

ASSEMBLY BILL NO. 67—COMMITTEE ON EDUCATION

(ON BEHALF OF THE DEPARTMENT OF EDUCATION)

PREFILED NOVEMBER 18, 2020

Referred to Committee on Education

SUMMARY—Revises provisions relating to education.  
(BDR 34-293)

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

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

AN ACT relating to education; revising provisions relating to the suspension, expulsion or permanent expulsion of a pupil from a public school, charter school or university school for profoundly gifted pupils in certain circumstances; providing that certain hearings and proceedings relating to suspending, expelling or permanently expelling a pupil are not subject to the Open Meeting Law; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law: (1) authorizes a pupil to be suspended or expelled from a public school in certain circumstances; and (2) provides that a pupil who is not more than 10 years of age must not be permanently expelled from a public school, except in certain circumstances. (NRS 392.466, 392.467) Existing law requires a pupil to be expelled or permanently expelled if the pupil is found with a firearm or dangerous weapon at a public school, at a public school-sponsored activity or on a public school bus. (NRS 392.466, 392.467) Existing law imposes similar requirements on charter schools and university schools for profoundly gifted pupils. (NRS 388A.495, 388C.150)

**Sections 12, 13 and 15** of this bill define “expel,” “permanently expel” and “suspend,” respectively, for the purposes of school discipline. **Sections 6, 8, 23 and 24** of this bill revise the circumstances in which a pupil may be suspended, expelled or permanently expelled. Existing law authorizes a pupil who is enrolled in or participating in a program of special education to be suspended or expelled in certain circumstances. (NRS 388A.495, 388C.150, 392.466, 392.467) **Sections 6, 8, 23 and 24** instead authorize a pupil with a disability to be suspended, expelled or permanently expelled in certain circumstances, while **section 14** of this bill defines



18 “pupil with a disability.” **Sections 1-5, 7, 9, 16-21, 25 and 26** of this bill make  
19 conforming changes relating to the terms defined in **sections 12-15**.

20 Existing law provides that a pupil may be deemed a habitual disciplinary  
21 problem if the pupil has received five suspensions in one school year and the pupil  
22 has not entered into and participated in a plan of behavior. (NRS 392.4655) **Section**  
23 **28** of this bill eliminates the requirement that a pupil be deemed suspended from  
24 school if: (1) the pupil is prohibited from attending school for 3 or more  
25 consecutive days; and (2) a conference or communication with the parent or  
26 guardian of the pupil is required before the pupil may return to school. (NRS  
27 392.4657) **Section 22** of this bill instead requires that only significant suspensions  
28 be considered to determine whether a pupil is deemed a habitual disciplinary  
29 problem. **Section 22** defines a significant suspension as one in which: (1) the pupil  
30 is prohibited from attending school for 3 or more consecutive days; and (2) a  
31 conference or communication with the parent or guardian of the pupil is required  
32 before the pupil may return to school.

33 Existing law, commonly known as the Open Meeting Law, generally requires  
34 that public bodies conduct deliberations and take actions in meetings that are open  
35 to the public. (Chapter 241 of NRS) Existing law provides that the provisions of the  
36 Open Meeting Law do not apply to a hearing conducted relating to the suspension  
37 or expulsion of a pupil. (NRS 392.467) **Sections 6, 8, 23, 24 and 27** of this bill  
38 provide that the provisions of the Open Meeting Law do not apply to certain  
39 hearings or proceedings, including, without limitation, a hearing or proceeding  
40 conducted relating to the suspension, expulsion or permanent expulsion of a pupil  
41 who commits a battery, distributes a controlled substance or possesses a firearm or  
42 dangerous weapon on school premises.

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

1 **Section 1.** NRS 385A.250 is hereby amended to read as  
2 follows:

3 385A.250 1. The annual report of accountability prepared  
4 pursuant to NRS 385A.070 must include information on the  
5 discipline of pupils, including, without limitation:

6 (a) Records of incidents involving weapons or violence for each  
7 school in the district, including, without limitation, each charter  
8 school sponsored by the district.

9 (b) Records of incidents involving the use or possession of  
10 alcoholic beverages or controlled substances for each school in the  
11 district, including, without limitation, each charter school sponsored  
12 by the district.

13 (c) Records of the suspension , *expulsion* or *permanent*  
14 *expulsion* ~~[, or both,]~~ of pupils required or authorized pursuant to  
15 NRS 392.466 and 392.467.

16 (d) The number of pupils who are deemed habitual disciplinary  
17 problems pursuant to NRS 392.4655, for each school in the district  
18 and the district as a whole, including, without limitation, each  
19 charter school sponsored by the district.



1 (e) For each school in the district and the district as a whole,  
2 including, without limitation, each charter school sponsored by the  
3 district:

4 (1) The number of reported violations of NRS 388.135  
5 occurring at a school or otherwise involving a pupil enrolled at a  
6 school, regardless of the outcome of the investigation conducted  
7 pursuant to NRS 388.1351;

8 (2) The number of incidents determined to be bullying or  
9 cyber-bullying after an investigation is conducted pursuant to  
10 NRS 388.1351;

11 (3) The number of incidents resulting in suspension ,  
12 *expulsion* or *permanent* expulsion [~~, or both,~~] for bullying or cyber-  
13 bullying; and

14 (4) Any actions taken to reduce the number of incidents of  
15 bullying or cyber-bullying including, without limitation, training  
16 that was offered or other policies, practices and programs that were  
17 implemented.

18 (f) For each high school in the district, including, without  
19 limitation, each charter school sponsored by the district that operates  
20 as a high school, and for high schools in the district as a whole:

21 (1) The number and percentage of pupils whose violations of  
22 the code of honor relating to cheating prescribed pursuant to NRS  
23 392.461 or any other code of honor applicable to pupils enrolled in  
24 high school were reported to the principal of the high school,  
25 reported by the type of violation;

26 (2) The consequences, if any, to the pupil whose violation is  
27 reported pursuant to subparagraph (1), reported by the type of  
28 consequence;

29 (3) The number of any such violations of a code of honor in a  
30 previous school year by a pupil whose violation is reported pursuant  
31 to subparagraph (1), reported by the type of violation; and

32 (4) The process used by the high school to address violations  
33 of a code of honor which are reported to the principal.

34 2. The information included pursuant to subsection 1 must  
35 allow such information to be disaggregated by:

36 (a) Pupils who are economically disadvantaged;

37 (b) Pupils from major racial and ethnic groups;

38 (c) Pupils with disabilities;

39 (d) Pupils who are English learners;

40 (e) Pupils who are migratory children;

41 (f) Gender;

42 (g) Pupils who are homeless;

43 (h) Pupils in foster care; and



1 (i) Pupils whose parent or guardian is a member of the Armed  
2 Forces of the United States, a reserve component thereof or the  
3 National Guard.

4 3. As used in this section:

5 (a) "Bullying" has the meaning ascribed to it in NRS 388.122.

6 (b) "Cyber-bullying" has the meaning ascribed to it in  
7 NRS 388.123.

8 (c) "*Expulsion*" has the meaning ascribed to it in section 12 of  
9 *this act*.

10 (d) "*Permanent expulsion*" has the meaning ascribed to it in  
11 *section 13 of this act*.

12 (e) "*Suspension*" has the meaning ascribed to it in section 15  
13 *of this act*.

14 **Sec. 2.** NRS 385A.460 is hereby amended to read as follows:

15 385A.460 1. The annual report of accountability prepared by  
16 the State Board pursuant to NRS 385A.400 must include  
17 information on the discipline of pupils, including, without  
18 limitation:

19 (a) Incidents involving weapons or violence, reported for each  
20 school district, including, without limitation, each charter school in  
21 the district, and for this State as a whole.

22 (b) Incidents involving the use or possession of alcoholic  
23 beverages or controlled substances, reported for each school district,  
24 including, without limitation, each charter school in the district, and  
25 for this State as a whole.

26 (c) The suspension , *expulsion* and *permanent* expulsion of  
27 pupils required or authorized pursuant to NRS 392.466 and 392.467,  
28 reported for each school district, including, without limitation, each  
29 charter school in the district, and for this State as a whole.

