

SENATE BILL NO. 354—COMMITTEE ON EDUCATION

MARCH 25, 2021

Referred to Committee on Education

SUMMARY—Revises provisions relating to education. (BDR 34-842)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§§ 3, 5, 6, 12) (NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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; providing for the inclusion of an indicator to recognize public schools that reduce the frequency of suspension, expulsion or removal of pupils from school in the statewide system of accountability; requiring the Department of Education to develop a statewide framework for restorative justice; providing for the inclusion of unaccompanied pupils in certain procedures related to the discipline of pupils; providing for the consideration of homelessness in the discipline of pupils; extending the requirement to establish a plan of action based on restorative justice to the suspension and removal of pupils from public school; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 Existing law establishes a statewide system of accountability for public schools.
- 2 (NRS 385A.600) **Section 1** of this bill requires the Department of Education to
- 3 include in the statewide system of accountability for public schools an indicator to
- 4 recognize public schools that reduce the frequency of suspension, expulsion or
- 5 removal of pupils from school.
- 6 Existing law establishes provisions related to the discipline of pupils, including,
- 7 without limitation, suspending, expelling or removing a pupil from school. (NRS
- 8 392.461-392.472) Existing law prohibits a public school from expelling a pupil
- 9 from school without first providing a plan of action based on restorative justice.
- 10 Under existing law, the Department must develop one or more examples of a plan
- 11 of action based on restorative justice. (NRS 392.472) **Section 12** of this bill



12 additionally prohibits a public school from suspending or removing a pupil from
13 school without first providing a plan of action based on restorative justice. **Section**
14 **2** of this bill requires the Department to develop a statewide framework for
15 restorative justice. **Section 2** sets forth various requirements for the statewide
16 framework.

17 Existing law requires each public school to collect data on the discipline of
18 pupils. (NRS 392.462) **Section 3** of this bill requires the data to be disaggregated
19 by certain subgroups of pupils and types of offense and, to the extent allowed under
20 federal law, be posted on the Internet website of the school.

21 Under existing law, the board of trustees of each school district shall establish a
22 plan to provide for the restorative discipline of pupils, which must be developed
23 with the input of certain school personnel and the parents and guardians of pupils.
24 (NRS 392.4644) Existing law requires the plan to provide for the restorative
25 discipline of pupils to also provide for the temporary removal of a pupil from a
26 classroom or other premises of a public school. (NRS 392.4645) **Section 5** of this
27 bill requires the board of trustees of each school district to also obtain input from
28 pupils who are enrolled in schools in the school district and requires that the plan to
29 provide for the restorative discipline of pupils align with the statewide framework
30 for restorative justice developed pursuant to **section 2**. **Section 6** of this bill
31 requires that a public school must offer certain services to a pupil who is
32 temporarily removed from school.

33 Existing law provides for the suspension or expulsion of a pupil from a public
34 school in certain circumstances. (NRS 392.466, 392.467) Existing law establishes
35 various provisions related to the procedure for suspending, expelling or removing a
36 pupil from school. (NRS 392.4646, 392.4655, 392.4657) **Sections 6-9** of this bill
37 revise provisions relating to the participation of unaccompanied pupils in any
38 procedures related to the suspension, expulsion or removal of the pupil from
39 school. **Sections 6-8** of this bill require the consideration of the effects of
40 homelessness in suspending, expelling or removing a pupil from school. **Sections**
41 **10 and 11** of this bill prohibit a pupil from being suspended or expelled from
42 school unless it has been determined that the behavior of the pupil was not caused
43 by homelessness.

44 **Section 4** of this bill makes a conforming change related to the reference of
45 subsection numbers changed in **section 10**.

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

1 **Section 1.** Chapter 385A of NRS is hereby amended by
2 adding thereto a new section to read as follows:

3 *The Department shall include in the statewide system of*
4 *accountability for public schools an indicator to recognize public*
5 *schools that reduce the frequency of the suspension, expulsion or*
6 *removal of pupils from school as a means of discipline, including,*
7 *without limitation, a reduction in the occurrences of the*
8 *suspension, expulsion or removal of pupils that disproportionately*
9 *affect pupils who belong to a group of pupils listed in subsection 2*
10 *of NRS 385A.250.*



1 **Sec. 2.** Chapter 392 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 1. *To the extent that money is available, the Department shall*
4 *develop a statewide framework for restorative justice. The*
5 *statewide framework must, without limitation:*

