or legal guardian.

3. If a parent or legal guardian of a pupil refuses to attend a conference, the principal of the school shall send a written notice to the parent or legal guardian confirming that the parent or legal guardian has waived the right to a conference provided by this section and authorized the principal to recommend the placement of the pupil pursuant to subsection 6.

4. Except as otherwise provided in this subsection, a pupil must not return to the classroom or other premises of the public school from which the pupil was removed before the conference is held. If the conference is not held within 3 school days after the removal of the pupil, the pupil, including, without limitation, an unaccompanied pupil or a pupil in foster care, must be allowed to return to the classroom or other premises unless:

(a) The parent or legal guardian of the pupil refuses to attend the conference;

(b) The failure to hold a conference is attributed to the action or inaction of the pupil, including, without limitation, an unaccompanied pupil or a pupil in foster care, or the parent or legal guardian of the pupil; ~~or~~

(c) The parent or legal guardian requested that the date of the conference be postponed ~~to~~; *or*

(d) *If:*

(1) *In the judgment of the principal, there is a reasonable expectation that the pupil poses a threat to employees of the school or other pupils enrolled at the school; and*

(2) *The principal has received written authorization from the superintendent of the school district or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable, to extend the period for which the pupil is removed from the classroom or other premises of the public school.*

5. During the conference, the teacher who removed the pupil from the classroom, the staff member who removed the pupil from the other premises of the public school or the principal shall provide the pupil and, if the pupil is not an unaccompanied pupil, the pupil's parent or legal guardian with an explanation of the reason for the removal of the pupil from the classroom or other premises. The pupil and, if the pupil is not an unaccompanied pupil, the pupil's parent or legal guardian must be granted an opportunity to respond to the explanation of the pupil's behavior and to indicate whether the removal of the pupil from the classroom or other premises was appropriate in their opinion based upon the behavior of the pupil. If the pupil is a homeless pupil, the conference must include consideration of and interventions to mitigate the impact of homelessness on the behavior of the pupil.

6. Upon conclusion of the conference or, if a conference is not held pursuant to subsection 3 not later than 3 school days after the removal of a pupil from a classroom or other premises of a public school ~~or~~ *or such period as deemed appropriate by the superintendent or administrative head, as applicable, pursuant to paragraph (d) of subsection 4*, the principal shall recommend whether to return the pupil to the classroom or other premises or continue the temporary alternative placement of the pupil if the pupil has been assigned to a temporary alternative placement.

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

Sec. 9. NRS 392.4655 is hereby amended to read as follows:

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

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

(b) The pupil has not entered into and participated in a plan of behavior pursuant to subsection 6; and

(c) The behavior of the pupil was not caused by homelessness, 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.

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. 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, the pupil will be deemed a habitual disciplinary problem;

(c) An explanation that, pursuant to subsection ~~5~~ **8** 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 ~~10~~ **12** 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. A school shall provide the notice required by subsection 4 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. 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 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 district.

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

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

9. 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.

10. As used in this section:

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

Sec. 10. 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 for, expelled or permanently expelled from the school, in which case the pupil shall: or be assigned to a temporary alternative placement pursuant to subsection 2 of NRS 392.4645. Following such a removal, the school must develop a reentry plan for the pupil that is based on restorative justice practices and, if the pupil is not an unaccompanied pupil, provide such a plan to the parent or legal guardian of the pupil. For the second occurrence, the pupil shall be permanently expelled from the school and; 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 subsection.

(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 subsection, 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 pupil with a disability who has been suspended or expelled pursuant to this subsection, 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. Except as otherwise provided in this section, any pupil who commits a battery against an employee of the school while on the premises of any

public school, at an activity sponsored by a public school or on any school bus 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, except that:

(a) A pupil who is less than 8 years of age may not be expelled or permanently expelled pursuant to this subsection.

(b) A pupil who is less than 6 years of age may be suspended pursuant to this subsection, 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 subsection, 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.

3. Except as otherwise provided in this section, any pupil who commits a battery which is intended to result in the bodily injury of an employee of the school while on the premises of any public school, at an activity sponsored by a public school or on any school bus 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 shall be suspended, expelled or permanently expelled from the school, except that:

(a) A pupil who is less than 8 years of age may not be expelled or permanently expelled pursuant to this subsection.

(b) A pupil who is less than 6 years of age may be suspended pursuant to this subsection, 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 subsection, 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.

4. An employee who is a victim of a battery which ~~results~~ is intended to result in the bodily injury of an employee of the school may appeal to the school ~~the~~ a plan of action provided pursuant to subsection ~~H~~ 3 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 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.}~~ 5. Except as otherwise provided in this section, any pupil, ~~of any age,~~ including, without limitation, a pupil with a disability, who *poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process or who* is found in possession of ~~a firearm or~~ a dangerous weapon *other than a firearm* 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.}~~ *may be removed from the public school 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, expulsion or permanent expulsion, except that:*

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

(b) A pupil who is less than 6 years of age may be suspended pursuant to this subsection only after the suspension is 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 subsection, the public 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.

6. Except as otherwise provided in this section, any pupil, including, without limitation, a pupil with a disability, who is found in possession of a firearm while on the premises of any public school, at an activity sponsored by a public school or on any school bus must be removed from the public school 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, expulsion or permanent expulsion. A pupil who is:

(a) Eleven years of age or older shall be suspended, expelled or permanently expelled pursuant to this section.

(b) At least 8 but less than 11 years of age shall be suspended or expelled pursuant to this subsection.

(c) At least 6 but less than 8 years of age may be suspended pursuant to this subsection.

(d) Less than 6 years of age may be suspended pursuant to this subsection only after the suspension is 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.

(e) A pupil with a disability who has been suspended or expelled pursuant to this subsection must be provided with a free appropriate public education in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., by the public school in which the pupil is enrolled for each school day the pupil is suspended or expelled after the pupil has been removed for 10 cumulative days.

7. If a school is unable to retain a pupil in the school pursuant to ~~subsection~~ subsections 1 to 6, inclusive, 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 , including, without limitation, a pupil who is less than 11 years of age, 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.

~~5-1~~ 8. 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.