30 (d) The number of pupils who are deemed habitual disciplinary  
31 problems pursuant to NRS 392.4655, reported for each school  
32 district, including, without limitation, each charter school in the  
33 district, and for this State as a whole.

34 (e) For each school district, including, without limitation, each  
35 charter school in the district, and for this State as a whole:

36 (1) The number of reported violations of NRS 388.135  
37 occurring at a school or otherwise involving a pupil enrolled at a  
38 school, regardless of the outcome of the investigation conducted  
39 pursuant to NRS 388.1351;

40 (2) The number of incidents determined to be bullying or  
41 cyber-bullying after an investigation is conducted pursuant to  
42 NRS 388.1351;

43 (3) The number of incidents resulting in suspension ,  
44 *expulsion* or *permanent* expulsion for bullying or cyber-bullying;  
45 and



1 (4) Any actions taken to reduce the number of incidents of  
2 bullying or cyber-bullying, including, without limitation, training  
3 that was offered or other policies, practices and programs that were  
4 implemented.

5 (f) For each high school in each school district, including,  
6 without limitation, each charter school that operates as a high  
7 school, and for the high schools in this State as a whole:

8 (1) The number and percentage of pupils whose violations of  
9 the code of honor relating to cheating prescribed pursuant to NRS  
10 392.461 or any other code of honor applicable to pupils enrolled in  
11 high school were reported to the principal of the high school,  
12 reported by the type of violation;

13 (2) The consequences, if any, to the pupil whose violation is  
14 reported pursuant to subparagraph (1), reported by the type of  
15 consequence;

16 (3) The number of any such violations of a code of honor in a  
17 previous school year by a pupil whose violation is reported pursuant  
18 to subparagraph (1), reported by the type of violation; and

19 (4) The process used by the high school to address violations  
20 of a code of honor which are reported to the principal.

21 2. As used in this section:

22 (a) "Bullying" has the meaning ascribed to it in NRS 388.122.

23 (b) "Cyber-bullying" has the meaning ascribed to it in  
24 NRS 388.123.

25 (c) "*Expulsion*" has the meaning ascribed to it in section 12 of  
26 this act.

27 (d) "*Permanent expulsion*" has the meaning ascribed to it in  
28 section 13 of this act.

29 (e) "*Suspension*" has the meaning ascribed to it in section 15  
30 of this act.

31 **Sec. 3.** NRS 385A.840 is hereby amended to read as follows:

32 385A.840 1. Each public school in this State shall collect  
33 data on the discipline of pupils. Such data must:

34 (a) Be reported annually to the Department through the  
35 automated system of accountability information established  
36 pursuant to NRS 385A.800;

37 (b) Be disaggregated into subgroups of pupils; and

38 (c) Include occurrences of suspension , *expulsion* and  
39 *permanent* expulsion as separate offenses.

40 2. The Department shall:

41 (a) Develop and provide guidance to each school district in this  
42 State on methods and procedures for the collection of data on the  
43 discipline of pupils pursuant to subsection 1;

44 (b) Establish standard definitions of an offense for which a pupil  
45 may be disciplined and any related sanctions; and



1 (c) Provide training and professional development to  
2 educational personnel relating to the reporting and analysis of data  
3 on the discipline of pupils. Such training must, without limitation,  
4 provide educational personnel with the ability to create a report of  
5 any data on the discipline of pupils, interpret the results of such a  
6 report and develop a responsive plan of action based on the results  
7 of such a report.

8 **3. *As used in this section:***

9 (a) *“Expulsion” has the meaning ascribed to it in section 12 of*  
10 *this act.*

11 (b) *“Permanent expulsion” has the meaning ascribed to it in*  
12 *section 13 of this act.*

13 (c) *“Suspension” has the meaning ascribed to it in section 15*  
14 *of this act.*

15 **Sec. 4.** NRS 388A.246 is hereby amended to read as follows:

16 388A.246 An application to form a charter school must include  
17 all information prescribed by the Department by regulation and:

18 1. A summary of the plan for the proposed charter school.

19 2. A clear written description of the mission of the charter  
20 school and the goals for the charter school. A charter school must  
21 have as its stated purpose at least one of the following goals:

22 (a) Improving the academic achievement of pupils;

23 (b) Encouraging the use of effective and innovative methods of  
24 teaching;

25 (c) Providing an accurate measurement of the educational  
26 achievement of pupils;

27 (d) Establishing accountability and transparency of public  
28 schools;

29 (e) Providing a method for public schools to measure  
30 achievement based upon the performance of the schools; or

31 (f) Creating new professional opportunities for teachers.

32 3. A clear description of the indicators, measures and metrics  
33 for the categories of academics, finances and organization that the  
34 charter school proposes to use, the external assessments that will be  
35 used to assess performance in those categories and the objectives  
36 that the committee to form a charter school plans to achieve in those  
37 categories, which must be expressed in terms of the objectives,  
38 measures and metrics. The objectives and the indicators, measures  
39 and metrics used by the charter school must be consistent with the  
40 performance framework adopted by the sponsor pursuant to  
41 NRS 388A.270.

42 4. A resume and background information for each person who  
43 serves on the board of the charter management organization or the  
44 committee to form a charter school, as applicable, which must  
45 include the name, telephone number, electronic mail address,



1 background, qualifications, any past or current affiliation with any  
2 charter school in this State or any other state, any potential conflicts  
3 of interest and any other information required by the sponsor.

4 5. The proposed location of, or the geographic area to be  
5 served by, the charter school and evidence of a need and community  
6 support for the charter school in that area.

7 6. The minimum, planned and maximum projected enrollment  
8 of pupils in each grade in the charter school for each year that the  
9 charter school would operate under the proposed charter contract.

10 7. The procedure for applying for enrollment in the proposed  
11 charter school, which must include, without limitation, the proposed  
12 dates for accepting applications for enrollment in each year of  
13 operation under the proposed charter contract and a statement of  
14 whether the charter school will enroll pupils who are in a particular  
15 category of at-risk pupils before enrolling other children who are  
16 eligible to attend the charter school pursuant to NRS 388A.456 and  
17 the method for determining eligibility for enrollment in each such  
18 category of at-risk pupils served by the charter school.

19 8. The academic program that the charter school proposes to  
20 use, a description of how the academic program complies with the  
21 requirements of NRS 388A.366, the proposed academic calendar for  
22 the first year of operation and a sample daily schedule for a pupil in  
23 each grade served by the charter school.

24 9. A description of the proposed instructional design of the  
25 charter school and the type of learning environment the charter  
26 school will provide, including, without limitation, whether the  
27 charter school will provide a program of distance education, the  
28 planned class size and structure, the proposed curriculum for  
29 the charter school and the teaching methods that will be used at the  
30 charter school.

31 10. The manner in which the charter school plans to identify  
32 and serve the needs of pupils with disabilities, pupils who are  
33 English learners, pupils who are academically behind their peers and  
34 gifted pupils.

35 11. A description of any co-curricular or extracurricular  
36 activities that the charter school plans to offer and the manner in  
37 which these programs will be funded.

38 12. Any uniform or dress code policy that the charter school  
39 plans to use.

40 13. Plans and timelines for recruiting and enrolling students,  
41 including procedures for any lottery for admission that the charter  
42 school plans to conduct.

43 14. The rules of behavior and punishments that the charter  
44 school plans to adopt pursuant to NRS 388A.495, including, without



1 limitation, any unique discipline policies for pupils ~~enrolled in a~~  
2 ~~program of special education.]~~ *with disabilities.*

3 15. A chart that clearly presents the proposed organizational  
4 structure of the charter school and a clear description of the roles  
5 and responsibilities of the governing body, administrators and any  
6 other persons included on the chart and a table summarizing the  
7 decision-making responsibilities of the staff and governing body of  
8 the charter school and, if applicable, the charter management  
9 organization that operates the charter school. The table must also  
10 identify the person responsible for each activity conducted by the  
11 charter school, including, without limitation, the person responsible  
12 for establishing curriculum and culture, providing professional  
13 development to employees of the charter school and making  
14 determinations concerning the staff of the charter school.

15 16. The names of any external organizations that will play a  
16 role in operating the charter school and the role each such  
17 organization will play.

18 17. The manner in which the governing body of the charter  
19 school will be chosen.