6 (a) *In accordance with NRS 392.472, establish standards for a*
7 *plan of action based on restorative justice to enable a public*
8 *school to address the unique needs of pupils enrolled in the*
9 *school;*

10 (b) *Provide for the identification of and address the needs of*
11 *homeless pupils, unaccompanied pupils or pupils in foster care;*

12 (c) *Address the occurrences of the suspension, expulsion or*
13 *removal of pupils from school that disproportionately affect pupils*
14 *who belong to a group of pupils listed in subsection 2 of*
15 *NRS 385A.250;*

16 (d) *Provide for the improvement of school climate, culture and*
17 *safety and pupil outcomes by providing information on, without*
18 *limitation:*

19 (1) *Multi-tiered systems of support;*

20 (2) *Early warning systems;*

21 (3) *Positive behavioral interventions and support;*

22 (4) *The provision of school social workers;*

23 (5) *Curriculum on social and emotional learning; and*

24 (6) *Trauma-informed practices; and*

25 (e) *Provide for training for teachers, administrators and other*
26 *school staff in:*

27 (1) *Child and adolescent development;*

28 (2) *Restorative justice, including, without limitation,*
29 *positive behavioral interventions and support, conflict resolution*
30 *and de-escalation techniques; and*

31 (3) *Psychology, trauma and chronic stress, the effect of*
32 *trauma and chronic stress on pupils and learning and effective*
33 *responses to trauma and chronic stress.*

34 2. *The Department may apply for grants, gifts and donations*
35 *of money to carry out the objectives of the statewide framework for*
36 *restorative justice.*

37 3. *As used in this section:*

38 (a) *“Foster care” has the meaning ascribed to it in 45 C.F.R. §*
39 *1355.20.*

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

42 (c) *“Restorative justice” has the meaning ascribed to it in*
43 *NRS 392.472.*

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



1 **Sec. 3.** NRS 392.462 is hereby amended to read as follows:
2 392.462 Each public school shall collect data on the discipline
3 of pupils. Such data must include, without limitation, the number of
4 expulsions and suspensions of pupils and the number of placements
5 of pupils in another school. Such data must be disaggregated into
6 *the subgroups of pupils listed in subsection 2 of NRS 385A.250* and
7 the types of offense. The principal of each public school shall:

- 8 1. Review the data and take appropriate action; ~~and~~
9 2. Report the data to the board of trustees of the school district
10 each quarter ~~and~~; *and*

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

14 **Sec. 4.** NRS 392.4634 is hereby amended to read as follows:

15 392.4634 1. Except as otherwise provided in subsection 3, a
16 pupil enrolled in kindergarten or grades 1 to 8, inclusive, may not be
17 disciplined, including, without limitation, pursuant to NRS 392.466,
18 for:

- 19 (a) Simulating a firearm or dangerous weapon while playing; or
20 (b) Wearing clothing or accessories that depict a firearm or
21 dangerous weapon or express an opinion regarding a constitutional
22 right to keep and bear arms, unless it substantially disrupts the
23 educational environment.

24 2. Simulating a firearm or dangerous weapon includes, without
25 limitation:

- 26 (a) Brandishing a partially consumed pastry or other food item
27 to simulate a firearm or dangerous weapon;
28 (b) Possessing a toy firearm or toy dangerous weapon that is 2
29 inches or less in length;
30 (c) Possessing a toy firearm or toy dangerous weapon made of
31 plastic building blocks which snap together;
32 (d) Using a finger or hand to simulate a firearm or dangerous
33 weapon;
34 (e) Drawing a picture or possessing an image of a firearm or
35 dangerous weapon; and
36 (f) Using a pencil, pen or other writing or drawing implement to
37 simulate a firearm or dangerous weapon.

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

- 42 (a) Substantially disrupts learning by pupils or substantially
43 disrupts the educational environment at the school;
44 (b) Causes bodily harm to another person; or
45 (c) Places another person in reasonable fear of bodily harm.



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

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

9 6. As used in this section:

10 (a) "Dangerous weapon" has the meaning ascribed to it in
11 ~~paragraph (b) of subsection 11 of~~ NRS 392.466.

12 (b) "Firearm" has the meaning ascribed to it in ~~paragraph (e) of~~
13 ~~subsection 11 of~~ NRS 392.466.

