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**GUIDANCE MEMORANDUM #23-04**

**TO:** School District Superintendents Charter School Sponsors

**FROM:** Jhone M. Ebert, Superintendent of Public Instruction

**DATE:** August 2, 2023

**SUBJECT:** Implementing Discipline and Restorative Justice Updates Adopted During the 82<sup>nd</sup> Legislative Session (Assembly Bills 330 and 285, 2023)

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**Introduction**

During the 2023 Legislative Session, two bills related to school discipline and restorative justice were passed. Assembly Bill (AB) 330 and Assembly Bill (AB) 285 amended existing laws related to the behavior and discipline of pupils. AB 330 and AB 285 make changes to the age requirements for suspensions, expulsions, permanent expulsion, Temporary Alternative Placement, and the appeal process. In addition, the new statutes address the collection and reporting of discipline data and the requirements for districts and schools to write and implement a Progressive Discipline Plan that incorporates restorative justice practices.

Combining progressive discipline with restorative approaches when addressing behavior is intended to prevent a recurrence of inappropriate behavior by helping students take responsibility for their actions, repair any harm, and collectively find solutions to restore relationships. This guidance memo includes the following sections to support districts and schools in implementing AB 330 and AB 285:

- Background and Purpose
- Statutory Requirements
- Student-Level Changes
- System-Level Changes
- Dates and Deadlines for Schools and Districts
- Timeline for Implementation
- Definitions

**Background and Purpose**

Restorative justice practices within the field of education are positive social interactions that create equitable and safe learning conditions. Engaging restoratively with students before, during, and following a disciplinary offense fosters student accountability, growth, and the opportunity to repair the harm.

Progressive discipline uses gradual consequences to address negative behavior and teach pro-social behavior. Combining progressive discipline with restorative approaches is intended to prevent a recurrence of negative behavior by helping students take responsibility for their actions, repair any harm, and collectively find solutions to restore relationships.

In addition, restorative justice practices (RJP) reduce exclusionary discipline practices which remove students from the learning environment and ostracize them from classmates. RJP can help eradicate racial and other disparities in the administration of discipline across student groups, which in turn can reduce disparities in academic outcomes across student groups. Districts are encouraged to review disparities in discipline across student groups by visiting the Safety tab of the [Nevada Report Card](#).<sup>1</sup>

## Statutory Requirements

The policy changes as prescribed by AB 330 and AB 285 can be understood as a set of *Student-level Changes* and *System-level Changes*, summarized as follows:

### *Student-level Changes:*

1. Changes to discipline laws for all students, including guidance on age and behavior.
2. Changes to discipline laws for students receiving special education services under an Individualized Education Program (IEP).

### *System-level Changes:*

3. Shift to include progressive discipline and restorative justice practices within state and district discipline plans.
4. Changes to data collection and reporting regarding student discipline.
5. Changes to the appeals process.

The following sections provide further detail on the impact of new legislation.

## Student-level Changes

### 1) Changes to discipline laws for all students.

#### ***General Guidance on Age and Behavior***

- Students who are less than 6 years old may only be suspended with the review and approval of the district superintendent or administrative head of a charter school or university school for profoundly gifted pupils or their designee ([NRS 392.466](#)).
- Students who are less than 8 years old may not be expelled or permanently expelled ([NRS 392.466](#)).
- In extraordinary circumstances, a school may request an exception to the prohibition against expelling or permanently expelling any student under 11 years of age from the board of trustees of the school district or the governing body of the charter school or university school ([NRS 392.467](#)).
- If any student is suspended for one semester or expelled, the school district—alone or through a partnership with another school district—must offer an in-person program of

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<sup>1</sup> The Nevada Department of Education continues to collaborate with educators and experts in the field to establish common language to align [Standardized Definitions for Student Discipline Offences and Sanctions](#), which inform public reporting. The ultimate goal is collecting, reporting, and understanding student discipline data to improve school safety and climate.

alternative education that allows each student to receive educational services in the least restrictive environment ([NRS 392.466](#)).

