

ASSEMBLY BILL NO. 218—COMMITTEE ON EDUCATION

FEBRUARY 28, 2003

Referred to Committee on Education

SUMMARY—Revises provisions governing temporary alternative placement of disruptive pupils. (BDR 34-1276)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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

AN ACT relating to education; requiring the board of trustees of each school district to adopt a master plan for the progressive discipline of pupils and on-site review of disciplinary decisions; revising provisions governing the plan required of each public school for the progressive discipline of pupils and on-site review of disciplinary decisions; providing that the salary of a principal must be withheld if the principal does not submit a plan within the time prescribed; specifying the terms of certain members on a committee to review the temporary alternative placement of pupils; and providing other matters properly relating thereto.

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

1 **Section 1.** NRS 392.4644 is hereby amended to read as
2 follows:
3 392.4644 *1. The board of trustees of each school district*
4 *shall adopt a master plan to provide for the progressive discipline*
5 *of pupils enrolled in the school district and the on-site review of*
6 *disciplinary decisions. The master plan must:*
7 *(a) Include a provision for the withholding of a portion of the*
8 *salary or other compensation of a principal pursuant to subsection*
9 *6; and*



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- 1 ***(b) Be consistent with the written rules of behavior prescribed***
2 ***in accordance with NRS 392.463.***
- 3 ***2. The board of trustees of each school district shall submit a***
4 ***copy of the master plan to the Superintendent of Public***
5 ***Instruction.***
- 6 ***3. The principal of each public school shall establish a plan to***
7 ***provide for the progressive discipline of pupils and on-site review of***
8 ***disciplinary decisions. The plan must:***
- 9 ~~1-1~~ ***(a) Be developed with the input and participation of***
10 ***teachers and support personnel who are employed at the school***
11 ***and the parents and guardians of pupils who are enrolled in the***
12 ***school.***
- 13 ~~1-2~~ ***(b) Be consistent with the written rules of behavior***
14 ***prescribed in accordance with NRS 392.463.***
- 15 ~~1-3~~ ***(c) Include, without limitation, provisions designed to***
16 ***address the specific disciplinary needs and concerns of the school.***
- 17 ~~1-4~~ ***(d) Provide for the temporary removal of a pupil from a***
18 ***classroom in accordance with NRS 392.4645.***
- 19 ***(e) Comply with the master plan adopted pursuant to***
20 ***subsection 1 by the board of trustees of the school district in which***
21 ***the school is located.***
- 22 ***4. After the input and participation of teachers, support***
23 ***personnel, and parents and guardians of pupils is received***
24 ***pursuant to paragraph (a) of subsection 3, the principal and the***
25 ***teachers and support personnel who are employed at the school***
26 ***shall adopt the plan without any further review except as required***
27 ***by subsection 5.***
- 28 ***5. On or before October 1 of each year, the principal of each***
29 ***public school shall:***
- 30 ***(a) Review the plan in consultation with the teachers and***
31 ***support personnel who are employed at the school;***
- 32 ***(b) Based upon the review, make revisions to the plan, as***
33 ***recommended by the teachers and support personnel, if necessary;***
- 34 ***(c) Post a copy of the plan or the revised plan, as applicable, in***
35 ***a prominent place at the school for public inspection and***
36 ***otherwise make the plan available for public inspection at the***
37 ***administrative office of the school; and***
- 38 ***(d) Submit a copy of the plan or the revised plan, as applicable,***
39 ***to the superintendent of schools of the school district.***
- 40 ***6. If a principal fails to submit a copy of the plan or the***
41 ***revised plan, as applicable, pursuant to subsection 5 on or before***
42 ***October 1, the board of trustees of the school district shall***
43 ***withhold a portion of his salary or other compensation, as***
44 ***determined by the board of trustees in accordance with the master***
45 ***plan adopted pursuant to subsection 1, for each day after***