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

15 392.4644 1. The board of trustees of each school district shall
16 establish a plan to provide for the restorative discipline of pupils and
17 on-site review of disciplinary decisions. The plan must:

18 (a) Be developed with the input and participation of teachers,
19 school administrators and other educational personnel and support
20 personnel who are employed by the school district, *pupils who are*
21 *enrolled in schools within the school district* and the parents and
22 guardians of pupils who are enrolled in schools within the school
23 district.

24 (b) Be consistent with the written rules of behavior prescribed in
25 accordance with NRS 392.463.

26 (c) Include, without limitation, provisions designed to address
27 the specific disciplinary needs and concerns of each school within
28 the school district.

29 (d) Provide restorative disciplinary practices which include,
30 without limitation:

31 (1) Holding a pupil accountable for his or her behavior;

32 (2) Restoration or remedies related to the behavior of the
33 pupil;

34 (3) Relief for any victim of the pupil; and

35 (4) Changing the behavior of the pupil.

36 (e) Provide for the temporary removal of a pupil from a
37 classroom or other premises of a public school in accordance with
38 NRS 392.4645.

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

41 (g) Include the names of any members of a committee to review
42 the temporary alternative placement of pupils required by
43 NRS 392.4647.

44 (h) *Be in accordance with the statewide framework for*
45 *restorative justice developed pursuant to section 2 of this act,*



1 *including, without limitation, by addressing the occurrences of the*
2 *suspension, expulsion or removal of pupils from school that*
3 *disproportionately affect pupils who belong to a group of pupils*
4 *listed in subsection 2 of NRS 385A.250.*

5 (i) Be posted on the Internet website maintained by the school
6 district.

7 2. On or before September 15 of each year, the principal of
8 each public school shall:

9 (a) Review the plan established by subsection 1 in consultation
10 with the teachers, school administrators and other educational
11 personnel and support personnel who are employed at the school
12 and the parents and guardians of pupils and the pupils who are
13 enrolled in the school;

14 (b) *Determine whether and to what extent the occurrences of*
15 *the suspension, expulsion or removal of pupils from school*
16 *disproportionately affect pupils who belong to a group of pupils*
17 *listed in subsection 2 of NRS 385A.250;*

18 (c) Based upon the review, recommend to the board of trustees
19 of the school district revisions to the plan, as recommended by the
20 teachers, school administrators and other educational personnel and
21 support personnel and the parents and guardians of pupils and the
22 pupils who are enrolled in the school, if necessary;

23 ~~[(e)]~~ (d) Post a copy of the plan or the revised plan, as provided
24 by the school district, on the Internet website maintained by the
25 school; and

26 ~~[(d)]~~ (e) Distribute to each teacher, school administrator and all
27 educational support personnel who are employed at or assigned to
28 the school a written or electronic copy of the plan or the revised
29 plan, as provided by the school district.

30 3. On or before November 15 of each year, the board of
31 trustees of each school district shall:

32 (a) Submit a written report to the Superintendent of Public
33 Instruction that reports the progress of each school within the
34 district in complying with the requirements of this section ~~[(1)]~~ ,
35 *including, without limitation, addressing the occurrences of the*
36 *suspension, expulsion or removal of pupils from school that*
37 *disproportionately affect pupils who belong to a group of pupils*
38 *listed in subsection 2 of NRS 385A.250;* and

39 (b) Post a copy of the report on the Internet website maintained
40 by the school district.

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

43 **Sec. 6.** NRS 392.4645 is hereby amended to read as follows:

44 392.4645 1. ~~[(The)]~~ *Except as otherwise provided in*
45 *subsection 5, the* plan established pursuant to NRS 392.4644 must



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

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

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

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

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

26 3. The principal shall not assign a pupil to a temporary
27 alternative placement if the suspension or expulsion of a pupil who
28 is removed from the classroom pursuant to 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 **4. A public school must offer a pupil who is removed from a**
37 **classroom or any other premises of the public school pursuant to**
38 **this section for more than 1 school day:**

39 **(a) Education services to prevent the pupil from losing**
40 **academic credit or becoming disengaged from school during the**
41 **period the pupil is removed from a classroom or any other**
42 **premises of the public school; and**

43 **(b) Appropriate positive behavioral interventions and support,**
44 **trauma-informed support and a referral to a school social worker**
45 **or school counselor.**