- If, in the judgment of the principal, there is a reasonable expectation that a student poses a threat to employees or other students, the principal may extend the period for which a student is removed from the classroom or school with the written authorization from the district superintendent or the administrative head of the charter school or university school for the profoundly gifted ([NRS 392.4646](#)).

### ***Progressive Discipline Plan Based on Restorative Justice (Individualized Student Plan)***

A progressive discipline plan based on restorative justice must include:

- [Positive behavioral interventions and support](#);
- A plan for behavioral intervention;
- A referral to a team of student support;
- A referral to an individualized education program (IEP) team to determine:
  - Whether an IEP is needed for the pupil; or
  - If there is an existing IEP, whether it has been appropriately implemented and whether any adjustments should be made.
- A referral to appropriate community-based services;
- A conference with the principal of the school or their designee and any other appropriate personnel;
- A determination of the need for a referral to a school social worker; and
- For a pupil who was expelled, a plan for reinstatement and guidelines for the provision of notice to a pupil to initiate their reinstatement.

Progressive discipline plans based on restorative justice must be provided for students in the following scenarios:

- For any student who sells/distributes any controlled substance or commits battery against an employee of a school with or without intent to cause bodily injury to the employee, a school must provide the student and parent/legal guardian with a progressive discipline plan based on restorative justice ([NRS 392.466](#)).
- For any student who has received at least five cumulative days of suspension during a single school year OR is suspended for a period of at least three days, a school must provide a progressive discipline plan based on restorative justice within two days after removing the student ([NRS 392.472](#)).
- For any student being deemed a habitual disciplinary problem, a school should make a reasonable effort to complete a progressive discipline plan based on restorative justice to prevent the student from being deemed a habitual disciplinary problem ([NRS 392.4655.5](#)).

The following sections review the required and allowed responses to specific disciplinary offenses.

### ***Distribution of a Controlled Substance ([NRS 392.466](#))***

- Any student who sells or distributes any controlled substance on school grounds, a school bus, or at a school-sponsored activity, **may** be suspended, expelled, or permanently expelled, with the following guidelines based on age:
  - If the student is less than 6 years old, the suspension **must** be reviewed and approved by the district superintendent or administrative head of a charter school

or university school for profoundly gifted pupils or his/her designee. The student **may not** be expelled or permanently expelled.

- If the student is less than 11 years old, the student **may** be suspended. The student **may not** be expelled or permanently expelled.
- If the student is aged 11 years or older, the student **may** be suspended, expelled, or permanently expelled.
- The student and their parents/legal guardian(s) **must** meet with the school.
- The school **must** provide a progressive discipline plan based on restorative justice to the parent or legal guardian of the student.
- The principal of a public school may reduce the period of suspension or convert an expulsion to a suspension for a student who distributes a controlled substance on school grounds, a school bus, or at a school-sponsored activity if:
  - The student is less than 11 years old;
  - The student has not engaged in such proscribed conduct before; and
  - After a thorough review of the facts and circumstances, the principal determines that the pupil did not know that the substance being distributed was a controlled substance.

#### ***Battery of a School Employee ([NRS 392.466](#))***

- Any student who commits battery against an employee of the school while on school grounds, a school bus, or at a school-sponsored activity, **may** be suspended, expelled, or permanently expelled, with the following guidelines based on age:
  - If the student is less than 6 years old, the suspension **must** be reviewed and approved by the district superintendent or administrative head of a charter school or university school for profoundly gifted pupils or his/her designee. The student **may not** be expelled or permanently expelled.
  - If the student is less than 8 years old, the student **may** be suspended. The student **may not** be expelled or permanently expelled.
  - If the student is aged 8 years or older, the student **may** be suspended, expelled, or permanently expelled.
- The student and their parents/legal guardian(s) **must** meet with the school.
- The school **must** provide a progressive discipline plan based on restorative justice to the parent or legal guardian of the student.
- “Battery” is defined in Appendix A.