~~6-1~~ 9. 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; ~~for~~
- (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. ~~1-1~~

; 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.}~~ 10. The superintendent of schools of a school district *or the administrative head of a charter school or university school for profoundly gifted pupils* may, for good cause shown in a particular case ~~{7}~~ in that school district, or public school, as applicable, allow a modification to a suspension or expulsion pursuant to subsections 1 to ~~{5.}~~ 8, 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.}~~ 11. 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 ~~{7}~~ 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, ~~or 11,~~ a pupil who is at least 6 years of age but 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 ~~superintendent~~ of the school district ~~or the administrative head of a charter school or university school for profoundly gifted pupils, as applicable.~~ 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. ~~only if the suspension, expulsion or permanent expulsion is conducted consistent with policies adopted by the board of trustees or governing body, as applicable, pursuant to NRS 392.467.~~

~~10. A pupil who is less than 6 years of age must not be permanently expelled from school.~~

~~11.}~~ 12. Except as otherwise provided in subsection ~~{3.}~~ 5 or 6, 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 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 ~~{an administrative review of}~~ the circumstances and determined ~~{a determination}~~ 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}~~ 10 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. 12.}~~ **13.** 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}~~ ***for not more than 5 days if, following a review of all available information, the principal determines that the conduct of the pupil poses an ongoing threat to the pupil or other persons at the school and*** 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. 13.}~~ **14.** *The principal of a public school may, at his or her discretion, reduce or eliminate the period of suspension, convert an expulsion to a suspension or otherwise reduce, eliminate or alter a disciplinary action imposed upon a pupil who commits a battery which results in the bodily injury of an employee of the school.*

~~{14.}~~ **15.** *The principal of a public school may reduce the period of suspension or convert an expulsion to a suspension for a pupil who distributes a controlled substance while on the premises of a public school, at an activity sponsored by a public school or on a school bus if:*

- (a) *The pupil is less than 11 years of age;*
- (b) *The pupil has not engaged in such proscribed conduct before; and*
- (c) *After a thorough review of the facts and circumstances, the principal determines that the pupil did not know that the substance being distributed was a controlled substance.*

~~{15.}~~ **16.** 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. 16.}~~ **17.** As used in this section:

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

(b) **“Bodily injury” means any actual damage or injury to a person that interferes with or is detrimental to the health of the person and is more than merely accidental, transient or trifling in nature.**

~~(c)~~ **(c)** “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.

~~(d)~~ **(d)** “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.

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

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

~~(g)~~ **(g)** “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.

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

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

~~14-17-18~~ **18.** 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. 11. NRS 392.467 is hereby amended to read as follows:

392.467 1. Except as otherwise provided in subsections ~~5 and 6~~ **6 and 7,** ~~and NRS 392.466,~~ the board of trustees of a school district **or 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]~~ subsections 5 and 6 of NRS 392.466, a pupil who is *at least 6 years of age but* less than 11 years of age must not be *expelled or* permanently expelled from school. ~~In ~~absent~~~~ extraordinary circumstances ~~for~~, 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. *A pupil who is less than 6 years of age must not be permanently expelled from school.*

3. Except as otherwise provided in subsection ~~{6.}~~ 7, 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~~ *to schedule* a hearing, except that a pupil who ~~is~~ :

(a) *Poses a continuing danger to persons or property;*

(b) *Is an ongoing threat of disrupting the academic process;*

(c) *Is selling or distributing any controlled substance; or*

(d) *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.}~~ 4. The board of trustees of a school district *or governing body of a charter school or university school for profoundly gifted pupils, as applicable*, 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.}~~ 5. 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.}~~ 6. The board of trustees of a school district *or 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.}~~ 7. A pupil with a disability may, in accordance with the procedural policy adopted by the board of trustees of the school district *or 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 its designee has reviewed~~ ***an administrative review of*** the circumstances and ~~[determined]~~ ***a determination*** 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]~~ ***10*** 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.]~~ ***8.*** 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]~~ ***for not more than 5 days if, following a review of all available information, the principal determines that the conduct of the pupil poses an ongoing threat to the pupil or other persons at the school and*** 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.]~~ ***9.*** 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. 12. NRS 392.4671 is hereby amended to read as follows:

392.4671 1. The board of trustees of each school district and the governing body of each charter school or university school for profoundly gifted pupils, as applicable, shall adopt a policy for appealing the ***significant*** suspension , ***expulsion*** or ***permanent*** expulsion of a pupil enrolled in the

school district, charter school or university school, as applicable. The policy must provide, without limitation, that:

(a) The board of trustees of a school district, the governing body of a charter school or university school for profoundly gifted pupils or the designee of the board of trustees or governing body, as applicable, may authorize the *significant* suspension, *expulsion* or *permanent* expulsion of a pupil within the timeline established by the Department pursuant to NRS 392.4609;

(b) Within the timeline established by the Department pursuant to NRS 392.4609, the board of trustees of a school district, the governing body of a charter school or university school for profoundly gifted pupils or the designee of the board of trustees or governing body, as applicable, shall notify the pupil and, if the pupil is under 18 years of age, the parent or legal guardian of the pupil who is ~~{suspended}~~ *given a significant suspension, expelled* or *permanently* expelled of:

(1) The *significant* suspension, *expulsion* or *permanent* expulsion;

(2) The right to appeal the *significant* suspension, *expulsion* or *permanent* expulsion; and

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

(c) A pupil or, if the pupil is under 18 years of age, the parent or legal guardian of the pupil, who is ~~{suspended}~~ *given a significant suspension, expelled* or *permanently* expelled may file an appeal with the board of trustees of the school district, the governing body of the charter school or university school for profoundly gifted pupils or the designee of the board of trustees or governing body, as applicable, within the timeline established by the Department pursuant to NRS 392.4609;

(d) The board of trustees of a school district, the governing body of a charter school or university school for profoundly gifted pupils or the designee of the board of trustees or governing body, as applicable, shall schedule a hearing on an appeal of a *significant* suspension, *expulsion* or *permanent* expulsion of a pupil within the timeline established by the Department pursuant to NRS 392.4609; and

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

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

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

4. As used in this section:

(a) *“Permanently expelled”* has the meaning ascribed to it in NRS 392.466.

(b) *“Significant suspension”* has the meaning ascribed to it in NRS 392.4655.

Sec. 13. NRS 392.472 is hereby amended to read as follows:

392.472 1. Except as otherwise provided in NRS **392.4645 and** 392.466 and to the extent practicable, a public school shall 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;

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

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

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

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

5. 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. 13.5. Section 5 of Assembly Bill No. 285 of this session is hereby amended to read as follows:

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

392.4644 1. The ~~{board of trustees}~~ **superintendent** of each school district ~~{,} and the {governing body}~~ **administrative head of each charter school and {the governing body of each} university school for profoundly gifted pupils** 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 , **school counselors, school social workers, school psychologists, behavior analysts** and other educational personnel and support personnel who are employed ~~{by}~~ **at the public school , {district,}** pupils who are enrolled in **the public school or** schools within the school district , **as applicable**, and the parents and guardians of pupils who are enrolled in **the public school or** schools within the school district ~~{,}~~ , **as applicable**.

(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 **the public school or** each school within the school district ~~{,}~~ , **as applicable**.