20 18. A staffing chart for the first year in which the charter  
21 school plans to operate and a projected staffing plan for the term of  
22 the charter contract.

23 19. Plans for recruiting administrators, teachers and other staff,  
24 providing professional development to such staff.

25 20. Proposed bylaws for the governing body, a description of  
26 the manner in which the charter school will be governed, including,  
27 without limitation, any governance training that will be provided to  
28 the governing body, and a code of ethics for members and  
29 employees of the governing body. The code of ethics must be  
30 prepared with guidance from the Nevada Commission on Ethics and  
31 must not conflict with any policy adopted by the sponsor.

32 21. Explanations of any partnerships or contracts central to the  
33 operations or mission of the charter school.

34 22. A statement of whether the charter school will provide for  
35 the transportation of pupils to and from the charter school. If the  
36 charter school will provide transportation, the application must  
37 include the proposed plan for the transportation of pupils. If the  
38 charter school will not provide transportation, the application must  
39 include a statement that the charter school will work with the  
40 parents and guardians of pupils enrolled in the charter school to  
41 develop a plan for transportation to ensure that pupils have access to  
42 transportation to and from the charter school.

43 23. The procedure for the evaluation of teachers of the charter  
44 school, if different from the procedure prescribed in NRS 391.680  
45 and 391.725. If the procedure is different from the procedure





1 prescribed in NRS 391.680 and 391.725, the procedure for the  
2 evaluation of teachers of the charter school must provide the same  
3 level of protection and otherwise comply with the standards for  
4 evaluation set forth in NRS 391.680 and 391.725.

5 24. A statement of the charter school's plans for food service  
6 and other significant operational services, including a statement of  
7 whether the charter school will provide food service or participate in  
8 the National School Lunch Program, 42 U.S.C. §§ 1751 et seq. If  
9 the charter school will not provide food service or participate in the  
10 National School Lunch Program, the application must include an  
11 explanation of the manner in which the charter school will ensure  
12 that the lack of such food service or participation does not prevent  
13 pupils from attending the charter school.

14 25. Opportunities and expectations for involving the parents of  
15 pupils enrolled in the charter school in instruction at the charter  
16 school and the operation of the charter school, including, without  
17 limitation, the manner in which the charter school will solicit input  
18 concerning the governance of the charter school from such parents.

19 26. A detailed plan for starting operation of the charter school  
20 that identifies necessary tasks, the persons responsible for  
21 performing them and the dates by which such tasks will be  
22 accomplished.

23 27. A description of the financial plan and policies to be used  
24 by the charter school.

25 28. A description of the insurance coverage the charter school  
26 will obtain.

27 29. Budgets for starting operation at the charter school, the first  
28 year of operation of the charter school and the first 5 years of  
29 operation of the charter school, with any assumptions inherent in the  
30 budgets clearly stated.

31 30. Evidence of any money pledged or contributed to the  
32 budget of the charter school.

33 31. A statement of the facilities that will be used to operate the  
34 charter school and a plan for operating such facilities, including,  
35 without limitation, any backup plan to be used if the charter school  
36 cannot be operated out of the planned facilities.

37 32. If the charter school operates a vocational school, a  
38 description of the career and technical education program that will  
39 be used by the charter school.

40 33. If the charter school will provide a program of distance  
41 education, a description of the system of course credits that the  
42 charter school will use and the manner in which the charter school  
43 will:

44 (a) Monitor and verify the participation in and completion of  
45 courses by pupils;



1 (b) Require pupils to participate in assessments and submit  
2 course work;

3 (c) Conduct parent-teacher conferences; and

4 (d) Administer any test, examination or assessment required by  
5 state or federal law in a proctored setting.

6 34. If the charter school will provide a program where a  
7 student may earn college credit for courses taken in high school, a  
8 draft memorandum of understanding between the charter school and  
9 the college or university through which the credits will be earned  
10 and a term sheet, which must set forth:

11 (a) The proposed duration of the relationship between the  
12 charter school and the college or university and the conditions for  
13 renewal and termination of the relationship;

14 (b) The roles and responsibilities of the governing body of the  
15 charter school, the employees of the charter school and the college or  
16 university;

17 (c) The scope of the services and resources that will be provided  
18 by the college or university;

19 (d) The manner and amount that the college or university will be  
20 compensated for providing such services and resources, including,  
21 without limitation, any tuition and fees that pupils at the charter  
22 school will pay to the college or university;

23 (e) The manner in which the college or university will ensure  
24 that the charter school effectively monitors pupil enrollment and  
25 attendance and the acquisition of college credits; and

26 (f) Any employees of the college or university who will serve on  
27 the governing body of the charter school.

28 35. If the applicant currently operates a charter school in  
29 another state, evidence of the performance of such charter schools  
30 and the capacity of the applicant to operate the proposed charter  
31 school.

32 36. If the applicant proposes to contract with an educational  
33 management organization or any other person to provide  
34 educational or management services:

35 (a) Evidence of the performance of the educational management  
36 organization or other person when providing such services to a  
37 population of pupils similar to the population that will be served by  
38 the proposed charter school;

39 (b) A term sheet that sets forth:

40 (1) The proposed duration of the proposed contract between  
41 the governing body of the charter school and the educational  
42 management organization;

43 (2) A description of the responsibilities of the governing  
44 body of the charter school, employees of the charter school and the  
45 educational management organization or other person;



1 (3) All fees that will be paid to the educational management  
2 organization or other person;

3 (4) The manner in which the governing body of the charter  
4 school will oversee the services provided by the educational  
5 management organization or other person and enforce the terms of  
6 the contract;

7 (5) A disclosure of the investments made by the educational  
8 management organization or other person in the proposed charter  
9 school; and

10 (6) The conditions for renewal and termination of the  
11 contract; and

12 (c) A disclosure of any conflicts of interest concerning the  
13 applicant and the educational management organization or other  
14 person, including, without limitation, any past or current  
15 employment, business or familial relationship between any  
16 prospective employee of the charter school and a member of the  
17 committee to form a charter school or the board of directors of the  
18 charter management organization, as applicable.

19 37. Any additional information that the sponsor determines is  
20 necessary to evaluate the ability of the proposed charter school to  
21 serve pupils in the school district in which the proposed charter  
22 school will be located.

23 *↪ As used in this section, "pupil with a disability" has the*  
24 *meaning ascribed to it in NRS 388.417.*

25 **Sec. 5.** NRS 388A.3965 is hereby amended to read as follows:

26 388A.3965 1. A parent or legal guardian of a pupil enrolled  
27 in a charter school, a pupil who is at least 18 years of age enrolled in  
28 a charter school, a member of the governing body of a charter  
29 school or an employee of a charter school may file a complaint  
30 relating to that charter school directly with the State Public Charter  
31 School Authority if the person has evidence that the charter school  
32 has:

33 (a) Violated any law or regulation relating to the health and  
34 safety of pupils;

35 (b) Violated any law or regulation relating to the civil rights of  
36 pupils, except for a law or regulation described in subsection 1 of  
37 NRS 388A.396;

38 (c) Violated any law or regulation or policy of the sponsor of the  
39 charter school relating to the enrollment, suspension, *expulsion* or  
40 *permanent* expulsion of pupils;

41 (d) Committed fraud, financial mismanagement or financial  
42 malfeasance; or

43 (e) Committed academic dishonesty, including, without  
44 limitation, engaging in a policy or practice that has the intent or  
45 effect of inappropriately increasing the graduation rate or



1 inappropriately increasing performance on assessments mandated by  
2 this State or the State Public Charter School Authority.

3 2. If the State Public Charter School Authority determines that  
4 credible evidence exists to support a complaint submitted pursuant  
5 to subsection 1, the State Public Charter School Authority shall  
6 investigate the complaint and respond to the complaining party in  
7 writing.

8 **3. As used in this section:**

9 (a) *“Expulsion” has the meaning ascribed to it in section 12 of*  
10 *this act.*

11 (b) *“Permanent expulsion” has the meaning ascribed to it in*  
12 *section 13 of this act.*

13 (c) *“Suspension” has the meaning ascribed to it in section 15*  
14 *of this act.*

15 **Sec. 6.** NRS 388A.495 is hereby amended to read as follows:

16 388A.495 1. A governing body of a charter school shall  
17 adopt:

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

20 (b) Appropriate punishments for violations of the rules.

