

SENATE BILL NO. 177—SENATOR OHRENSCHALL

PREFILED FEBRUARY 3, 2025

Referred to Committee on Education

SUMMARY—Revises provisions relating to education. (BDR 34-942)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact. 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; revising the requirement for the principal of a school to consult with certain persons before determining that a homeless pupil or pupil in foster care is a habitual disciplinary problem or suspending or expelling such a pupil; revising certain presumptions used when 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** of this bill requires the principal to conduct a meeting with those persons rather than consult with those persons. **Section 1** 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 or expel from school a pupil who is homeless or has been placed in foster care, 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



21 consultation with certain persons. (NRS 392.466, 392.467) **Sections 2 and 3** of this  
22 bill change the presumption used to determine whether homeless or being in foster  
23 care was a factor in the behavior of the pupil by requiring the person responsible for  
24 making the determination to presume that homelessness or being in foster care was  
25 a factor in the behavior. **Sections 2 and 3** also require: (1) the person making the  
26 determining to conduct a meeting with certain persons rather than consult with  
27 those persons; and (2) such a meeting concerning a pupil who is in foster care to  
28 additionally include the educational decision maker appointed for the pupil by a  
29 court under existing law. (NRS 432B.462)

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

1 **Section 1.** NRS 392.4655 is hereby amended to read as  
2 follows:

3 392.4655 1. Except as otherwise provided in this section, a  
4 principal of a school shall deem a pupil who is at least 11 years of  
5 age and enrolled in the school a habitual disciplinary problem if the  
6 school has written evidence which documents that in 1 school year:

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

11 (b) The school has made reasonable efforts to develop a plan of  
12 behavior pursuant to subsection 5 and the pupil has not made efforts  
13 to enter into or participate in such a plan of behavior;

14 (c) The homelessness of the pupil was not a factor in his or her  
15 behavior, as determined ~~fin-consultation~~ *after conducting a*  
16 *meeting* with the local educational agency liaison for homeless  
17 pupils designated in accordance with the McKinney-Vento  
18 Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq., or a  
19 contact person at a school, including, without limitation, a school  
20 counselor or school social worker; and

21 (d) The placement in foster care of the pupil was not a factor in  
22 his or her behavior, as determined ~~fin-consultation~~ *after conducting*  
23 *a meeting* with a contact person at the school, including, without  
24 limitation, a school counselor or school social worker ~~{ }~~, *and the*  
25 *educational decision maker appointed for the pupil pursuant to*  
26 *NRS 432B.462.*

27 2. At least one teacher of a pupil who is enrolled in elementary  
28 school and at least two teachers of a pupil who is enrolled in junior  
29 high, middle school or high school may request that the principal of  
30 the school deem a pupil a habitual disciplinary problem. Upon such  
31 a request, the principal of the school shall meet with each teacher  
32 who made the request to review the pupil's record of discipline. If,  
33 after the review, the principal of the school determines that the



1 provisions of subsection 1 do not apply to the pupil, a teacher who  
2 submitted a request pursuant to this subsection may appeal that  
3 determination to the superintendent of the school district or the  
4 administrative head of the charter school or university school for  
5 profoundly gifted pupils, as applicable. Upon receipt of such a  
6 request, the superintendent or administrative head shall review the  
7 initial request and determination pursuant to the procedure  
8 established by the board of trustees of the school district or the  
9 governing body of the charter school or university school for  
10 profoundly gifted pupils, as applicable, for such matters.

11 3. If a pupil is suspended, the school in which the pupil is  
12 enrolled shall provide written notice to the parent or legal guardian  
13 of the pupil or, if the pupil is an unaccompanied pupil, the pupil that  
14 contains:

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

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

22 (c) An explanation that, pursuant to subsection 8 of NRS  
23 392.466, a pupil who is deemed a habitual disciplinary problem may  
24 be:

25 (1) Suspended from school; or

26 (2) Expelled from school under extraordinary circumstances  
27 as determined by the principal of the school;