(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} Prescribe methods of alternative conflict resolution and interventions based on social and emotional learning that are developed to avoid the need for the removal of a pupil.~~

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

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

(g) 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}~~ **Be provided to each school over which the board of trustees or governing body has authority and** posted on the Internet website maintained by the **public school . {district,}**

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

2. *The ~~board of trustees~~ superintendent of a school district shall, in addition to establishing a plan to provide for the progressive discipline of pupils pursuant to subsection 1, establish a plan to use disciplinary practices based on restorative justice. Such a plan 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, 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~~ *superintendent* of the school district *or ~~governing body~~ the administrative head 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, if applicable, the organizational team established pursuant to NRS 388G.700, if necessary . ;*

~~—(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.

~~—3.1~~ 4. ~~On or before September 30 of each year, the board of trustees,~~ superintendent of each school district and the governing body, ~~administrative head of each charter school or university school~~ for profoundly gifted pupils shall issue a revised plan that appropriately reflects comments provided by teachers, school administrators, school counselors, school social workers, school psychologists, behavior analysts, other educational personnel and support personnel, the parents and guardians of pupils, the pupils who are enrolled in the school and, if applicable, organizational teams established pursuant to NRS 388G.700.

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

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

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

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

(a) *Submit a written report to the Superintendent of Public Instruction that reports the progress of each school ~~[within the district]~~ over which the board of trustees or governing body has authority in complying with the requirements of this section, including, without limitation, 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; and*

(b) *Post a copy of the report on the Internet website maintained by the school district* ~~[-~~

~~—4.1~~ *, charter school or university school for profoundly gifted pupils, as applicable.*

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

the 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. 14. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 15. (Deleted by Amendment)

Sec. 16. 1. This section and sections 1 to 13, inclusive, 14 and 15 of this act ~~becomes~~ become effective upon passage and approval.

2. Section 13.5 of this act becomes effective upon passage and approval if and only if Assembly Bill No. 285 of this session is enacted by the Legislature and approved by the Governor.

Assemblywoman Bilbray-Axelrod moved that the Assembly concur in the Senate Amendment No. 851 to Assembly Bill No. 330.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:09 p.m.

ASSEMBLY IN SESSION

At 11:23 p.m.

Mr. Speaker presiding.

Quorum present.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 285 and 330.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 145, 195, 275, 290, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ELAINE MARZOLA, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 305, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SELENA TORRES, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 232, 237, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which was referred Senate Concurrent Resolution No. 5, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

SARAH PETERS, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 222, 307, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BRITTNEY MILLER, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 515, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were referred Assembly Bills Nos. 128, 319, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were referred Assembly Bills Nos. 482, 506, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 137, 252, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 258, 261, 263, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DANIELE MONROE-MORENO, *Chair*

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 58.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 467.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 475.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 480.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 495.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 498.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 128.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 843.

AN ACT making an appropriation to the Outdoor Education and Recreation Grant Program Account for the costs of the program; and providing other matters properly relating thereto.

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

Section 1. There is hereby appropriated from the State General Fund to the Outdoor Education and Recreation Grant Program Account created by NRS 407A.615 for carrying out the Outdoor Education and Recreation Grant

Program and awarding grants in accordance with NRS 407A.605 the following sums:

For the Fiscal Year 2023-2024 ~~[\$500,000]~~ **\$250,000**

For the Fiscal Year 2024-2025 ~~[\$500,000]~~ **\$250,000**

Sec. 2. This act becomes effective on July 1, 2023.

Assemblywoman Monroe-Moreno of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 319.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 840.

SUMMARY—Makes an appropriation to the State Department of ~~Education~~ **Agriculture** for universal free breakfast and lunch for Nevada pupils. (BDR S-1010)

AN ACT making an appropriation to the State Department of ~~Education~~ **Agriculture** for the purpose of awarding grants of money to Nevada school districts to provide universal free breakfast and lunch for Nevada pupils; and providing other matters properly relating thereto.

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

Section 1. 1. There is hereby appropriated from the State General Fund to the State Department of ~~Education~~ **Agriculture** the sum of \$43,000,000 for the purpose of awarding grants of money to Nevada school districts to provide universal free breakfast and lunch to Nevada pupils. ~~the following sums:~~

~~For the Fiscal Year 2023-2024 \$50,000,000~~

~~For the Fiscal Year 2024-2025 \$50,000,000~~

2. ~~[The sums appropriated by subsection 1 are available for either fiscal year.]~~ Any remaining balance of ~~those sums~~ **the appropriation made by subsection 1** must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

Sec. 2. This act becomes effective on July 1, ~~2023.~~ **2024.**

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 482.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 833.

SUMMARY—Makes appropriations to the ~~[Enterprise Application Services Unit of the Division of Enterprise Information Technology Services of the Department of Administration]~~ **Office of Finance in the Office of the Governor as loans** for the replacement of an information technology service management provider and computer hardware and associated software. (BDR S-1146)

AN ACT making appropriations to the ~~[Enterprise Application Services Unit of the Division of Enterprise Information Technology Services of the Department of Administration]~~ **Office of Finance in the Office of the Governor as loans** for the replacement of an information technology service management provider and computer hardware and associated software; and providing other matters properly relating thereto.

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

Section 1. 1. There is hereby appropriated from the State General Fund to the ~~[Enterprise Application Services Unit of the Division of Enterprise Information Technology Services of the Department of Administration]~~ **Office of Finance in the Office of the Governor** the sum of \$299,974 **as a loan to the Enterprise Application Services Unit of the Division of Enterprise Information Technology Services of the Department of Administration** for the replacement of the information technology service management provider.

2. Commencing on July 1, 2025, the Enterprise Application Services Unit of the Division of Enterprise Information Technology Services of the Department of Administration shall use revenues from the intergovernmental transfers to repay in annual installments the cost of the replacement of the information technology service management provider to the State Treasurer for deposit in the State General Fund. Each annual installment must be 25 percent of the cost of the replacement of the information technology service management provider and the loan must be fully repaid not later than the end of Fiscal Year 2028-2029.

Sec. 2. 1. There is hereby appropriated from the State General Fund to the ~~[Enterprise Application Services Unit of the Division of Enterprise Information Technology Services of the Department of Administration]~~ **Office of Finance in the Office of the Governor** the sum of \$122,958 **as a loan to the Enterprise Application Services Unit of the Division of Enterprise**

Information Technology Services of the Department of Administration for the replacement of computer hardware and associated software.

2. Commencing on July 1, 2025, the Enterprise Application Services Unit of the Division of Enterprise Information Technology Services of the Department of Administration shall use revenues from the intergovernmental transfers to repay in annual installments the cost of the replacement of computer hardware and associated software to the State Treasurer for deposit in the State General Fund. Each annual installment must be 25 percent of the cost of the replacement of computer hardware and associated software and the loan must be fully repaid not later than the end of Fiscal Year 2028-2029.

Sec. 3. Any remaining balance of the appropriations made by sections 1 and 2 of this act must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

Sec. 4. This act becomes effective upon passage and approval.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 506.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 836.