21 2. If suspension, *expulsion* or *permanent* expulsion of a pupil  
22 is used as a punishment for a violation of the rules, the charter  
23 school shall ensure that, before the suspension, *expulsion* or  
24 *permanent* expulsion, the pupil and, if the pupil is under 18 years of  
25 age, the parent or guardian of the pupil, has been given notice of the  
26 charges against him or her, an explanation of the evidence and an  
27 opportunity for a hearing. The provisions of chapter 241 of NRS do  
28 not apply to any hearing *or proceeding* conducted pursuant to this  
29 section. Such a hearing *or proceeding* must be closed to the public.

30 3. A pupil who is at least 11 years of age and who poses a  
31 continuing danger to persons or property or an ongoing threat of  
32 disrupting the academic process, who is selling or distributing any  
33 controlled substance or who is found to be in possession of a  
34 dangerous weapon as provided in NRS 392.466 may be removed  
35 from the charter school only after the charter school has made a  
36 reasonable effort to complete a plan of action based on restorative  
37 justice with the pupil in accordance with the provisions of NRS  
38 392.466 and 392.467.

39 4. A pupil *with a disability* who is at least 11 years of age and  
40 who is enrolled in a charter school ~~and participating in a program~~  
41 ~~of special education pursuant to NRS 388.419]~~ may, in accordance  
42 with the procedural policy adopted by the governing body of the  
43 charter school for such matters and only after the governing body *or*  
44 *its designee* has reviewed the circumstances and determined that the



1 action is in compliance with the Individuals with Disabilities  
2 Education Act, 20 U.S.C. §§ 1400 et seq., be:

3 (a) Suspended from the charter school pursuant to this section  
4 for not more than 5 days for each occurrence ~~1~~ *of proscribed*  
5 *conduct.*

6 (b) *Expelled from school pursuant to this section.*

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

8 5. A copy of the rules of behavior, prescribed punishments and  
9 procedures to be followed in imposing punishments must be:

10 (a) Distributed to each pupil at the beginning of the school year  
11 and to each new pupil who enters school during the year.

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

13 6. The governing body of a charter school may adopt rules  
14 relating to the truancy of pupils who are enrolled in the charter  
15 school if the rules are at least as restrictive as the provisions  
16 governing truancy set forth in NRS 392.130 to 392.220, inclusive. If  
17 a governing body adopts rules governing truancy, it shall include the  
18 rules in the written rules adopted by the governing body pursuant to  
19 subsection 1.

20 7. *As used in this section:*

21 (a) *“Expel” or “expulsion” has the meaning ascribed to it in*  
22 *section 12 of this act.*

23 (b) *“Permanently expel” or “permanent expulsion” has the*  
24 *meaning ascribed to it in section 13 of this act.*

25 (c) *“Pupil with a disability” has the meaning ascribed to it in*  
26 *NRS 388.417.*

27 (d) *“Suspend” or “suspension” has the meaning ascribed to it*  
28 *in section 15 of this act.*

29 **Sec. 7.** NRS 388A.740 is hereby amended to read as follows:

30 388A.740 1. The Department shall adopt any regulations  
31 necessary to carry out the provisions of NRS 388A.462 and  
32 388A.700 to 388A.740, inclusive, including, without limitation,  
33 regulations for:

34 ~~1~~ (a) The delegation of oversight responsibilities to any  
35 subcommittee of the State Public Charter School Authority.

36 ~~2~~ (b) Establishing different requirements for the operation or  
37 regulation of or any other matter that requires the different treatment  
38 of charter schools for distance education sponsored by the State  
39 Public Charter School Authority and traditional charter schools  
40 sponsored by the State Public Charter School Authority.

41 ~~3~~ (c) Determining when a pupil enrolled at a charter school  
42 for distance education may be suspended, *expelled* or *permanently*  
43 *expelled* from such charter school pursuant to NRS 388A.495 for  
44 failing to actively participate in the charter school for distance  
45 education.



1       2. *As used in this section:*

2       (a) *“Expel” has the meaning ascribed to it in section 12 of this*  
3 *act.*

4       (b) *“Permanently expel” has the meaning ascribed to it in*  
5 *section 13 of this act.*

6       (c) *“Suspend” has the meaning ascribed to it in section 15 of*  
7 *this act.*

8       **Sec. 8.** NRS 388C.150 is hereby amended to read as follows:

9       388C.150 1. The governing body of a university school for  
10 profoundly gifted pupils shall adopt:

11       (a) Written rules of behavior for pupils enrolled in the university  
12 school, including, without limitation, prohibited acts; and

13       (b) Appropriate punishments for violations of the rules.

14       2. If suspension, *expulsion* or *permanent* expulsion of a pupil  
15 is used as a punishment for a violation of the rules, the university  
16 school for profoundly gifted pupils shall ensure that, before the  
17 suspension, *expulsion* or *permanent* expulsion, the pupil has been  
18 given notice of the charges against him or her, an explanation of the  
19 evidence and an opportunity for a hearing. The provisions of chapter  
20 241 of NRS do not apply to any hearing *or proceeding* conducted  
21 pursuant to this section. Such a hearing *or proceeding* must be  
22 closed to the public.

23       3. A pupil who is at least 11 years of age and who poses a  
24 continuing danger to persons or property or an ongoing threat of  
25 disrupting the academic process, who is selling or distributing any  
26 controlled substance or who is found to be in possession of a  
27 dangerous weapon as provided in NRS 392.466 may be removed  
28 only after the university school for profoundly gifted pupils has  
29 made a reasonable effort to complete a plan of action based on  
30 restorative justice with the pupil in accordance with the provisions  
31 of NRS 392.466 and 392.467.

32       4. A pupil *with a disability* who is at least 11 years of age and  
33 who is enrolled in a university school for profoundly gifted pupils  
34 ~~and participating in a program of special education pursuant to~~  
35 ~~NRS 388.419~~ may, in accordance with the procedural policy  
36 adopted by the governing body of the university school for such  
37 matters and only after the governing body *or its designee* has  
38 reviewed the circumstances and determined that the action is in  
39 compliance with the Individuals with Disabilities Education Act, 20  
40 U.S.C. §§ 1400 et seq., be:

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

44       (b) *Expelled from school pursuant to this section.*

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



1 5. A copy of the rules of behavior, prescribed punishments and  
2 procedures to be followed in imposing punishments must be:

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

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

7 6. The governing body of a university school for profoundly  
8 gifted pupils may adopt rules relating to the truancy of pupils who  
9 are enrolled in the university school if the rules are at least as  
10 restrictive as the provisions governing truancy set forth in NRS  
11 392.130 to 392.220, inclusive. If the governing body adopts rules  
12 governing truancy, it shall include the rules in the written rules  
13 adopted by the governing body pursuant to subsection 1.

14 **7. As used in this section:**

15 (a) *“Expel” or “expulsion” has the meaning ascribed to it in*  
16 *section 12 of this act.*

17 (b) *“Permanently expelled” or “permanent expulsion” has the*  
18 *meaning ascribed to it in section 13 of this act.*

19 (c) *“Pupil with a disability” has the meaning ascribed to it in*  
20 *NRS 388.417.*

21 (d) *“Suspend” or “suspension” has the meaning ascribed to it*  
22 *in section 15 of this act.*

23 **Sec. 9.** NRS 389.155 is hereby amended to read as follows:

24 389.155 1. The State Board shall, by regulation, establish a  
25 program pursuant to which a pupil:

26 (a) Enrolled full-time in public school;

27 (b) Enrolled in an alternative program pursuant to NRS 388.537;

28 (c) Enrolled in a program designed to meet the requirements for  
29 an adult standard diploma; or

30 (d) Except as otherwise provided in subsection 4, who has been  
31 suspended, *expelled* or *permanently* expelled from a public school,  
32 ↪ may complete any required or elective course by independent  
33 study outside of the normal classroom setting. A program of  
34 independent study provided pursuant to this section may be offered  
35 through a program of distance education pursuant to NRS 388.820  
36 to 388.874, inclusive.