28 (d) If the pupil is a pupil with a disability, an explanation of the  
29 effect of subsection 12 of NRS 392.466, including, without  
30 limitation, that if it is determined in accordance with 20 U.S.C. §  
31 1415 that the pupil's behavior is not a manifestation of the pupil's  
32 disability, he or she may be suspended or expelled from school in  
33 the same manner 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, including, without limitation, a pupil who is less  
40 than 11 years of age, is suspended, the school in which the pupil is  
41 enrolled shall develop, in consultation with the pupil and the parent  
42 or legal guardian of the pupil, a plan of behavior for the pupil. The  
43 parent or legal guardian of the pupil or, if the pupil is an  
44 unaccompanied pupil, the pupil may choose for the pupil not to  
45 participate in the plan of behavior. If the parent or legal guardian of



1 the pupil or the pupil chooses for the pupil not to participate, the  
2 school shall inform the parent or legal guardian or the pupil of the  
3 consequences of not participating in the plan of behavior. Such a  
4 plan must be designed to prevent the pupil from being deemed a  
5 habitual disciplinary problem and may include, without limitation:

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

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

10 (1) Expelled or suspended from a public school, including,  
11 without limitation, a charter school; or

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

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

16 (d) A voluntary agreement by the pupil and, if the pupil is not an  
17 unaccompanied pupil, the pupil's parent or legal guardian to attend  
18 counseling, programs or services available in the school, school  
19 district or community.

20 (e) A voluntary agreement by the pupil and, if the pupil is not an  
21 unaccompanied pupil, the pupil's parent or legal guardian that the  
22 pupil will attend summer school, intersession school or school on  
23 Saturday, if any of those alternatives are offered by the school or  
24 school district.

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

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

32 8. The parent or legal guardian of a pupil or, if the pupil is an  
33 unaccompanied pupil, a pupil who has entered into a plan of  
34 behavior with a school pursuant to this section may appeal to the  
35 superintendent of the school district or the administrative head of  
36 the charter school or university school for profoundly gifted pupils,  
37 as applicable, a determination made by the school concerning the  
38 contents of the plan of behavior or action taken by the school  
39 pursuant to the plan of behavior. Upon receipt of such a request, the  
40 superintendent of the school district or the administrative head of  
41 the charter school or university school for profoundly gifted pupils,  
42 as applicable, shall review the determination in accordance with the  
43 procedure established by the board of trustees of the school district  
44 or the governing body of the charter school or university school for  
45 profoundly gifted pupils, as applicable, for such matters.



1 9. As used in this section:

2 (a) "Foster care" has the meaning ascribed to it in 45 C.F.R. §  
3 1355.20.

4 (b) "Significant suspension" means the school in which the  
5 pupil is enrolled:

6 (1) Prohibits the pupil from attending school for 3 or more  
7 consecutive days; and

8 (2) Requires a conference or some other form of  
9 communication with the parent or legal guardian of the pupil before  
10 the pupil is allowed to return to school.

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

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

14 392.466 1. Except as otherwise provided in this section, any  
15 pupil who sells or distributes any controlled substance while on the  
16 premises of any public school, at an activity sponsored by a public  
17 school or on any school bus shall meet with the school and his or  
18 her parent or legal guardian. The school shall provide a plan of  
19 action based on restorative justice to the parent or legal guardian of  
20 the pupil or, if the pupil is an unaccompanied pupil, the pupil. The  
21 pupil may be suspended, expelled or permanently expelled from the  
22 school, except that:

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

25 (b) A pupil who is less than 6 years of age may be suspended  
26 pursuant to this subsection, and the suspension must be reviewed  
27 and approved by the superintendent of the school district or the  
28 administrative head of the charter school or university school for  
29 profoundly gifted pupils, as applicable, or his or her designee.

30 (c) For a pupil with a disability who has been suspended or  
31 expelled pursuant to this subsection, the school in which the pupil is  
32 enrolled shall make available to the pupil a free appropriate public  
33 education in compliance with the Individuals with Disabilities  
34 Education Act, 20 U.S.C. §§ 1400 et seq., for each school day the  
35 pupil is suspended or expelled after the pupil has been removed for  
36 10 cumulative days.

37 2. Except as otherwise provided in this section, any pupil who  
38 commits a battery against an employee of the school while on the  
39 premises of any public school, at an activity sponsored by a public  
40 school or on any school bus shall meet with the school and his or  
41 her parent or legal guardian. The school shall provide a plan of  
42 action based on restorative justice to the parent or legal guardian of  
43 the pupil or, if the pupil is an unaccompanied pupil, the pupil. The  
44 pupil may be suspended, expelled or permanently expelled from the  
45 school, except that:



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

3 (b) A pupil who is less than 6 years of age may be suspended  
4 pursuant to this subsection, and the suspension must be reviewed  
5 and approved by the superintendent of the school district or the  
6 administrative head of the charter school or university school for  
7 profoundly gifted pupils, as applicable, or his or her designee.

