

Senate Bill No. 177–Senator Ohrenschall

CHAPTER.....

AN ACT relating to education; authorizing a principal to assign a homeless pupil or a pupil in foster care to a temporary alternative placement under certain circumstances; revising the requirement for the principal of a school to consult with certain persons before determining that a homeless pupil or a pupil in foster care is a habitual disciplinary problem; revising the procedure for the suspension of homeless pupils or pupils in foster care and the procedure for determining whether homelessness or placement in foster care is a factor in the behavior of certain pupils; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law establishes the process for the principal of a school to determine that a pupil who is 11 years of age or older and enrolled in the school is a habitual disciplinary problem. (NRS 392.4655) Under existing law, if a pupil who is 11 years of age or older is deemed a habitual disciplinary problem and the school has made a reasonable effort to complete a plan of action based on restorative justice with the pupil, the principal is generally authorized to suspend the pupil, or under extraordinary circumstances, expel the pupil from the school. (NRS 392.466) Existing law provides that before a pupil who is homeless or in foster care may be determined to be a habitual disciplinary problem, the principal is required to consult with certain persons. (NRS 392.4655) **Section 1.5** of this bill requires the principal to conduct a meeting with those persons rather than consult with those persons. **Section 1.5** also requires such a meeting concerning a pupil who is in foster care to additionally include the educational decision maker appointed for the pupil by a court under existing law. (NRS 432B.462)

Existing law requires that, to suspend from school a pupil who is homeless or has been placed in foster care for not more than 5 days, a determination must be made, after consultation with certain persons, that homelessness or being in foster care was not a factor in the behavior of the pupil. Under existing law, the person responsible for making such a determination is required to presume that homelessness or being in foster care was not a factor in the behavior and make the determination in consultation with certain persons. (NRS 392.466, 392.467) **Sections 2 and 3** of this bill authorize a principal to suspend a homeless pupil or a pupil in foster care for 5 days or less without consideration of whether being homeless or being in foster care was a factor in the behavior of the pupil and to consider such factors when the pupil is suspended for more than 5 days. As soon as practicable and not later than the 10th school day after the pupil is suspended, **sections 2 and 3** require the principal to consider whether the behavior was caused by or had a substantial relationship to the pupil being in foster care or being homeless during a meeting with certain persons who have an interest in the education of the pupil. If during such a meeting it is determined that the conduct was caused by or had a substantial relationship to the pupil being in foster care or being homeless, **sections 2 and 3** additionally require the principal to either: (1) end the period of suspension and provide the pupil with behavioral and academic support; or (2) assign the pupil to a temporary alternative placement for not more than 45 school days if the pupil is a habitual disciplinary problem or the behavior



that led to the suspension consisted of, while at school or a school activity, possessing a dangerous weapon or firearm, engaging in certain actions relating to controlled substances or committing a battery intended to cause bodily injury.

**Section 1** of this bill authorizes a principal to continue the temporary alternative placement of such a pupil for more than 45 days if the principal determines that the continued temporary placement is necessary for the safety of the pupil or others. **Section 1** requires the principal to make such a determination after holding a meeting with the local educational agency liaison for homeless pupils or educational decision maker of the pupil and a contact person at the school. If the principal makes such a determination, **section 1** additionally requires the principal to provide targeted intervention to the pupil and notify the educational decision maker appointed for the pupil concerning the right to an evaluation to determine if the pupil is eligible for special education and related services. Additionally, **section 1** requires the principal to hold a meeting to create a plan for the transition of the pupil from the temporary alternative placement if the pupil is assigned to a temporary alternative placement for more than 21 days.

**Sections 1.5-3** additionally require that the school have been given notice that the pupil is homeless or in foster care before the school is required to perform the tasks set forth in those sections.

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

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

**Section 1.** NRS 392.4645 is hereby amended to read as follows:

392.4645 1. 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. 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 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~~ *Except as otherwise provided in subsection 15 of NRS 392.466 or subsection 9 of NRS 392.467, 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. 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.

8. *After a pupil has been assigned to a temporary alternative placement pursuant to subsection 15 of NRS 392.466 or subsection 9 of NRS 392.467, a principal may continue the assignment for more than 45 school days if the principal determines that the continued temporary alternative placement is necessary for the safety of the pupil or others. The principal shall make such a determination before the pupil has been in a temporary alternative placement for more than 45 days.*

9. *The principal shall make the determination required by subsection 8 after holding a meeting 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 the educational decision maker appointed to the pupil pursuant to NRS 432B.462, as applicable, and a contact person from the school, including, without limitation, a school counselor or social worker, to discuss whether the pupil is a risk to the safety of himself or herself or others if not in the temporary alternative placement.*