#### ***Battery of a School Employee with Intent to Result in Bodily Injury ([NRS 392.466](#))***

- Any student who commits battery with the intent to cause bodily injury against an employee of the school while on school grounds, a school bus, or at a school-sponsored activity, **must** be suspended, expelled, or permanently expelled, with the following guidelines based on age:
  - If the student is less than 6 years old, the student **may** be suspended, and the suspension **must** be reviewed and approved by the superintendent or administrative head of a charter school or university school for profoundly gifted pupils or his/her designee. The student **may not** be expelled or permanently expelled.
  - If the student is less than 8 years old, the student **must** be suspended. The student **may not** be expelled or permanently expelled.
  - If the student is aged 8 years or older, the student **must** be suspended, expelled, or permanently expelled.

- The student and their parents/legal guardian(s) **must** meet with the school.
- The school **must** provide a progressive discipline plan based on restorative justice to the parent or legal guardian of the student.
- The principal of a public school may, at their discretion, reduce or eliminate the period of suspension, convert an expulsion to a suspension, or otherwise reduce, eliminate, or alter a disciplinary action imposed upon a student who commits a battery which results in the bodily injury of an employee of the school.
- “Bodily injury” is defined in Appendix A.

***Continuing Danger to People or Property/Ongoing Threat of Disrupting Academic Process (NRS 392.466)***

- Any student who poses a continuing danger to people or property or is an ongoing threat of disrupting the academic process **may** be suspended, expelled, or permanently expelled, with the following guidelines based on age:
  - If the student is less than 6 years old, the suspension **must** be reviewed and approved by the district superintendent or administrative head of a charter school or university school for profoundly gifted pupils or his/her designee. The student **may not** be expelled or permanently expelled.
  - If the student is less than 11 years old, the student **may** be suspended. The student **may not** be expelled or permanently expelled.
  - If the student is aged 11 years or older, the student **may** be suspended, expelled, or permanently expelled.
- The student **may** be immediately removed from school premises upon being provided an explanation of the reasons for removal and pending proceedings, which must be conducted as soon as practicable after the removal.

***Possession of a Dangerous Weapon Other than a Firearm (NRS 392.466)***

- Any student who is found in possession of a dangerous weapon other than a firearm while on school grounds, a school bus, or at a school-sponsored activity, **may** be suspended, expelled, or permanently expelled, with the following guidelines based on age:
  - If the student is less than 6 years old, the suspension **must** be reviewed and approved by the district superintendent or administrative head of a charter school or university school for profoundly gifted pupils or his/her designee. The student **may not** be expelled or permanently expelled.
  - If the student is less than 11 years old, the student **may** be suspended. The student **may not** be expelled or permanently expelled.
  - If the student is aged 11 years or older, the student **may** be suspended, expelled, or permanently expelled.
- The student **may** be immediately removed from school premises upon being provided an explanation of the reasons for removal and pending proceedings, which must be conducted as soon as practicable after the removal.
- “Dangerous weapon” is defined in Appendix A.

***Possession of a Firearm (NRS 392.466)***

- Any student who is found in possession of a firearm while on school grounds, a school bus, or at a school-sponsored activity **must** be suspended, expelled, or permanently expelled, with the following guidelines based on age:

- If the student is less than 6 years old, the student *may* be suspended, and the suspension *must* be reviewed and approved by the district superintendent or administrative head of a charter school or university school for profoundly gifted pupils or his/her designee. The student *may not* be expelled or permanently expelled.
- If the student is at least 6 years but less than 8 years old, the student *may* be suspended.
- If the student is at least 8 years but less than 11 years old, the student *must* be suspended or expelled. The student *may not* be permanently expelled.
- If the student is aged 11 years or older, the student *must* be suspended, expelled, or permanently expelled.
- The student *must* be immediately removed from school premises upon being provided an explanation of the reasons for removal and pending proceedings, which must be conducted as soon as practicable after the removal.
- Though removal from school is mandatory for students 8 years and older, the specific length of removal is no longer mandatory. The previous requirements to expel on the first occurrence and permanently expel on the second occurrence no longer exist.
- “Firearm” is defined in Appendix A.