8 (c) For a pupil with a disability who has been suspended or  
9 expelled pursuant to this subsection, the school in which the pupil is  
10 enrolled shall make available to the pupil a free appropriate public  
11 education in compliance with the Individuals with Disabilities  
12 Education Act, 20 U.S.C. §§ 1400 et seq., for each school day the  
13 pupil is suspended or expelled after the pupil has been removed for  
14 10 cumulative days.

15 3. Except as otherwise provided in this section, any pupil who  
16 commits a battery which is intended to result in the bodily injury of  
17 an employee of the school while on the premises of any public  
18 school, at an activity sponsored by a public school or on any school  
19 bus shall meet with the school and his or her parent or legal  
20 guardian. The school shall provide a plan of action based on  
21 restorative justice to the parent or legal guardian of the pupil or, if  
22 the pupil is an unaccompanied pupil, the pupil. The pupil must be  
23 suspended, expelled or permanently expelled from the school,  
24 except that:

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

27 (b) A pupil who is less than 6 years of age may be suspended  
28 pursuant to this subsection, and the suspension must be reviewed  
29 and approved by the superintendent of the school district or the  
30 administrative head of the charter school or university school for  
31 profoundly gifted pupils, as applicable, or his or her designee.

32 (c) For a pupil with a disability who has been suspended or  
33 expelled pursuant to this subsection, the school in which the pupil is  
34 enrolled shall make available to the pupil a free appropriate public  
35 education in compliance with the Individuals with Disabilities  
36 Education Act, 20 U.S.C. §§ 1400 et seq., for each school day the  
37 pupil is suspended or expelled after the pupil has been removed for  
38 10 cumulative days.

39 4. An employee who is a victim of a battery which is intended  
40 to result in the bodily injury of an employee of the school may  
41 appeal to the school a plan of action provided pursuant to subsection  
42 3 if:

43 (a) The employee feels any actions taken pursuant to such plan  
44 are inappropriate; and



1 (b) For a pupil with a disability who committed the battery, the  
2 board of trustees of the school district or the governing body of the  
3 charter school or university school for profoundly gifted pupils, as  
4 applicable, or its designee has reviewed the circumstances and  
5 determined that such an appeal is in compliance with the Individuals  
6 with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.

7 5. Except as otherwise provided in this section, any pupil,  
8 including, without limitation, a pupil with a disability, who poses a  
9 continuing danger to persons or property or an ongoing threat of  
10 disrupting the academic process or who is found in possession of a  
11 dangerous weapon other than a firearm while on the premises of any  
12 public school, at an activity sponsored by a public school or on any  
13 school bus may be removed from the public school immediately  
14 upon being given an explanation of the reasons for the removal of  
15 the pupil and pending proceedings, which must be conducted as  
16 soon as practicable after removal, for his or her suspension,  
17 expulsion or permanent expulsion, except that:

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

20 (b) A pupil who is less than 6 years of age may be suspended  
21 pursuant to this subsection only after the suspension is reviewed and  
22 approved by the superintendent of the school district or the  
23 administrative head of the charter school or university school for  
24 profoundly gifted pupils, as applicable, or his or her designee.

25 (c) For a pupil with a disability who has been suspended or  
26 expelled pursuant to this subsection, the public school in which the  
27 pupil is enrolled shall make available to the pupil a free appropriate  
28 public education in compliance with the Individuals with  
29 Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., for each  
30 school day the pupil is suspended or expelled after the pupil has  
31 been removed for 10 cumulative days.

32 6. Except as otherwise provided in this section, any pupil,  
33 including, without limitation, a pupil with a disability, who is found  
34 in possession of a firearm while on the premises of any public  
35 school, at an activity sponsored by a public school or on any school  
36 bus must be removed from the public school immediately upon  
37 being given an explanation of the reasons for the removal of the  
38 pupil and pending proceedings, which must be conducted as soon as  
39 practicable after removal, for his or her suspension, expulsion or  
40 permanent expulsion. A pupil who is:

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

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



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

3 (d) Less than 6 years of age may be suspended pursuant to this  
4 subsection only after the suspension is reviewed and approved by  
5 the superintendent of the school district or the administrative head  
6 of the charter school or university school for profoundly gifted  
7 pupils, as applicable, or his or her designee.