SUMMARY—Makes appropriations **to the Office of Finance in the Office of the Governor as loans** to the Division of Enterprise Information Technology Services of the Department of Administration for the replacement of an information technology investments tracking system and computer hardware and associated software. (BDR S-1147)

AN ACT making appropriations **to the Office of Finance in the Office of the Governor as loans** to the Division of Enterprise Information Technology Services of the Department of Administration for the replacement of an information technology investments tracking system and computer hardware and associated software; and providing other matters properly relating thereto.

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

Section 1. 1. There is hereby appropriated from the State General Fund to the ~~{Division} Office of {Enterprise Information Technology Services}~~ **Finance in the Office** of the ~~{Department of Administration}~~ **Governor** the sum of \$246,000 ~~{for the Office of Chief Information Officer budget account}~~ **as a loan to the Division of Enterprise Information Technology Services of the Department of Administration** for the replacement of the system for tracking information technology investments.

2. Commencing on July 1, 2025, the Division of Enterprise Information Technology Services of the Department of Administration shall use revenues from intergovernmental transfers to repay in annual installments the cost of the replacement of the system for tracking information technology investments to the State Treasurer for deposit in the State General Fund. Each annual installment must be 25 percent of the cost of the replacement of the system for tracking information technology investments and the loan must be fully repaid not later than the end of Fiscal Year 2028-2029.

Sec. 2. 1. There is hereby appropriated from the State General Fund to the ~~{Division} Office of {Enterprise Information Technology Services}~~ **Finance in the Office** of the ~~{Department of Administration}~~ **Governor** the sum of \$26,082 ~~{for the Office of Chief Information Officer budget account}~~ **as a loan to the Division of Enterprise Information Technology Services of the Department of Administration** for the replacement of computer hardware and associated software.

2. Commencing on July 1, 2025, the Division of Enterprise Information Technology Services of the Department of Administration shall use revenues from intergovernmental transfers to repay in annual installments the cost of the replacement of computer hardware and associated software to the State Treasurer for deposit in the State General Fund. Each annual installment must be 25 percent of the cost of the replacement of computer hardware and associated software and the loan must be fully repaid not later than the end of Fiscal Year 2028-2029.

Sec. 3. Any remaining balance of the appropriations made by sections 1 and 2 of this act must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

Sec. 4. This act becomes effective upon passage and approval.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 515.

Bill read second time and ordered to third reading.

Senate Bill No. 145.

Bill read second time and ordered to third reading.

Senate Bill No. 195.

Bill read second time and ordered to third reading.

Senate Bill No. 222.

Bill read second time and ordered to third reading.

Senate Bill No. 232.

Bill read second time and ordered to third reading.

Senate Bill No. 237.

Bill read second time and ordered to third reading.

Senate Bill No. 275.

Bill read second time and ordered to third reading.

Senate Bill No. 290.

Bill read second time and ordered to third reading.

Senate Bill No. 305.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 854.

SENATORS D. HARRIS, SPEARMAN, HANSEN, NEAL; DALY, LANGE, OHRENSCHALL, SCHEIBLE AND STONE

JOINT SPONSORS: ASSEMBLYMEN CARTER, D'SILVA, DURAN, GONZÁLEZ, NGUYEN, TAYLOR, THOMAS AND TORRES

AN ACT relating to employment; creating the Board of Trustees of the Nevada Employee Savings Trust; prescribing the membership, powers, duties and limitations of the Board; authorizing the Board to create the Nevada Employee Savings Trust Program; prescribing certain required attributes of the Program; creating the Nevada Employee Savings Trust Administrative Fund and specifying the sources and uses of money deposited therein; creating the Nevada Employee Savings Trust and prescribing the manner of its administration; providing for the confidentiality of certain information; providing civil immunity to certain persons and entities in connection with the Program; making certain persons fiduciaries with respect to participants in the Program; prohibiting certain persons from engaging in certain financial transactions in connection with the Program; requiring the preparation and submission of certain annual reports; making an appropriation to the Office of the State Treasurer for costs related to the administration of the Program; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing federal law provides for individual retirement accounts and individual retirement annuities by which persons may save money for retirement under favorable income tax treatment. (26 U.S.C. §§ 408, 408A) This bill establishes the Nevada Employee Savings Trust under the direction of a board of trustees with the power to establish a similar program and to encourage private employees to establish such accounts.

Section 19 of this bill creates the Board of Trustees of the Nevada Employee Savings Trust and establishes its membership. **Section 20** of this bill establishes certain powers and duties of the Board. In particular, **section 20** authorizes and empowers the Board to: (1) design, establish and operate the Nevada Employee Savings Trust Program; and (2) adopt regulations, rules and procedures for the establishment and operation of the Program and to take such other actions necessary or desirable to establish and operate the Program.

Section 21 of this bill requires the State Treasurer to provide staff support to the Board within the limits of appropriations and authorizes the State Treasurer to provide administrative support to the Board.

Section 22 of this bill provides that an act or undertaking of the Board does not constitute a debt of the State of Nevada, or any political subdivision thereof, or a pledge of the full faith and credit of the State of Nevada, or of any political subdivision thereof, and is payable solely from the assets controlled by the Board. **Section 22** also prohibits the Board from imposing any obligations on the State or pledging the credit of the State.

Section 23 of this bill establishes certain attributes that the Board must include in the Program, including: (1) that covered employers must automatically enroll all covered employees in the Program or in a similar program offered by a trade association or chamber of commerce, unless a covered employee opts out of the Program or, if applicable, the similar program offered by a trade association or chamber of commerce; (2) that contributions to a covered employee’s Individual Retirement Account must be withheld from the employee’s compensation at the rate set by the Board unless the employee elects not to contribute or to contribute at a different rate; (3) that a covered employee may withdraw contributions to meet a financial or other emergency; and (4) that the Board must prepare informational materials, disclosure statements, forms and instructions concerning the Program for distribution by covered employers to covered employees.

Section 24 of this bill creates the Nevada Employee Savings Trust Administrative Fund in the State Treasury, specifies the sources of money that must be deposited in the Fund and requires the Board to use money in the Fund solely to pay the administrative costs and expenses of the Board and the Program.

Section 25 of this bill authorizes the Board to borrow money or enter into certain long-term procurement contracts with financial providers until the Board determines that the Program is financially self-sustaining.

Section 26 of this bill creates the Nevada Employee Savings Trust as an instrumentality of the State and requires the Board to appoint a Trustee of the Trust. **Section 26** requires that the assets of all Individual Retirement Accounts established by covered employees through the Program be allocated to the Trust and invested, managed and administered for the exclusive purposes of providing benefits to the covered employees and defraying the reasonable expenses of the Board, Program and Trust. **Section 26** also establishes certain investment guidelines and practices.

Section 27 of this bill provides that, except to the extent necessary to administer the Program, personal information relating to individual participants in the Program and information relating to individual accounts established or maintained through the Program is confidential and must be maintained as confidential, unless the person who provides the information or is the subject of the information expressly agrees in writing to the disclosure of the information.