1 *October 1 during which the school's plan is not submitted to the*
2 *superintendent of schools. The board of trustees shall set aside*
3 *and maintain separately the portion of the principal's salary or*
4 *other compensation that is withheld until such time as the*
5 *principal submits the plan or the revised plan, as applicable, to the*
6 *superintendent of schools. If the principal of the school submits*
7 *the plan or the revised plan, as applicable, to the superintendent of*
8 *schools, the board of trustees shall immediately pay to the*
9 *principal the salary or other compensation that was withheld.*

10 7. *On or before November 1 of each year, the superintendent*
11 *of schools of each school district shall submit a report to the board*
12 *of trustees of the school district that includes:*

13 (a) *A compilation of the plans submitted pursuant to this*
14 *section by each school within the school district.*

15 (b) *The name of each principal, if any, who has not complied*
16 *with the reporting requirements of this section.*

17 8. *On or before November 30 of each year, the board of*
18 *trustees of each school district shall submit a written report to the*
19 *Superintendent of Public Instruction based upon the compilation*
20 *submitted pursuant to subsection 7 that reports the progress of*
21 *each school within the district in complying with the requirements*
22 *of this section.*

23 9. *On or before December 31 of each year, the*
24 *Superintendent of Public Instruction shall submit a written report*
25 *to the Director of the Legislative Counsel Bureau concerning the*
26 *progress of the schools and school districts throughout this state in*
27 *complying with this section. If the report is submitted during:*

28 (a) *An even-numbered year, the Director of the Legislative*
29 *Counsel Bureau shall transmit it to the next regular session of the*
30 *Legislature.*

31 (b) *An odd-numbered year, the Director of the Legislative*
32 *Counsel Bureau shall transmit it to the Legislative Committee on*
33 *Education.*

34 **Sec. 2.** NRS 392.4645 is hereby amended to read as follows:

35 392.4645 1. The *master plan of a board of trustees and the*
36 *plan of a school* established pursuant to NRS 392.4644 must
37 provide for the temporary removal of a pupil from a classroom if, in
38 the judgment of the teacher, the pupil has engaged in behavior that
39 seriously interferes with the ability of the teacher to teach the other
40 pupils in the classroom and with the ability of the other pupils to
41 learn. The *master plan of a board of trustees and the plan of a*
42 *school* must provide that, upon the removal of a pupil from a
43 classroom pursuant to this section, the principal of the school shall
44 provide an explanation of the reason for the removal of the pupil to
45 the pupil and offer the pupil an opportunity to respond to the



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1 explanation. Within 24 hours after the removal of a pupil pursuant
2 to this section, the principal of the school shall notify the parent or
3 legal guardian of the pupil of the removal.

4 2. Except as otherwise provided in subsection 3, a pupil who is
5 removed from a classroom pursuant to this section must be assigned
6 to a temporary alternative placement pursuant to which the pupil:

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

9 (b) Studies under the supervision of appropriate personnel of the
10 school district; and

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

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

16 (a) Required by NRS 392.466; or

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

19 If the principal proceeds in accordance with NRS 392.466 or
20 392.467, the pupil must be removed from school in accordance with
21 those sections and the provisions of NRS 392.4642 to 392.4648,
22 inclusive, do not apply to the pupil.

23 **Sec. 3.** NRS 392.4647 is hereby amended to read as follows:

24 392.4647 1. The principal of each public school shall
25 establish at least one committee to review the temporary alternative
26 placement of pupils. A committee established pursuant to this
27 section must consist of the principal and two regular members who
28 are teachers selected for membership by a majority of the teachers
29 who are employed at the school. One additional teacher must be
30 selected in the same manner to serve as an alternate member. *The*
31 *term of membership for the teachers who serve on the committee*
32 *is 1 school year.*

33 2. If a pupil is removed from the classroom pursuant to NRS
34 392.4645 by a teacher who is a member of a committee established
35 pursuant to this section, the teacher shall not participate in the
36 review of the placement of the pupil and the alternate member shall
37 serve on the committee for that review.

38 **Sec. 4.** On or before September 1, 2003, the board of trustees
39 of each school district shall adopt a master plan pursuant to section
40 1 of this act.

41 **Sec. 5.** This act becomes effective on July 1, 2003.