10. *If the principal determines that the temporary alternative placement is to be continued for more than 45 days pursuant to subsection 8, the principal shall provide:*

*(a) Targeted interventions to the pupil during the temporary alternative placement; and*

*(b) If an educational decision maker has been appointed for the pupil pursuant to NRS 432B.462, notification to the educational decision maker appointed to the pupil concerning the right to an evaluation to determine whether the pupil is eligible for special education and related services.*

11. *If a pupil is assigned to a temporary alternative placement for more than 21 days, the principal shall develop a plan to assist the pupil in the transition out of the temporary alternative*



*placement before the termination of the temporary alternative placement. The plan must include, without limitation:*

*(a) The school that the pupil will attend after the temporary alternative placement; and*

*(b) Appropriate targeted scientific, research-based interventions and behavioral supports for the pupil at the school pursuant to an intervention plan to remediate any academic or behavioral difficulty of the pupil.*

*12. The principal shall hold a meeting to develop the plan required by subsection 11 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 the educational decision maker appointed to the pupil pursuant to NRS 432B.462, as applicable, and a contact person from the school, including, without limitation, a school counselor or social worker.*

*13. If the principal provides three written notices on 3 separate days requesting a person to attend a meeting required by subsection 9 or 12 and does not receive a response from the person within 24 hours after sending the third notice, the principal may hold the meeting without that person.*

*14. 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.*

~~19.~~ *15. The sample of plans that is collected pursuant to subsection ~~8~~ 14 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.*



~~H0~~ 16. 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. 1.5.** 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~~ 6 and the pupil has not made efforts to enter into or participate in such a plan of behavior;

(c) The homelessness of the pupil was not a factor in his or her behavior, as determined ~~in consultation~~ *after conducting a meeting* 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~~ *after conducting a meeting* with a contact person at the school, including, without limitation, a school counselor or school social worker ~~), and the educational decision maker appointed for the pupil pursuant to NRS 432B.462; and~~

*(e) The school has been notified that the pupil is homeless or in foster care.*

2. *If the principal provides three written notices on 3 separate days requesting a person attend a meeting required by subsection 1 and does not receive a response from the person within 24 hours after sending the third notice, the principal may hold the meeting without that person.*

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 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 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.

~~[3.]~~ 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 ~~[5.]~~ 6, the pupil will be deemed a habitual disciplinary problem;

(c) An explanation that, pursuant to subsection 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 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 ~~[5.]~~ 6.

~~[4.]~~ 5. A school shall provide the notice required by subsection ~~[3.]~~ 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.

~~[5.]~~ 6. 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.

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

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

~~[8.]~~ 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 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 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.

~~9-1~~ **10.** 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.

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

**Sec. 2.** NRS 392.466 is hereby amended to read as follows:

392.466 1. Except as otherwise provided in this section, any pupil 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 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 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, 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.

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 must 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 is intended to result in the bodily injury of an employee of the school may appeal to the school a plan of action provided pursuant to subsection 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.

5. Except as otherwise provided in this section, any pupil, 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 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 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 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 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. Except as otherwise provided in this section, if a pupil is deemed a habitual disciplinary problem pursuant to NRS 392.4655 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. 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;

(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. 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, 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 he or she determines that a plan of action based on restorative justice may be used successfully.

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.

12. Except as otherwise provided in subsection 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 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.

13. ~~[A] If a school has notice that the pupil is homeless or in foster care, a~~ homeless pupil or a pupil in foster care may be suspended from school pursuant to this section for ~~[not]~~ more than 5 days if, following a review of all available information ~~[,] and, if an educational decision maker has been appointed for the pupil pursuant to NRS 432B.462, a meeting with the educational decision maker for the pupil,~~ 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 homelessness or being in foster care was not a factor in the behavior that led to the consideration for suspension or expulsion. ~~[The person responsible for making a determination of whether or not homelessness or being in foster care was a factor in the behavior shall presume that homelessness or being in foster care was not a factor in the behavior unless the person determines otherwise pursuant to this subsection. A determination that homelessness was not a factor in the behavior 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 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.]~~

14. *As soon as possible and not later than the 10th school day after the pupil was suspended from school pursuant to subsection 13, the principal shall review all relevant information to consider whether the behavior which led to the suspension was caused by or had a direct and substantial relationship to the pupil being in foster care or being homeless in a meeting with the educational decision maker for the pupil or surrogate parent, if one has been appointed pursuant to NRS 432B.462 or 34 C.F.R. § 300.519, as applicable, an advocate for pupils in foster care at the school and any other person the principal determines necessary. The relevant*



*information to be reviewed during the meeting must include, without limitation:*

- (a) The pupil's cumulative record;*
- (b) The pupil's academic plan, if one exists;*
- (c) Observations by staff of the conduct leading to suspension and the pupil generally; and*
- (d) Any other information provided by a person at the meeting.*