1 5. *Before removing a pupil from a classroom or any other*
2 *premises of a public school pursuant to this section for more than*
3 *1 school day, the principal of the school must contact the local*
4 *educational agency liaison for homeless pupils designated in*
5 *accordance with the McKinney-Vento Homeless Assistance Act of*
6 *1987, 42 U.S.C. §§ 11301 et seq., to make a determination of*
7 *whether the pupil is a homeless pupil.*

8 6. *As used in this section, “homeless pupil” has the meaning*
9 *ascribed to the term “homeless children and youths” in 42 U.S.C.*
10 *§ 11434a(2).*

11 **Sec. 7.** NRS 392.4646 is hereby amended to read as follows:

12 392.4646 1. Except as otherwise provided in this section, not
13 later than 3 school days after a pupil is removed from a classroom or
14 any other premises of a public school pursuant to NRS 392.4645, a
15 conference must be held with:

16 (a) The pupil;

17 (b) A parent or legal guardian of the pupil ~~{;}~~, *unless the pupil*
18 *is an unaccompanied pupil;*

19 (c) The principal of the school; and

20 (d) The teacher or other staff member who removed the pupil.

21 ➔ The principal shall give an oral ~~{or}~~ *and* written notice of the
22 conference ~~{, as appropriate,}~~ to each person who is required to
23 participate.

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

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

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



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

3 (b) The failure to hold a conference is attributed to the action or
4 inaction of the pupil , *including, without limitation, an*
5 *unaccompanied pupil*, or the parent or legal guardian of the pupil;
6 or

7 (c) The parent or legal guardian requested that the date of the
8 conference be postponed.

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

23 6. Upon conclusion of the conference or, if a conference is not
24 held pursuant to subsection 3 not later than 3 school days after the
25 removal of a pupil from a classroom or other premises of a public
26 school, the principal shall recommend whether to return the pupil to
27 the classroom or other premises or continue the temporary
28 alternative placement of the pupil if the pupil has been assigned to a
29 temporary alternative placement.

30 *7. As used in this section:*

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

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

35 **Sec. 8.** NRS 392.4655 is hereby amended to read as follows:

36 392.4655 1. Except as otherwise provided in this section, a
37 principal of a school shall deem a pupil enrolled in the school a
38 habitual disciplinary problem if the school has written evidence
39 which documents that in 1 school year:

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

44 (b) The pupil has not entered into and participated in a plan of
45 behavior pursuant to subsection 5 ~~and~~; *and*



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

2 2. At least one teacher of a pupil who is enrolled in elementary
3 school and at least two teachers of a pupil who is enrolled in junior
4 high, middle school or high school may request that the principal of
5 the school deem a pupil a habitual disciplinary problem. Upon such
6 a request, the principal of the school shall meet with each teacher
7 who made the request to review the pupil's record of discipline. If,
8 after the review, the principal of the school determines that the
9 provisions of subsection 1 do not apply to the pupil, a teacher who
10 submitted a request pursuant to this subsection may appeal that
11 determination to the board of trustees of the school district. Upon
12 receipt of such a request, the board of trustees shall review the initial
13 request and determination pursuant to the procedure established by
14 the board of trustees for such matters.

15 3. If a pupil is suspended, the school in which the pupil is
16 enrolled shall provide written notice to the parent or legal guardian
17 of the pupil *or, if the pupil is an unaccompanied pupil, the pupil*
18 that contains:

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

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

25 (c) An explanation that, pursuant to subsection 5 of NRS
26 392.466, a pupil who is deemed a habitual disciplinary problem may
27 be:

28 (1) Suspended from school for a period not to exceed one
29 school semester as determined by the seriousness of the acts which
30 were the basis for the discipline; or

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

33 (d) If the pupil has a disability and is participating in a program
34 of special education pursuant to NRS 388.419, an explanation of the
35 effect of subsection 10 of NRS 392.466, including, without
36 limitation, that if it is determined in accordance with 20 U.S.C. §
37 1415 that the pupil's behavior is not a manifestation of the pupil's
38 disability, he or she may be suspended or expelled from school in
39 the same manner as a pupil without a disability; and

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

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



1 5. If a pupil is suspended, the school in which the pupil is
2 enrolled shall develop, in consultation with the pupil and the parent
3 or legal guardian of the pupil, a plan of behavior for the pupil. The
4 parent or legal guardian of the pupil *or, if the pupil is an*
5 *unaccompanied pupil, the pupil* may choose for the pupil not to
6 participate in the plan of behavior. If the parent or legal guardian of
7 the pupil *or the pupil* chooses for the pupil not to participate, the
8 school shall inform the parent or legal guardian *or the pupil* of the
9 consequences of not participating in the plan of behavior. Such a
10 plan must be designed to prevent the pupil from being deemed a
11 habitual disciplinary problem and may include, without limitation:

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

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

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

18 (2) Deemed to be a habitual disciplinary problem pursuant to
19 this section.