37 2. The regulations must:

38 (a) Require that:

39 (1) The teacher of the course assign to the pupil the work  
40 assignments necessary to complete the course; and

41 (2) For each course in which the pupil is enrolled, the pupil  
42 and the teacher of the course meet or otherwise communicate with  
43 each other at least once each week for the duration of the course to  
44 discuss the pupil’s progress; or



1 (b) Require that the program of independent study satisfies the  
2 requirements of a plan to operate an alternative program of  
3 education submitted by the school district and approved pursuant to  
4 NRS 388.537.

5 3. The board of trustees of a school district may, in accordance  
6 with the regulations adopted pursuant to subsections 1 and 2,  
7 provide for independent study by the pupils described in  
8 subsection 1.

9 4. A program of independent study offered pursuant to this  
10 section must not allow a pupil who has been suspended, *expelled* or  
11 *permanently expelled* from a public school to attend that public  
12 school during the period of his or her suspension, *expulsion* or  
13 *permanent expulsion*.

14 5. *As used in this section:*

15 (a) *“Expel” or “expulsion” has the meaning ascribed to it in*  
16 *section 12 of this act.*

17 (b) *“Permanently expel” or “permanent expulsion” has the*  
18 *meaning ascribed to it in section 13 of this act.*

19 (c) *“Suspend” or “suspension” has the meaning ascribed to it*  
20 *in section 15 of this act.*

21 **Sec. 10.** Chapter 392 of NRS is hereby amended by adding  
22 thereto the provisions set forth as sections 11 to 15.5, inclusive, of  
23 this act.

24 **Sec. 11.** *As used in NRS 392.461 to 392.472, inclusive, and*  
25 *sections 11 to 15.5, inclusive, of this act, unless the context*  
26 *otherwise requires, the words and terms defined in sections 12 to*  
27 *15, inclusive, of this act have the meanings ascribed to them in*  
28 *those sections.*

29 **Sec. 12.** *“Expel” or “expulsion” means the disciplinary*  
30 *removal of a pupil from the school in which the pupil is currently*  
31 *enrolled for more than one school semester with the possibility of:*

32 1. *Except as otherwise provided in subsection 2, returning to*  
33 *the school in which the pupil is currently enrolled or another*  
34 *public school within the school district after the expulsion; and*

35 2. *Enrolling in a program or public school for alternative*  
36 *education for pupils who are expelled or permanently expelled*  
37 *during the period of expulsion.*

38 **Sec. 13.** *“Permanently expel” or “permanent expulsion”*  
39 *means the disciplinary removal of a pupil from the school in*  
40 *which the pupil is currently enrolled:*

41 1. *Except as otherwise provided in subsection 2, without the*  
42 *possibility of returning to the school in which the pupil is*  
43 *currently enrolled or another public school within the school*  
44 *district; and*





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

4       **Sec. 14. "Pupil with a disability" has the meaning ascribed**  
5 **to it in NRS 388.417.**

6       **Sec. 15. "Suspend" or "suspension" means the disciplinary**  
7 **removal of a pupil from the school in which the pupil is currently**  
8 **enrolled for not more than one school semester.**

9       **Sec. 15.5. The Department shall adopt any regulations**  
10 **necessary to carry out the provisions of NRS 392.461 to 392.472,**  
11 **inclusive, and sections 11 to 15.5, inclusive, of this act.**

12       **Sec. 16.** NRS 392.463 is hereby amended to read as follows:

13       392.463 1. Each school district shall adopt a plan to ensure  
14 that the public schools within the school district are safe and free of  
15 controlled substances. The plan must comply with the Safe and  
16 Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101 et seq.

17       2. Each school district shall prescribe written rules of behavior  
18 required of and prohibited for pupils attending school within their  
19 district and shall prescribe appropriate punishments for violations of  
20 the rules. If suspension, *expulsion* or *permanent* expulsion is used  
21 as a punishment for a violation of the rules, the school district shall  
22 follow the procedures in NRS 392.467.

23       3. A copy of the plan adopted pursuant to subsection 1 and the  
24 rules of behavior, prescribed punishments and procedures to be  
25 followed in imposing punishments prescribed pursuant to subsection  
26 2 must be distributed to each pupil at the beginning of the school  
27 year and to each new pupil who enters school during the year.  
28 Copies must also be made available for inspection at each school  
29 located in that district in an area on the grounds of the school which  
30 is open to the public.

31       **Sec. 17.** NRS 392.4634 is hereby amended to read as follows:

32       392.4634 1. Except as otherwise provided in subsection 3, a  
33 pupil enrolled in kindergarten or grades 1 to 8, inclusive, may not be  
34 disciplined, including, without limitation, pursuant to NRS 392.466,  
35 for:

36       (a) Simulating a firearm or dangerous weapon while playing; or

37       (b) Wearing clothing or accessories that depict a firearm or  
38 dangerous weapon or express an opinion regarding a constitutional  
39 right to keep and bear arms, unless it substantially disrupts the  
40 educational environment.

41       2. Simulating a firearm or dangerous weapon includes, without  
42 limitation:

43       (a) Brandishing a partially consumed pastry or other food item  
44 to simulate a firearm or dangerous weapon;



1 (b) Possessing a toy firearm or toy dangerous weapon that is 2  
2 inches or less in length;

3 (c) Possessing a toy firearm or toy dangerous weapon made of  
4 plastic building blocks which snap together;

5 (d) Using a finger or hand to simulate a firearm or dangerous  
6 weapon;

7 (e) Drawing a picture or possessing an image of a firearm or  
8 dangerous weapon; and

9 (f) Using a pencil, pen or other writing or drawing implement to  
10 simulate a firearm or dangerous weapon.

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

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

17 (b) Causes bodily harm to another person; or

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

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

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

27 6. As used in this section:

28 (a) "Dangerous weapon" has the meaning ascribed to it in  
29 paragraph (b) of subsection ~~444~~ 12 of NRS 392.466.

30 (b) "Firearm" has the meaning ascribed to it in paragraph (c) of  
31 subsection ~~444~~ 12 of NRS 392.466.

32 **Sec. 18.** NRS 392.4635 is hereby amended to read as follows:

33 392.4635 1. The board of trustees of each school district shall  
34 establish a policy that prohibits the activities of criminal gangs on  
35 school property.

36 2. The policy established pursuant to subsection 1 may include,  
37 without limitation:

38 (a) The provision of training for the prevention of the activities  
39 of criminal gangs on school property.

40 (b) If the policy includes training:

41 (1) A designation of the grade levels of the pupils who must  
42 receive the training.

43 (2) A designation of the personnel who must receive  
44 the training, including, without limitation, personnel who are



1 employed in schools at the grade levels designated pursuant to  
2 subparagraph (1).

3 ➔ The board of trustees of each school district shall ensure that the  
4 training is provided to the pupils and personnel designated in the  
5 policy.

6 (c) Provisions which prohibit:

7 (1) A pupil from wearing any clothing or carrying any  
8 symbol on school property that denotes membership in or an  
9 affiliation with a criminal gang; and

10 (2) Any activity that encourages participation in a criminal  
11 gang or facilitates illegal acts of a criminal gang.

12 (d) Provisions which provide for the suspension , *expulsion* or  
13 *permanent* expulsion pursuant to NRS 392.466 and 392.467 of  
14 pupils who violate the policy.

15 3. The board of trustees of each school district may develop the  
16 policy required pursuant to subsection 1 in consultation with:

17 (a) Local law enforcement agencies;

18 (b) School police officers, if any;

19 (c) Persons who have experience regarding the actions and  
20 activities of criminal gangs;

21 (d) Organizations which are dedicated to alleviating criminal  
22 gangs or assisting members of criminal gangs who wish to  
23 disassociate from the gang; and

24 (e) Any other person deemed necessary by the board of trustees.

25 4. As used in this section, "criminal gang" has the meaning  
26 ascribed to it in NRS 213.1263.