Section 28 of this bill provides a grant of immunity from civil liability to covered employers for the consequences of various decisions made by employees or the Board in connection with the Program, including, for example, an employee's decision to participate in or opt out of the Program, an investment decision made by the participant or the Board or a loss, failure to realize a gain or other adverse consequence incurred by a person as a result of participating in the Program. **Section 28** also provides that a covered employer or other employer must not be deemed to be a fiduciary in relation to the Program.

Section 29 of this bill absolves the State and any employee or officer thereof, the Board and any member of the Board or employee thereof and the Program from any responsibility or civil liability for the actions of certain other persons in connection with the Program, including, for example, a person's failure to comply with provisions of the Internal Revenue Code, the payment of benefits or a loss, failure to realize a gain or other adverse consequence incurred by a person as a result of participating in the Program. **Section 29** also provides that the debts, contracts and obligations of the Board, Program or Trust are not the debts, contracts and obligations of the State, and neither the faith and credit nor the taxing power of the State is pledged directly or indirectly to the payment of the debts, contracts and obligations of the Board, Program or Trust.

Section 30 of this bill provides that members of the Board, the Trustee and certain other persons involved in the administration of the Trust are fiduciaries with respect to the participants in the Program.

Section 31 of this bill prohibits members of the Board, its staff and persons who serve as administrators of the Program from engaging in certain financial transactions in connection with the Program.

Section 32 of this bill requires the Board to obtain an annual independent audit of the Board, Program and Trust and to annually submit audited financial reports to the Governor, State Controller and Legislature.

Section 35 of this bill requires, with certain exceptions, the Board to establish the Program and implement its provisions so that covered employees are able to make contributions to an Individual Retirement Account through the Program beginning on July 1, 2025. **Section 35** further authorizes the Board to implement the Program in phases but if the Board does so, the first phase must not begin before July 1, 2025.

Section 34.5 of this bill makes an appropriation to the Office of the State Treasurer for costs related to the administration of the Program.

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

Section 1. Title 31 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 33, inclusive, of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 18, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Administrative Fund” means the Nevada Employee Savings Trust Administrative Fund created by section 24 of this act.*

Sec. 4. *“Board” means the Board of Trustees of the Nevada Employee Savings Trust created by section 19 of this act.*

Sec. 5. *“Compensation” means compensation within the meaning of section 219(f)(1) of the Internal Revenue Code, 26 U.S.C. § 219 (f)(1), that is received by a covered employee from a covered employer.*

Sec. 6. *“Contribution rate” means the percentage of a covered employee’s compensation that is withheld from the covered employee’s compensation and paid to the Individual Retirement Account established or maintained for the covered employee through the Program.*

Sec. 7. 1. *“Covered employee” means a person who:*

- (a) Is employed by a covered employer for not less than 120 days;*
- (b) Has wages or other compensation that is allocable to the State; and*
- (c) Is at least 18 years of age.*

2. *For purposes of the investment, withdrawal, transfer, rollover or other distribution of an Individual Retirement Account, the term also includes the beneficiary of a deceased covered employee.*

3. *The term does not include:*

- (a) Any employee covered under the federal Railway Labor Act, 45 U.S.C. §§ 151 et seq.;*
- (b) Any employee on whose behalf an employer makes contributions to a Taft-Hartley multiemployer pension trust fund; or*
- (c) Any person who is an employee of the Federal Government, the State or any other state, county or municipal corporation, or any of this State’s or any other state’s units or instrumentalities.*

Sec. 8. *“Covered employer” means an employer that:*

- 1. Employs more than five persons in this State;*
- 2. Has been in business for at least 36 months; and*

3. *Has not maintained a tax-favored retirement plan for its employees or has not done so in an effective form and operation at any time within the current calendar year or 3 immediately preceding calendar years.*

Sec. 9. 1. *Except as otherwise provided in subsection 2, “employer” means a person or entity engaged in a business, profession, trade or other enterprise in this State, whether for profit or not for profit, that employs one or more persons in this State.*

2. *The term does not include an agency or entity of the Federal Government, the government of this State or a political subdivision of this State.*

Sec. 10. *“Individual Retirement Account” means an individual retirement account and an individual retirement annuity established under section 408 or 408A of the Internal Revenue Code, 26 U.S.C. § 408 or 408A.*

Sec. 11. *“Internal Revenue Code” means the federal Internal Revenue Code of 1986, as amended.*

Sec. 12. *“Investment fund” means an investment portfolio established by the Board within the Trust for investment purposes.*

Sec. 13. *“Participant” means a person who contributes to an Individual Retirement Account established or maintained through the Program or has an account balance in an Individual Retirement Account established or maintained through the Program.*

Sec. 14. *“Program” means the Nevada Employee Savings Trust Program established by the Board pursuant to section 20 of this act.*

Sec. 15. *“State” means the State of Nevada.*

Sec. 16. *“Tax-favored retirement plan” means a retirement plan that is tax-qualified under or is described in and satisfies the requirements of section 401(a), 401(k), 403(a), 403(b), 408(k) or 408(p) of the Internal Revenue Code, 26 U.S.C. §§ 401(a), 401(k), 403(a), 403(b), 408(k) or 408(p).*

Sec. 17. *“Trust” means the Nevada Employee Savings Trust created pursuant to section 26 of this act and each Individual Retirement Account trust or annuity contract allocated to the Nevada Employee Savings Trust pursuant to section 26 of this act.*

Sec. 18. *“Trustee” means the Trustee of the Trust appointed by the Board pursuant to subsection 2 of section 26 of this act.*

Sec. 19. 1. *There is hereby created the Board of Trustees of the Nevada Employee Savings Trust.*

2. *The Board consists of:*

- (a) The State Treasurer or the designee of the State Treasurer;*
- (b) The Lieutenant Governor or the designee of the Lieutenant Governor;*
- (c) One member, appointed by the Governor, who represents employers;*
- (d) One member, appointed by the Governor, who is a representative of an association that represents employees;*
- (e) One member, appointed by the Governor, who has experience in the field of investments;*

(f) One member, appointed by the Majority Leader of the Senate, who represents retirees; and

(g) One member, appointed by the Speaker of the Assembly, who has experience in small business.

3. Each appointed member serves a term of 4 years unless dismissed for cause. Members may be reappointed for additional terms of 4 years in the same manner as the original appointments.

4. Any vacancy occurring in the appointed membership of the Board must be filled in the same manner as the original appointment for the remainder of the unexpired term.

5. The State Treasurer or the designee of the State Treasurer shall serve as the Chair of the Board.

6. The Board shall meet at the call of the Chair as frequently as required to perform its duties.

7. A majority of the members of the Board constitutes a quorum for the transaction of business, and a majority of a quorum present at any meeting is sufficient for any official action taken by the Board.