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

22 (d) A voluntary agreement by the pupil and *, if the pupil is not*
23 *an unaccompanied pupil*, the pupil's parent or legal guardian to
24 attend counseling, programs or services available in the school
25 district or community.

26 (e) A voluntary agreement by the pupil and *, if the pupil is not*
27 *an unaccompanied pupil*, the pupil's parent or legal guardian that
28 the pupil will attend summer school, intersession school or school
29 on Saturday, if any of those alternatives are offered by the school
30 district.

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

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

38 8. The parent or legal guardian of a pupil *or, if the pupil is an*
39 *unaccompanied pupil, a pupil* who has entered into a plan of
40 behavior with a school pursuant to this section may appeal to the
41 board of trustees of the school district a determination made by the
42 school concerning the contents of the plan of behavior or action
43 taken by the school pursuant to the plan of behavior. Upon receipt of
44 such a request, the board of trustees of the school district shall



1 review the determination in accordance with the procedure
2 established by the board of trustees for such matters.

3 **9.** *As used in this section, “unaccompanied pupil” has the*
4 *meaning ascribed to the term “unaccompanied youth” in 42*
5 *U.S.C. § 11434a(6).*

6 **Sec. 9.** NRS 392.4657 is hereby amended to read as follows:

7 392.4657 **1.** A pupil shall be deemed suspended from school
8 if the school in which the pupil is enrolled:

9 ~~1.~~ **(a)** Prohibits the pupil from attending school for 3 or more
10 consecutive days; and

11 ~~2.~~ **(b)** Requires a conference or some other form of
12 communication with the parent or legal guardian of the pupil *or, if*
13 *the pupil is an unaccompanied pupil, the pupil* before the pupil is
14 allowed to return to school.

15 **2.** *As used in this section “unaccompanied pupil” has the*
16 *meaning ascribed to the term “unaccompanied youth” in 42*
17 *U.S.C. § 11434a(6).*

18 **Sec. 10.** NRS 392.466 is hereby amended to read as follows:

19 392.466 **1.** Except as otherwise provided in this section, any
20 pupil who commits a battery which results in the bodily injury of an
21 employee of the school or who sells or distributes any controlled
22 substance while on the premises of any public school, at an activity
23 sponsored by a public school or on any school bus and who is at
24 least 11 years of age shall meet with the school and his or her parent
25 or legal guardian. The school shall provide a plan of action based on
26 restorative justice to the parent or legal guardian of the pupil ~~1.~~ *or,*
27 *if the pupil is an unaccompanied pupil, the pupil.* The pupil may
28 be expelled from the school, in which case the pupil shall:

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

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

37 **2.** An employee who is a victim of a battery which results in
38 the bodily injury of an employee of the school may appeal to the
39 school the plan of action provided pursuant to subsection 1 if:

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

42 (b) For a pupil who committed the battery and is participating in
43 a program of special education pursuant to NRS 388.419, the board
44 of trustees of the school district has reviewed the circumstances and



1 determined that such an appeal is in compliance with the Individuals
2 with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.

3 3. Except as otherwise provided in this section, any pupil who
4 is found in possession of a firearm or a dangerous weapon while on
5 the premises of any public school, at an activity sponsored by a
6 public school or on any school bus must, for the first occurrence, be
7 expelled from the school for a period of not less than 1 year,
8 although the pupil may be placed in another kind of school for a
9 period not to exceed the period of the expulsion. For a second
10 occurrence, the pupil must be permanently expelled from the school
11 and:

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

14 (b) Enroll in a program of independent study provided pursuant
15 to NRS 389.155 for pupils who have been suspended or expelled
16 from public school or a program of distance education provided
17 pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies
18 for enrollment and is accepted for enrollment in accordance with the
19 requirements of the applicable program.