*15. If during the meeting held pursuant to subsection 14, the principal determines that the behavior leading to suspension was caused by or had a substantial relationship to the pupil being in foster care or being homeless, the principal shall:*

*(a) Eliminate the period of suspension and provide the pupil with behavioral and academic support, including, without limitation, the development of or revisions to an academic plan; or*

*(b) Assign the pupil to a temporary alternative placement for not more than 45 school days pursuant to NRS 392.4645, if the pupil is a habitual disciplinary problem pursuant to NRS 392.4655 or the behavior that led to the suspension consisted of, while on the premises of any public school, at an activity sponsored by a public school or on any school bus:*

- (1) Possessing a dangerous weapon or firearm;*
- (2) Knowingly possessing, using, selling, distributing or soliciting for sale a controlled substance; or*
- (3) Committing a battery with the intent to cause bodily injury.*

*16. If the principal provides three written notices on 3 separate days requesting a person attend a meeting required by subsection 13 or 14 and does not receive a response from the person within 24 hours after sending the third notice, the principal may hold the meeting without that person.*

*17. 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.*

~~[15.]~~ *18. 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.

~~16.1~~ 19. 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.

~~17.1~~ 20. 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).



~~HB 21.~~ **21.** 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. 3.** NRS 392.467 is hereby amended to read as follows:

392.467 1. Except as otherwise provided in subsections 5 and 6 and NRS 392.466, the board of trustees of a school district or 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 a public school. Except as otherwise provided in this subsection and 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 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. 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, 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 to schedule a hearing, except that a pupil who:

- (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.

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



5. The board of trustees of a school district or 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. 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 an administrative review of the circumstances and 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 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. ~~[A] If the school is on notice that a pupil is homeless or in foster care, a~~ homeless pupil or a pupil in foster care may be suspended from school pursuant to this section for ~~[not]~~ more than 5 days if, following a review of all available information ~~[ ] and, if an educational decision maker has been appointed for the pupil pursuant to NRS 432B.462, a meeting with the educational decision maker for the pupil,~~ 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 homelessness or being in foster care was not a factor in the behavior that led to the consideration for suspension or expulsion. ~~[The person responsible for making a determination of whether or not homelessness or being in foster care was a factor in the behavior shall presume that homelessness or being in foster care was not a factor in the behavior unless the person determines otherwise pursuant to this subsection. A determination that homelessness was not a factor in the behavior 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 must be made in consultation with an advocate for pupils in foster care at the school in which the pupil is enrolled or the school counselor of the pupil.]~~



8. *As soon as practicable and not later than the 10th school day after the pupil was suspended from school pursuant to subsection 7, the principal shall review all relevant information to consider whether the behavior which led to the suspension was caused by or had a direct and substantial relationship to the pupil being in foster care or being homeless in a meeting with the educational decision maker for the pupil or surrogate parent, if one has been appointed pursuant to NRS 432B.462 or 34 C.F.R. § 300.519, as applicable, an advocate for pupils in foster care at the school and any other person the principal determines necessary. The relevant information to be reviewed during the meeting must include, without limitation:*

- (a) The pupil's cumulative record;*
- (b) The pupil's academic plan, if one exists;*
- (c) Observations by staff of the conduct leading to suspension and the pupil generally; and*
- (d) Any other information provided by a person at the meeting.*

9. *If during the meeting held pursuant to subsection 8, the principal determines that the behavior leading to suspension was caused by or had a substantial relationship to the pupil being in foster care or being homeless, the principal shall:*

*(a) Eliminate the period of suspension and provide the pupil with behavioral and academic support, including, without limitation, the development of or revisions to an academic plan; or*

*(b) Assign the pupil to a temporary alternative placement for not more than 45 school days pursuant to NRS 392.4645, if the pupil is a habitual disciplinary problem pursuant to NRS 392.4655 or the behavior that led to the suspension consisted of, while on the premises of any public school, at an activity sponsored by a public school or on any school bus:*

- (1) Possessing a dangerous weapon or firearm;*
- (2) Knowingly possessing, using, selling, distributing or soliciting for sale a controlled substance; or*
- (3) Committing a battery with intent to cause bodily injury.*

10. *If the principal provides three written notices on 3 separate days requesting a person attend a meeting required by subsection 7 or 8 and does not receive a response from the person, the principal may hold the meeting without that person.*

11. *As used in this section:*

- (a) "Battery" has the meaning ascribed to it in NRS 392.466.*
- (b) "Bodily injury" has the meaning ascribed to it in NRS 392.466.*



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

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

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

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

~~(e)~~ (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.

**Sec. 3.5.** 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. 4.** This act becomes effective on July 1, 2025.