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

15 7. If a school is unable to retain a pupil in the school pursuant  
16 to subsections 1 to 6, inclusive, for the safety of any person or  
17 because doing so would not be in the best interest of the pupil, the  
18 pupil may be suspended, expelled or placed in another school. If a  
19 pupil, including, without limitation, a pupil who is less than 11 years  
20 of age, is placed in another school, the current school of the pupil  
21 shall explain what services will be provided to the pupil at the new  
22 school that the current school is unable to provide to address the  
23 specific needs and behaviors of the pupil. The current school of the  
24 pupil shall coordinate with the new school to create a plan of action  
25 based on restorative justice for the pupil and to ensure that any  
26 resources required to execute the plan of action based on restorative  
27 justice are available at the new school.

28 8. Except as otherwise provided in this section, if a pupil is  
29 deemed a habitual disciplinary problem pursuant to NRS 392.4655  
30 and the school has made a reasonable effort to complete a plan of  
31 action based on restorative justice with the pupil, based on the  
32 seriousness of the acts which were the basis for the discipline, the  
33 pupil may be:

34 (a) Suspended from the school; or

35 (b) Expelled from the school under extraordinary circumstances  
36 as determined by the principal of the school.

37 9. If the pupil is expelled, or the period of the pupil's  
38 suspension is for one school semester, the pupil must:

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

41 (b) Enroll in a program of independent study provided pursuant  
42 to NRS 389.155 for pupils who have been suspended or expelled  
43 from public school or a program of distance education provided  
44 pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies





1 for enrollment and is accepted for enrollment in accordance with the  
2 requirements of the applicable program; or

3 (c) Enroll in a program of alternative education provided by the  
4 school district in which the pupil resides. Each school district shall,  
5 alone or through a partnership with another school district, provide a  
6 program of alternative education pursuant to this paragraph in an in-  
7 person setting that allows each pupil enrolled in the program to  
8 receive educational services in the least restrictive educational  
9 environment.

10 10. The superintendent of schools of a school district or the  
11 administrative head of a charter school or university school for  
12 profoundly gifted pupils, as applicable, may, for good cause shown  
13 in a particular case in that school district or public school, as  
14 applicable, allow a modification to a suspension or expulsion  
15 pursuant to subsections 1 to 8, inclusive, if such modification is set  
16 forth in writing. The superintendent or the administrative head of a  
17 charter school or university school for profoundly gifted pupils, as  
18 applicable, shall allow such a modification if he or she determines  
19 that a plan of action based on restorative justice may be used  
20 successfully.

21 11. This section does not prohibit a pupil from having in his or  
22 her possession a knife or firearm with the approval of the principal  
23 of the school. A principal may grant such approval only in  
24 accordance with the policies or regulations adopted by the board of  
25 trustees of the school district or the governing body of the charter  
26 school or university school for profoundly gifted pupils, as  
27 applicable.

28 12. Except as otherwise provided in subsection 5 or 6, a pupil  
29 with a disability who is at least 11 years of age may, in accordance  
30 with the procedural policy adopted by the board of trustees of the  
31 school district or the governing body of the charter school or  
32 university school for profoundly gifted pupils, as applicable, for  
33 such matters and only after the board of trustees of the school  
34 district or governing body, as applicable, or its designee has  
35 reviewed the circumstances and determined that the action is in  
36 compliance with the Individuals with Disabilities Education Act, 20  
37 U.S.C. §§ 1400 et seq., be:

38 (a) Suspended from school pursuant to this section for not more  
39 than 10 days. Such a suspension may be imposed pursuant to this  
40 paragraph for each occurrence of conduct proscribed by  
41 subsection 1.

42 (b) Expelled from school pursuant to this section.