27 **Sec. 19.** NRS 392.4643 is hereby amended to read as follows:

28 392.4643 An action must not be taken pursuant to the  
29 provisions of NRS 392.4642 to 392.4648, inclusive, against a pupil  
30 with a disability ~~[who is participating in a program of special  
31 education pursuant to NRS 388.417 to 388.469, inclusive.]~~ unless  
32 the action complies with:

33 1. The Individuals with Disabilities Education Act, 20 U.S.C.  
34 §§ 1400 et seq.;

35 2. The Americans with Disabilities Act of 1990, 42 U.S.C. §§  
36 12101 et seq.;

37 3. Title V of the Rehabilitation Act of 1973, 29 U.S.C. §§ 791  
38 et seq.;

39 4. Any other federal law applicable to children with  
40 disabilities; and

41 5. The procedural policy adopted by the board of trustees of the  
42 school district for such matters.

43 **Sec. 20.** NRS 392.4645 is hereby amended to read as follows:

44 392.4645 1. The plan established pursuant to NRS 392.4644  
45 must provide for the temporary removal of a pupil from a classroom



1 or other premises of a public school if, in the judgment of the  
2 teacher or other staff member responsible for the classroom or other  
3 premises, as applicable, the pupil has engaged in behavior that  
4 seriously interferes with the ability of the teacher to teach the other  
5 pupils in the classroom and with the ability of the other pupils to  
6 learn or with the ability of the staff member to discharge his or her  
7 duties. The plan must provide that, upon the removal of a pupil from  
8 a classroom or any other premises of a public school pursuant to this  
9 section, the principal of the school shall provide an explanation of  
10 the reason for the removal of the pupil to the pupil and offer the  
11 pupil an opportunity to respond to the explanation. Within 24 hours  
12 after the removal of a pupil pursuant to this section, the principal of  
13 the school shall notify the parent or legal guardian of the pupil of the  
14 removal.

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

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

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

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

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

29 (a) Required by NRS 392.466; or

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

32 ↪ If the principal proceeds in accordance with NRS 392.466 or  
33 392.467, the pupil must be removed from school in accordance with  
34 those sections and the provisions of NRS 392.4642 to 392.4648,  
35 inclusive, do not apply to the pupil.

36 **Sec. 21.** NRS 392.4648 is hereby amended to read as follows:

37 392.4648 1. If the teacher or other staff member who  
38 removed a pupil from the classroom or other premises of a public  
39 school does not agree with the recommendation of the principal  
40 pursuant to subsection 6 of NRS 392.4646, the principal shall  
41 continue the temporary alternative placement of the pupil and shall  
42 immediately convene a meeting of the committee created pursuant  
43 to NRS 392.4647. The principal shall inform the parent or legal  
44 guardian of the pupil that the committee will be conducting a  
45 meeting. The committee shall review the circumstances of the



1 pupil's removal from the classroom or other premises of the public  
2 school and the pupil's behavior that caused the pupil to be removed  
3 from the classroom or other premises. Based upon its review, the  
4 committee shall assess the best placement available for the pupil and  
5 shall, without limitation:

6 (a) Direct that the pupil be returned to the classroom or other  
7 premises from which he or she was removed;

8 (b) Assign the pupil to another appropriate classroom or other  
9 premises;

10 (c) Assign the pupil to an alternative program of education, if  
11 available;

12 (d) Recommend the suspension, *expulsion* or *permanent*  
13 *expulsion* of the pupil in accordance with NRS 392.467; or

14 (e) Take any other appropriate disciplinary action against the  
15 pupil that the committee deems necessary.

16 2. A principal shall report to the school district each time a  
17 committee created pursuant to NRS 392.4647 is convened and, upon  
18 the conclusion of the committee's review of a placement, shall  
19 supplement the report with the result of the assessment of the  
20 committee.

21 3. Each school district shall compile the reports submitted to  
22 the school district pursuant to subsection 2 and, on or before July 1  
23 of each year, submit an annual report to the Legislative Committee  
24 on Education containing such information for all schools located in  
25 the school district.

26 **Sec. 22.** NRS 392.4655 is hereby amended to read as follows:

27 392.4655 1. Except as otherwise provided in this section, a  
28 principal of a school shall deem a pupil enrolled in the school a  
29 habitual disciplinary problem if the school has written evidence  
30 which documents that in 1 school year:

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

35 (b) The pupil has not entered into and participated in a plan of  
36 behavior pursuant to subsection 5.

37 2. At least one teacher of a pupil who is enrolled in elementary  
38 school and at least two teachers of a pupil who is enrolled in junior  
39 high, middle school or high school may request that the principal of  
40 the school deem a pupil a habitual disciplinary problem. Upon such  
41 a request, the principal of the school shall meet with each teacher  
42 who made the request to review the pupil's record of discipline. If,  
43 after the review, the principal of the school determines that the  
44 provisions of subsection 1 do not apply to the pupil, a teacher who  
45 submitted a request pursuant to this subsection may appeal that



1 determination to the board of trustees of the school district. Upon  
2 receipt of such a request, the board of trustees shall review the initial  
3 request and determination pursuant to the procedure established by  
4 the board of trustees for such matters.

5 3. If a pupil is suspended, the school in which the pupil is  
6 enrolled shall provide written notice to the parent or legal guardian  
7 of the pupil that contains:

8 (a) A description of the act committed by the pupil and the date  
9 on which the act was committed;

10 (b) An explanation that if the pupil receives five *significant*  
11 suspensions on his or her record during the current school year and  
12 has not entered into and participated in a plan of behavior pursuant  
13 to subsection 5, the pupil will be deemed a habitual disciplinary  
14 problem;

15 (c) An explanation that, pursuant to subsection 5 of NRS  
16 392.466, a pupil who is deemed a habitual disciplinary problem may  
17 be:

18 (1) Suspended from school ; ~~for a period not to exceed one~~  
19 ~~school semester as determined by the seriousness of the acts which~~  
20 ~~were the basis for the discipline; or~~

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

23 (3) *Permanently expelled from the school under*  
24 *extraordinary circumstances as determined by the principal of the*  
25 *school;*

26 (d) If the pupil ~~has~~ *is a pupil with* a disability , ~~and is~~  
27 ~~participating in a program of special education pursuant to NRS~~  
28 ~~388.419.]~~ an explanation of the effect of subsection 10 of NRS  
29 392.466, including, without limitation, that if it is determined in  
30 accordance with 20 U.S.C. § 1415 that the pupil's behavior is not a  
31 manifestation of the pupil's disability, he or she may be suspended ,  
32 *expelled* or *permanently* expelled from school in the same manner  
33 as a pupil without a disability; and

34 (e) A summary of the provisions of subsection 5.

35 4. A school shall provide the notice required by subsection 3  
36 for each suspension on the record of a pupil during a school year.  
37 Such notice must be provided at least 7 days before the school  
38 deems the pupil a habitual disciplinary problem.

39 5. If a pupil is suspended, the school in which the pupil is  
40 enrolled shall develop, in consultation with the pupil and the parent  
41 or legal guardian of the pupil, a plan of behavior for the pupil. The  
42 parent or legal guardian of the pupil may choose for the pupil not to  
43 participate in the plan of behavior. If the parent or legal guardian of  
44 the pupil chooses for the pupil not to participate, the school shall  
45 inform the parent or legal guardian of the consequences of not



1 participating in the plan of behavior. Such a plan must be designed  
2 to prevent the pupil from being deemed a habitual disciplinary  
3 problem and may include, without limitation:

4 (a) A plan for graduating if the pupil is deficient in credits and  
5 not likely to graduate according to schedule.

6 (b) Information regarding schools with a mission to serve pupils  
7 who have been:

8 (1) ~~Expelled or suspended~~ *Suspended, expelled or*  
9 *permanently expelled* from a public school, including, without  
10 limitation, a charter school; or

11 (2) Deemed to be a habitual disciplinary problem pursuant to  
12 this section.

13 (c) A voluntary agreement by the parent or legal guardian to  
14 attend school with his or her child.

15 (d) A voluntary agreement by the pupil and the pupil's parent or  
16 legal guardian to attend counseling, programs or services available  
17 in the school district or community.

18 (e) A voluntary agreement by the pupil and the pupil's parent or  
19 legal guardian that the pupil will attend summer school, intersession  
20 school or school on Saturday, if any of those alternatives are offered  
21 by the school district.