8. Each member of the Board serves without compensation, except that each member is entitled to receive:

(a) The per diem allowance and travel expenses provided for state officers and employees generally; and

(b) Reimbursement for any other actual and reasonable expense incurred while performing the member's duties.

Sec. 20. The Board is authorized and empowered to:

1. Design, establish, and operate the Nevada Employee Savings Trust Program;

2. Enter into contracts necessary or desirable for the administration of the Program, including, without limitation, contracts with one or more other states to:

(a) Provide for the administration of all or part of the Program by another state;

(b) Administer all or part of the qualified employee savings trust program of another state; or

(c) Jointly administer the Program with the qualified employee savings trust program of one or more other states;

3. Hire, retain and terminate third party service providers as the Board deems necessary or desirable for the Program, including, without limitation, nonprofit organizations, consultants, investment managers or advisers, trustees, custodians, insurance companies, record keepers, administrators, actuaries, counsel, auditors and other professionals;

4. Determine, without limitation, the:

(a) Types of Individual Retirement Accounts to be offered;

(b) Default contribution rate; and

(c) Process for automatic escalation of participant contributions;

5. *Develop an option for participants to convert contributions into fixed lifetime income streams;*

6. *Develop and implement an outreach plan to gain input and disseminate information regarding the Program and retirement and financial education in general to employees, employers and other constituents in this State;*

7. *Determine the number of days during which a covered employer must make the Program available to a covered employee upon first becoming a covered employer or covered employee;*

8. *Determine the number of days, which must not be less than 90, after the Program is first made available to a covered employee during which the covered employee may exercise the employee's right to opt out of the Program without penalty; and*

9. *Adopt regulations, rules and procedures for the establishment and operation of the Program and to take such other actions necessary or desirable to establish and operate the Program.*

Sec. 21. 1. *The State Treasurer shall, within the limits of legislative appropriations, provide staff support to the Board and may otherwise provide administrative support to the Board.*

2. *The Board may enter into an intergovernmental agreement or contract to obtain outreach, technical assistance or compliance services with any officer, agency, division or department of the State, including, without limitation, the Lieutenant Governor, Secretary of State, Department of Taxation, Department of Employment, Training and Rehabilitation, Department of Business and Industry and Office of the Labor Commissioner. An officer, agency, division or department that enters into such an intergovernmental agreement with the Board shall collaborate with any other officer, agency, division or department of the State as necessary to provide such outreach, technical assistance or compliance services to the Board.*

3. *Each officer, agency, division or department of the State must provide any information necessary for the Board to implement the Program regardless of whether the Board has entered into an intergovernmental agreement or contract with the officer, agency, division or department pursuant to subsection 2.*

Sec. 22. 1. *An act or undertaking of the Board does not constitute a debt of the State of Nevada, or any political subdivision thereof, or a pledge of the full faith and credit of the State of Nevada, or of any political subdivision thereof, and is payable solely from the Trust.*

2. *The Board may not impose any obligations on the State or pledge the credit of the State.*

Sec. 23. *The Program designed, established and operated by the Board pursuant to section 20 of this act must provide, without limitation, that:*

1. *Each covered employer shall automatically enroll the covered employee in the Program or in a similar program offered by a trade*

association or chamber of commerce, unless the employee elects to opt out of the Program, or if applicable, the similar program offered by a trade association or chamber of commerce.

2. Contributions must be withheld from the compensation of each covered employee at the contribution rate set by the Board unless the covered employee elects not to contribute or to contribute at a different rate.

3. An Individual Retirement Account established and maintained through the Program must qualify for favorable federal income tax treatment pursuant to section 408 or 408A of the Internal Revenue Code, 26 U.S.C. § 408 or 408A.

4. To the extent consistent with federal law, a covered employee may withdraw from the employee's Individual Retirement Account at any time if necessary to meet a financial or other emergency.

5. The Board may establish intervals after which a covered employee who opted out of the Program may later elect to participate in the Program.

6. A covered employer must deposit a covered employee's withheld contributions under the Program with the Trustee in such manner as is determined by the Board, but in no case later than 10 business days after the date such amounts otherwise would have been paid to the covered employee.

7. The Board shall determine the rules and procedures for withdrawals, distributions, transfers and rollovers of Individual Retirement Accounts and for the designation of Individual Retirement Account beneficiaries.

8. The Board shall determine a method for employers other than covered employers and employees other than covered employees to participate in the Program, if allowed under federal law.

9. The Board shall prepare or cause to be prepared informational materials and required disclosures regarding the Program for distribution by covered employers to covered employees. Such materials must include, without limitation:

(a) A description of the benefits and risks associated with making contributions through the Program;

(b) Instructions about how to obtain additional information about the Program;

(c) A description of the federal and state income tax consequences of an Individual Retirement Account, which may consist of or include the disclosure statement required to be distributed by the Trustee by the Internal Revenue Code and the Treasury Regulations adopted thereunder;

(d) A statement that covered employees seeking financial advice should contact their own financial advisers and that covered employers are not in a position to provide financial advice and that covered employers are not liable for decisions covered employees make concerning the Program;

(e) A statement that the Program is not an employer-sponsored retirement plan;

(f) *A statement that neither the Program nor the covered employee's Individual Retirement Account established or maintained through the Program is guaranteed by the State; and*

(g) *A statement that:*

(1) *Neither a covered employer nor the State will monitor or has an obligation to monitor the covered employee's eligibility under the Internal Revenue Code to make contributions to an Individual Retirement Account or to monitor whether the covered employee's contributions to the Individual Retirement Account established or maintained for the covered employee through the Program exceed the maximum permissible Individual Retirement Account contribution;*

(2) *It is the covered employee's responsibility to monitor such matters; and*

(3) *Neither the State nor the covered employer will have any liability with respect to any failure of the covered employee to be eligible to make Individual Retirement Account contributions or for making any contribution in excess of the maximum Individual Retirement Account contribution.*

10. *The Board shall prepare or cause to be prepared information, forms or instructions to be furnished to covered employees at such times as the Board determines that provide the covered employee with the procedures for, without limitation:*

(a) *Making contributions to the covered employee's Individual Retirement Account established or maintained through the Program, including, without limitation, a description of the default contribution rate, any automatic escalation rate or frequency and the covered employee's right to elect to make no contribution or to change the contribution rate;*

(b) *Making an investment election with respect to the covered employee's Individual Retirement Account established or maintained through the Program, including a description of the default investment fund;*

(c) *Making transfers, rollovers, withdrawals and other distributions from the covered employee's Individual Retirement Account; and*

(d) *Exercising the covered employee's right to opt out of the Program.*

11. *Each covered employer shall deliver or facilitate the delivery of the items set forth in subsections 9 and 10, and any other information required by the Board, to each covered employee at such time and in such manner as determined by the Board.*