20 4. If a school is unable to retain a pupil in the school pursuant
21 to subsection 1 for the safety of any person or because doing so
22 would not be in the best interest of the pupil, the pupil may be
23 suspended, expelled or placed in another school. If a pupil is placed
24 in another school, the current school of the pupil shall explain what
25 services will be provided to the pupil at the new school that the
26 current school is unable to provide to address the specific needs and
27 behaviors of the pupil. The school district of the current school
28 of the pupil shall coordinate with the new school or the board of
29 trustees of the school district of the new school to create a plan of
30 action based on restorative justice for the pupil and to ensure that
31 any resources required to execute the plan of action based on
32 restorative justice are available at the new school.

33 5. Except as otherwise provided in this section, if a pupil is
34 deemed a habitual disciplinary problem pursuant to NRS 392.4655,
35 the pupil is at least 11 years of age and the school has made a
36 reasonable effort to complete a plan of action based on restorative
37 justice with the pupil, the pupil may be:

38 (a) Suspended from the school for a period not to exceed one
39 school semester as determined by the seriousness of the acts which
40 were the basis for the discipline; or

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

43 6. If the pupil is expelled, or the period of the pupil's
44 suspension is for one school semester, the pupil must:



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

3 (b) Enroll in a program of independent study provided pursuant
4 to NRS 389.155 for pupils who have been suspended or expelled
5 from public school or a program of distance education provided
6 pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies
7 for enrollment and is accepted for enrollment in accordance with the
8 requirements of the applicable program.

9 7. The superintendent of schools of a school district may, for
10 good cause shown in a particular case in that school district, allow a
11 modification to a suspension or expulsion pursuant to subsections 1
12 to 5, inclusive, if such modification is set forth in writing. The
13 superintendent shall allow such a modification if the superintendent
14 determines that a plan of action based on restorative justice may be
15 used successfully.

16 8. This section does not prohibit a pupil from having in his or
17 her possession a knife or firearm with the approval of the principal
18 of the school. A principal may grant such approval only in
19 accordance with the policies or regulations adopted by the board of
20 trustees of the school district.

21 9. Except as otherwise provided in this section, a pupil who is
22 not more than 10 years of age must not be permanently expelled
23 from school. In extraordinary circumstances, a school may request
24 an exception to this subsection from the board of trustees of the
25 school district. A pupil who is at least 11 years of age may be
26 suspended from school or permanently expelled from school
27 pursuant to this section only after the board of trustees of the school
28 district has reviewed the circumstances and approved this action in
29 accordance with the procedural policy adopted by the board for such
30 issues.

31 10. A pupil who is at least 11 years of age and who is
32 participating in a program of special education pursuant to NRS
33 388.419 may, in accordance with the procedural policy adopted by
34 the board of trustees of the school district for such matters and only
35 after the board of trustees of the school district has reviewed the
36 circumstances and determined that the action is in compliance with
37 the Individuals with Disabilities Education Act, 20 U.S.C. § 1400
38 et seq., be:

39 (a) Suspended from school pursuant to this section for not more
40 than 5 days. Such a suspension may be imposed pursuant to this
41 paragraph for each occurrence of conduct proscribed by subsection
42 1.

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

44 11. *A homeless pupil who is at least 11 years of age may be*
45 *suspended or expelled from school pursuant to this section only if*



1 *a determination is made that the behavior that led to the*
2 *consideration for suspension or expulsion was not caused by*
3 *homelessness. A determination that the behavior was not caused*
4 *by homelessness must be made in consultation with the local*
5 *educational agency liaison for homeless pupils designated in*
6 *accordance with the McKinney-Vento Homeless Assistance Act of*
7 *1987, 42 U.S.C. §§ 11301 et seq.*

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

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

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

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

23 (d) *"Homeless pupil" has the meaning ascribed to the term*
24 *"homeless children and youths" in 42 U.S.C. § 11434a(2).*

25 (e) "Restorative justice" has the meaning ascribed to it in
26 subsection 6 of NRS 392.472.

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

29 ~~12.~~ **13.** The provisions of this section do not prohibit a pupil
30 who is suspended or expelled from enrolling in a charter school that
31 is designed exclusively for the enrollment of pupils with disciplinary
32 problems if the pupil is accepted for enrollment by the charter
33 school pursuant to NRS 388A.453 or 388A.456. Upon request, the
34 governing body of a charter school must be provided with access to
35 the records of the pupil relating to the pupil's suspension or
36 expulsion in accordance with applicable federal and state law before
37 the governing body makes a decision concerning the enrollment of
38 the pupil.