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

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

29 8. The parent or legal guardian of a pupil who has entered into  
30 a plan of behavior with a school pursuant to this section may appeal  
31 to the board of trustees of the school district a determination made  
32 by the school concerning the contents of the plan of behavior or  
33 action taken by the school pursuant to the plan of behavior. Upon  
34 receipt of such a request, the board of trustees of the school district  
35 shall review the determination in accordance with the procedure  
36 established by the board of trustees for such matters.

37 9. *As used in this section, "significant suspension" means the*  
38 *school in which the pupil is enrolled:*

39 (a) *Prohibits the pupil from attending school for 3 or more*  
40 *consecutive days; and*

41 (b) *Requires a conference or some other form of*  
42 *communication with the parent or legal guardian of the pupil*  
43 *before the pupil is allowed to return to school.*





**Sec. 23.** 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. The pupil may be *suspended, expelled or permanently* expelled from the school, in which case the pupil shall:

(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, *expelled* or *permanently* 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.

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 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, ~~and is participating in a program of special education pursuant to NRS 388.419,~~ the board of trustees of the school district *or its designee* has reviewed the circumstances and determined that such an appeal is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.

3. Except as otherwise provided in this section, any pupil *of any age, including, without limitation, a pupil with a disability*, who is found in possession of a firearm or a dangerous weapon while on the premises of any public school, at an activity sponsored by a public school or on any school bus must, for the first occurrence, be expelled from the school for a period of not less than 1 year, although the pupil may be placed in another kind of school for a period not to exceed the period of the expulsion. For a second occurrence, the pupil must be permanently expelled from the school. ~~and:~~

~~—(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~~





1 pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies  
2 for enrollment and is accepted for enrollment in accordance with the  
3 requirements of the applicable program.]

4 4. If a school is unable to retain a pupil in the school pursuant  
5 to subsection 1 for the safety of any person or because doing so  
6 would not be in the best interest of the pupil, the pupil may be  
7 suspended, expelled, *permanently expelled* or placed in another  
8 school. If a pupil is placed in another school, the current school of  
9 the pupil shall explain what services will be provided to the pupil at  
10 the new school that the current school is unable to provide to  
11 address the specific needs and behaviors of the pupil. The school  
12 district of the current school of the pupil shall coordinate with the  
13 new school ~~for the board of trustees of the school district of the new~~  
14 ~~school~~] to create a plan of action based on restorative justice for the  
15 pupil and to ensure that any resources required to execute the plan  
16 of action based on restorative justice are available at the new school.

17 5. Except as otherwise provided in this section, if a pupil is  
18 deemed a habitual disciplinary problem pursuant to NRS 392.4655,  
19 the pupil is at least 11 years of age and the school has made a  
20 reasonable effort to complete a plan of action based on restorative  
21 justice with the pupil, *based on the seriousness of the acts which*  
22 *were the basis for the discipline*, the pupil may be:

23 (a) Suspended from the school; ~~for a period not to exceed one~~  
24 ~~school semester as determined by the seriousness of the acts which~~  
25 ~~were the basis for the discipline; or]~~

26 (b) Expelled from the school under extraordinary circumstances  
27 as determined by the principal of the school ~~]~~; *or*

28 (c) *Permanently expelled from the school under extraordinary*  
29 *circumstances as determined by the principal of the school.*

30 6. If the pupil is expelled ~~]~~ *or permanently expelled* or the  
31 period of the pupil's suspension is for one school semester, the pupil  
32 must:

33 (a) Enroll in a private school pursuant to chapter 394 of NRS or  
34 be homeschooled; or

35 (b) Enroll in a program of independent study provided pursuant  
36 to NRS 389.155 for pupils who have been suspended, *expelled* or  
37 *permanently* expelled from public school or a program of distance  
38 education provided pursuant to NRS 388.820 to 388.874, inclusive,  
39 if the pupil qualifies for enrollment and is accepted for enrollment in  
40 accordance with the requirements of the applicable program.

41 7. The superintendent of schools of a school district may, for  
42 good cause shown in a particular case in that school district, allow a  
43 modification to a suspension, *expulsion* or *permanent* expulsion  
44 pursuant to subsections 1 to 5, inclusive, if such modification is set  
45 forth in writing. The superintendent shall allow such a modification



1 if the superintendent determines that a plan of action based on  
2 restorative justice may be used successfully.

3 8. This section does not prohibit a pupil from having in his or  
4 her possession a knife or firearm with the approval of the principal  
5 of the school. A principal may grant such approval only in  
6 accordance with the policies or regulations adopted by the board of  
7 trustees of the school district.

8 9. Except as otherwise provided in this ~~[section,]~~ **subsection**  
9 **and subsection 3**, a pupil who is ~~[not more]~~ **less** than ~~[10]~~ **11** years  
10 of age must not be permanently expelled from school. In  
11 extraordinary circumstances, a school may request an exception to  
12 this subsection from the board of trustees of the school district. A  
13 pupil who is at least 11 years of age may be suspended ~~[from~~  
14 ~~school]~~, **expelled** or permanently expelled from school pursuant to  
15 this section only after the board of trustees of the school district **or**  
16 **its designee** has reviewed the circumstances and approved this  
17 action in accordance with the procedural policy adopted by the  
18 board for such issues.

19 10. ~~[A]~~ **Except as otherwise provided in subsection 3**, a pupil  
20 **with a disability** who is at least 11 years of age ~~[and who is~~  
21 ~~participating in a program of special education pursuant to NRS~~  
22 ~~388.419]~~ may, in accordance with the procedural policy adopted by  
23 the board of trustees of the school district for such matters and only  
24 after the board of trustees of the school district **or its designee** has  
25 reviewed the circumstances and determined that the action is in  
26 compliance with the Individuals with Disabilities Education Act, 20  
27 U.S.C. §§ 1400 et seq., be:

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

32 (b) **Expelled from school pursuant to this section.**

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

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

37 **12.** As used in this section:

38 (a) "Battery" has the meaning ascribed to it in paragraph (a) of  
39 subsection 1 of NRS 200.481.

40 (b) "Dangerous weapon" includes, without limitation, a  
41 blackjack, slungshot, billy, sand-club, sandbag, metal knuckles, dirk  
42 or dagger, a nunchaku or trefoil, as defined in NRS 202.350, a  
43 butterfly knife or any other knife described in NRS 202.350, a  
44 switchblade knife as defined in NRS 202.265, or any other object  
45 which is used, or threatened to be used, in such a manner and under



1 such circumstances as to pose a threat of, or cause, bodily injury to a  
2 person.

3 (c) "Firearm" includes, without limitation, any pistol, revolver,  
4 shotgun, explosive substance or device, and any other item included  
5 within the definition of a "firearm" in 18 U.S.C. § 921, as that  
6 section existed on July 1, 1995.

7 (d) "Restorative justice" has the meaning ascribed to it in  
8 subsection 6 of NRS 392.472.

9 ~~12.~~ 13. The provisions of this section do not prohibit a pupil  
10 who is suspended, *expelled* or *permanently* expelled from enrolling  
11 in a charter school that is designed exclusively for the enrollment of  
12 pupils with disciplinary problems if the pupil is accepted for  
13 enrollment by the charter school pursuant to NRS 388A.453 or  
14 388A.456. Upon request, the governing body of a charter school  
15 must be provided with access to the records of the pupil relating to  
16 the pupil's suspension, *expulsion* or *permanent* expulsion in  
17 accordance with applicable federal and state law before the  
18 governing body makes a decision concerning the enrollment of the  
19 pupil.

20 **Sec. 24.** NRS 392.467 is hereby amended to read as follows:

21 392.467 1. Except as otherwise provided in subsections 5 and  
22 6 and NRS 392.466, the board of trustees of a school district *or its*  
23 *designee* may authorize the suspension, *expulsion* or *permanent*  
24 expulsion of any pupil who is at least 11 years of age from any  
25 public school within the school district. Except as otherwise  
26 provided in *this subsection and subsection 3 of* NRS 392.466, a  
27 pupil who is ~~not more~~ *less* than ~~10~~ *11* years of age must not be  
28 permanently expelled from school. *In extraordinary circumstances,*  
29 *a school may request an exception to the prohibition set forth in*  
30 *this subsection against permanently expelling a pupil who is less*  
31 *than 11 years of age from school from the board of trustees of the*  
32 *school district.*

33 2. Except as otherwise provided in subsection 6, no pupil may  
34 be suspended, *expelled* or *permanently* expelled until the pupil has  
35 been given notice of the charges against him or her, an explanation  
36 of the evidence and an opportunity for a hearing, except that a pupil  
37 who is found to be in possession of a firearm or a dangerous weapon  
38 as provided in NRS 392.466 may be removed from the school  
39 immediately upon being given an explanation of the reasons for his  
40 or her removal and pending proceedings, to be conducted as soon as  
41 practicable after removal, for the pupil's ~~suspension~~ *expulsion* or  
42 *permanent* expulsion.