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

44 13. A homeless pupil or a pupil in foster care may be  
45 suspended from school pursuant to this section for not more than 5



1 days if, following a review of all available information ~~[.]~~ *and, if an*  
2 *educational decision maker has been appointed for the pupil*  
3 *pursuant to NRS 432B.462, a meeting with the educational*  
4 *decision maker for the pupil,* the principal determines that the  
5 conduct of the pupil poses an ongoing threat to the pupil or other  
6 persons at the school and if a determination is made that  
7 homelessness or being in foster care was not a factor in the behavior  
8 that led to the consideration for suspension or expulsion. The person  
9 responsible for making a determination of whether or not  
10 homelessness or being in foster care was a factor in the behavior  
11 shall presume that homelessness or being in foster care was ~~[not]~~ a  
12 factor in the behavior unless the person determines otherwise  
13 pursuant to this subsection. A determination that homelessness was  
14 not a factor in the behavior must be made ~~[in consultation]~~ *after*  
15 *conducting a meeting* with the local educational agency liaison for  
16 homeless pupils designated in accordance with the McKinney-Vento  
17 Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq., or a  
18 contact person at a school, including, without limitation, a school  
19 counselor or school social worker. A determination that being in  
20 foster care was not a factor in the behavior must be made ~~[in~~  
21 ~~consultation]~~ *after conducting a meeting* with an advocate for  
22 pupils in foster care at the school in which the pupil is enrolled or  
23 the school counselor of the pupil ~~[.]~~ *and, if an educational decision*  
24 *maker has been appointed for the pupil pursuant to NRS*  
25 *432B.462, the educational decision maker for the pupil.*

26 14. The principal of a public school may, at his or her  
27 discretion, reduce or eliminate the period of suspension, convert an  
28 expulsion to a suspension or otherwise reduce, eliminate or alter a  
29 disciplinary action imposed upon a pupil who commits a battery  
30 which results in the bodily injury of an employee of the school.

31 15. The principal of a public school may reduce the period of  
32 suspension or convert an expulsion to a suspension for a pupil who  
33 distributes a controlled substance while on the premises of a public  
34 school, at an activity sponsored by a public school or on a school  
35 bus if:

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

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

45 17. As used in this section:



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

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

7 (c) "Dangerous weapon" includes, without limitation, a  
8 blackjack, slungshot, billy, sand-club, sandbag, metal knuckles, dirk  
9 or dagger, a nunchaku or trefoil, as defined in NRS 202.350, a  
10 butterfly knife or any other knife described in NRS 202.350, a  
11 switchblade knife as defined in NRS 202.265, or any other object  
12 which is used, or threatened to be used, in such a manner and under  
13 such circumstances as to pose a threat of, or cause, bodily injury to a  
14 person.

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

19 (e) "Foster care" has the meaning ascribed to it in 45 C.F.R. §  
20 1355.20.

21 (f) "Homeless pupil" has the meaning ascribed to the term  
22 "homeless children and youths" in 42 U.S.C. § 11434a(2).

23 (g) "Permanently expelled" means the disciplinary removal of a  
24 pupil from the school in which the pupil is currently enrolled:

25 (1) Except as otherwise provided in subparagraph (2),  
26 without the possibility of returning to the school in which the pupil  
27 is currently enrolled or another public school within the school  
28 district; and

29 (2) With the possibility of enrolling in a program or public  
30 school for alternative education for pupils who are expelled or  
31 permanently expelled after being permanently expelled.

32 (h) "Restorative justice" has the meaning ascribed to it in  
33 NRS 392.472.

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

36 18. The provisions of this section do not prohibit a pupil who is  
37 suspended or expelled from enrolling in a charter school that is  
38 designed exclusively for the enrollment of pupils with disciplinary  
39 problems if the pupil is accepted for enrollment by the charter  
40 school pursuant to NRS 388A.453 or 388A.456. Upon request, the  
41 governing body of a charter school must be provided with access to  
42 the records of the pupil relating to the pupil's suspension or  
43 expulsion in accordance with applicable federal and state law before  
44 the governing body makes a decision concerning the enrollment of  
45 the pupil.



1       **Sec. 3.** NRS 392.467 is hereby amended to read as follows:

2       392.467 1. Except as otherwise provided in subsections 5 and  
3 6 and NRS 392.466, the board of trustees of a school district or the  
4 governing body of a charter school or university school for  
5 profoundly gifted pupils, as applicable, or its designee may  
6 authorize the suspension or expulsion of any pupil who is at least 11  
7 years of age from a public school. Except as otherwise provided in  
8 this subsection and subsections 5 and 6 of NRS 392.466, a pupil  
9 who is at least 6 years of age but less than 11 years of age must not  
10 be expelled or permanently expelled from school. In extraordinary  
11 circumstances, a school may request an exception to the prohibition  
12 set forth in this subsection against expelling or permanently  
13 expelling a pupil who is less than 11 years of age from school from  
14 the board of trustees of the school district or the governing body of  
15 the charter school or university school, as applicable.