The following sections review the required and allowed responses based on the circumstances of the student and the disciplinary action taken:

***Pupils Designated as Homeless or in Foster Care*** ([NRS 392.466](#))

- If a student is homeless or in foster care, the student may be suspended for up to five days if the principal reviews all available information and determines the conduct of the pupil poses an ongoing threat.
- A determination is required that a student being homeless or in foster care is not a factor in the behavior.
- If any student is suspended for one semester or expelled, the school district—alone or through a partnership with another school district—must offer an in-person program of alternative education that allows each student to receive educational services in the least restrictive environment.

***Removal to Another School*** ([NRS 392.466](#))

- If a school is unable to retain a student of any age due to safety concerns OR if it is not in the best interest of the student, the student may be suspended, expelled, or placed in another school for offenses outlined in [NRS 392.466](#).
  - If placement in another school is made, the originating school of the student shall explain what services will be provided to the student at the receiving school that the originating school is unable to provide to address the specific needs and behaviors of that student.
  - The originating school of the student must coordinate with the receiving school to create a progressive discipline plan based on restorative justice and to ensure that the receiving school has the resources required to execute that plan.

***Habitual Disciplinary Problem*** ([NRS 392.4655](#))

- If a student is suspended, the school shall develop a plan of behavior for the student in consultation with the student and the parents/guardians of the student. The plan must be

designed to prevent the student from being deemed a habitual disciplinary problem ([NRS 392.4655.5](#)).

- Parents/legal guardians may choose to have their student not participate in the behavior plan that must be developed.
- If the parents/legal guardians opt their student out of participating in the behavior plan, the school must inform them of the consequences of not participating (e.g. that the student may be deemed a habitual disciplinary problem.
- The superintendent or administrative head of a charter school or university school for profoundly gifted pupils has the authority to determine whether or not a student is considered a habitual disciplinary problem.
- Regardless of age, if a student is deemed to be a habitual disciplinary problem, the student may be suspended for a period of up to one semester OR may be expelled under extraordinary circumstances as determined by the principal, if an only if the school has made a reasonable effort to complete a progressive discipline plan based on restorative justice. (NRS 392.466)

## **2) Changes to discipline laws for students who receive special education services in accordance with an Individualized Education Program (IEP).**

### ***Suspension, Expulsion, and Permanent Expulsion* ([NRS 392.466](#))**

- After an administrative review of the circumstances and a determination that the action complies with the Individuals with Disabilities Education Act (IDEA), a student with a disability may be suspended from school for not more than 10 days for each occurrence of conduct listed above.
- If a student with a disability of any age is removed from school premises, suspended, expelled, or permanently expelled for any behavior for more than 10 cumulative days, the school in which the student is enrolled must make available to the student a free appropriate public education in compliance with IDEA.<sup>2</sup> Schools must comply with this and other provisions of the IDEA with respect to notice, determining whether a removal constitutes a change of placement, conducting a manifestation determination, and other requirements in connection with any disciplinary removal of a pupil with a disability.

## **System - level Changes**

### **3) Changes to State and District Plans ([NRS 392.4644](#))**

- The superintendent of each school district and administrative head of each charter school and university school for profoundly gifted pupils shall establish a plan to provide for the progressive discipline of pupils and on-site review of disciplinary actions. The plan must:
  - a) Be developed with the input and participation of teachers, school administrators, school counselors, school social workers, school psychologists, behavior analysts and other educational personnel and support personnel, parents and guardians, and students.
  - b) Be consistent with the written rules of behavior prescribed in accordance with [NRS 392.463](#).

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<sup>2</sup> Although this provision has existed in federal law for many years, it is now reaffirmed in Nevada statute.