43 3. The board of trustees of a school district *or its designee* may  
44 authorize the expulsion, *permanent expulsion*, suspension or  
45 removal of a pupil who has been charged with a crime from the



1 school at which the pupil is enrolled regardless of the outcome of  
2 any criminal or delinquency proceedings brought against the pupil  
3 only if the school:

4 (a) Conducts an independent investigation of the conduct of the  
5 pupil; and

6 (b) Gives notice of the charges brought against the pupil by the  
7 school to the pupil.

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

11 5. The board of trustees of a school district *or its designee* shall  
12 not authorize the expulsion, *permanent expulsion*, suspension or  
13 removal of any pupil from the public school system solely for  
14 offenses related to attendance or because the pupil is declared a  
15 truant or habitual truant in accordance with NRS 392.130  
16 or 392.140.

17 6. A pupil ~~[who is participating in a program of special~~  
18 ~~education pursuant to NRS 388.419, other than a pupil who receives~~  
19 ~~early intervening services,]~~ *with a disability* may, in accordance  
20 with the procedural policy adopted by the board of trustees of the  
21 school district for such matters and only after the board of trustees  
22 of the school district *or its designee* has reviewed the circumstances  
23 and determined that the action is in compliance with the Individuals  
24 with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:

25 (a) Suspended from school pursuant to this section for not more  
26 than 5 days for each occurrence ~~[ ]~~ *of proscribed conduct.*

27 (b) *Expelled from school pursuant to this section.*

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

29 **Sec. 25.** NRS 392.4675 is hereby amended to read as follows:

30 392.4675 1. Except as otherwise provided in this section, a  
31 pupil who is suspended, *expelled* or *permanently* expelled from:

32 (a) Any public school in this State pursuant to NRS 392.466; or

33 (b) Any school outside of this State for the commission of any  
34 act which, if committed within this State, would be a ground for  
35 suspension, *expulsion* or *permanent* expulsion from public school  
36 pursuant to NRS 392.466,

37 ~~is~~ is ineligible to attend any public school in this State during the  
38 period of that suspension, *expulsion* or *permanent* expulsion.

39 2. A school district or a charter school, if the charter school  
40 offers the applicable program, may allow a pupil who is ineligible to  
41 attend a public school pursuant to this section to enroll in:

42 (a) An alternative program for the education of pupils at risk of  
43 dropping out of school provided pursuant to NRS 388.537;



1 (b) A program of independent study provided pursuant to NRS  
2 389.155 for pupils who have been suspended , *expelled* or  
3 *permanently* expelled from public school;

4 (c) A program of distance education provided pursuant to NRS  
5 388.820 to 388.874, inclusive;

6 (d) Any program of instruction offered pursuant to the  
7 provisions of NRS 388.550; or

8 (e) A challenge school,

9 ↪ if the pupil qualifies for enrollment and is accepted for  
10 enrollment in accordance with the requirements of the applicable  
11 school or program. A school district or charter school may conduct  
12 an investigation of the background of any such pupil to determine if  
13 the educational needs of the pupil may be satisfied without undue  
14 disruption to the school or program. If an investigation is conducted,  
15 the board of trustees of the school district or the governing body of  
16 the charter school shall, based on the results of the investigation,  
17 determine if the pupil will be allowed to enroll in such a school or  
18 program.

19 3. The provisions of subsections 1 and 2 do not prohibit a pupil  
20 from enrolling in a charter school that is designed exclusively for  
21 the enrollment of pupils with disciplinary problems if the pupil is  
22 accepted for enrollment by the charter school pursuant to NRS  
23 388A.453 or 388A.456. Upon request, the governing body of a  
24 charter school must be provided with access to the records of the  
25 pupil relating to the pupil's suspension , *expulsion* or *permanent*  
26 *expulsion* in accordance with applicable federal and state law before  
27 the governing body makes a decision concerning the enrollment of  
28 the pupil.

29 **Sec. 26.** NRS 392.472 is hereby amended to read as follows:

30 392.472 1. Except as otherwise provided in NRS 392.466  
31 and to the extent practicable, a public school shall provide a plan of  
32 action based on restorative justice before *expelling or permanently*  
33 *expelling* a pupil from school.

34 2. The Department shall develop one or more examples of a  
35 plan of action which may include, without limitation:

36 (a) Positive behavioral interventions and support;

37 (b) A plan for behavioral intervention;

38 (c) A referral to a team of student support;

39 (d) A referral to an individualized education program team;

40 (e) A referral to appropriate community-based services; and

41 (f) A conference with the principal of the school or his or her  
42 designee and any other appropriate personnel.

43 3. The Department may approve a plan of action based on  
44 restorative justice that meets the requirements of this section  
45 submitted by a public school.



1 4. The Department shall post on its Internet website a guidance  
2 document that includes, without limitation:

3 (a) A description of the requirements of this section and  
4 NRS 392.462;

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

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

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

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

15 5. ~~The Department shall adopt regulations necessary to carry  
16 out the provisions of this section.~~

17 ~~—6.]~~ As used in this section:

18 (a) “Individualized education program team” has the meaning  
19 ascribed to it in 20 U.S.C. § 1414(d)(1)(B).

20 (b) “Restorative justice” means nonpunitive intervention and  
21 support provided by the school to a pupil to improve the behavior of  
22 the pupil and remedy any harm caused by the pupil.

23 **Sec. 27.** NRS 241.016 is hereby amended to read as follows:

24 241.016 1. The meetings of a public body that are quasi-  
25 judicial in nature are subject to the provisions of this chapter.

26 2. The following are exempt from the requirements of this  
27 chapter:

28 (a) The Legislature of the State of Nevada.

29 (b) Judicial proceedings, including, without limitation,  
30 proceedings before the Commission on Judicial Selection and,  
31 except as otherwise provided in NRS 1.4687, the Commission on  
32 Judicial Discipline.

33 (c) Meetings of the State Board of Parole Commissioners when  
34 acting to grant, deny, continue or revoke the parole of a prisoner or  
35 to establish or modify the terms of the parole of a prisoner.

36 3. Any provision of law, including, without limitation, NRS  
37 91.270, 219A.210, 228.495, 239C.140, 239C.420, 281A.350,  
38 281A.690, 281A.735, 281A.760, 284.3629, 286.150, 287.0415,  
39 287.04345, 287.338, 288.220, 288.590, 289.387, 295.121, 360.247,  
40 388.261, 388A.495, 388C.150, 388D.355, 388G.710, 388G.730,  
41 392.147, **392.466**, 392.467, 394.1699, 396.3295, 414.270, 422.405,  
42 433.534, 435.610, 442.774, 463.110, 480.545, 622.320, 622.340,  
43 630.311, 630.336, 631.3635, 639.050, 642.518, 642.557, 686B.170,  
44 696B.550, 703.196 and 706.1725, which:



1 (a) Provides that any meeting, hearing or other proceeding is not  
2 subject to the provisions of this chapter; or

3 (b) Otherwise authorizes or requires a closed meeting, hearing  
4 or proceeding,

5 ↪ prevails over the general provisions of this chapter.

6 4. The exceptions provided to this chapter, and electronic  
7 communication, must not be used to circumvent the spirit or letter of  
8 this chapter to deliberate or act, outside of an open and public  
9 meeting, upon a matter over which the public body has supervision,  
10 control, jurisdiction or advisory powers.

11 **Sec. 28.** NRS 392.4657 is hereby repealed.

12 **Sec. 29.** This act becomes effective on July 1, 2021.

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**TEXT OF REPEALED SECTION**

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**392.4657 Conditions under which pupil deemed suspended.**

A pupil shall be deemed suspended from school if 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.