39 **Sec. 11.** NRS 392.467 is hereby amended to read as follows:

40 392.467 1. Except as otherwise provided in subsections 5 and
41 6 and NRS 392.466, the board of trustees of a school district may
42 authorize the suspension or expulsion of any pupil who is at least 11
43 years of age from any public school within the school district.
44 Except as otherwise provided in NRS 392.466, a pupil who is not



1 more than 10 years of age must not be permanently expelled from
2 school.

3 2. Except as otherwise provided in subsection 6, no pupil may
4 be suspended or expelled until the pupil has been given notice of the
5 charges against him or her, an explanation of the evidence and an
6 opportunity for a hearing, except that a pupil who is found to be in
7 possession of a firearm or a dangerous weapon as provided in NRS
8 392.466 may be removed from the school immediately upon being
9 given an explanation of the reasons for his or her removal and
10 pending proceedings, to be conducted as soon as practicable after
11 removal, for the pupil's suspension or expulsion.

12 3. The board of trustees of a school district may authorize the
13 expulsion, suspension or removal of a pupil who has been charged
14 with a crime from the school at which the pupil is enrolled
15 regardless of the outcome of any criminal or delinquency
16 proceedings brought against the pupil only if the school:

17 (a) Conducts an independent investigation of the conduct of the
18 pupil; and

19 (b) Gives notice of the charges brought against the pupil by the
20 school to the pupil.

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

24 5. The board of trustees of a school district shall not authorize
25 the expulsion, suspension or removal of any pupil from the public
26 school system solely for offenses related to attendance or because
27 the pupil is declared a truant or habitual truant in accordance with
28 NRS 392.130 or 392.140.

29 6. A pupil who is participating in a program of special
30 education pursuant to NRS 388.419, other than a pupil who receives
31 early intervening services, may, in accordance with the procedural
32 policy adopted by the board of trustees of the school district for such
33 matters and only after the board of trustees of the school district has
34 reviewed the circumstances and determined that the action is in
35 compliance with the Individuals with Disabilities Education Act, 20
36 U.S.C. §§ 1400 et seq., be:

37 (a) Suspended from school pursuant to this section for not more
38 than 5 days for each occurrence.

39 (b) Permanently expelled from school pursuant to this section.

40 *7. A homeless pupil who is at least 11 years of age may be*
41 *suspended or expelled from school pursuant to this section only if*
42 *a determination is made that the behavior that led to the*
43 *consideration for suspension or expulsion was not caused by*
44 *homelessness. A determination that the behavior was not caused*
45 *by homelessness must be made in consultation with the local*



1 *educational agency liaison for homeless pupils designated in*
2 *accordance with the McKinney-Vento Homeless Assistance Act of*
3 *1987, 42 U.S.C. §§ 11301 et seq.*

4 8. As used in this section, “homeless pupil” has the meaning
5 ascribed to the term “homeless children and youths” in 42 U.S.C.
6 § 11434a(2).

7 **Sec. 12.** NRS 392.472 is hereby amended to read as follows:

8 392.472 1. Except as otherwise provided in NRS 392.466
9 and to the extent practicable, a public school shall provide a plan of
10 action based on restorative justice before *removing a pupil from a*
11 *classroom or other premises of the public school or suspending or*
12 *expelling a pupil from school.*

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

- 15 (a) Positive behavioral interventions and support;
- 16 (b) A plan for behavioral intervention;
- 17 (c) A referral to a team of student support;
- 18 (d) A referral to an individualized education program team;
- 19 (e) A referral to appropriate community-based services; and
- 20 (f) A conference with the principal of the school or his or her
21 designee and any other appropriate personnel.

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

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

27 (a) A description of the *statewide framework for restorative*
28 *justice developed pursuant to section 2 of this act and* requirements
29 of this section and NRS 392.462;

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

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

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

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

40 5. The Department shall adopt regulations necessary to carry
41 out the provisions of this section.

42 6. As used in this section:

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



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

4 **Sec. 13.** The provisions of NRS 354.599 do not apply to any
5 additional expenses of a local government that are related to the
6 provisions of this act.

7 **Sec. 14.** 1. This section becomes effective upon passage and
8 approval.

9 2. Sections 1 to 13, inclusive, of this act become effective:

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

13 (b) On July 1, 2021, for all other purposes.