- c) Include provisions designed to address the specific disciplinary needs and concerns of the public schools or each school within the school district.
  - d) Prescribe methods of alternative conflict resolution and interventions based on social and emotional learning that are developed to avoid the need for the removal of a pupil.
  - e) Include provisions that authorize the temporary removal of a pupil from a classroom or other premises of a public school pursuant to [NRS 392.4645](#).
  - f) Provide for the placement of a pupil in a more restrictive educational environment at that school or at a different public school or school within the school district, as applicable, in accordance with [NRS 392.466](#).
  - g) Include the names of any members or a committee to review the temporary alternative placement of pupils required by [NRS 392.4647](#).
  - h) Include consideration of the results of the data collected and reported pursuant to [NRS 392.462](#) and include methods for addressing the occurrences of the suspension, expulsion, or removal of students from school that disproportionately affect students who belong to a group of pupils listed in [NRS 385A.250.2](#).
  - i) Be provided to each school over which the superintendent or administrative head has authority and posted on the website maintained by the school.
  - j) Be in accordance with a plan to use disciplinary practices based on restorative justice developed by the school district, charter school, or university school for profoundly gifted pupils.
- The board of trustees of a school district shall, in addition to establishing a plan to provide for the progressive discipline of pupils, establish a plan to use disciplinary practices based on restorative justice. Such a plan must:
    - Authorize the use of disciplinary practices based on restorative justice which include, without limitation:
      - Holding a pupil accountable for their behavior;
      - Restoration or remedies related to the behavior of the pupil;
      - Relief for any victim of the pupil; and
      - Change the behavior of the pupil; and
    - Be in accordance with the statewide framework for restorative justice developed pursuant to [NRS 388.1333](#) including, without limitation, by addressing the occurrences of the suspension, expulsion, or removal of pupils from schools that disproportionately affect pupils who belong to a group of pupils listed in [NRS 385A.250.2](#).

#### 4) Changes to Data Collection ([NRS 392.462](#))

- Each public school must collect data on student discipline and progressive discipline plans on a *quarterly* basis. The data must include:
  - The number of student expulsions and suspensions;
  - The number of vacant staff positions;
  - The average class size for each grade in the school;
  - The implementation of each plan;
  - The training received by teachers and administrators regarding each plan;
  - The number of placements of pupils in another school; and
  - The ratio of pupils to school counselors, school psychologists, and school social workers.

- Each school principal must review the data and take appropriate action. The principal must post the data on the school’s website and submit the data by August 1<sup>st</sup> of each year to:
  - The board of trustees of the school district or the governing body of the public school;
  - The Joint Interim Standing Committee on Education;
  - The Superintendent of Public Instruction; and
  - The Department of Education.

**5) Changes to Appeals Process**

- If a student is suspended or expelled from a public school, the board of trustees of the school district or the governing body of the charter school or university school for the profoundly gifted in which the student is enrolled shall provide, on the same day that the student is suspended or expelled, a notice of the policy for appealing the suspension or expulsion pursuant to [NRS 392.4671](#). A notice provided must:
  - (a) Include information regarding the timelines for appealing the suspension or expulsion;
  - (b) Be written clearly and in a manner that allows a student and parent or legal guardian to understand each provision of the policy; and
  - (c) Be provided in as many languages as possible, to the extent practicable.
- The student and/or parent/guardian has five school days to file an appeal pursuant to the policy adopted by the board of trustees of the school district or the governing body of the charter school or university school for profoundly gifted pupils.
- Not later than five school days after receiving notification of the appeal of a suspension or expulsion, the board of trustees or the school district or the governing body of the charter school or university school for profoundly gifted pupils must schedule a hearing.
- The pupil who is suspended or expelled or is being considered for suspension or expulsion:
  - (a) Must be provided education services to prevent the pupil from losing academic credit during the period of suspension or expulsion; and
  - (b) May be considered for temporary alternative placement, if, in the judgment of the principal after consideration of the seriousness of the acts which were the basis for the discipline of the pupil:
    - The temporary alternative placement will serve as the least restrictive environment possible, pursuant to [NRS 392.4673](#); and
    - The pupil does not pose a serious threat to the safety of the school.

**Dates and Deadlines for Districts and Schools**

Timeframe	Requirement
On or before <b>August 1</b> of each school year, beginning August 1 <sup>st</sup> , 2023:	Principals must review and submit their school’s quarterly data on student discipline and progressive discipline plans to: <ul style="list-style-type: none"> <li>• The board of trustees of the school district or the governing body of the public school;</li> <li>• The State Board of Education; and</li> <li>• The Joint Interim Standing Committee on Education (<a href="#">NRS 392.462</a>).</li> </ul> The data for the quarterly report will begin to be collected during the 2023-24 school year, and the report will be due August 1, 2024.