16       2. A pupil who is less than 6 years of age must not be  
17 permanently expelled from school.

18       3. Except as otherwise provided in subsection 6, no pupil may  
19 be suspended or expelled until the pupil has been given notice of the  
20 charges against him or her, an explanation of the evidence and an  
21 opportunity to schedule a hearing, except that a pupil who:

- 22       (a) Poses a continuing danger to persons or property;  
23       (b) Is an ongoing threat of disrupting the academic process;  
24       (c) Is selling or distributing any controlled substance; or  
25       (d) Is found to be in possession of a firearm or a dangerous  
26 weapon as provided in NRS 392.466,

27       ↪ may be removed from the school immediately upon being given  
28 an explanation of the reasons for his or her removal and pending  
29 proceedings, to be conducted as soon as practicable after removal,  
30 for the pupil's suspension or expulsion.

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

34       5. The board of trustees of a school district or the governing  
35 body of a charter school or university school for profoundly gifted  
36 pupils, as applicable, or its designee shall not authorize the  
37 expulsion, suspension or removal of any pupil from the public  
38 school system solely for offenses related to attendance or because  
39 the pupil is declared a truant or habitual truant in accordance with  
40 NRS 392.130 or 392.140.

41       6. A pupil with a disability may, in accordance with the  
42 procedural policy adopted by the board of trustees of the school  
43 district or the governing body of the charter school or university  
44 school for profoundly gifted pupils, as applicable, for such matters  
45 and only after an administrative review of the circumstances and a



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

3 (a) Suspended from school pursuant to this section for not more  
4 than 10 days for each occurrence of proscribed conduct.

5 (b) Expelled from school pursuant to this section.

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

7 7. A homeless pupil or a pupil in foster care may be suspended  
8 from school pursuant to this section for not more than 5 days if,  
9 following a review of all available information ~~[ ]~~ *and, if an*  
10 *educational decision maker has been appointed for the pupil*  
11 *pursuant to NRS 432B.462, a meeting with the educational*  
12 *decision maker for the pupil*, the principal determines that the  
13 conduct of the pupil poses an ongoing threat to the pupil or other  
14 persons at the school and if a determination is made that  
15 homelessness or being in foster care was not a factor in the behavior  
16 that led to the consideration for suspension or expulsion. The person  
17 responsible for making a determination of whether or not  
18 homelessness or being in foster care was a factor in the behavior  
19 shall presume that homelessness or being in foster care was ~~[not]~~ a  
20 factor in the behavior unless the person determines otherwise  
21 pursuant to this subsection. A determination that homelessness was  
22 not a factor in the behavior must be made ~~[in consultation]~~ *after*  
23 *conducting a meeting* with the local educational agency liaison for  
24 homeless pupils designated in accordance with the McKinney-Vento  
25 Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq., or a  
26 contact person at a school, including, without limitation, a school  
27 counselor or school social worker. A determination that being in  
28 foster care was not a factor in the behavior must be made ~~[in~~  
29 ~~consultation]~~ *after conducting a meeting* with an advocate for  
30 pupils in foster care at the school in which the pupil is enrolled or  
31 the school counselor of the pupil ~~[ ]~~ *and, if an educational decision*  
32 *maker has been appointed for the pupil pursuant to NRS*  
33 *432B.462, the educational decision maker for the pupil.*

34 8. As used in this section:

35 (a) "Foster care" has the meaning ascribed to it in 45 C.F.R. §  
36 1355.20.

37 (b) "Homeless pupil" has the meaning ascribed to the term  
38 "homeless children and youths" in 42 U.S.C. § 11434a(2).

39 (c) "Permanently expelled" means the disciplinary removal of a  
40 pupil from the school in which the pupil is currently enrolled:

41 (1) Except as otherwise provided in subparagraph (2),  
42 without the possibility of returning to the school in which the pupil  
43 is 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. 4.** This act becomes effective on July 1, 2025.