12. *The Program shall be designed and operated in a manner that will cause it not to be an employee pension benefit plan within the meaning of section 3(2) of the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1002(2).*

Sec. 24. 1. *The Nevada Employee Savings Trust Administrative Fund is hereby created in the State Treasury.*

2. *The Board shall administer the Administrative Fund.*

3. *The Board shall deposit in the Administrative Fund all money received for the Program, including, without limitation:*

- (a) Money appropriated to the Administrative Fund by the Legislature;*
- (b) Money transferred to the Administrative Fund from the Federal Government, other state agencies or local governments;*
- (c) Any gifts, donations, grants or other money designated for the Administrative Fund from the State, or any unit of federal or local government, or any other person, firm, partnership, corporation or other entity solely for deposit into the Administrative Fund, whether for investment or administrative expenses; and*
- (d) Earnings on money in the Administrative Fund.*

4. *The Board shall use the money in the Administrative Fund solely to pay the administrative costs and expenses of the Program and the administrative costs and expenses the Board incurs in the performance of its duties.*

Sec. 25. 1. *The Board may, to enable or facilitate the start up and continuing operation, maintenance, administration and management of the Program until the Board determines that the Program has accumulated sufficient balances and is able to generate sufficient funding for the Program to be financially self-sustaining:*

- (a) Borrow money from the State, any unit of federal, state or local government or any other person, firm, partnership, corporation or entity; or*
- (b) Enter into long-term procurement contracts with one or more financial providers if the Board determines that the fee structure of a contract allows or assists the Program to minimize or avoid the need to borrow money pursuant to paragraph (a) or to rely upon general assets of the State.*

2. *Money borrowed pursuant to subsection 1 must:*

- (a) Be borrowed in the name of the Program and Board only;*
- (b) Be repaid solely from the revenues of the Program; and*
- (c) Not be repaid unless the money was offered contingent upon the promise of such repayment.*

3. *Within the limits of legislative appropriations, the State may pay on behalf of the Board administrative costs associated with the creation, maintenance, operation and management of the Program and Trust until the Board determines that sufficient assets are available in the Administrative Fund for that purpose. Thereafter, all administrative costs of the Program and Trust, including any repayment of start-up money provided by the State, must be repaid only out of money on deposit in the Administrative Fund.*

Sec. 26. 1. *The Nevada Employee Savings Trust is hereby created as an instrumentality of the State.*

2. *The Board shall appoint an institution qualified to act as a trustee of Individual Retirement Account trusts or an insurance company that issues annuity contracts pursuant to section 408 of the Internal Revenue Code, 26*

U.S.C. § 408, and licensed to do business in the State of Nevada to act as Trustee of the Trust.

3. The assets of Individual Retirement Accounts established or maintained for covered employees must be allocated to the Trust and may be combined for investment purposes. Trust assets must be managed and administered for the exclusive purposes of providing benefits to covered employees and defraying reasonable expenses of administering and managing the investments, Individual Retirement Accounts, Board, Program and Trust.

4. The Board shall establish within the Trust one or more investment funds, each pursuing an investment strategy and policy established by the Board. The underlying investments of each investment fund must be diversified so as to minimize the risk of large losses under any circumstances. The Board may, at any time or from time to time, add, replace or remove any investment fund.

5. The Board may allow covered employees to allocate assets of their Individual Retirement Accounts among such investment funds and, in such case, the Board also may designate an investment fund as a default investment for the Individual Retirement Accounts of covered employees who do not make an investment choice.

6. The Board, in consultation with such third-party professional investment advisers, managers or consultants as it may retain, shall select the underlying investments of each investment fund. Such underlying investments may include, without limitation, shares of mutual funds and exchange-traded funds, publicly traded equity and fixed-income securities and other investments available for investment by the Trust. An investment fund may not invest in any bond, debt instrument or other security issued by the State.

7. The Board may, in its discretion, retain an investment adviser to select and manage the investments of an investment fund on a discretionary basis, subject to the Board's ongoing review and oversight. An investment adviser retained pursuant to this subsection must be:

(a) An investment adviser registered as such under the Investment Advisers Act of 1940, 15 U.S.C. §§ 80b-1 et seq.; or

(b) A bank or other institution exempt from registration under the Investment Advisers Act.

8. The Trustee shall be subject to directions of the Board or of an investment adviser pursuant to this section and shall otherwise have no responsibility for the selection, retention or disposition of the investments or assets of the Trust.

9. The assets of the Trust must at all times be preserved, invested and expended solely for the purposes of the Trust and no property rights therein shall exist in favor of the State or any covered employer. Trust assets must not be transferred or used by the State for any purposes other than the purposes of the Trust or paying the expenses of operating the Program.

Amounts deposited with the Trustee do not constitute property of the State and must not be commingled with state money and the State has no claim to or against, or interest in, the assets of the Trust.

10. The assets of the Trust must at all times be held separate and apart from the assets of the State. The State, Program, Board, any member of the Board or any covered employer shall not guaranty any investment, rate of return, or interest on amounts held in the Trust, an investment fund or any Individual Retirement Account. The State, Program, Board, any member of the Board or any covered employer is not liable for any losses incurred by Trust investments or otherwise by any covered employee or other person as a result of participating in the Program.

11. The provisions of chapter 90 of NRS, the Uniform Securities Act, do not apply to the Trust, any investment fund or any interest held by an Individual Retirement Account in the Trust or such investment fund.

12. The Trust and each investment fund are exempt from all taxation by this State and any political subdivision thereof.

Sec. 27. Except to the extent necessary to administer the Program, personally identifiable information relating to individual participants in the Program, including, without limitation, the name, physical and electronic mail address, telephone number and other personally identifiable information of the participant, and information relating to individual accounts established or maintained through the Program, including, without limitation, the identity or amount of any investment, contribution or earnings attributable to an account, is confidential and must be maintained as confidential, unless the person who provides the information or is the subject of the information expressly agrees in writing to the disclosure of the information.