<p>On or before <b>August 1</b> of each school year, beginning August 1<sup>st</sup>, 2023:</p>	<p>Principals must develop or review and revise a plan to offer students removed from a classroom for more than two days education services and appropriate positive behavioral interventions or support. The plan must include:</p> <ul style="list-style-type: none"> <li>• An option to provide education and support services in an in-person setting;</li> <li>• The location where services will be provided to the student; and</li> <li>• A plan for the pupil to complete any assignments or course work missed during the student’s removal (<a href="#">NRS 392.4645</a>).</li> </ul> <p>Each school district must collect a representative sample of the plans and submit a copy of the samples to:</p> <ul style="list-style-type: none"> <li>• The Joint Interim Standing Committee on Education;</li> <li>• The Department of Education; and</li> <li>• The State Board of Education.</li> </ul> <p>The sample of plans that are collected must correspond with the proportion of students within the school district who are economically disadvantaged, from major racial and ethnic groups, students with disabilities, English learners, migratory children, of each gender, homeless, in foster care, and pupils whose parent(s) or legal guardian(s) are members of the Armed Forces of the United States (<a href="#">NRS 392.4645</a>).</p>
<p>On or before <b>September 15</b> of each year:</p>	<p>Principals shall:</p> <ul style="list-style-type: none"> <li>• Review the district plan to provide for the progressive discipline of pupils and on-site review of disciplinary actions in consultation with teachers, school administrators, school counselors, school social workers, school psychologists, behavior analysts and other educational personnel and support personnel, parents and guardians, and students, and if applicable, the organization team;</li> <li>• Determine whether and to what extent the occurrences of the suspension, expulsion, or removal of students from school disproportionately affect students who belong to a group of pupils listed in <a href="#">NRS 385A.250.2</a>; and</li> <li>• Based upon the review, recommend to the superintendent of the school district or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable, revisions to the plan, as recommended by the teachers, school administrators, school counselors, school social workers, school psychologists, behavior analysts, and other educational personnel and support personnel, the parents and guardians of students, the students who are enrolled in the school and, if applicable, the organizational team established pursuant to <a href="#">NRS 388G.700</a>, if necessary (<a href="#">NRS 392.4644</a>).</li> </ul>
<p>On or before <b>September 30</b> of each year:</p>	<p>The board of trustees of each school district and the governing body of each charter school or university school for profoundly gifted pupils shall issue a revised plan that appropriately reflects stakeholder comments (<a href="#">NRS 392.4644</a>).</p>

<p>On or before <b>November 15</b> of each year:</p>	<p>The board of trustees of each school district and the governing body of each charter school or university school for profoundly gifted pupils shall:</p> <ul style="list-style-type: none"> <li>• Submit a written report to the Superintendent of Public Instruction that reports the progress of each school within the district in complying with the requirements of <a href="#">NRS 392.4644</a>, including, without limitation, addressing the occurrences of the suspension, expulsion or removal of pupils from school that disproportionately affect pupils who belong to a group of pupils listed in <a href="#">NRS 385A.250.2</a>; and</li> <li>• Post a copy of the report to its website (<a href="#">NRS 392.4644</a>).</li> <li>• If the Superintendent of Public Instruction determines that the data collected pursuant to <a href="#">NRS 392.462</a> indicates disproportionality in disciplinary actions or is insufficient to determine whether disproportionality exists, the Superintendent shall issue a written notice to the school district, charter school, or university school for profoundly gifted pupils listing the specific areas of concern and providing a specific corrective action plan. (<a href="#">NRS 392.4644</a>)</li> </ul>
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Not more than **14 days** after the receipt of the revised plan:

- The principal of each school shall post a copy of the plan online and distribute the plan to each teacher, school administrator, school counselors, school social workers, school psychologists, behavior analysts, and all educational support personnel who are employed at or assigned to the school, and, if applicable, the organizational team a written or electronic copy of the plan ([NRS 392.4644](#)).

NDE plans to launch a training and implementation Notice of Funding Opportunity and supply sample plans and training opportunities in late August. For questions or support regarding this guidance please email Laronica Maurer at [laronica.maurer@doe.nv.gov](mailto:laronica.maurer@doe.nv.gov).

## Appendix A: Glossary of Terms

- **Battery:** Any willful and unlawful use of force or violence upon the person of another. ([NRS 392.466.11\(a\)](#), [NRS 200.481.1\(a\)](#)).
- **Bodily injury:** Any actual damage or injury to a person that interferes with or is detrimental to the health of the person and is more than merely accidental, transient, or trifling in nature. ([AB 285](#), Section 15(b))
- **Dangerous weapon:** Includes, without limitation, a blackjack, slungshot, billy, sand-club, sandbag, metal knuckles, dirk or dagger, a nunchaku or trefoil, as defined in [NRS 202.350](#), a butterfly knife or any other knife described in NRS 202.350, a switchblade knife as defined in [NRS 202.265](#), or any other object which is used, or threatened to be used, in such a manner and under such circumstances as to pose a threat of, or cause, bodily injury to a person. ([NRS 392.466.11\(b\)](#))
- **Expel or expulsion:** The disciplinary removal of pupil from the school in which the pupil is currently enrolled for more than one school semester with the possibility of:
  - 1) Returning to the school in which the pupil is currently enrolled or another public school within the school district after the expulsion; and
  - 2) Enrolling in a program or public school for alternative education for pupils who are expelled or permanently expelled during the period of expulsion.
- **Firearm:** Includes, without limitation, any pistol, revolver, shotgun, explosive substance or device, and any other item included within the definition of a “firearm” in 18 U.S.C. § 921, as that section existed on July 1, 1995. ([NRS 392.466.11\(c\)](#))
- **Foster care:** Has the meaning ascribed to it in 45 C.F.R § 1355.20 means 24-hour substitute care for children placed away from their parent or guardians and for whom the title IV-E agency has placement and care responsibility. This includes, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and pre-adoptive homes. A child is in foster care in accordance with this definition regardless of whether the foster care facility is licensed and payments are by the State, Tribal or local agency for the care of the child, whether adoption subsidy payments are being made prior to the finalization of an adoption, or whether there is Federal matching of any payments that are made.
- **Habitual disciplinary problem:** A principal of a school shall deem a pupil a habitual disciplinary problem if the school has written evidence which documents in one school year that:
  - The pupil has threatened or extorted, or attempted to threaten or extort, another pupil or a teacher or other personnel employed by the school two or more times; OR
  - The pupil has a record of five suspensions from the school for any reason; AND
  - The pupil has not entered into and participated in a plan of behavior pursuant to subsection [NRS 392.4655.5](#).
- **Homeless pupil:** Has the meaning ascribed to the term “homeless children and youths” in 42 U.S.C. § 11434a (2) means individuals who lack a fixed, regular, and adequate

nighttime residence (within the meaning of section 11302(a)(1) of this title); and includes

- (i) Children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;
  - (ii) Children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings (within the meaning of section 11302(a)(2)(C) 1 of this title);
  - (iii) Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
  - (iv) Migratory children (as such term is defined in section 6399 of title 20) who qualify as homeless for the purposes of this part because the children are living in circumstances described in clauses (i) through (iii).
- **Permanently expelled:** The disciplinary removal of a pupil from the school in which the pupil is currently enrolled:
    - 1) Except as otherwise provided in subparagraph (2), without the possibility of returning to the school in which the pupil is currently enrolled or another public school within the school district;
    - 2) Without the possibility of returning to the school in which the pupil is currently enrolled or another public school within the school district; and with the possibility of enrolling in a program or public school for alternative education for pupils who are expelled or permanently expelled after being permanently expelled.
  - **Principal:** The lead administrator of a public school, including, without limitation, such an administrator who is referred to by another title.
  - **Restorative justice [practices]:** nonpunitive intervention and support provided by the school to a pupil to improve the behavior of the pupil and remedy any harm caused by the pupil.
  - **Suspend or suspension:** The disciplinary removal of a pupil from the school in which the pupil is currently enrolled for not more than one school semester.
  - **Unaccompanied pupil:** Includes a youth not in physical custody of a parent or guardian.