Sec. 28. 1. A covered employer or other employer may not be held liable for:

- (a) An employee's decision to participate in or opt out of the Program;*
- (b) A participant's or the Board's investment decisions;*
- (c) The administration, investment, investment returns or investment performance of the Program, including, without limitation, any interest rate or other rate of return on any contribution or account balance, provided the covered employer or other employer played no role;*
- (d) The design of the Program or the benefits paid to participants;*
- (e) A person's awareness of or compliance with the conditions and other provisions of the Internal Revenue Code that determine which persons are eligible to make tax-favored contributions to Individual Retirement Accounts, in what amount and in what time frame and manner; or*
- (f) Any loss, failure to realize any gain or any other adverse consequences, including, without limitation, any adverse tax consequences or loss of favorable tax treatment, public assistance or other benefits, incurred by any person as a result of participating in the Program.*

2. *A covered employer or other employer must not be deemed to be a fiduciary in relation to the Program.*

Sec. 29. 1. *The State and any employee or officer thereof, the Board and any member of the Board or employee thereof and the Program:*

(a) *Have no responsibility for compliance by persons with the conditions and other provisions of the Internal Revenue Code that determine which persons are eligible to make tax-favored contributions to Individual Retirement Accounts, in what amount and in what time frame and manner;*

(b) *Have no duty, responsibility or liability to any party for the payment of any benefits through the Program, regardless of whether sufficient money is available through the Program to pay such benefits;*

(c) *Do not and shall not guarantee any interest rate or other rate of return on or investment performance of any contribution or account balance; and*

(d) *Are not and shall not be liable or responsible for any loss, deficiency, failure to realize any gain or any other adverse consequences, including, without limitation, any adverse tax consequences or loss of favorable tax treatment, public assistance or other benefits, incurred by any person as a result of participating in the Program.*

2. *The debts, contracts and obligations of the Board, Program or Trust are not the debts, contracts and obligations of the State, and neither the faith and credit nor the taxing power of the State is pledged directly or indirectly to the payment of the debts, contracts and obligations of the Board, Program or Trust.*

Sec. 30. 1. *Each member of the Board, the Trustee and each investment adviser or other person who has control of the assets of the Trust is a fiduciary with respect to the Trust and each Individual Retirement Account established and maintained through the Program.*

2. *Each fiduciary shall discharge its duties with respect to the Program solely in the interests of covered employees and with the care, skill, prudence and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with those matters would use in the conduct of an enterprise of like character and aims.*

Sec. 31. *A member of the Board and a person who serves on the staff of the Board or as an administrator of the Program shall not:*

1. *Directly or indirectly have any interest in the making of any investment under the Program or in any gains or profits accruing from such an investment;*

2. *Borrow any Program-related money or deposits, or use any such money or deposits in any manner, for himself or herself or as an agent or partner of others; or*

3. *Become an endorser, surety or obligor on any investment made through the Program.*

Sec. 32. 1. *The Board shall cause an accurate account of all the activities, operations and receipts and expenditures of the Board, Program and Trust to be maintained. Each year, a full audit of the books and accounts*

of the Board, Program and Trust pertaining to those activities, operations, receipts and expenditures, personnel, services and facilities must be conducted by a certified public accountant and must include, without limitation, direct and indirect costs attributable to the use of outside consultants, independent contractors and any other persons who are not state employees for the administration of the Program. For the purposes of the audit, the auditors shall have access to the properties and records of the Board, Program and Trust and may prescribe methods of accounting and the rendering of periodic reports in relation to projects undertaken by the Board, Program and Trust.

2. Not later than August 1 of each year, the Board shall submit to the Governor, the State Controller and the Director of the Legislative Counsel Bureau for transmittal to the Legislature or, if the Legislature is not in session, to the Legislative Commission, an audited financial report, prepared in accordance with generally accepted accounting principles, detailing the activities, operations and receipts and expenditures of the Board, Program and Trust during the immediately preceding calendar year. The report must also include projected activities of the Program for the current calendar year.

3. The Board shall prepare an annual report on the operation of the Program to be available to all citizens and provided to appropriate state officers.

Sec. 33. This chapter, being necessary to secure the public health, safety, convenience and welfare, must be liberally construed to effect its purposes.

Sec. 34. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007,

241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625,

645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, **section 27 of this act**, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

- (1) Was not created or prepared in an electronic format; and
- (2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

- (1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 34.5. 1. There is hereby appropriated from the State General Fund to the Office of the State Treasurer for costs related to the administration of the Nevada Employee Savings Trust Program established pursuant to section 20 of this act the following sums:

For the Fiscal Year 2023-2024 \$669,491

For the Fiscal Year 2024-2025 \$535,074

2. The Office of the State Treasurer shall repay the sums appropriated by subsection 1 as soon as the Office has received sufficient money for the operation of the Program.

3. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 35. 1. Except as otherwise provided in this section, the Board of Trustees of the Nevada Employee Savings Trust created by section 19 of this act shall establish the Nevada Employee Savings Trust Program pursuant to section 20 of this act and implement its provisions so that covered employees are able to make contributions to an Individual Retirement Account through the Program beginning on July 1, 2025.

2. The Board may implement the Program in phases so that the ability of covered employees to contribute to an Individual Retirement Account through the Program first applies on different dates for different employees based on the number of employees employed by the covered employer. If the Board implements the Program in phases pursuant to this subsection, the first phase must not begin before July 1, 2025.

3. The Board shall not implement the Program if, and to the extent that, it determines that the Program is preempted by the Employee Retirement Income Security Act of 1974, 29 U.S.C. §§ 1001 et seq. If the Board determines that

one or more provisions of the Program are preempted by Employee Retirement Income Security Act of 1974, the Board shall implement the remaining provisions of the Program to the extent practicable.

4. The Board shall not implement a provision of the Program that authorizes an arrangement by which an employer facilitates access for an employee to contribute to an Individual Retirement Account by means of payroll deduction if the Board determines that the arrangement is an employee pension benefit plan within the meaning of section 3(2) of the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1002(2).

Sec. 36. As soon as practicable on or after the effective date of this section, the Governor, Majority Leader of the Senate and Speaker of the Assembly shall appoint the members of the Board of Trustees of the Nevada Employee Savings Trust pursuant to section 19 of this act.

Sec. 37. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 38. 1. This section and section 36 of this act become effective upon passage and approval.

2. Section 34.5 of this act becomes effective on July 1, 2023.

3. Sections 1 to 34, inclusive, 35 and 37 of this act, become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2025, for all other purposes.

Assemblywoman Torres moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 307.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Assembly Bills Nos. 137, 252, 258, 261, and 263 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assemblywoman Jauregui moved that Senate Concurrent Resolution No. 5 be taken from the Resolution File and placed on the Resolution File for the next legislative day.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman D'Silva, the privilege of the floor of the Assembly Chamber for this day was extended to John Cooke.

On request of Assemblyman Gray, the privilege of the floor of the Assembly Chamber for this day was extended to Chris Golightly.

On request of Assemblywoman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Melissa Taylor Clement and Vince Rossi, Jr.

On request of Assemblywoman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Tiffany Jones.

On request of Assemblywoman Monroe-Moreno, the privilege of the floor of the Assembly Chamber for this day was extended to Corie Humphrey and Kash Williams.

On request of Assemblywoman Mosca, the privilege of the floor of the Assembly Chamber for this day was extended to Kasina Douglass-Boone and Tayler Simpson.

On request of Assemblywoman Thomas, the privilege of the floor of the Assembly Chamber for this day was extended to Laurynn Lovely Hayes and Londynn Newell.

Assemblywoman Jauregui moved that the Assembly adjourn until Thursday, June 1, 2023, at 11:30 a.m.

Motion carried.

Assembly adjourned at 11:40 p.m.

Approved:

STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly