

CHAPTER 392 - PUPILS

GENERAL PROVISIONS

- [NRS 392.010](#) Admission of pupil from adjoining state or district; payment of tuition for pupil attending school in adjoining district or state; agreement for payment of tuition, transportation and other costs.
- [NRS 392.015](#) Admission of pupil from Indian reservation in school nearest pupil's residence; reimbursement for additional costs of transportation; exceptions.
- [NRS 392.016](#) Admission of pupil with lawfully issued fictitious address.
- [NRS 392.017](#) Regulations concerning school choice for pupils enrolled in persistently dangerous school and for pupils who are victims of violent offense while at school.
- [NRS 392.018](#) Written notice of certain courses, services and educational programs available to pupils within school district; posting at public schools; availability to parents.
- [NRS 392.019](#) Payment of tutoring or other educational services for child who is employed to work in entertainment industry.
- [NRS 392.025](#) Grade given to pupil by teacher: Restriction on change by board of trustees.
- [NRS 392.029](#) Compliance with federal law governing access and confidentiality of education records and elicitation of information concerning pupils; written notice of rights to parents and guardians required.
- [NRS 392.033](#) Regulations prescribing requirements for promotion to high school; effect of failure to comply; evaluation of course of study or credits of pupil who transfers from junior high or middle school; placement on academic probation; enrollment of homeschooled children in high school.
- [NRS 392.035](#) Formula for determining mobility of pupils in school; Department to distribute form for submitting information necessary to formula.

ATTENDANCE

COMPULSORY AND EXCUSED ATTENDANCE; RETENTION

- [NRS 392.040](#) Attendance required for child between 7 and 18 years of age; minimum age required for kindergarten and first grade; waiver from attendance available for child 6 years of age; developmental screening test required to determine placement; effect of military transfer of parent of child.
- [NRS 392.050](#) Attendance excused for physical or medical condition; excused child with disability qualifies for free appropriate public education.
- [NRS 392.060](#) Attendance excused upon completion of 12 grades of elementary and high school.
- [NRS 392.070](#) Attendance excused for children in private school or homeschool; participation of private school children and homeschooled children in classes and extracurricular activities.
- [NRS 392.075](#) Attendance excused if permission granted to take high school equivalency assessment.
- [NRS 392.080](#) Attendance excused for distant residence from nearest school.
- [NRS 392.110](#) Attendance excused for child between 15 and 18 years of age who has completed eighth grade to enter employment or apprenticeship; written permit required.
- [NRS 392.118](#) Accounting of attendance and tardiness on report cards of pupils.
- [NRS 392.122](#) Minimum attendance requirements; school district authorized to exempt medical absences from requirements; notice and opportunity for parent to review absences before credit or promotion is denied; information to parents concerning duty to comply.
- [NRS 392.123](#) Written statement verifying pupil's compliance with minimum attendance requirements or determination of existence of hardship and best interests of pupil or pupil's family; submission of written statement or determination with application for driver's license; boards of trustees to prescribe standard form. [Effective January 1, 2015.]
- [NRS 392.125](#) Retention of pupil in same grade: Requirements; limitation; exception for charter schools.

ADVISORY BOARDS TO REVIEW SCHOOL ATTENDANCE; ABSENCE AND TRUANCY; ADMINISTRATIVE SANCTIONS

- [NRS 392.126](#) Creation of advisory board in each county; membership; terms; compensation.

NRS 392.127	Administrative support to advisory boards.
NRS 392.128	Duties of advisory boards; division into subcommittees; provision of assistance in conjunction with community service providers; use and accounting of available money by advisory board.
NRS 392.129	Establishment of school attendance councils; membership; duties; annual report. [Repealed.]
NRS 392.130	Conditions under which pupil deemed truant; approval required for absence; notice of unapproved absence to parent; applicability.
NRS 392.140	Conditions under which pupil declared habitual truant; applicability.
NRS 392.141	Applicability of provisions to pupils. [Effective through December 31, 2014.]
NRS 392.141	Applicability of provisions to pupils. [Effective January 1, 2015.]
NRS 392.144	Duties of school if pupil is truant; habitual truant must be reported to attendance officer or law enforcement or referred to advisory board. [Effective through December 31, 2014.]
NRS 392.144	Duties of school if pupil is truant; habitual truant must be reported to attendance officer or law enforcement, referred to advisory board or referred for imposition of administrative sanctions. [Effective January 1, 2015.]
NRS 392.146	Contents of written referral to advisory board; notice to parents or guardian.
NRS 392.147	Hearing by advisory board; written agreement for participation of pupil in certain programs; reporting of pupil to attendance officer or law enforcement agency under certain circumstances; confidentiality of information. [Effective through December 31, 2014.]
NRS 392.147	Hearing by advisory board; written agreement for participation of pupil in certain programs; reporting of pupil to attendance officer or law enforcement agency or referral for administrative sanctions under certain circumstances; appeal by parent; confidentiality of information. [Effective January 1, 2015.]
NRS 392.148	Administrative sanctions against habitual truant after investigation and hearing; suspension or delay in issuance of driver's license; appeal by parent or guardian. [Effective January 1, 2015.]
NRS 392.149	Issuance of citation to habitual truant; applicability.
NRS 392.150	Appointment of attendance officer authorized; procedures to monitor attendance and truancy; consideration of employment of attendance clerk.
NRS 392.160	Taking into custody child reported absent from school; persons or counseling agency to whom child may be delivered.

BIRTH CERTIFICATES AND RECORDS OF ATTENDANCE; NAME FOR ENROLLMENT

NRS 392.165	Documents required for permanent enrollment; name under which child must be enrolled; notification to local law enforcement agency for failure to furnish documents.
NRS 392.167	Petition for court order permitting enrollment of child under name other than name appearing on birth certificate or other identifying document.

ENFORCEMENT AND PENALTIES

NRS 392.170	Investigation of charges against parent, guardian or custodian of child; written report.
NRS 392.180	Criminal complaint by board of trustees of school district or governing body of charter school.
NRS 392.190	Criminal complaint by attendance officer.
NRS 392.200	Criminal complaint by taxpayer, school administrator or school officer.
NRS 392.210	Penalty for failure of parent, guardian or custodian of child to prevent subsequent truancy; limitation for providers of foster care.
NRS 392.215	False statement concerning age or attendance; false birth certificate or record of attendance; refusal to furnish documents; penalty.
NRS 392.220	Penalty for abetting truancy; unlawful employment of child absent from school; visitation of place of employment by school officer or attendance clerk to verify compliance.

CHILDREN WHO HAVE BEEN ADJUDICATED DELINQUENT FOR SEXUAL OFFENSE OR SEXUALLY MOTIVATED ACT

NRS 392.251	Definitions.
NRS 392.254	"Notification" defined.
NRS 392.258	"Offender" defined.
NRS 392.2583	"Sexual offense" defined.
NRS 392.2587	"Sexually motivated act" defined.
NRS 392.261	"Victim" defined.

- [NRS 392.264](#) Offender prohibited from attending school victim attends without court approval; duty of superintendent of school district to negotiate agreement for attendance in another school district; termination of agreement.
- [NRS 392.268](#) Reimbursement to school district for transportation costs incurred to send offender to school other than school victim attends.
- [NRS 392.271](#) Confidentiality of name of victim; immunity from liability if name released under certain circumstances.

TRANSPORTATION

- [NRS 392.300](#) Transportation for pupils may be furnished by trustees; regulations.
- [NRS 392.320](#) Use of certain money for procuring vehicles, drivers and insurance.
- [NRS 392.330](#) Transportation by common and private carrier; purchase of bus tickets for certain pupils; contracts and insurance.
- [NRS 392.340](#) No admission of liability for injury or death.
- [NRS 392.350](#) Payment to parents or guardian in lieu of furnishing transportation; conditions.
- [NRS 392.360](#) Transportation of children to and from activities and programs; use and supervision of vehicles; qualifications and restrictions for drivers.
- [NRS 392.375](#) School bus transportation: Drills to practice evacuation; adoption and requirements of safety program; information to parents and guardians concerning school bus safety; regulations.
- [NRS 392.380](#) Drivers: Qualifications; training course; annual test; employment of pupils.
- [NRS 392.400](#) Condition, equipment and specifications of vehicle used for transportation of pupils; inspection; exemption; penalties.
- [NRS 392.405](#) Standards for new school buses purchased by school district on and after January 1, 2016.
- [NRS 392.410](#) Equipment and identification of school bus; use of system of flashing red lights; compliance with standards; inspection; penalties.

SCHOOL UNIFORMS; HEALTH AND SAFETY

- [NRS 392.415](#) Authorization to establish policy of uniforms for pupils and dress code for educational personnel; financial assistance for pupils to purchase uniforms.
- [NRS 392.420](#) Physical examinations of pupils; representative sample of height and weight of pupils in certain school districts; qualifications of persons to conduct examinations; notice to parent of examination and opportunity for exemption; report of results to Chief Medical Officer. [Effective through June 30, 2015.]
- [NRS 392.420](#) Physical examinations of pupils; qualifications of persons to conduct examinations; notice to parent of examination and opportunity for exemption; report of results to Chief Medical Officer. [Effective July 1, 2015.]
- [NRS 392.425](#) Authorization for pupil to self-administer medication for asthma or anaphylaxis; contents of request; immunity from liability.
- [NRS 392.430](#) Sanitation and prevention of diseases: Authority of board of trustees of school districts and governing bodies of charter schools.
- [NRS 392.435](#) Immunization of pupils: Certificate prerequisite to enrollment; conditional enrollment; effect of military transfer of parent of child; consequences for failure to immunize; report to Division of Public and Behavioral Health; inclusion of certificate in pupil's record.
- [NRS 392.437](#) Immunization of pupils: Exemption if prohibited by religious belief.
- [NRS 392.439](#) Immunization of pupils: Exemption if prevented by medical condition.
- [NRS 392.443](#) Immunization of pupils: Additional requirements imposed after enrollment; additional certificate required.
- [NRS 392.446](#) Immunization of pupils: Protection of child exempt from immunization if dangerous disease exists in school.
- [NRS 392.448](#) Immunization of pupils: Penalty for refusal to remove child from school when required by law.
- [NRS 392.450](#) Drills to instruct pupils in appropriate procedures to be followed in event of emergency; posting of escape routes; enforcement; penalty.
- [NRS 392.452](#) Adoption of policy by school district for prevention and treatment of injuries to the head which may occur during participation in competitive sports; requirements of policy; annual acknowledgment of policy by parent and pupil.
- [NRS 392.455](#) Devices for protection of eyes required in certain classes.

PARENTAL INVOLVEMENT AND FAMILY ENGAGEMENT

- [NRS 392.456](#) Form for use in elementary schools concerning status of pupil and participation of parent; restrictions on use.
- [NRS 392.457](#) Adoption of policies by State Board and school districts concerning effective involvement and engagement; annual review of policies.
- [NRS 392.4575](#) Educational involvement accords; policy by school districts for development and distribution; annual review.
- [NRS 392.4577](#) Employer required to grant leave to parent to participate in school conferences and other school-related activities; conditions; exception.

BEHAVIOR AND DISCIPLINE

GENERAL PROVISIONS

- [NRS 392.461](#) Code of honor relating to cheating; contents; distribution.
- [NRS 392.463](#) Adoption of plan to ensure public schools are safe and free of controlled substances; written rules of behavior and punishments; distribution of plan and rules to pupils; availability for inspection.
- [NRS 392.4633](#) Corporal punishment prohibited; report of violation; forwarding of complaint if determined to be substantiated.
- [NRS 392.4635](#) Policy for prohibition of activities of criminal gangs on school property.
- [NRS 392.4637](#) Policy concerning use and possession of pagers, cellular telephones and other electronic devices.
- [NRS 392.4638](#) Board of trustees authorized to adopt policy for pupils to report unlawful activity being conducted on school property, activity sponsored by public school or on school bus.
- [NRS 392.464](#) Adoption and enforcement by trustees of disciplinary measures for pupil in possession of alcoholic beverage or controlled substance on premises of school.

TEMPORARY ALTERNATIVE PLACEMENT

- [NRS 392.4642](#) "Principal" defined.
- [NRS 392.4643](#) Actions taken against pupils with disabilities.
- [NRS 392.4644](#) Plan for progressive discipline and on-site review of disciplinary decisions; annual review and revision of plan; posting and availability of plan; written reports by superintendent of schools, board of trustees and Superintendent of Public Instruction concerning compliance with section.
- [NRS 392.4645](#) Removal of pupil from classroom: Notice; assignment to temporary alternative placement; exceptions.
- [NRS 392.4646](#) Removal of pupil from classroom: Conference; recommendation of principal.
- [NRS 392.4647](#) Establishment of committee to review temporary alternative placement of pupils.
- [NRS 392.4648](#) Powers and duties of committee to review temporary alternative placement of pupils.

HABITUAL DISCIPLINARY PROBLEM; SUSPENSION AND EXPULSION

- [NRS 392.4655](#) Conditions under which pupil deemed habitual disciplinary problem; plan of behavior to prevent pupil from being deemed habitual disciplinary problem.
- [NRS 392.4657](#) Conditions under which pupil deemed suspended.
- [NRS 392.466](#) Suspension or expulsion of pupil for battery on employee of school, possession of firearm or dangerous weapon, sale or distribution of controlled substance or status as habitual disciplinary problem; limitations for pupils with disabilities.
- [NRS 392.467](#) Suspension or expulsion of pupil: Procedure; limitation.
- [NRS 392.4675](#) Certain suspended or expelled pupils ineligible to attend public school; authority for school district or charter school to enroll ineligible pupil in alternative programs, independent study, distance education or charter school designated for pupils with disciplinary problems.

CRISIS AND EMERGENCY RESPONSE IN PUBLIC SCHOOLS

- [NRS 392.600](#) Definitions.
- [NRS 392.604](#) "Crisis" defined.
- [NRS 392.608](#) "Development committee" defined.

NRS 392.609	"Emergency" defined.
NRS 392.610	"Local organization for emergency management" defined.
NRS 392.612	"School committee" defined.
NRS 392.616	Development committee: Establishment by school districts and charter schools; membership; terms of members.
NRS 392.620	Development committee: Development of plan to be used by schools in responding to crisis or emergency; submission of plan to board of trustees or governing body of charter school; compliance with plan required.
NRS 392.624	Annual review and update of plan for responding to crisis or emergency; maintenance, posting and distribution of plan; annual training for school employees in responding to crisis or emergency; acceptance of gifts and grants.
NRS 392.628	School committee: Establishment; membership; terms of members.
NRS 392.632	School committee: Annual review of plan prepared by development committee; determination whether to request deviation from plan; notice of review.
NRS 392.636	Review by development committee of proposed deviation from plan; notice of approval or denial; submission of copy of approved deviation to board of trustees or governing body.
NRS 392.640	State Board: Development of plan for management of crisis or emergency; authorized dissemination of plan prepared by State Board or development committee.
NRS 392.644	State Board: Adoption of regulations concerning development of plans in responding to crisis or emergency, review of proposed deviations and requirements for training.
NRS 392.648	Duties of principal if crisis or emergency occurs at school; determination by local agency whether crisis or emergency requires assistance from state agency; duties of Division of Emergency Management of Department of Public Safety.
NRS 392.652	Confidentiality of plans, approved deviations and certain other information.
NRS 392.656	Inapplicability of Open Meeting Law to development committee, school committee and certain meetings of State Board related to crisis and emergency response.

HOMESCHOOLED CHILDREN

NRS 392.700	Notice of intent to homeschool; release of child's records; participation in examinations; educational plan; discrimination prohibited.
NRS 392.705	Form for participation in programs and activities at public school or through Nevada Interscholastic Activities Association.

MISCELLANEOUS PROVISIONS

NRS 392.850	Provision of information to certain employees regarding unlawful conduct of pupil; immunity from liability under certain circumstances; confidentiality of information.
NRS 392.855	Policy for procedures to be followed by peace officers in arresting pupil on school grounds during school hours.
NRS 392.860	Employee of school district prohibited from disclosing certain information about status of pupil placed in foster home.

UNLAWFUL ACTS

NRS 392.900	Interference with pupil attending school; penalty.
NRS 392.910	Disturbance of school; assaulting pupil or school employee; interference with persons peaceably assembled within school; penalties.
NRS 392.915	Threatening to cause bodily harm or death to pupil or school employee by means of oral, written or electronic communication; penalties.
NRS 392.920	Employer prohibited from threatening or taking retaliatory action against parent for parent's participation in certain school conferences and school-related activities; penalty; authorization for parent to file claim with Labor Commissioner.

NOTE: Section 1 of chapter 180, Statutes of Nevada 2009, at p. 652, has been codified as [NRS 388.221](#).

NOTE: Sections 5 and 6 of chapter 311, Statutes of Nevada 2009, at pp. 1333-1334, have been codified as [NRS 388.176](#) and [388.181](#).

GENERAL PROVISIONS

NRS 392.010 Admission of pupil from adjoining state or district; payment of tuition for pupil attending school in adjoining district or state; agreement for payment of tuition, transportation and other costs. Except as to the attendance of a pupil pursuant to [NRS 388.820](#) to [388.874](#), inclusive, [392.015](#) or [392B.110](#), or a pupil who is ineligible for attendance pursuant to [NRS 392.4675](#) and except as otherwise provided in [NRS 392.264](#) and [392.268](#):

1. The board of trustees of any school district may, with the approval of the Superintendent of Public Instruction:

(a) Admit to the school or schools of the school district any pupil or pupils living in an adjoining school district within this State or in an adjoining state when the school district of residence in the adjoining state adjoins the receiving Nevada school district; or

(b) Pay tuition for pupils residing in the school district but who attend school in an adjoining school district within this State or in an adjoining state when the receiving district in the adjoining state adjoins the school district of Nevada residence.

2. With the approval of the Superintendent of Public Instruction, the board of trustees of the school district in which the pupil or pupils reside and the board of trustees of the school district in which the pupil or pupils attend school shall enter into an agreement providing for the payment of such tuition as may be agreed upon, but transportation costs must be paid by the board of trustees of the school district in which the pupil or pupils reside:

(a) If any are incurred in transporting a pupil or pupils to an adjoining school district within the State; and

(b) If any are incurred in transporting a pupil or pupils to an adjoining state, as provided by the agreement.

3. In addition to the provisions for the payment of tuition and transportation costs for pupils admitted to an adjoining school district as provided in subsection 2, the agreement may contain provisions for the payment of reasonable amounts of money to defray the cost of operation, maintenance and depreciation of capital improvements which can be allocated to such pupils.

[360:32:1956]—(NRS A 1957, 300; 1959, 807; 1961, 40; 1965, 100; 1979, 1613; 1981, 842; [1989, 1979](#); [1993, 2306](#); [1997, 428](#); [2001, 3162](#); [2007, 803](#))

NRS 392.015 Admission of pupil from Indian reservation in school nearest pupil's residence; reimbursement for additional costs of transportation; exceptions.

1. The board of trustees of a school district shall, upon application, allow any pupil who resides on an Indian reservation located in two or more counties to attend the school nearest to the pupil's residence, without regard to the school district in which the pupil's residence is located. For the purposes of apportionment of money, if such a pupil attends a school outside the county in which the pupil resides, the pupil must be counted as being enrolled in the district in which he or she attends school.

2. A pupil who is allowed to attend a school outside the school district in which the pupil's residence is located pursuant to this section must remain in that school for the full school year.

3. The school district which pays the additional costs of transporting a pupil pursuant to this section to a school outside the school district in which the pupil's residence is located is entitled to be reimbursed for those costs. Such additional costs must be paid from the State Distributive School Account in the State General Fund.

4. The provisions of this section do not apply to a pupil who:

(a) Is ineligible to attend public school pursuant to [NRS 392.4675](#); or

(b) Resides on an Indian reservation pursuant to an order issued by a court of competent jurisdiction in another state adjudging the pupil to be delinquent and committing him or her to the custody of a public or private institution or agency in this state.

(Added to NRS by [1989, 1978](#); A [1993, 2307](#))

NRS 392.016 Admission of pupil with lawfully issued fictitious address.

1. If a pupil has been issued a fictitious address pursuant to [NRS 217.462](#) to [217.471](#), inclusive, or the parent or legal guardian with whom the pupil resides has been issued a fictitious address pursuant to [NRS 217.462](#) to [217.471](#), inclusive, the pupil may attend a public school that is located in a school district other than the school district in which the pupil resides.

2. If a pupil described in subsection 1 attends a public school that is located in a school district other than the school district in which the pupil resides:

(a) The pupil must be included in the count of pupils of the school district in which the pupil attends school for the purposes of apportionments and allowances from the State Distributive School Account pursuant to [NRS 387.121](#) to [387.126](#), inclusive.

(b) Neither the board of trustees of the school district in which the pupil attends school nor the board of trustees of the school district in which the pupil resides is required to provide transportation for the pupil to attend the public school.

3. The provisions of this section do not apply to a pupil who is ineligible to attend a public school pursuant to [NRS 392.264](#) or [392.4675](#).

(Added to NRS by [2005, 98](#))

NRS 392.017 Regulations concerning school choice for pupils enrolled in persistently dangerous school and for pupils who are victims of violent offense while at school. The State Board shall adopt regulations to carry out the provisions of 20 U.S.C. § 7912 concerning the choice that must be offered to a pupil to attend another public school, including, without limitation, a charter school, if the pupil is enrolled in a persistently dangerous school or is the victim of a violent offense while at school or on the grounds of the school in which the pupil is enrolled. The regulations must include the criteria for identifying a school as persistently dangerous.

(Added to NRS by [2003, 19th Special Session, 79](#))

NRS 392.018 Written notice of certain courses, services and educational programs available to pupils within school district; posting at public schools; availability to parents.

1. The board of trustees of each school district shall prepare a written notice which identifies all the advanced placement courses, honors courses, international baccalaureate courses, special education services, gifted and talented programs and any other educational programs available to pupils enrolled in the school district, including, without limitation, to the extent information is available, programs offered by charter schools within the school district, which will assist in the advancement of the education of those pupils. The notice must:

(a) Specify where those courses, services and programs are available within the school district;

(b) Identify the grade level of pupils for which those courses, services and programs are available; and

(c) Be posted on the Internet website maintained by the school district.

2. Each public school shall:
 - (a) Prepare a written notice which identifies the courses, services and programs identified pursuant to subsection 1 that are available at that public school;
 - (b) Post in one or more conspicuous places at the school a notice indicating the availability and location of a complete list of the courses, services and programs:
 - (1) Available within the school district, as identified pursuant to subsection 1; and
 - (2) Available at that public school, as identified pursuant to paragraph (a); and
 - (c) Ensure that the notices prepared pursuant to this section are made available to the parents and legal guardians of pupils enrolled in the school:
 - (1) At the beginning of each school year or upon a pupil's enrollment in public school, as applicable, including, without limitation, at meetings of parent organizations at the school and by distribution with other information that is sent home with pupils.
 - (2) At parent-teacher conferences.
3. The notices prepared pursuant to subsection 1 and paragraph (a) of subsection 2 must be made available in such languages as the board of trustees of the school district deems necessary.

(Added to NRS by [2009, 1314](#))

NRS 392.019 Payment of tutoring or other educational services for child who is employed to work in entertainment industry.

1. Except as otherwise provided in this subsection, if a child is exempt from compulsory attendance pursuant to [NRS 392.070](#) or [392.110](#), and the child is employed to work in the entertainment industry pursuant to a written contract for a period of more than 91 school days, or its equivalent if the child resides in a school district operating under an alternative schedule authorized pursuant to [NRS 388.090](#), including, without limitation, employment with a motion picture company or employment with a production company hired by a casino or resort hotel, the entity that employs the child shall, upon the request of the parent or legal guardian of the child, pay the costs for the child to receive at least 3 hours of tutoring per day for at least 5 days per week. In lieu of tutoring, the parent or legal guardian of such a child may agree with the entity that employs the child that the entity will pay the costs for the child to receive other educational or instructional services which are equivalent to tutoring. The provisions of this subsection apply during the period of a child's employment with an entity, regardless of whether the child has obtained the appropriate exemption from compulsory attendance at the time his or her contract with the entity is under negotiation.

2. If such a child is exempt from compulsory attendance pursuant to [NRS 392.110](#), the tutoring or other educational or instructional services received by the child pursuant to subsection 1 must be approved by the board of trustees of the school district in which the child resides.

(Added to NRS by [2001, 1423](#); A [2003, 3217](#); [2011, 648](#))

NRS 392.025 Grade given to pupil by teacher: Restriction on change by board of trustees. The board of trustees of a school district shall not change the grade given to a pupil by a teacher unless the school district has established and followed a procedure that allows the teacher an opportunity to substantiate the grade that was given.

(Added to NRS by [1989, 1103](#))

NRS 392.029 Compliance with federal law governing access and confidentiality of education records and elicitation of information concerning pupils; written notice of rights to parents and guardians required.

1. If a parent or legal guardian of a pupil requests the education records of the pupil, a public school shall comply with the provisions of 20 U.S.C. § 1232g(a) and 34 C.F.R. Part 99.

2. If a parent or legal guardian of a pupil reviews the education records of the pupil and requests an amendment or other change to the education records, a public school shall comply with the provisions of 20 U.S.C. § 1232g(a) and 34 C.F.R. Part 99.

3. Except as otherwise provided in 20 U.S.C. § 1232g(b), a public school shall not release the education records of a pupil to a person, agency or organization without the written consent of the parent or legal guardian of the pupil.

4. If a public school administers a program which includes a survey, analysis or evaluation that is designed to elicit the information described in 20 U.S.C. § 1232h, it must comply with the provisions of that section.

5. A right accorded to a parent or legal guardian of a pupil pursuant to the provisions of this section devolves upon the pupil on the date on which the pupil attains the age of 18 years.

6. A public school shall, at least annually, provide to each pupil who is at least 18 years of age and to a parent or legal guardian of each pupil who is not at least 18 years of age, written notice of his or her rights pursuant to this section.

7. The provisions of this section:

(a) Are intended to ensure that each public school complies with the provisions of 20 U.S.C. §§ 1232g and 1232h;

(b) Must, to the extent possible, be construed in a manner that is consistent with 20 U.S.C. §§ 1232g and 1232h, and the regulations adopted pursuant thereto;

(c) Apply to a public school regardless of whether the school receives money from the Federal Government; and

(d) Do not impair any right, obligation or prohibition established pursuant to [chapter 432B](#) of NRS.

8. The State Board may adopt such regulations as are necessary to ensure that public schools comply with the provisions of this section.

9. As used in this section, unless the context otherwise requires, "education records" has the meaning ascribed to it in 20 U.S.C. § 1232g(a)(4).

(Added to NRS by [1997, 2528](#))

NRS 392.033 Regulations prescribing requirements for promotion to high school; effect of failure to comply; evaluation of course of study or credits of pupil who transfers from junior high or middle school; placement on academic probation; enrollment of homeschooled children in high school.

1. The State Board shall adopt regulations which prescribe the courses of study required for promotion to high school, including, without limitation, English, mathematics, science and social studies. The regulations may include the credits to be earned in each course.

2. Except as otherwise provided in subsection 4, the board of trustees of a school district shall not promote a pupil to high school if the pupil does not complete the course of study or credits required for promotion. The board of trustees of the school district in which the pupil is enrolled may provide programs of remedial study to complete the courses of study required for promotion to high school.

3. The board of trustees of each school district shall adopt a procedure for evaluating the course of study or credits completed by a pupil who transfers to a junior high or middle school from a junior high or middle school in this State or from a school outside of this State.

4. The board of trustees of each school district shall adopt a policy that allows a pupil who has not completed the courses of study or credits required for promotion to high school to be placed on academic probation and to enroll in high school. A pupil who is on academic probation pursuant to this subsection shall complete appropriate remediation in the subject areas that the pupil failed to pass. The policy must include the criteria for eligibility of a pupil to be placed on academic probation. A parent or guardian may elect not to place his or her child on academic probation but to remain in grade 8.

5. A homeschooled child who enrolls in a public high school shall, upon initial enrollment:

(a) Provide documentation sufficient to prove that the child has successfully completed the courses of study required for promotion to high school through an accredited program of homeschool study recognized by the board of trustees of the school district;

(b) Demonstrate proficiency in the courses of study required for promotion to high school through an examination prescribed by the board of trustees of the school district; or

(c) Provide other proof satisfactory to the board of trustees of the school district demonstrating competency in the courses of study required for promotion to high school.

(Added to NRS by [1997, 2488](#); A [2007, 1080, 1964, 3035](#))

NRS 392.035 Formula for determining mobility of pupils in school; Department to distribute form for submitting information necessary to formula.

1. In determining the mobility of pupils in a school, for any purpose, the Department shall divide the sum of the following numbers by the cumulative enrollment in the school:

(a) The number of late entries or transfers into a school from another school, school district or state, after the beginning of the school year;

(b) The number of pupils reentering the school after having withdrawn from the same school; and

(c) The number of pupils who withdraw for any reason or who are dropped for nonattendance.

2. To determine the cumulative enrollment of the school pursuant to subsection 1, the Department shall add the total number of pupils enrolled in programs of instruction in the school who are included in the count for apportionment purposes pursuant to paragraphs (a) to (d), inclusive, (f) and (g) of subsection 1 of [NRS 387.123](#) and the number of pupils included in paragraphs (a) and (b) of subsection 1.

3. The Department shall develop and distribute to the county school districts a form upon which the information necessary to the formula may be submitted by the individual schools.

(Added to NRS by [1995, 1674](#); A [1999, 3316, 2001, 3163](#))

ATTENDANCE

Compulsory and Excused Attendance; Retention

NRS 392.040 Attendance required for child between 7 and 18 years of age; minimum age required for kindergarten and first grade; waiver from attendance available for child 6 years of age; developmental screening test required to determine placement; effect of military transfer of parent of child.

1. Except as otherwise provided by law, each parent, custodial parent, guardian or other person in the State of Nevada having control or charge of any child between the ages of 7 and 18 years shall send the child to a public school during all the time the public school is in session in the school district in which the child resides unless the child has graduated from high school.

2. A child who is 5 years of age on or before September 30 of a school year may be admitted to kindergarten at the beginning of that school year, and the child's enrollment must be counted for purposes of apportionment. If a child is not 5 years of age on or before September 30 of a school year, the child must not be admitted to kindergarten.

3. Except as otherwise provided in subsection 4, a child who is 6 years of age on or before September 30 of a school year must:

(a) If the child has not completed kindergarten, be admitted to kindergarten at the beginning of that school year; or

(b) If the child has completed kindergarten, be admitted to the first grade at the beginning of that school year,

Ê and the child's enrollment must be counted for purposes of apportionment. If a child is not 6 years of age on or before September 30 of a school year, the child must not be admitted to the first grade until the beginning of the school year following the child's sixth birthday.

4. The parents, custodial parent, guardian or other person within the State of Nevada having control or charge of a child who is 6 years of age on or before September 30 of a school year may elect for the child not to attend kindergarten or the first grade during that year. The parents, custodial parent, guardian or other person who makes such an election shall file with the board of trustees of the appropriate school district a waiver in a form prescribed by the board.

5. Whenever a child who is 6 years of age is enrolled in a public school, each parent, custodial parent, guardian or other person in the State of Nevada having control or charge of the child shall send the child to the public school during all the time the school is in session. If the board of trustees of a school district has adopted a policy prescribing a minimum number of days of attendance for pupils enrolled in kindergarten or first grade pursuant to [NRS 392.122](#), the school district shall provide to each parent and legal guardian of a pupil who elects to enroll his or her child in kindergarten or first grade a written document containing a copy of that policy and a copy of the policy of the school district concerning the withdrawal of pupils from kindergarten or first grade. Before the child's first day of attendance at a school, the parent or legal guardian shall sign a statement on a form provided by the school district acknowledging that he or she has read and understands the policy concerning attendance and the policy concerning withdrawal of pupils from kindergarten or first grade. The parent or legal guardian shall comply with the applicable requirements for attendance. This requirement for attendance does not apply to any child under the age of 7 years who has not yet been enrolled or has been formally withdrawn from enrollment in public school.

6. A child who is 7 years of age on or before September 30 of a school year must:

(a) If the child has completed kindergarten and the first grade, be admitted to the second grade.

(b) If the child has completed kindergarten, be admitted to the first grade.

(c) If the parents, custodial parent, guardian or other person in the State of Nevada having control or charge of the child waived the child's attendance from kindergarten pursuant to subsection 4, undergo an assessment by the district pursuant to subsection 7 to determine whether the child is prepared developmentally to be admitted to the first grade. If the district determines that the child is prepared developmentally, the child must be admitted to the first grade. If the district determines that the child is not so prepared, he or she must be admitted to kindergarten.

Ê The enrollment of any child pursuant to this subsection must be counted for apportionment purposes.

7. Each school district shall prepare and administer before the beginning of each school year a developmental screening test to a child:

(a) Who is 7 years of age on or before September 30 of the next school year; and

(b) Whose parents waived the child's attendance from kindergarten pursuant to subsection 4, Ê to determine whether the child is prepared developmentally to be admitted to the first grade. The results of the test must be made available to the parents, custodial parent, guardian or other person within the State of Nevada having control or charge of the child.

8. Except as otherwise provided in subsection 9, a child who becomes a resident of this State after completing kindergarten or beginning first grade in another state in accordance with the laws of that state may be admitted to the grade the child was attending or would be attending had he or she remained a resident of the other state regardless of his or her age, unless the board of trustees of the school district determines that the requirements of this section are being deliberately circumvented.

9. Pursuant to the provisions of [NRS 392C.010](#), a child who transfers to a school in this State from a school outside this State because of the military transfer of the parent or legal guardian of the child must be admitted to:

(a) The grade, other than kindergarten, the child was attending or would be attending had he or she remained a resident of the other state, regardless of the child's age.

(b) Kindergarten, if the child was enrolled in kindergarten in another state in accordance with the laws of that state, regardless of the child's age.

10. As used in this section, "kindergarten" includes:

(a) A kindergarten established by the board of trustees of a school district pursuant to [NRS 388.060](#);

(b) A kindergarten established by the governing body of a charter school; and

(c) An authorized program of instruction for kindergarten offered in a child's home pursuant to [NRS 388.060](#).

[363:32:1956]—(NRS A 1957, 304; 1971, 170; 1975, 49; 1979, 818; [1989, 217](#); [1997, 1724](#); [2001, 3163](#); [2005, 520](#); [2007, 1080, 2179](#); [2009, 2620](#))

NRS 392.050 Attendance excused for physical or medical condition; excused child with disability qualifies for free appropriate public education.

1. A child must be excused from attendance required by the provisions of [NRS 392.040](#) when satisfactory written evidence is presented to the board of trustees of the school district in which the child resides that the child's physical or mental condition is such as to prevent or render inadvisable the child's attendance at school or his or her application to study.

2. A certificate in writing from any qualified physician acting within his or her authorized scope of practice, filed with the board of trustees immediately after its receipt, stating that the child is not able to attend school or that the child's attendance is inadvisable must be taken as satisfactory evidence by the board of trustees.

3. A board of trustees of a school district which has excused from attendance pursuant to subsection 1 a child who, pursuant to [NRS 388.440](#), qualifies as a pupil with a disability, shall make available to the child a free appropriate public education in compliance with the Individuals with Disabilities Education Act (20 U.S.C. §§ 1400 et seq.), as that act existed on July 1, 1995.

[364:32:1956]—(NRS A [1995, 260](#))

NRS 392.060 Attendance excused upon completion of 12 grades of elementary and high school. Attendance required by the provisions of [NRS 392.040](#) shall be excused when satisfactory written evidence is presented to the board of trustees of the school district in which the child resides that the child has already completed the 12 grades of the elementary and high school courses.

[365:32:1956]

NRS 392.070 Attendance excused for children in private school or homeschool; participation of private school children and homeschooled children in classes and extracurricular activities.

1. Attendance of a child required by the provisions of [NRS 392.040](#) must be excused when:

(a) The child is enrolled in a private school pursuant to [chapter 394](#) of NRS; or

(b) A parent of the child chooses to provide education to the child and files a notice of intent to homeschool the child with the superintendent of schools of the school district in which the child resides in accordance with [NRS 392.700](#).

2. The board of trustees of each school district shall provide programs of special education and related services for homeschooled children. The programs of special education and related services required by this section must be made available:

(a) Only if a child would otherwise be eligible for participation in programs of special education and related services pursuant to [NRS 388.440](#) to [388.520](#), inclusive;

(b) In the same manner that the board of trustees provides, as required by 20 U.S.C. § 1412, for the participation of pupils with disabilities who are enrolled in private schools within the school district voluntarily by their parents or legal guardians; and

(c) In accordance with the same requirements set forth in 20 U.S.C. § 1412 which relate to the participation of pupils with disabilities who are enrolled in private schools within the school district voluntarily by their parents or legal guardians.

3. Except as otherwise provided in subsection 2 for programs of special education and related services, upon the request of a parent or legal guardian of a child who is enrolled in a private school or a parent or legal guardian of a homeschooled child, the board of trustees of the school district in which the child resides shall authorize the child to participate in any classes and extracurricular activities, excluding sports, at a public school within the school district if:

(a) Space for the child in the class or extracurricular activity is available;

(b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the child is qualified to participate in the class or extracurricular activity; and

(c) If the child is a homeschooled child, a notice of intent of a homeschooled child to participate in programs and activities is filed for the child with the school district for the current school year pursuant to [NRS 392.705](#).

Ê If the board of trustees of a school district authorizes a child to participate in a class or extracurricular activity, excluding sports, pursuant to this subsection, the board of trustees is not required to provide transportation for the child to attend the class or activity. A homeschooled child must be allowed to participate in interscholastic activities and events governed by the Nevada Interscholastic Activities Association pursuant to [NRS 386.420](#) to [386.470](#), inclusive, and interscholastic activities and events, including sports, pursuant to subsection 5.

4. The board of trustees of a school district may revoke its approval for a pupil to participate in a class or extracurricular activity at a public school pursuant to subsection 3 if the board of trustees or the public school determines that the pupil has failed to comply with applicable statutes, or applicable rules and regulations of the board of trustees. If the board of trustees revokes its approval, neither the board of trustees nor the public school is liable for any damages relating to the denial of services to the pupil.

5. In addition to those interscholastic activities and events governed by the Nevada Interscholastic Activities Association pursuant to [NRS 386.420](#) to [386.470](#), inclusive, a homeschooled child must be allowed to participate in interscholastic activities and events, including sports, if a notice of intent of a homeschooled child to participate in programs and activities is filed for the child with the school district for the current school year pursuant to [NRS 392.705](#). A homeschooled child who participates in interscholastic activities and events at a public school pursuant to this subsection must participate within the school district of the child's residence through the public school which the child is otherwise zoned to attend. Any rules or regulations that apply to pupils enrolled in public schools who participate in interscholastic activities and events, including sports, apply in the same manner to homeschooled children who participate in interscholastic activities and events, including, without limitation, provisions governing:

(a) Eligibility and qualifications for participation;

(b) Fees for participation;

(c) Insurance;

(d) Transportation;

(e) Requirements of physical examination;

(f) Responsibilities of participants;

(g) Schedules of events;

(h) Safety and welfare of participants;

(i) Eligibility for awards, trophies and medals;

(j) Conduct of behavior and performance of participants; and

(k) Disciplinary procedures.

6. If a homeschooled child participates in interscholastic activities and events pursuant to subsection 5:

(a) No challenge may be brought by the Association, a school district, a public school or a private school, a parent or guardian of a pupil enrolled in a public school or a private school, a pupil enrolled in a public school or a private school, or any other entity or person claiming that an interscholastic activity or event is invalid because the homeschooled child is allowed to participate.

(b) Neither the school district nor a public school may prescribe any regulations, rules, policies, procedures or requirements governing the eligibility or participation of the homeschooled child that are more restrictive than the provisions governing the eligibility and participation of pupils enrolled in public schools.

7. The programs of special education and related services required by subsection 2 may be offered at a public school or another location that is appropriate.

8. The board of trustees of a school district:

(a) May, before providing programs of special education and related services to a homeschooled child pursuant to subsection 2, require proof of the identity of the child, including, without limitation, the birth certificate of the child or other documentation sufficient to establish the identity of the child.

(b) May, before authorizing a homeschooled child to participate in a class or extracurricular activity, excluding sports, pursuant to subsection 3, require proof of the identity of the child, including, without limitation, the birth certificate of the child or other documentation sufficient to establish the identity of the child.

(c) Shall, before allowing a homeschooled child to participate in interscholastic activities and events governed by the Nevada Interscholastic Activities Association pursuant to [NRS 386.420](#) to [386.470](#), inclusive, and interscholastic activities and events pursuant to subsection 5, require proof of the identity of the child, including, without limitation, the birth certificate of the child or other documentation sufficient to establish the identity of the child.

9. The Department shall adopt such regulations as are necessary for the boards of trustees of school districts to provide the programs of special education and related services required by subsection 2.

10. As used in this section, “related services” has the meaning ascribed to it in 20 U.S.C. § 1401.

[366:32:1956]—(NRS A [1999, 3316](#); [2003, 2961](#); [2005, 2825](#); [2007, 3035](#))

NRS 392.075 Attendance excused if permission granted to take high school equivalency assessment. Attendance required by the provisions of [NRS 392.040](#) must be excused if a child has obtained permission to take the high school equivalency assessment pursuant to [NRS 385.448](#).

(Added to NRS by [2001, 1493](#); A [2013, 3283](#))

NRS 392.080 Attendance excused for distant residence from nearest school. Attendance required by the provisions of [NRS 392.040](#) shall be excused when the Superintendent of Public Instruction has determined that the child’s residence is located at such distance from the nearest public school as to render attendance unsafe or impractical, and the child’s parent or guardian has notified the board of trustees to that effect in writing.

[367:32:1956]—(NRS A 1959, 808; 1979, 1613)

NRS 392.110 Attendance excused for child between 15 and 18 years of age who has completed eighth grade to enter employment or apprenticeship; written permit required.

1. Any child between the ages of 15 and 18 years who has completed the work of the first eight grades may be excused from full-time school attendance and may be permitted to enter proper employment or apprenticeship, by the written authority of the board of trustees excusing the child from such attendance. The board’s written authority must state the reason or reasons for such excuse.

2. In all such cases, no employer or other person shall employ or contract for the services or time of such child until the child presents a written permit therefor from the attendance officer or board of trustees. The permit must be kept on file by the employer and, upon the termination of employment, must be returned by the employer to the board of trustees or other authority issuing it.

[370:32:1956]—(NRS A 1957, 304; 1979, 1614; [2007, 1082, 2181; 2011, 649](#))

NRS 392.118 Accounting of attendance and tardiness on report cards of pupils. The board of trustees of each school district shall adopt rules that require each public school in the district to include the accounting of attendance and, if feasible, tardiness of a pupil on each report card or other report of progress of the pupil. The report card or other report of progress must indicate the number of absences, if any, for the period covered by the report card or other report of progress.

(Added to NRS by [1997, 2834](#))

NRS 392.122 Minimum attendance requirements; school district authorized to exempt medical absences from requirements; notice and opportunity for parent to review absences before credit or promotion is denied; information to parents concerning duty to comply.

1. The board of trustees of each school district shall prescribe a minimum number of days that a pupil who is subject to compulsory attendance and enrolled in a school in the district must be in attendance for the pupil to obtain credit or to be promoted to the next higher grade. The board of trustees of a school district may adopt a policy prescribing a minimum number of days that a pupil who is enrolled in kindergarten or first grade in the school district must be in attendance for the pupil to obtain credit or to be promoted to the next higher grade.

2. For the purposes of this section, the days on which a pupil is not in attendance because the pupil is absent for up to 10 days within 1 school year with the approval of the teacher or principal of the school pursuant to [NRS 392.130](#), must be credited towards the required days of attendance if the pupil has completed course-work requirements. The teacher or principal of the school may approve the absence of a pupil for deployment activities of the parent or legal guardian of the pupil, as defined in [NRS 392C.010](#). If the board of trustees of a school district has adopted a policy pursuant to subsection 5, the 10-day limitation on absences does not apply to absences that are excused pursuant to that policy.

3. Except as otherwise provided in subsection 5, before a pupil is denied credit or promotion to the next higher grade for failure to comply with the attendance requirements prescribed pursuant to subsection 1, the principal of the school in which the pupil is enrolled or the principal's designee shall provide written notice of the intended denial to the parent or legal guardian of the pupil. The notice must include a statement indicating that the pupil and the pupil's parent or legal guardian may request a review of the absences of the pupil and a statement of the procedure for requesting such a review. Upon the request for a review by the pupil and the pupil's parent or legal guardian, the principal or the principal's designee shall review the reason for each absence of the pupil upon which the intended denial of credit or promotion is based. After the review, the principal or the principal's designee shall credit towards the required days of attendance each day of absence for which:

(a) There is evidence or a written affirmation by the parent or legal guardian of the pupil that the pupil was physically or mentally unable to attend school on the day of the absence; and

(b) The pupil has completed course-work requirements.

4. A pupil and the pupil's parent or legal guardian may appeal a decision of a principal or the principal's designee pursuant to subsection 3 to the board of trustees of the school district in which the pupil is enrolled.

5. The board of trustees of a school district may adopt a policy to exempt pupils who are physically or mentally unable to attend school from the limitations on absences set forth in subsection 1. If a board of trustees adopts a policy pursuant to this subsection:

(a) A pupil who receives an exemption pursuant to this subsection is not exempt from the minimum number of days of attendance prescribed pursuant to subsection 1.

(b) The days on which a pupil is physically or mentally unable to attend school must be credited towards the required days of attendance if the pupil has completed course-work requirements.

(c) The procedure for review of absences set forth in subsection 3 does not apply to days on which the pupil is absent because the pupil is physically or mentally unable to attend school.

6. A school shall inform the parents or legal guardian of each pupil who is enrolled in the school that the parents or legal guardian and the pupil are required to comply with the provisions governing the attendance and truancy of pupils set forth in [NRS 392.040](#) to [392.160](#), inclusive, and any other rules concerning attendance and truancy adopted by the board of trustees of the school district.

(Added to NRS by [1997, 2488](#); A [1999, 3454](#); [2003, 1341](#); [2005, 94, 521](#); [2009, 2622](#))

NRS 392.123 Written statement verifying pupil's compliance with minimum attendance requirements or determination of existence of hardship and best interests of pupil or pupil's family; submission of written statement or determination with application for driver's license; boards of trustees to prescribe standard form. [Effective January 1, 2015.]

1. The principal of a public school or a designee of the principal shall, upon written request by a pupil who is between the ages of 14 and 18 years and who is enrolled in the school, provide the pupil a written statement signed by the principal or the designee:

(a) Verifying that the pupil has complied with the minimum attendance requirements established by the board of trustees of the school district pursuant to [NRS 392.122](#); or

(b) If the pupil does not satisfy the requirements of paragraph (a), indicating that the principal or the designee has determined that a hardship exists and it would be in the best interests of the pupil or his or her family for the pupil to be allowed to drive if the pupil otherwise satisfies the requirements of [NRS 483.2521](#), [483.267](#) or [483.270](#), as applicable.

2. The principal of a public school or a designee of the principal shall not provide a written statement pursuant to subsection 1 unless the pupil satisfies the requirements of paragraph (a) of subsection 1 or the principal determines a hardship exists pursuant to paragraph (b) of subsection 1.

3. The written statement provided to the pupil pursuant to subsection 1 may be used for the purposes of submitting materials that must accompany an application for a driver's license pursuant to [NRS 483.2521](#) or an application for a restricted license pursuant to [NRS 483.267](#) and [483.270](#).

4. The board of trustees of each school district shall prescribe a standard form for use by the principals employed by the school district and their designees pursuant to this section.

(Added to NRS by [2013, 2458](#), effective January 1, 2015)

NRS 392.125 Retention of pupil in same grade: Requirements; limitation; exception for charter schools.

1. Except as otherwise provided in subsection 4, before any pupil enrolled in a public school may be retained in the same grade rather than promoted to the next higher grade for the succeeding school year, the pupil's teacher and principal must make a reasonable effort to arrange a meeting and to meet with the pupil's parents or guardian to discuss the reasons and circumstances.

2. The teacher and the principal in joint agreement have the final authority to retain a pupil in the same grade for the succeeding school year.

3. Except as otherwise provided in subsection 2 of [NRS 392.033](#) for the promotion of a pupil to high school, no pupil may be retained more than one time in the same grade.

4. This section does not apply to the academic retention of pupils who are enrolled in a charter school.

(Added to NRS by 1979, 818; A 1981, 871; [1997, 1873](#); [2003, 2519](#))

Advisory Boards to Review School Attendance; Absence and Truancy; Administrative Sanctions

NRS 392.126 Creation of advisory board in each county; membership; terms; compensation.

1. There is hereby created in each county at least one advisory board to review school attendance. The membership of each such board may consist of:

(a) One probation officer in the county who works on cases relating to juveniles, appointed by the judge or judges of the juvenile court of the county;

(b) One representative of a law enforcement agency in the county who works on cases relating to juveniles, appointed by the judge or judges of the juvenile court of the county;

(c) One representative of the district attorney for the county, appointed by the district attorney;

(d) One parent or legal guardian of a pupil who is enrolled in a public school in the county, or his or her designee or alternate who is also a parent or legal guardian, appointed by the president of the board of trustees of the school district;

(e) One member of the board of trustees of the school district, appointed by the president of the board of trustees;

(f) One school counselor or school teacher employed by the school district, appointed by an organization or association that represents licensed educational personnel in the school district;

(g) One deputy sheriff in the county, appointed by the sheriff of the county; and

(h) One representative of the agency which provides child welfare services, as defined in [NRS 432B.030](#).

2. The members of each such board shall elect a chair from among their membership.

3. Each member of such a board must be appointed for a term of 2 years. A vacancy in the membership of the board must be filled in the same manner as the original appointment for the remainder of the unexpired term.

4. Each member of such a board serves without compensation, except that, for each day or portion of a day during which a member of the board attends a meeting of the board or is otherwise engaged in the business of the board, the member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally. The board of trustees of the school district shall pay the per diem allowance and travel expenses from the general fund of the school district.

(Added to NRS by [1997, 2834](#); A [1999, 3455](#); [2001 Special Session, 21](#))

NRS 392.127 Administrative support to advisory boards. The board of trustees of each school district shall provide administrative support to each advisory board to review school attendance created in its county pursuant to [NRS 392.126](#).

(Added to NRS by [1997, 2834](#); A [1999, 3455](#); [2007, 1816](#); [2013, 2040](#))

NRS 392.128 Duties of advisory boards; division into subcommittees; provision of assistance in conjunction with community service providers; use and accounting of available money by advisory board.

1. Each advisory board to review school attendance created pursuant to [NRS 392.126](#) shall:

(a) Review the records of the attendance and truancy of pupils submitted to the advisory board to review school attendance by the board of trustees of the school district or the State Public Charter School Authority or a college or university within the Nevada System of Higher Education that sponsors a charter school pursuant to subsection 2 of [NRS 385.3481](#);

(b) Identify factors that contribute to the truancy of pupils in the school district;

(c) Establish programs to reduce the truancy of pupils in the school district, including, without limitation, the coordination of services available in the community to assist with the intervention, diversion and discipline of pupils who are truant;

(d) At least annually, evaluate the effectiveness of those programs;

(e) Establish a procedure for schools and school districts for the reporting of the status of pupils as habitual truants; and

(f) Inform the parents and legal guardians of the pupils who are enrolled in the schools within the district of the policies and procedures adopted pursuant to the provisions of this section.

2. The chair of an advisory board may divide the advisory board into subcommittees. The advisory board may delegate one or more of the duties of the advisory board to a subcommittee of the advisory board, including, without limitation, holding hearings pursuant to [NRS 392.147](#). If the chair of an advisory board divides the advisory board into subcommittees, the chair shall notify the board of trustees of the school district of this action. Upon receipt of such a notice, the board of trustees shall establish rules and procedures for each such subcommittee. A subcommittee shall abide by the applicable rules and procedures when it takes action or makes decisions.

3. An advisory board to review school attendance may work with a family resource center or other provider of community services to provide assistance to pupils who are truant. The advisory board shall identify areas within the school district in which community services are not available to assist pupils who are truant. As used in this subsection, “family resource center” has the meaning ascribed to it in [NRS 430A.040](#).

4. An advisory board to review school attendance created in a county pursuant to [NRS 392.126](#) may use money appropriated by the Legislature and any other money made available to the advisory board for the use of programs to reduce the truancy of pupils in the school district. The advisory board to review school attendance shall, on a quarterly basis, provide to the board of trustees of the school district an accounting of the money used by the advisory board to review school attendance to reduce the truancy of pupils in the school district.

(Added to NRS by [1997, 2835](#); A [1999, 2670, 3455](#); [2001, 248](#); [2003, 19th Special Session, 79](#); [2007, 1817](#); [2011, 2377](#))

NRS 392.129 Establishment of school attendance councils; membership; duties; annual report.
Repealed. (See chapter 379, Statutes of Nevada 2013, at page 2042.)

NRS 392.130 Conditions under which pupil deemed truant; approval required for absence; notice of unapproved absence to parent; applicability.

1. Within the meaning of this chapter, a pupil shall be deemed a truant who is absent from school without the written approval of the pupil’s teacher or the principal of the school, unless the pupil is physically or mentally unable to attend school. The teacher or principal shall give his or her written approval for a pupil to be absent if an emergency exists or upon the request of a parent or legal guardian of the pupil. Before a pupil may attend or otherwise participate in school activities outside the classroom during regular classroom hours, the pupil must receive the approval of the teacher or principal.

2. An unapproved absence for at least one period, or the equivalent of one period for the school, of a school day may be deemed a truancy for the purposes of this section.

3. If a pupil is physically or mentally unable to attend school, the parent or legal guardian or other person having control or charge of the pupil shall notify the teacher or principal of the school orally or in writing, in accordance with the policy established by the board of trustees of the school district, within 3 days after the pupil returns to school.

4. An absence which has not been approved pursuant to subsection 1 or 3 shall be deemed an unapproved absence. In the event of an unapproved absence, the teacher, attendance officer or other school official shall deliver or cause to be delivered a written notice of truancy to the parent, legal guardian or other person having control or charge of the child. The written notice must be delivered to

the parent, legal guardian or other person who has control of the child. The written notice must inform the parents or legal guardian of such absences in a form specified by the Department.

5. The provisions of this section apply to all pupils who are required to attend school pursuant to [NRS 392.040](#).

6. As used in this section, “physically or mentally unable to attend” does not include a physical or mental condition for which a pupil is excused pursuant to [NRS 392.050](#).

[372:32:1956]—(NRS A [1985, 2168](#); [1987, 158](#); [1997, 2835](#); [1999, 3456](#); [2007, 1082, 2181](#))

NRS 392.140 Conditions under which pupil declared habitual truant; applicability.

1. Any child who has been declared a truant three or more times within one school year must be declared a habitual truant.

2. Any child who has once been declared a habitual truant and who in an immediately succeeding year is absent from school without the written:

(a) Approval of the child’s teacher or the principal of the school pursuant to subsection 1 of [NRS 392.130](#); or

(b) Notice of his or her parent or legal guardian or other person who has control or charge over the pupil pursuant to subsection 3 of [NRS 392.130](#),

È may again be declared a habitual truant.

3. The provisions of this section apply to all pupils who are required to attend school pursuant to [NRS 392.040](#).

[373:32:1956]—(NRS A [1997, 2836](#); [1999, 3457](#); [2007, 1083, 2182](#))

NRS 392.141 Applicability of provisions to pupils. [Effective through December 31, 2014.] The provisions of [NRS 392.144](#), [392.146](#) and [392.147](#) apply to all pupils who are required to attend school pursuant to [NRS 392.040](#).

(Added to NRS by [1999, 3452](#); A [2007, 1083, 2182](#))

NRS 392.141 Applicability of provisions to pupils. [Effective January 1, 2015.] The provisions of [NRS 392.144](#) to [392.148](#), inclusive, apply to all pupils who are required to attend school pursuant to [NRS 392.040](#).

(Added to NRS by [1999, 3452](#); A [2007, 1083, 2182](#); [2013, 2459](#), effective January 1, 2015)

NRS 392.144 Duties of school if pupil is truant; habitual truant must be reported to attendance officer or law enforcement or referred to advisory board. [Effective through December 31, 2014.]

1. If a pupil has one or more unapproved absences from school, the school in which the pupil is enrolled shall take reasonable actions designed, as applicable, to encourage, enable or convince the pupil to attend school.

2. If a pupil is a habitual truant pursuant to [NRS 392.140](#), the principal of the school shall:

(a) Report the pupil to an attendance officer, a school police officer or the local law enforcement agency for investigation and issuance of a citation, if warranted, in accordance with [NRS 392.149](#); or

(b) If the parent or legal guardian of a pupil has signed a written consent pursuant to subsection 4, submit a written referral of the pupil to the advisory board to review school attendance in the county in accordance with [NRS 392.146](#).

3. The board of trustees of each school district shall adopt criteria to determine whether the principal of a school shall report a pupil to an attendance officer, a school police officer or the law enforcement agency pursuant to paragraph (a) of subsection 2 or refer a pupil to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2.

4. If the principal of a school makes an initial determination to submit a written referral of a pupil to the advisory board to review school attendance, the principal shall notify the parent or legal guardian

of the pupil and request the parent or legal guardian to sign a written consent that authorizes the school and, if applicable, the school district to release the records of the pupil to the advisory board to the extent that such release is necessary for the advisory board to carry out its duties pursuant to [NRS 392.146](#) and [392.147](#). The written consent must comply with the applicable requirements of 20 U.S.C. § 1232g(b) and 34 C.F.R. Part 99. If the parent or legal guardian refuses to sign the consent, the principal shall report the pupil to an attendance officer, a school police officer or the local law enforcement agency pursuant to paragraph (a) of subsection 2.

(Added to NRS by [1999, 3452](#); A [2013, 1699](#))

NRS 392.144 Duties of school if pupil is truant; habitual truant must be reported to attendance officer or law enforcement, referred to advisory board or referred for imposition of administrative sanctions. [Effective January 1, 2015.]

1. If a pupil has one or more unapproved absences from school, the school in which the pupil is enrolled shall take reasonable actions designed, as applicable, to encourage, enable or convince the pupil to attend school.

2. If a pupil is a habitual truant pursuant to [NRS 392.140](#), or if a pupil who is a habitual truant pursuant to [NRS 392.140](#) is again declared truant pursuant to [NRS 392.130](#) in the same school year after being declared a habitual truant, the principal of the school shall:

(a) Report the pupil to an attendance officer, a school police officer or the local law enforcement agency for investigation and issuance of a citation, if warranted, in accordance with [NRS 392.149](#);

(b) If the parent or legal guardian of a pupil has signed a written consent pursuant to subsection 4, submit a written referral of the pupil to the advisory board to review school attendance in the county in accordance with [NRS 392.146](#); or

(c) Refer the pupil for the imposition of administrative sanctions in accordance with [NRS 392.148](#).

3. The board of trustees of each school district shall adopt criteria to determine whether the principal of a school shall:

(a) Report a pupil to an attendance officer, a school police officer or the law enforcement agency pursuant to paragraph (a) of subsection 2;

(b) Refer a pupil to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2; or

(c) Refer a pupil for the imposition of administrative sanctions pursuant to paragraph (c) of subsection 2.

4. If the principal of a school makes an initial determination to submit a written referral of a pupil to the advisory board to review school attendance, the principal shall notify the parent or legal guardian of the pupil and request the parent or legal guardian to sign a written consent that authorizes the school and, if applicable, the school district to release the records of the pupil to the advisory board to the extent that such release is necessary for the advisory board to carry out its duties pursuant to [NRS 392.146](#) and [392.147](#). The written consent must comply with the applicable requirements of 20 U.S.C. § 1232g(b) and 34 C.F.R. Part 99. If the parent or legal guardian refuses to sign the consent, the principal shall:

(a) Report the pupil to an attendance officer, a school police officer or the local law enforcement agency pursuant to paragraph (a) of subsection 2; or

(b) Refer the pupil for the imposition of administrative sanctions pursuant to paragraph (c) of subsection 2.

(Added to NRS by [1999, 3452](#); A [2013, 1699, 2460](#), effective January 1, 2015)

NRS 392.146 Contents of written referral to advisory board; notice to parents or guardian. A written referral of a pupil to an advisory board to review school attendance must include the dates on

which the pupil was truant from school and all action taken by the school to assist the pupil to attend school. The advisory board may request clarification of any information contained in the written referral or any additional information that the advisory board considers necessary. The school shall provide written notice of the referral to the parents or legal guardian of the pupil. The written notice must include, without limitation:

1. The name and address of the pupil referred;
2. A written explanation of the reason for the referral;
3. A summary of the provisions of [NRS 392.147](#); and
4. The address and telephone number of the advisory board to review school attendance.

(Added to NRS by [1999, 3452](#))

NRS 392.147 Hearing by advisory board; written agreement for participation of pupil in certain programs; reporting of pupil to attendance officer or law enforcement agency under certain circumstances; confidentiality of information. [Effective through December 31, 2014.]

1. If an advisory board to review school attendance receives a written referral of a pupil pursuant to [NRS 392.146](#), the advisory board shall set a date, time and place for a hearing. The pupil and the pupil's parents or legal guardian shall attend the hearing held by the advisory board. The hearing must be closed to the public. The chair of an advisory board to review school attendance may request that subpoenas for a hearing conducted pursuant to this section be issued to:

(a) The parent or legal guardian of a pupil who has been referred to the advisory board or any other person that the advisory board considers necessary to the hearing.

(b) A pupil who has been referred to the advisory board.

2. If a pupil and the pupil's parents or legal guardian do not attend the hearing, the chair of the advisory board shall report the pupil to an attendance officer, a school police officer or the appropriate local law enforcement agency for investigation and issuance of a citation, if warranted in accordance with [NRS 392.149](#).

3. If an advisory board to review school attendance determines that the status of a pupil as a habitual truant can be adequately addressed through participation by the pupil in programs and services available in the community, the advisory board shall order the pupil to participate in such programs and services. If the pupil does not agree to participate in such programs and services, the chair of the advisory board shall report the pupil to an attendance officer, a school police officer or the appropriate local law enforcement agency for investigation and issuance of a citation, if warranted in accordance with [NRS 392.149](#). If the pupil agrees to participate in such programs and services, the advisory board, the pupil and the parents or legal guardian of the pupil shall enter into a written agreement that:

(a) Sets forth the findings of the advisory board;

(b) Sets forth the terms and conditions of the pupil's participation in the programs and services designated by the advisory board; and

(c) Adequately informs the pupil and the pupil's parents or legal guardian that if the pupil or his or her parents or legal guardian do not comply with the terms of the written agreement, the chair of the advisory board is legally obligated to report the pupil to an attendance officer, a school police officer or the appropriate local law enforcement agency for investigation and issuance of a citation, if warranted in accordance with [NRS 392.149](#).

É The parents or legal guardian of the pupil shall, upon the request of the advisory board, provide proof satisfactory to the advisory board that the pupil is participating in the programs and services set forth in the written agreement.

4. The chair of an advisory board to review school attendance shall report a pupil to an attendance officer, a school police officer or the appropriate local law enforcement agency if:

(a) The pupil and the pupil's parents or legal guardian fail to attend a hearing set by the advisory board pursuant to subsection 1;

(b) The advisory board determines that the status of a pupil as a habitual truant cannot be adequately addressed by requiring the pupil to participate in programs and services available in the community;

(c) The pupil does not consent to participation in programs and services pursuant to subsection 3; or

(d) The pupil or the pupil's parents or legal guardian violates the terms of the written agreement entered into pursuant to subsection 3.

5. If the chair of an advisory board makes such a report to an attendance officer, a school police officer or the local law enforcement agency, the chair shall:

(a) Submit to the attendance officer, school police officer or law enforcement agency, as applicable, written documentation of all efforts made by the advisory board to address the status of the pupil as a habitual truant; and

(b) Make recommendations to the attendance officer, school police officer or law enforcement agency, as applicable, regarding the appropriate disposition of the case.

6. If the parents or legal guardian of a pupil enter into a written agreement pursuant to this section, the parents or legal guardian may appeal to the board of trustees of the school district a determination made by the advisory board concerning the contents of the written agreement. Upon receipt of such a request, the board of trustees of the school district shall review the determination in accordance with the procedure established by the board of trustees for such matters.

7. The board of trustees of each school district shall adopt policies and rules to protect the confidentiality of the deliberations, findings and determinations made by an advisory board and information concerning a pupil and the family of a pupil. An advisory board shall not disclose information concerning the records of a pupil or services provided to a pupil or the pupil's family unless the disclosure is specifically authorized by statute or by the policies and rules of the board of trustees and is necessary for the advisory board to carry out its duties.

(Added to NRS by [1999, 3453](#); A [2013, 1700](#))

NRS 392.147 Hearing by advisory board; written agreement for participation of pupil in certain programs; reporting of pupil to attendance officer or law enforcement agency or referral for administrative sanctions under certain circumstances; appeal by parent; confidentiality of information. [Effective January 1, 2015.]

1. If an advisory board to review school attendance receives a written referral of a pupil pursuant to [NRS 392.146](#), the advisory board shall set a date, time and place for a hearing. The pupil and the pupil's parents or legal guardian shall attend the hearing held by the advisory board. The hearing must be closed to the public. The chair of an advisory board to review school attendance may request that subpoenas for a hearing conducted pursuant to this section be issued to:

(a) The parent or legal guardian of a pupil who has been referred to the advisory board or any other person that the advisory board considers necessary to the hearing.

(b) A pupil who has been referred to the advisory board.

2. If a pupil and the pupil's parents or legal guardian do not attend the hearing, the chair of the advisory board shall:

(a) Report the pupil to an attendance officer, a school police officer or the appropriate local law enforcement agency for investigation and issuance of a citation, if warranted in accordance with [NRS 392.149](#); or

(b) Refer the pupil for the imposition of administrative sanctions in accordance with [NRS 392.148](#).

3. If an advisory board to review school attendance determines that the status of a pupil as a habitual truant can be adequately addressed through participation by the pupil in programs and services

available in the community, the advisory board shall order the pupil to participate in such programs and services. If the pupil does not agree to participate in such programs and services, the chair of the advisory board shall report the pupil to an attendance officer, a school police officer or the appropriate local law enforcement agency for investigation and issuance of a citation, if warranted in accordance with [NRS 392.149](#), or refer the pupil for the imposition of administrative sanctions in accordance with [NRS 392.148](#). If the pupil agrees to participate in such programs and services, the advisory board, the pupil and the parents or legal guardian of the pupil shall enter into a written agreement that:

(a) Sets forth the findings of the advisory board;

(b) Sets forth the terms and conditions of the pupil's participation in the programs and services designated by the advisory board; and

(c) Adequately informs the pupil and the pupil's parents or legal guardian that if the pupil or his or her parents or legal guardian do not comply with the terms of the written agreement, the chair of the advisory board is legally obligated to report the pupil to an attendance officer, a school police officer or the appropriate local law enforcement agency for investigation and issuance of a citation, if warranted in accordance with [NRS 392.149](#), or refer the pupil for the imposition of administrative sanctions in accordance with [NRS 392.148](#).

Ê The parents or legal guardian of the pupil shall, upon the request of the advisory board, provide proof satisfactory to the advisory board that the pupil is participating in the programs and services set forth in the written agreement.

4. The chair of an advisory board to review school attendance shall report a pupil to an attendance officer, a school police officer or the appropriate local law enforcement agency or refer the pupil for the imposition of administrative sanctions in accordance with [NRS 392.148](#) if:

(a) The pupil and the pupil's parents or legal guardian fail to attend a hearing set by the advisory board pursuant to subsection 1;

(b) The advisory board determines that the status of a pupil as a habitual truant cannot be adequately addressed by requiring the pupil to participate in programs and services available in the community;

(c) The pupil does not consent to participation in programs and services pursuant to subsection 3; or

(d) The pupil or the pupil's parents or legal guardian violates the terms of the written agreement entered into pursuant to subsection 3.

5. If the chair of an advisory board makes a report to an attendance officer, a school police officer or the local law enforcement agency pursuant to subsection 4, the chair shall:

(a) Submit to the attendance officer, school police officer or law enforcement agency, as applicable, written documentation of all efforts made by the advisory board to address the status of the pupil as a habitual truant; and

(b) Make recommendations to the attendance officer, school police officer or law enforcement agency, as applicable, regarding the appropriate disposition of the case.

6. If the chair of an advisory board refers a pupil for the imposition of administrative sanctions pursuant to subsection 4, the chair shall:

(a) Provide written documentation of all efforts made by the advisory board to address the status of the pupil as a habitual truant; and

(b) Make recommendations regarding the appropriate disposition of the case.

7. If the parents or legal guardian of a pupil enter into a written agreement pursuant to this section, the parents or legal guardian may appeal to the board of trustees of the school district a determination made by the advisory board concerning the contents of the written agreement. Upon receipt of such a request, the board of trustees of the school district shall review the determination in accordance with the procedure established by the board of trustees for such matters.

8. The board of trustees of each school district shall adopt policies and rules to protect the confidentiality of the deliberations, findings and determinations made by an advisory board and information concerning a pupil and the family of a pupil. An advisory board shall not disclose information concerning the records of a pupil or services provided to a pupil or the pupil's family unless the disclosure is specifically authorized by statute or by the policies and rules of the board of trustees and is necessary for the advisory board to carry out its duties.

(Added to NRS by [1999, 3453](#); A [2013, 1700, 2460](#), effective January 1, 2015)

NRS 392.148 Administrative sanctions against habitual truant after investigation and hearing; suspension or delay in issuance of driver's license; appeal by parent or guardian. [Effective January 1, 2015.]

1. Upon receipt of a report pursuant to [NRS 392.144](#) or [392.147](#), a school police officer or a person designated pursuant to subsection 6 shall conduct an investigation, set a date for a hearing and provide a written notice of the hearing to the parent or legal guardian of the pupil. If it appears after investigation and a hearing that a pupil is a habitual truant, a school police officer or a person designated pursuant to subsection 6 may issue an order imposing the following administrative sanctions against a pupil:

(a) If it is the first time that administrative sanctions have been issued pursuant to this section because the pupil is a habitual truant, and the pupil is 14 years of age or older, order the suspension of the driver's license of the pupil for at least 30 days but not more than 6 months. If the pupil does not possess a driver's license, the order must provide that the pupil is prohibited from applying for a driver's license for 30 days:

(1) Immediately following the date of the order if the pupil is eligible to apply for a driver's license; or

(2) After the date the pupil becomes eligible to apply for a driver's license if the pupil is not eligible to apply for a driver's license.

(b) If it is the second time or any subsequent time that administrative sanctions have been issued pursuant to this section because the pupil is a habitual truant, and the pupil is 14 years of age or older, order the suspension of the driver's license of the pupil for at least 60 days but not more than 1 year. If the pupil does not possess a driver's license, the order must provide that the pupil is prohibited from applying for a driver's license for 60 days immediately following:

(1) The date of the order if the pupil is eligible to apply for a driver's license; or

(2) The date the pupil becomes eligible to apply for a driver's license if the pupil is not eligible to apply for a driver's license.

2. If a pupil applies for a driver's license, the Department of Motor Vehicles shall:

(a) Notify the pupil of the provisions of this section that authorize the suspension of the driver's license of the pupil; and

(b) Require the pupil to sign an affidavit acknowledging that the pupil is aware that his or her driver's license may be suspended pursuant to this section.

3. If an order is issued pursuant to this section delaying the ability of the pupil to receive a driver's license, a copy of the order must be forwarded to the Department of Motor Vehicles not later than 5 days after the order is issued.

4. If an order is issued pursuant to this section suspending the driver's license of a pupil:

(a) The pupil shall surrender his or her driver's license to the school police officer or the person designated pursuant to subsection 6.

(b) Not later than 5 days after issuing the order, the school police officer or the designated person shall forward to the Department of Motor Vehicles a copy of the order and the driver's license of the pupil.

(c) The Department of Motor Vehicles:

(1) Shall report the suspension of the driver's license of the pupil to an insurance company or its agent inquiring about the pupil's driving record, but such a suspension must not be considered for the purpose of rating or underwriting.

(2) Shall not treat the suspension in the manner statutorily required for moving traffic violations.

(3) Shall not require the pupil to submit to the tests and other requirements which are adopted by regulation pursuant to subsection 1 of [NRS 483.495](#) as a condition of reinstatement or reissuance after the suspension of a driver's license.

5. The parent or legal guardian of a pupil may request a hearing before a person designated by the board of trustees of the school district in which the pupil is enrolled to appeal the imposition of any administrative sanctions pursuant to this section. The person designated by the board of trustees shall, not later than 30 days after receipt of the request, hold a hearing to review the reason for the imposition of any administrative sanctions. Not later than 30 days after the hearing, the person designated by the board of trustees shall issue a written decision affirming, denying or modifying the decision to impose administrative sanctions and mail a copy of the decision to the parent or legal guardian of the pupil.

6. If a public school does not have a school police officer assigned to it, the principal of the school may designate a qualified person to carry out the requirements of this section.

(Added to NRS by [2013, 2458](#), effective January 1, 2015)

NRS 392.149 Issuance of citation to habitual truant; applicability.

1. Upon receipt of a report pursuant to [NRS 392.144](#) or [392.147](#), if it appears after investigation that a pupil is a habitual truant, the attendance officer, school police officer or law enforcement agency to whom the report is made shall prepare manually or electronically a citation directing the pupil to appear in the proper juvenile court.

2. A copy of the citation must be delivered to the pupil and to the parent, guardian or any other person who has control or charge of the pupil by:

(a) The local law enforcement agency;

(b) A school police officer employed by the board of trustees of the school district; or

(c) An attendance officer appointed by the board of trustees of the school district.

3. The citation must be in the form prescribed for misdemeanor citations in [NRS 171.1773](#).

4. The provisions of this section apply to all pupils who are required to attend school pursuant to [NRS 392.040](#).

(Added to NRS by [1997, 2835](#); A [1999, 1144, 3457](#); [2007, 1083, 2182](#); [2013, 1701](#))

NRS 392.150 Appointment of attendance officer authorized; procedures to monitor attendance and truancy; consideration of employment of attendance clerk.

1. The board of trustees of a school district may appoint an attendance officer for the school district, who need not be a licensed employee of the school district, except that in any school district where a system of classified employment is in effect, attendance officers must be classified employees of the school district. If the board of trustees appoints an attendance officer for the school district, the board of trustees may:

(a) Fix the compensation of the attendance officer;

(b) Prescribe the duties of the attendance officer; and

(c) Adopt regulations not inconsistent with law for the performance of the duties of the attendance officer.

2. The board of trustees of each school district shall:

(a) Establish procedures to monitor the attendance and truancy of pupils, including, without limitation, a standard method for reporting the truancy of pupils and a standard method for reporting excessive absences of pupils throughout the school district;

(b) Coordinate efforts to refer pupils who are truant to appropriate providers of community services; and

(c) Determine, based on the attendance and truancy of pupils at each school within the school district, whether to employ an attendance clerk for a particular school or group of schools whose primary responsibility is to monitor the attendance and truancy of pupils.

[374:32:1956]—(NRS A 1959, 595; 1973, 719; [1987, 1013](#); [2007, 1817](#))

NRS 392.160 Taking into custody child reported absent from school; persons or counseling agency to whom child may be delivered.

1. Any peace officer, the attendance officer or any other school officer shall, during school hours, take into custody without warrant:

(a) Any child between the ages of 7 and 18 years; and

(b) Any child who has arrived at the age of 6 years but not at the age of 7 years and is enrolled in a public school,

Ê who has been reported to the officer by the teacher, superintendent of schools or other school officer as an absentee from instruction upon which the child is lawfully required to attend.

2. Except as otherwise provided in subsection 3:

(a) During school hours, the officer having custody shall forthwith deliver the child to the superintendent of schools, principal or other school officer at the child's school of attendance.

(b) After school hours, the officer having custody shall deliver the child to the parent, guardian or other person having control or charge of the child.

3. The board of trustees of a school district or the governing body of a charter school may enter into an agreement with a counseling agency to permit delivery of the child to the agency. For the purposes of this subsection, "counseling agency" means an agency designated by the school district in which the child is enrolled to provide counseling for the child and the parent, guardian or other person having control or charge of the child.

[375:32:1956]—(NRS A 1957, 305; 1979, 819, 1614; [1989, 70](#); [1997, 1874](#); [1999, 3458](#); [2007, 1084, 2183](#))

Birth Certificates and Records of Attendance; Name for Enrollment

NRS 392.165 Documents required for permanent enrollment; name under which child must be enrolled; notification to local law enforcement agency for failure to furnish documents.

1. The board of trustees of a school district and the governing body of a charter school shall not allow a child to be permanently enrolled in any school in the district or any charter school until the parent or guardian of the child furnishes a birth certificate or other document suitable as proof of the child's identity and, if applicable, a copy of the child's records from the school the child most recently attended.

2. Except as otherwise provided in subsection 3, a child must be enrolled in a school under the child's name as it appears in the identifying document or records required by subsection 1, unless the parent or guardian furnishes a court order or decree authorizing a change of name or directing the board of trustees of the school district or the governing body of a charter school to enroll the child under a name other than the name which appears in the identifying document or records.

3. A child who is in the custody of the agency which provides child welfare services, as defined in [NRS 432B.030](#), may be enrolled in a school under a name other than the name which appears in the identifying document or records required by subsection 1 if the court determines that to do so would be in the best interests of the child.

4. If the parent or guardian fails to furnish the identifying document or records required by subsection 1 within 30 days after the child is conditionally enrolled, the principal, superintendent or governing body of a charter school shall notify the local law enforcement agency and request a determination as to whether the child has been reported as missing.

(Added to NRS by [1985, 2168](#); A [1987, 212](#); [1993, 2691](#); [1997, 1874](#); [2001 Special Session, 21](#))

NRS 392.167 Petition for court order permitting enrollment of child under name other than name appearing on birth certificate or other identifying document. A parent or guardian who has legal custody of a child may petition the appropriate district court for an order directing the board of trustees of a school district or the governing body of a charter school to enroll that child in a public school within that district under a name other than the name which appears in the identifying document or records required by subsection 1 of [NRS 392.165](#). Except as otherwise provided by specific statute, the court shall issue the order if it determines that to do so would be in the best interests of the child.

(Added to NRS by [1987, 212](#); A [1993, 2307](#); [1997, 1875](#))

Enforcement and Penalties

NRS 392.170 Investigation of charges against parent, guardian or custodian of child; written report. Upon the written complaint of any person, the board of trustees of a school district or the governing body of a charter school shall:

1. Make a full and impartial investigation of all charges against parents, guardians or other persons having control or charge of any child who is under 18 years of age and required to attend school pursuant to [NRS 392.040](#) for violation of any of the provisions of [NRS 392.040](#) to [392.110](#), inclusive, or [392.130](#) to [392.160](#), inclusive.

2. Make and file a written report of the investigation and the findings thereof in the records of the board.

[376:32:1956]—(NRS A [1997, 1875, 2836](#); [1999, 490](#); [2007, 1084, 2183](#))

NRS 392.180 Criminal complaint by board of trustees of school district or governing body of charter school. If it appears upon investigation that any parent, guardian or other person having control or charge of any child who is under 18 years of age and required to attend school pursuant to [NRS 392.040](#) has violated any of the provisions of [NRS 392.040](#) to [392.110](#), inclusive, or [392.130](#) to [392.160](#), inclusive, the clerk of the board of trustees or the governing body of a charter school in which the child is enrolled, except as otherwise provided in [NRS 392.190](#), shall make and file in the proper court a criminal complaint against the parent, guardian or other person, charging the violation, and shall see that the charge is prosecuted by the proper authority.

[377:32:1956]—(NRS A [1997, 1875, 2836](#); [1999, 490](#); [2007, 1084, 2183](#))

NRS 392.190 Criminal complaint by attendance officer. In a school district having an attendance officer, the attendance officer shall, if directed by the board of trustees, make and file the complaint provided for by [NRS 392.180](#), and shall see that the charge is prosecuted by the proper authorities.

[378:32:1956]

NRS 392.200 Criminal complaint by taxpayer, school administrator or school officer. Any taxpayer, school administrator, school officer or deputy school officer in the State of Nevada may make and file in the proper court a criminal complaint against a parent, guardian or other person who has control or charge of any child who is under 18 years of age and required to attend school pursuant to [NRS 392.040](#) and who violates any of the provisions of law requiring the attendance of children in the public schools of this State.

[379:32:1956]—(NRS A [1997, 2837](#); [2007, 1085, 2183](#))

NRS 392.210 Penalty for failure of parent, guardian or custodian of child to prevent subsequent truancy; limitation for providers of foster care.

1. Except as otherwise provided in subsection 2, a parent, guardian or other person who has control or charge of any child and to whom notice has been given of the child's truancy as provided in [NRS 392.130](#) and [392.140](#), and who fails to prevent the child's subsequent truancy within that school year, is guilty of a misdemeanor.

2. A person who is licensed pursuant to [NRS 424.030](#) to conduct a foster home is liable pursuant to subsection 1 for a child in his or her foster care only if the person has received notice of the truancy of the child as provided in [NRS 392.130](#) and [392.140](#), and negligently fails to prevent the subsequent truancy of the child within that school year.

[380:32:1956]—(NRS A 1967, 565; [1999, 898](#); [2001 Special Session, 22](#); [2009, 1491](#); [2013, 1455](#))

NRS 392.215 False statement concerning age or attendance; false birth certificate or record of attendance; refusal to furnish documents; penalty. Any parent, guardian or other person who, with intent to deceive under [NRS 392.040](#) to [392.110](#), inclusive, or [392.130](#) to [392.165](#), inclusive:

1. Makes a false statement concerning the age or attendance at school;
2. Presents a false birth certificate or record of attendance at school; or
3. Refuses to furnish a suitable identifying document, record of attendance at school or proof of change of name, upon request by a local law enforcement agency conducting an investigation in response to notification pursuant to subsection 4 of [NRS 392.165](#),
È of a child under 18 years of age who is under his or her control or charge, is guilty of a misdemeanor.

[371:32:1956]—(NRS A 1957, 304; 1967, 565; [1985, 2168](#); [1987, 213](#); [2007, 1085, 2184](#))

NRS 392.220 Penalty for abetting truancy; unlawful employment of child absent from school; visitation of place of employment by school officer or attendance clerk to verify compliance.

1. Any person, including, without limitation, a parent or legal guardian of a child, who knowingly induces or attempts to induce any child to be absent from school unlawfully, including, without limitation, requiring the child to provide care for a sibling while school is in session, or who knowingly employs or harbors, while school is in session, any child absent unlawfully from school, is guilty of a misdemeanor.

2. The attendance officer for the school district, an attendance clerk or any other school officer is empowered to visit any place or establishment where minor children are employed to ascertain whether the provisions of this title of NRS are complied with fully, and may demand from all employers of such children a list of children employed, with their names and ages.

[381:32:1956]—(NRS A 1967, 565; [2007, 1818](#))

CHILDREN WHO HAVE BEEN ADJUDICATED DELINQUENT FOR SEXUAL OFFENSE OR SEXUALLY MOTIVATED ACT

NRS 392.251 Definitions. As used in [NRS 392.251](#) to [392.271](#), inclusive, unless the context otherwise requires, the words and terms defined in [NRS 392.254](#) to [392.261](#), inclusive, have the meanings ascribed to them in those sections.

(Added to NRS by [1997, 426](#); A [2001, 2070](#))

NRS 392.254 "Notification" defined. "Notification" means a notification which indicates that a child has been adjudicated delinquent for a sexual offense or a sexually motivated act and which is provided by a probation officer or parole officer pursuant to [NRS 62F.120](#).

(Added to NRS by [1997, 426](#); A [2001, 2070](#); [2003, 1146](#))

NRS 392.258 "Offender" defined. "Offender" means a child identified in a notification as the child who has been adjudicated delinquent for a sexual offense or a sexually motivated act.

(Added to NRS by [1997, 426](#); A [2001, 2070](#))

NRS 392.2583 “Sexual offense” defined. “Sexual offense” has the meaning ascribed to it in [NRS 62F.100](#).

(Added to NRS by [2001, 2070](#); A [2003, 1146](#))

NRS 392.2587 “Sexually motivated act” defined. “Sexually motivated act” has the meaning ascribed to it in [NRS 62A.320](#).

(Added to NRS by [2001, 2070](#); A [2003, 1146](#))

NRS 392.261 “Victim” defined. “Victim” means a child identified in a notification as a victim of a sexual offense or a sexually motivated act committed by the offender.

(Added to NRS by [1997, 427](#); A [2001, 2070](#))

NRS 392.264 Offender prohibited from attending school victim attends without court approval; duty of superintendent of school district to negotiate agreement for attendance in another school district; termination of agreement.

1. If a superintendent of a school district receives notification and a victim identified in the notification is a pupil in the school district, the superintendent shall not permit an offender who is subject to the provisions of [NRS 62F.100](#) to [62F.150](#), inclusive, to attend a public school that a victim is attending unless:

- (a) An alternative plan of supervision is approved by the court pursuant to [NRS 62F.130](#); or
- (b) An alternative plan of attendance is approved by the court pursuant to [NRS 62F.140](#).

2. If the court does not approve an alternative plan of supervision or an alternative plan of attendance for the offender and the school district in which the offender resides does not have another public school in the district for the offender to attend, the superintendent of the school district shall negotiate an agreement with:

(a) The superintendent of an adjoining school district within this state for the offender to attend a public school in that adjoining school district; or

(b) The superintendent, or another appropriate administrator, of an adjoining school district in an adjoining state for the offender to attend a public school in that adjoining school district.

3. The superintendent of the school district in which the offender resides shall inform the person with whom the superintendent is negotiating that the offender has been adjudicated delinquent for a sexual offense or a sexually motivated act, but the superintendent shall not disclose the name of a victim.

4. An agreement which is made pursuant to this section and which is presented to a board of trustees for approval:

- (a) Must not contain the name of a victim;
- (b) Must comply with the provisions of subsections 2 and 3 of [NRS 392.010](#); and
- (c) Must be approved by the Superintendent of Public Instruction.

5. A board of trustees may terminate an agreement entered into pursuant to this section if, because of a change in circumstances, the offender is able to attend a public school in the school district in which the offender resides without violating subsection 1.

(Added to NRS by [1997, 427](#); A [2001, 2070](#); [2003, 1146](#))

NRS 392.268 Reimbursement to school district for transportation costs incurred to send offender to school other than school victim attends. If a school district incurs additional costs for transporting an offender because the offender is prohibited from attending a public school that a victim is attending, the school district is entitled to reimbursement of all or part of those costs from the

parents or guardians of the offender to the extent ordered by the court pursuant to [NRS 62F.110](#). The superintendent of the school district or the parents or guardians of the offender may petition the court to reconsider the amount of reimbursement ordered by the court.

(Added to NRS by [1997, 427](#); A [2003, 1147](#))

NRS 392.271 Confidentiality of name of victim; immunity from liability if name released under certain circumstances.

1. A superintendent of a school district who receives notification shall not release the name of the offender or the name of a victim to another person unless required by law or authorized by an order of the court.

2. A person who obtains the name of the offender or the name of a victim pursuant to law or an order of the court shall not release the name of the offender or the name of a victim to another person unless required by law or authorized by an order of the court.

3. A superintendent of a school district or a person who:

(a) Obtains the name of the offender or the name of a victim pursuant to law or an order of the court; and

(b) In good faith, releases or fails to release the name of the offender or the name of a victim, is immune from criminal or civil liability for releasing or failing to release the name of the offender or the name of a victim unless the superintendent or the person acted with gross negligence.

(Added to NRS by [1997, 427](#))

TRANSPORTATION

NRS 392.300 Transportation for pupils may be furnished by trustees; regulations.

1. As provided in this title, the board of trustees of any school district may furnish transportation for all resident children of school age in the school district attending a public school, including pupils assigned to special schools or programs pursuant to [NRS 388.440](#) to [388.520](#), inclusive:

(a) Who are not excused from school attendance by the provisions of this title; and

(b) Who reside within the school district at such a distance from the school as to make transportation necessary and desirable.

2. When the board of trustees of a school district whose population is less than 100,000 furnishes transportation for pupils attending public schools pursuant to subsection 1, the board may also provide transportation for all resident children of school age in the school district attending private schools not operated for profit, over bus routes established for pupils attending public schools. If such transportation is provided, the pupils attending such private schools must be transported, if space is available, to and from the points on the established routes nearest to the schools which they attend.

3. The board of trustees of any school district may:

(a) Establish bus routes.

(b) Make regulations governing the conduct of pupils while being transported.

(c) For the safety of pupils being transported, govern the conduct of drivers by making and enforcing regulations not inconsistent with regulations of the State Board of Education or with law.

[389:32:1956]—(NRS A 1979, 1614; 1983, 774; [1993, 2161](#))

NRS 392.320 Use of certain money for procuring vehicles, drivers and insurance.

1. As used in this section, “vehicles” means the school buses, station wagons, automobiles and other motor or mechanically propelled vehicles required by the school district for the transportation of pupils.

2. The board of trustees of a school district shall use transportation funds of the school district for:

(a) The purchase, rent, hire and use of vehicles, and for necessary equipment, supplies and articles therefor.

(b) Necessary repairs of vehicles to keep them in safe and workable condition.

(c) The employment and compensation of capable and reliable drivers of vehicles and other employees necessary for the transportation of pupils and other authorized persons.

(d) Insuring vehicles owned, rented, hired, used or operated by or under the direction or supervision of the board of trustees. Such insurance shall:

(1) Be of such an amount as the board of trustees may be able to obtain and the regulations of the State Board of Education require as sufficient to protect the board of trustees, the pupils being transported, and their parents, guardians or legal representatives from loss or damage resulting from acts covered by the insurance.

(2) Especially insure against loss and damage resulting from or on account of injury or death of any pupil being transported, caused by collision or any accident during the operation of any such vehicle.

[391:32:1956]—(NRS A 1979, 1615)

NRS 392.330 Transportation by common and private carrier; purchase of bus tickets for certain pupils; contracts and insurance.

1. In addition to the purposes authorized by [NRS 392.320](#), a board of trustees may use transportation funds of the school district for:

(a) Arranging and paying for transportation, in accordance with subsection 2, by motor vehicles or otherwise, by contract or such other arrangement as the board of trustees finds most economical, expedient and feasible and for the best interests of the school district.

(b) Purchasing tickets at reduced rates for the transportation of pupils, including, without limitation, homeless pupils, on public buses for use by pupils enrolled in middle school, junior high school and high school to travel to and from school.

2. Transportation may be arranged and contracted for by a board of trustees with:

(a) Any railroad company holding a certificate of public convenience and necessity issued by the Public Utilities Commission of Nevada or bus company or other licensed common carrier holding a certificate of public convenience and necessity issued by the Nevada Transportation Authority.

(b) The owners and operators of private automobiles or other private motor vehicles, including parents of pupils who attend school and are entitled to transportation. When required by the board of trustees, every such private automobile or other private motor vehicle regularly transporting pupils must be insured in the amount required by regulation of the State Board against the loss and damage described in subsection 2 of [NRS 392.320](#).

[392:32:1956]—(NRS A 1979, 1615; [1997, 1993, 2489; 1999, 90, 565](#))

NRS 392.340 No admission of liability for injury or death. Nothing in this chapter admits or assumes any tort liability to any pupil or the parent or guardian thereof for injury or death resulting from transportation furnished such pupil by the board of trustees of a school district, unless such liability is specifically assumed by law.

[393:32:1956]—(NRS A 1979, 1615)

NRS 392.350 Payment to parents or guardian in lieu of furnishing transportation; conditions.

1. Except as otherwise provided in [NRS 392.268](#), if the daily transportation of a pupil is not practical or economical, the board of trustees, in lieu of furnishing transportation, may pay to the parents or guardian of the pupil an amount of money not to exceed \$10 per day of attendance at school to assist the parents or guardian in defraying the cost of board, lodging and other subsistence expenses of the pupil to attend a public school in a city or town in this State or in an adjoining state. If the public school

is in an adjoining county or state, costs for tuition and subsistence must be fixed by agreement between the boards of trustees of the school district in which the pupil resides and the school district in which the pupil attends school.

2. Payment of money in lieu of furnishing transportation may be made only if:

(a) The guardian or parents have been residents in the area for a period set by the board of trustees; and

(b) The Superintendent of Public Instruction determines that the arrangements comply with regulations of the State Board.

[394:32:1956]—(NRS A 1959, 699, 808; 1961, 40; 1965, 100; 1975, 499; 1979, 1616; [1987, 183](#); [1997, 428](#))

NRS 392.360 Transportation of children to and from activities and programs; use and supervision of vehicles; qualifications and restrictions for drivers.

1. A board of trustees of a school district may permit school buses or vehicles belonging to the school district to be used for the transportation of public school pupils to and from:

(a) Interscholastic contests;

(b) School festivals; or

(c) Other activities properly a part of a school program.

2. In addition to the use of school buses and vehicles authorized pursuant to subsection 1, the board of trustees of a school district may permit school buses and vehicles belonging to the school district to be used for the transportation of children to and from:

(a) Programs for the supervision of children before and after school; and

(b) Other programs or activities that the board of trustees deems appropriate,

Ê regardless of whether such programs or activities are part of a school program.

3. The use of school buses or vehicles belonging to the school district for the purposes enumerated in subsections 1 and 2 is governed by regulations made by the board of trustees, which must not conflict with regulations of the State Board. Proper supervision for each vehicle so used must be furnished by school authorities, and each school bus must be operated by a driver qualified under the provisions of [NRS 392.300](#) to [392.410](#), inclusive.

4. A driver shall not operate a vehicle for the purposes enumerated in subsections 1 and 2 for more than 10 hours in a 15-hour period. The time spent operating, inspecting, loading, unloading, repairing and servicing the vehicle and waiting for passengers must be included in determining the 15-hour period. After 10 hours of operating a vehicle, the driver must rest for 10 hours before he or she again operates a vehicle for such purposes.

5. Before January 1, 1984, the State Board shall adopt regulations to carry out the provisions of subsection 4.

[395:32:1956]—(NRS A 1983, 772; [1999, 3458](#))

NRS 392.375 School bus transportation: Drills to practice evacuation; adoption and requirements of safety program; information to parents and guardians concerning school bus safety; regulations.

1. At least twice each school year, a school district shall require all the pupils in the school district who ride a school bus to practice the evacuation of a school bus for a purpose other than a crisis governed by [NRS 392.600](#) to [392.656](#), inclusive, and to receive instruction in the responsibility of a passenger of a school bus to use the emergency exit doors on the bus during such an evacuation.

2. Each school district shall adopt a safety program which does not concern a crisis governed by [NRS 392.600](#) to [392.656](#), inclusive, and which includes, without limitation:

(a) The procedure for pupils to safely enter and exit a school bus, including entering and exiting with a driver of a school bus as an escort;

- (b) Proper behavior and conduct of pupils while in areas around a school bus where a high risk of danger to pupils exists, including the area that is used to load and unload school buses;
- (c) Behavior and conduct of pupils while on a school bus that will enhance the safety of the pupils;
- (d) Evacuation of pupils from a school bus; and
- (e) The location of emergency equipment on a school bus.

Ê At least annually, a school district shall require all pupils who are enrolled in preschool, kindergarten and in grades 1 to 4, inclusive, in the school district who ride a school bus to participate in the safety program created pursuant to this section.

3. If a parent or legal guardian enrolls his or her child in preschool, kindergarten or grades 1 to 6, inclusive, and the child will be riding a school bus for the first time, the school shall provide the parent or legal guardian, upon enrollment, with written information concerning the safety of pupils on a school bus. The information must include, without limitation:

- (a) A description of each location that is designated to load and unload a school bus which is in geographical proximity to the pupil's residence;
- (b) Rules of conduct for pupils on a school bus and at an area that is designated for pupils to enter and exit a school bus;
- (c) Instructions for the operation of a motor vehicle:
 - (1) At school crossing zones and in areas that are designated to load and unload a school bus; and
 - (2) When a driver of a school bus operates a system of flashing red lights;
- (d) A description of the area around a school bus that poses a high risk of danger to pupils and other pedestrians; and
- (e) Behavior and conduct for pupils who walk to and from an area that is designated for pupils to enter and exit a school bus that will enhance the safety of the pupils.

4. The board of trustees of each school district shall adopt regulations regarding practices conducted pursuant to subsection 1 and participation in safety programs required by subsection 2, including the requirement of such practices and participation in such programs at the beginning of any field trip by school bus.

(Added to NRS by 1983, 772; A [1997, 1317](#); [2001, 1328](#))

NRS 392.380 Drivers: Qualifications; training course; annual test; employment of pupils.

1. No person may be employed by a board of trustees of a school district as a driver of a school bus, station wagon, automobile or other motor vehicle, or mechanically or self-propelled vehicle of any kind which transports pupils to and from school or any other place in connection with school activities unless the person is:

- (a) Of good, reputable and sober character.
- (b) Competent and qualified by experience and disposition to operate the particular type of vehicle in a safe and dependable manner.
- (c) Licensed under the laws of this State to operate the particular type of vehicle.

2. Each driver of a school bus or a bus used to transport pupils for extracurricular activities must complete a training course approved by the State Board of Education which includes at least 10 hours of training while operating the vehicle, and 10 hours of training in:

- (a) The responsibilities of drivers;
- (b) The requirements for drivers of school vehicles;
- (c) The laws affecting the operation of a school bus or a vehicle belonging to a school district;
- (d) Defensive driving;
- (e) Emergency procedures; and
- (f) First aid.

3. Each driver must pass a written test each year approved by the Superintendent of Public Instruction and administered by the local school district.

4. A board of trustees may employ a pupil attending a school under the supervision of the board as a driver when the pupil possesses the qualifications stated in subsection 1 and the pupil's guardian or parents first consent to the employment of the pupil. The board of trustees may arrange or contract, in writing, with the pupil, and with the pupil's parents or guardian if the pupil is under the age of 18 years, for the pupil's services as a driver upon such terms, conditions and provisions and for such compensation as the board deems most economical and for the best interests of the school district, pupils and other persons.

5. Before January 1, 1984, the State Board of Education shall adopt regulations to carry out the provisions of this section.

[397:32:1956]—(NRS A 1979, 1616; 1983, 773)

NRS 392.400 Condition, equipment and specifications of vehicle used for transportation of pupils; inspection; exemption; penalties.

1. All vehicles used in the transportation of pupils must be:

(a) In good condition and state of repair.

(b) Well equipped, and must contain sufficient room and seats so that the driver and each pupil being transported have a seat inside the vehicle. Each pupil shall remain seated when the vehicle is in motion.

(c) Inspected semiannually by the Department of Public Safety to ensure that the vehicles are mechanically safe and meet the minimum specifications established by the State Board. The Department of Public Safety shall make written recommendations to the superintendent of schools of the school district wherein any such vehicle is operating for the correction of any defects discovered thereby.

2. If the superintendent of schools fails or refuses to take appropriate action to have the defects corrected within 10 days after receiving notice of them from the Department of Public Safety, the superintendent is guilty of a misdemeanor, and upon conviction thereof may be removed from office.

3. Except as otherwise provided in subsection 4, all vehicles used for transporting pupils must meet the specifications established by regulation of the State Board.

4. Except as otherwise provided in subsection 5, any bus which is purchased and used by a school district to transport pupils to and from extracurricular activities is exempt from the specifications adopted by the State Board if the bus meets the federal safety standards for motor vehicles which were applicable at the time the bus was manufactured and delivered for introduction in interstate commerce.

5. Any new school bus which is purchased by a school district to transport pupils must meet the standards set forth in:

(a) Subsection 1 of [NRS 392.405](#) if the school bus is purchased on or after January 1, 2016; and

(b) Subsection 2 or 3 of [NRS 392.405](#) if the school bus is purchased on or after July 1, 2016.

6. Any person violating any of the requirements of this section is guilty of a misdemeanor.

[400:32:1956]—(NRS A 1957, 629, 737; 1961, 302; 1971, 152, 339; 1973, 395; 1979, 1468; 1981, 991; [1985](#), [1988](#); [2001](#), [2603](#); [2011](#), [471](#); [2013](#), [1021](#))

NRS 392.405 Standards for new school buses purchased by school district on and after January 1, 2016.

1. On and after January 1, 2016, with respect to any new school bus which is purchased by a school district to transport pupils, the school bus must meet the following standards in addition to being equipped as required by the regulations of the State Board:

(a) Occupant seating within the school bus must be tested in accordance with either:

(1) The ASTM International Standard ASTM E1537, "Standard Test Method for Fire Testing of Upholstered Furniture"; or

(2) The School Bus Seat Upholstery Fire Block Test established by the National School Transportation Specifications and Procedures adopted at the most recent National Congress on School Transportation.

(b) For the purposes of paragraph (a) such testing must be conducted on a complete seat assembly inside a test room or school bus, and occupant seating shall be deemed to have failed the ASTM E1537 test or Fire Block Test, as applicable, if:

(1) The seat assembly exhibits a weight loss of 3 pounds or greater during the first 10 minutes of the test; or

(2) The seat assembly exhibits a heat release rate of 80 kilowatts or greater.

2. Except as otherwise provided in subsection 3, each plastic component contained in the engine compartment of a new school bus which is purchased by a school district on and after July 1, 2016, to transport pupils must meet one of the following classifications when tested in accordance with the Underwriters Laboratories Inc. Standard 94, "the Standard for Safety of Flammability of Plastic Materials for Parts in Devices and Appliances testing":

(a) A V-0 classification; or

(b) If the component is located within 100 millimeters directly above an exhaust component that is not shielded, including, without limitation, a catalytic converter, an exhaust gas recirculation pipe that carries uncooled exhaust gas, an exhaust manifold or an exhaust pipe:

(1) For molded parts, a V-0 classification;

(2) For foams, an HF-1 classification; and

(3) For thin films, a VTM-0 classification.

3. In lieu of meeting the requirements set forth in subsection 2, a new school bus may be purchased by a school district on or after July 1, 2016, to transport pupils if it meets the following requirements:

(a) The school bus has an automatic system for fire extinguishment in the engine compartment that includes a mechanism for activation by the driver;

(b) Any nozzles for fire suppression are located, without limitation, under the school bus, in the electrical panel or under the dashboard, but are not located in the passenger compartment; and

(c) The system for fire suppression includes a lamp or buzzer to alert the driver when the system is activated.

(Added to NRS by [2011, 470](#); A [2013, 1022](#))

NRS 392.410 Equipment and identification of school bus; use of system of flashing red lights; compliance with standards; inspection; penalties.

1. Except as otherwise provided in this subsection, every school bus operated for the transportation of pupils to or from school must be equipped with:

(a) A system of flashing red lights of a type approved by the State Board and installed at the expense of the school district or operator. Except as otherwise provided in subsection 2, the driver shall operate this signal:

(1) When the bus is stopped to unload pupils.

(2) When the bus is stopped to load pupils.

(3) In times of emergency or accident, when appropriate.

(b) A mechanical device, attached to the front of the bus which, when extended, causes persons to walk around the device. The device must be approved by the State Board and installed at the expense of the school district or operator. The driver shall operate the device when the bus is stopped to load or unload pupils. The installation of such a mechanical device is not required for a school bus which is used

solely to transport pupils with special needs who are individually loaded and unloaded in a manner which does not require them to walk in front of the bus. The provisions of this paragraph do not prohibit a school district from upgrading or replacing such a mechanical device with a more efficient and effective device that is approved by the State Board.

2. A driver may stop to load and unload pupils in a designated area without operating the system of flashing red lights required by subsection 1 if the designated area:

- (a) Has been designated by a school district and approved by the Department;
- (b) Is of sufficient depth and length to provide space for the bus to park at least 8 feet off the traveled portion of the roadway;
- (c) Is not within an intersection of roadways;
- (d) Contains ample space between the exit door of the bus and the parking area to allow safe exit from the bus;
- (e) Is located so as to allow the bus to reenter the traffic from its parked position without creating a traffic hazard; and
- (f) Is located so as to allow pupils to enter and exit the bus without crossing the roadway.

3. In addition to the equipment required by subsection 1 and except as otherwise provided in subsection 4 of [NRS 392.400](#), each school bus must:

- (a) Be equipped and identified as required by the regulations of the State Board; and
- (b) If the bus is a new bus purchased by a school district to transport pupils, meet the standards set forth in:

- (1) Subsection 1 of [NRS 392.405](#) if the bus is purchased on or after January 1, 2016; and
- (2) Subsection 2 or 3 of [NRS 392.405](#) if the bus is purchased on or after July 1, 2016.

4. The agents and employees of the Department of Motor Vehicles shall inspect school buses to determine whether the provisions of this section concerning equipment and identification of the school buses have been complied with, and shall report any violations discovered to the superintendent of schools of the school district wherein the vehicles are operating.

5. If the superintendent of schools fails or refuses to take appropriate action to correct any such violation within 10 days after receiving notice of it from the Department of Motor Vehicles, the superintendent is guilty of a misdemeanor, and upon conviction must be removed from office.

6. Any person who violates any of the provisions of this section is guilty of a misdemeanor. [401:32:1956]—(NRS A 1957, 629, 737; 1961, 302; 1967, 566; 1971, 340; 1973, 1296; 1981, 992; [1985, 1989; 1991, 275; 1993, 169; 2001, 2603; 2011, 471; 2013, 1023](#))

SCHOOL UNIFORMS; HEALTH AND SAFETY

NRS 392.415 Authorization to establish policy of uniforms for pupils and dress code for educational personnel; financial assistance for pupils to purchase uniforms.

1. The board of trustees of a school district may, in consultation with the schools within the district, parents and legal guardians of pupils who are enrolled in the district, and associations and organizations representing licensed educational personnel within the district, establish a policy that requires pupils to wear school uniforms.

2. The policy must:

- (a) Describe the uniforms;
- (b) Designate which pupils must wear the uniforms; and
- (c) Designate the hours or events during which the uniforms must be worn.

3. If the board of trustees of a school district establishes a policy that requires pupils to wear school uniforms, the board shall facilitate the acquisition of school uniforms for pupils whose parents or legal guardians request financial assistance to purchase the uniforms.

4. The board of trustees of a school district may establish a dress code enforceable during school hours for the teachers and other personnel employed by the board of trustees.

(Added to NRS by [1997, 2488](#))—(Substituted in revision for NRS 392.458)

NRS 392.420 Physical examinations of pupils; representative sample of height and weight of pupils in certain school districts; qualifications of persons to conduct examinations; notice to parent of examination and opportunity for exemption; report of results to Chief Medical Officer. [Effective through June 30, 2015.]

1. In each school at which a school nurse is responsible for providing nursing services, the school nurse shall plan for and carry out, or supervise qualified health personnel in carrying out, a separate and careful observation and examination of every child who is regularly enrolled in a grade specified by the board of trustees or superintendent of schools of the school district in accordance with this subsection to determine whether the child has scoliosis, any visual or auditory problem, or any gross physical defect. The grades in which the observations and examinations must be carried out are as follows:

(a) For visual and auditory problems:

(1) Before the completion of the first year of initial enrollment in elementary school;

(2) In at least one additional grade of the elementary schools; and

(3) In one grade of the middle or junior high schools and one grade of the high schools; and

(b) For scoliosis, in at least one grade of schools below the high schools.

Ê Any person other than a school nurse, including, without limitation, a person employed at a school to provide basic first aid and health services to pupils, who performs an observation or examination pursuant to this subsection must be trained by a school nurse to conduct the observation or examination.

2. In addition to the requirements of subsection 1, the board of trustees of each school district in a county whose population is 100,000 or more shall conduct examinations of the height and weight of a representative sample of pupils enrolled in grades 4, 7 and 10 in the schools within the school district. In addition to those grade levels, such a school district may conduct examinations of the height and weight of a representative sample of pupils enrolled in other grade levels within the school district. The Division of Public and Behavioral Health of the Department of Health and Human Services shall define “representative sample” in collaboration with each school district in a county whose population is 100,000 or more for purposes of this subsection.

3. If any child is attending school in a grade above one of the specified grades and has not previously received such an observation and examination, the child must be included in the current schedule for observation and examination. Any child who is newly enrolled in the district must be examined for any medical condition for which children in a lower grade are examined.

4. A special examination for a possible visual or auditory problem must be provided for any child who:

(a) Is enrolled in a special program;

(b) Is repeating a grade;

(c) Has failed an examination for a visual or auditory problem during the previous school year; or

(d) Shows in any other way that the child may have such a problem.

5. The school authorities shall notify the parent or guardian of any child who is found or believed to have scoliosis, any visual or auditory problem, or any gross physical defect, and shall recommend that appropriate medical attention be secured to correct it.

6. In any school district in which state, county or district public health services are available or conveniently obtainable, those services may be used to meet the responsibilities assigned under the provisions of this section. The board of trustees of the school district may employ qualified personnel to

perform them. Any nursing services provided by such qualified personnel must be performed in compliance with [chapter 632](#) of NRS.

7. The board of trustees of a school district may adopt a policy which encourages the school district and schools within the school district to collaborate with:

(a) Qualified health care providers within the community to perform, or assist in the performance of, the services required by this section; and

(b) Postsecondary educational institutions for qualified students enrolled in such an institution in a health-related program to perform, or assist in the performance of, the services required by this section.

8. The school authorities shall provide notice to the parent or guardian of a child before performing on the child the examinations required by this section. The notice must inform the parent or guardian of the right to exempt the child from all or part of the examinations. Any child must be exempted from an examination if the child's parent or guardian files with the teacher a written statement objecting to the examination.

9. Except as otherwise provided in this subsection, each school nurse or a designee of a school nurse, including, without limitation, a person employed at a school to provide basic first aid and health services to pupils, shall report the results of the examinations conducted pursuant to this section in each school at which he or she is responsible for providing services to the Chief Medical Officer in the format prescribed by the Chief Medical Officer. If a school district in a county whose population is 100,000 or more conducts examinations of the height and weight of a representative sample of pupils enrolled in grade levels other than the grade levels required by subsection 2, the results of those examinations must not be included in the report submitted to the Chief Medical Officer. Each such report must exclude any identifying information relating to a particular child. The Chief Medical Officer shall compile all such information the Officer receives to monitor the health status of children and shall retain the information.

[402:32:1956]—(NRS A 1973, 225; 1981, 841; [1991, 1698](#); [2001, 541](#); [2007, 1870](#); [2009, 1203, 1204, 1857](#); [2011, 91](#); [2013, 2041](#))

NRS 392.420 Physical examinations of pupils; qualifications of persons to conduct examinations; notice to parent of examination and opportunity for exemption; report of results to Chief Medical Officer. [Effective July 1, 2015.]

1. In each school at which a school nurse is responsible for providing nursing services, the school nurse shall plan for and carry out, or supervise qualified health personnel in carrying out, a separate and careful observation and examination of every child who is regularly enrolled in a grade specified by the board of trustees or superintendent of schools of the school district in accordance with this subsection to determine whether the child has scoliosis, any visual or auditory problem, or any gross physical defect. The grades in which the observations and examinations must be carried out are as follows:

(a) For visual and auditory problems:

(1) Before the completion of the first year of initial enrollment in elementary school;

(2) In at least one additional grade of the elementary schools; and

(3) In one grade of the middle or junior high schools and one grade of the high schools; and

(b) For scoliosis, in at least one grade of schools below the high schools.

Ê Any person other than a school nurse, including, without limitation, a person employed at a school to provide basic first aid and health services to pupils, who performs an observation or examination pursuant to this subsection must be trained by a school nurse to conduct the observation or examination.

2. If any child is attending school in a grade above one of the specified grades and has not previously received such an observation and examination, the child must be included in the current

schedule for observation and examination. Any child who is newly enrolled in the district must be examined for any medical condition for which children in a lower grade are examined.

3. A special examination for a possible visual or auditory problem must be provided for any child who:

- (a) Is enrolled in a special program;
- (b) Is repeating a grade;
- (c) Has failed an examination for a visual or auditory problem during the previous school year; or
- (d) Shows in any other way that the child may have such a problem.

4. The school authorities shall notify the parent or guardian of any child who is found or believed to have scoliosis, any visual or auditory problem, or any gross physical defect, and shall recommend that appropriate medical attention be secured to correct it.

5. In any school district in which state, county or district public health services are available or conveniently obtainable, those services may be used to meet the responsibilities assigned under the provisions of this section. The board of trustees of the school district may employ qualified personnel to perform them. Any nursing services provided by such qualified personnel must be performed in compliance with [chapter 632](#) of NRS.

6. The board of trustees of a school district may adopt a policy which encourages the school district and schools within the school district to collaborate with:

- (a) Qualified health care providers within the community to perform, or assist in the performance of, the services required by this section; and
- (b) Postsecondary educational institutions for qualified students enrolled in such an institution in a health-related program to perform, or assist in the performance of, the services required by this section.

7. The school authorities shall provide notice to the parent or guardian of a child before performing on the child the examinations required by this section. The notice must inform the parent or guardian of the right to exempt the child from all or part of the examinations. Any child must be exempted from an examination if the child's parent or guardian files with the teacher a written statement objecting to the examination.

8. Each school nurse or a designee of a school nurse, including, without limitation, a person employed at a school to provide basic first aid and health services to pupils, shall report the results of the examinations conducted pursuant to this section in each school at which he or she is responsible for providing services to the Chief Medical Officer in the format prescribed by the Chief Medical Officer. Each such report must exclude any identifying information relating to a particular child. The Chief Medical Officer shall compile all such information the Officer receives to monitor the health status of children and shall retain the information.

[402:32:1956]—(NRS A 1973, 225; 1981, 841; [1991, 1698](#); [2001, 541](#); [2007, 1870, 1872](#); [2009, 1203, 1204, 1857](#); [2011, 91](#), effective July 1, 2015)

NRS 392.425 Authorization for pupil to self-administer medication for asthma or anaphylaxis; contents of request; immunity from liability.

1. The parent or legal guardian of a pupil who has asthma or anaphylaxis may submit a written request to the principal or, if applicable, the school nurse of the public school in which the pupil is enrolled to allow the pupil to self-administer medication for the treatment of the pupil's asthma or anaphylaxis while the pupil is on the grounds of a public school, participating in an activity sponsored by a public school or on a school bus.

2. A written request made pursuant to subsection 1 must include:

- (a) A signed statement of a physician indicating that the pupil has asthma or anaphylaxis and is capable of self-administration of the medication while the pupil is on the grounds of a public school, participating in an activity sponsored by a public school or on a school bus;

(b) A written treatment plan prepared by the physician pursuant to which the pupil will manage his or her asthma or anaphylaxis if the pupil experiences an asthmatic attack or anaphylactic shock while on the grounds of a public school, participating in an activity sponsored by a public school or on a school bus; and

(c) A signed statement of the parent or legal guardian:

(1) Indicating that the parent or legal guardian grants permission for the pupil to self-administer the medication while the pupil is on the grounds of a public school, participating in an activity sponsored by a public school or on a school bus; and

(2) Acknowledging that the parent or legal guardian is aware of and understands the provisions of subsections 3 and 4.

3. The provisions of this section do not create a duty for the board of trustees of the school district, the school district, the public school in which the pupil is enrolled, or an employee or agent thereof, that is in addition to those duties otherwise required in the course of service or employment.

4. If a pupil is granted authorization pursuant to this section to self-administer medication, the board of trustees of the school district, the school district and the public school in which the pupil is enrolled, and any employee or agent thereof, are immune from liability for the injury to or death of the pupil as a result of self-administration of a medication pursuant to this section or the failure of the pupil to self-administer such a medication.

5. Upon receipt of a request that complies with subsection 2, the principal or, if applicable, the school nurse of the public school in which a pupil is enrolled shall provide written authorization for the pupil to carry and self-administer medication to treat his or her asthma or anaphylaxis while the pupil is on the grounds of a public school, participating in an activity sponsored by a public school or on a school bus. The written authorization must be filed with the principal or, if applicable, the school nurse of the public school in which the pupil is enrolled and must include:

(a) The name and purpose of the medication which the pupil is authorized to self-administer;

(b) The prescribed dosage and the duration of the prescription;

(c) The times or circumstances, or both, during which the medication is required or recommended for self-administration;

(d) The side effects that may occur from an administration of the medication; and

(e) The name and telephone number of the pupil's physician and the name and telephone number of the person to contact in the case of a medical emergency concerning the pupil.

6. The written authorization provided pursuant to subsection 5 is valid for 1 school year. If a parent or legal guardian submits a written request that complies with subsection 2, the principal or, if applicable, the school nurse of the public school in which the pupil is enrolled shall renew and, if necessary, revise the written authorization.

7. If a parent or legal guardian of a pupil who is authorized pursuant to this section to carry medication on his or her person provides to the principal or, if applicable, the school nurse of the public school in which the pupil is enrolled doses of the medication in addition to the dosage that the pupil carries on his or her person, the principal or, if applicable, the school nurse shall ensure that the additional medication is:

(a) Stored on the premises of the public school in a location that is secure; and

(b) Readily available if the pupil experiences an asthmatic attack or anaphylactic shock during school hours.

8. As used in this section:

(a) "Medication" means any medicine prescribed by a physician for the treatment of anaphylaxis or asthma, including, without limitation, asthma inhalers and auto-injectable epinephrine.

(b) "Physician" means a person who is licensed to practice medicine pursuant to [chapter 630](#) of NRS or osteopathic medicine pursuant to [chapter 633](#) of NRS.

(c) “Self-administer” means the auto-administration of a medication pursuant to the prescription for the medication or written directions for such a medication.

(Added to NRS by [2005, 85](#))

NRS 392.430 Sanitation and prevention of diseases: Authority of board of trustees of school districts and governing bodies of charter schools.

1. Except as otherwise provided in subsection 2, the board of trustees of a school district may:

(a) Adopt and enforce regulations that are necessary for sanitation in the public schools and for the prevention of the spread of contagious and infectious diseases therein.

(b) Spend money available in the school district to enforce the regulations among indigent children.

2. The governing body of a charter school may:

(a) Adopt and enforce rules that are necessary for sanitation in the charter school and for the prevention of contagious and infectious diseases; and

(b) Spend money to enforce the rules among indigent children.

[403:32:1956]—(NRS A [1997, 1875](#))

NRS 392.435 Immunization of pupils: Certificate prerequisite to enrollment; conditional enrollment; effect of military transfer of parent of child; consequences for failure to immunize; report to Division of Public and Behavioral Health; inclusion of certificate in pupil’s record.

1. Unless excused because of religious belief or medical condition and except as otherwise provided in subsection 5, a child may not be enrolled in a public school within this State unless the child’s parents or guardian submit to the board of trustees of the school district in which the child resides or the governing body of the charter school in which the child has been accepted for enrollment a certificate stating that the child has been immunized and has received proper boosters for that immunization or is complying with the schedules established by regulation pursuant to [NRS 439.550](#) for the following diseases:

(a) Diphtheria;

(b) Tetanus;

(c) Pertussis if the child is under 6 years of age;

(d) Poliomyelitis;

(e) Rubella;

(f) Rubeola; and

(g) Such other diseases as the local board of health or the State Board of Health may determine.

2. The certificate must show that the required vaccines and boosters were given and must bear the signature of a licensed physician or the physician’s designee or a registered nurse or the nurse’s designee, attesting that the certificate accurately reflects the child’s record of immunization.

3. If the requirements of subsection 1 can be met with one visit to a physician or clinic, procedures for conditional enrollment do not apply.

4. A child may enter school conditionally if the parent or guardian submits a certificate from a physician or local health officer that the child is receiving the required immunizations. If a certificate from the physician or local health officer showing that the child has been fully immunized is not submitted to the appropriate school officers within 90 school days, or its equivalent in a school district operating under an alternative schedule authorized pursuant to [NRS 388.090](#), after the child was conditionally admitted, the child must be excluded from school and may not be readmitted until the requirements for immunization have been met. A child who is excluded from school pursuant to this section is a neglected child for the purposes of [NRS 432.0999](#) to [432.130](#), inclusive, and [chapter 432B](#) of NRS.

5. A child who transfers to a school in this State from a school outside this State because of the military transfer of the parent or legal guardian of the child must be enrolled in school in this State regardless of whether the child has been immunized. Unless a different time frame is prescribed pursuant to [NRS 392C.010](#), the parent or legal guardian shall submit a certificate from a physician or local health officer showing that the child:

(a) If the requirements of subsection 1 can be met with one visit to a physician or clinic, has been fully immunized within 30 school days, or its equivalent in a school district operating under an alternative schedule authorized pursuant to [NRS 388.090](#), after the child was enrolled; or

(b) If the requirements of subsection 1 cannot be met with one visit to a physician or clinic, is receiving the required immunizations within 30 school days, or its equivalent in a school district operating under an alternative schedule authorized pursuant to [NRS 388.090](#), after the child was enrolled. A certificate from the physician or local health officer showing that the child has been fully immunized must be submitted to the appropriate school officers within 120 school days, or its equivalent in a school district operating under an alternative schedule authorized pursuant to [NRS 388.090](#), after the child was enrolled.

É If the parent or legal guardian fails to submit the documentation required pursuant to this subsection, the child must be excluded from school and may not be readmitted until the requirements for immunization have been met. A child who is excluded from school pursuant to this section is a neglected child for the purposes of [NRS 432.0999](#) to [432.130](#), inclusive, and [chapter 432B](#) of NRS.

6. Before December 31 of each year, each school district and the governing body of each charter school shall report to the Division of Public and Behavioral Health of the Department of Health and Human Services, on a form furnished by the Division, the exact number of pupils who have completed the immunizations required by this section.

7. The certificate of immunization must be included in the pupil's academic or cumulative record and transferred as part of that record upon request.

(Added to NRS by 1971, 1040; A 1973, 267; 1975, 1324; 1979, 314; [1985, 1400](#); [1987, 1334](#); [1995, 807](#); [1997, 1876](#); [2003, 3218](#); [2009, 2623](#))

NRS 392.437 Immunization of pupils: Exemption if prohibited by religious belief. A public school shall not refuse to enroll a child as a pupil because the child has not been immunized pursuant to [NRS 392.435](#) if the parents or guardian of the child has submitted to the board of trustees of the school district or the governing body of a charter school in which the child has been accepted for enrollment a written statement indicating that their religious belief prohibits immunization of such child or ward.

(Added to NRS by 1971, 1040; A [1997, 1876](#))

NRS 392.439 Immunization of pupils: Exemption if prevented by medical condition. If the medical condition of a child will not permit the child to be immunized to the extent required by [NRS 392.435](#) and a written statement of this fact is signed by a licensed physician and by the parents or guardian of the child, the board of trustees of the school district or governing body of the charter school in which the child has been accepted for enrollment shall exempt the child from all or part of the provisions of [NRS 392.435](#), as the case may be, for enrollment purposes.

(Added to NRS by 1971, 1040; A [1997, 1877](#))

NRS 392.443 Immunization of pupils: Additional requirements imposed after enrollment; additional certificate required. If, after a child has been enrolled in a public school and before registration for any subsequent school year additional immunization requirements are provided by law, the child's parents or guardian shall submit an additional certificate or certificates to the board of trustees or the governing body of the charter school in which the child is enrolled stating that the child has met the new immunization requirements.

(Added to NRS by 1971, 1041; A [1997, 1877](#))

NRS 392.446 Immunization of pupils: Protection of child exempt from immunization if dangerous disease exists in school. Whenever the State Board of Health or a local board of health determines that there is a dangerous contagious disease in a public school attended by a child for whom exemption from immunization is claimed pursuant to the provisions of [NRS 392.437](#) or [392.439](#), the board of trustees of the school district or the governing body of the charter school in which the child is enrolled shall require either:

1. That the child be immunized; or
2. That the child remain outside the school environment and the local health officer be notified.

(Added to NRS by 1979, 314; A [1997, 1877](#))

NRS 392.448 Immunization of pupils: Penalty for refusal to remove child from school when required by law. Any parent or guardian who refuses to remove his or her child from the public school in which the child is enrolled when retention in school is prohibited under the provisions of [NRS 392.435](#), [392.443](#) or [392.446](#) is guilty of a misdemeanor.

(Added to NRS by 1979, 314)

NRS 392.450 Drills to instruct pupils in appropriate procedures to be followed in event of emergency; posting of escape routes; enforcement; penalty.

1. The board of trustees of each school district and the governing body of each charter school shall provide drills for the pupils in the schools in the school district or the charter schools at least once each month during the school year to instruct those pupils in the appropriate procedures to be followed in the event of a fire or other emergency, except a crisis governed by [NRS 392.600](#) to [392.656](#), inclusive. Not more than three of those drills may include instruction in the appropriate procedures to be followed in the event of a chemical explosion, related emergencies and other natural disasters.

2. In all cities or towns which have regularly organized, paid fire departments or voluntary fire departments, the drills required by subsection 1 must be conducted under the supervision of the:

(a) Person designated for this purpose by the board of trustees of the school district or the governing body of a charter school; and

(b) Chief of the fire department of the city or town.

3. A diagram of the approved escape route and any other information related to the drills required by subsection 1 which is approved by the chief of the fire department or, if there is no fire department, the State Fire Marshal must be kept posted in every classroom of every public school by the principal or teacher in charge thereof.

4. The principal, teacher or other person in charge of each school building shall cause the provisions of this section to be enforced.

5. Any violation of the provisions of this section is a misdemeanor.

[405:32:1956]—(NRS A 1971, 152; [1993, 112](#); [1997, 1877](#); [2001, 1329](#))

NRS 392.452 Adoption of policy by school district for prevention and treatment of injuries to the head which may occur during participation in competitive sports; requirements of policy; annual acknowledgment of policy by parent and pupil.

1. For those competitive sports not governed by the Nevada Interscholastic Activities Association pursuant to [NRS 386.420](#) to [386.470](#), inclusive, the board of trustees of each school district shall adopt a policy concerning the prevention and treatment of injuries to the head which may occur during a pupil's participation in competitive sports within the school district, including, without limitation, a concussion of the brain. To the extent practicable, the policy must be consistent with the policy adopted by the Nevada Interscholastic Activities Association pursuant to [NRS 386.435](#). The policy must provide

information concerning the nature and risk of injuries to the head which may occur during a pupil's participation in competitive sports, including, without limitation, the risks associated with continuing to participate in competitive sports after sustaining such an injury.

2. The policy adopted pursuant to subsection 1 must require that if a pupil sustains or is suspected of sustaining an injury to the head while participating in competitive sports, the pupil:

(a) Must be immediately removed from the competitive sport; and

(b) May return to the competitive sport if the parent or legal guardian of the pupil provides a signed statement of a provider of health care indicating that the pupil is medically cleared for participation in the competitive sport and the date on which the pupil may return to the competitive sport.

3. Before a pupil participates in competitive sports within a school district, and on an annual basis thereafter, the pupil and his or her parent or legal guardian:

(a) Must be provided with a copy of the policy adopted pursuant to subsection 1; and

(b) Must sign a statement on a form prescribed by the board of trustees acknowledging that the pupil and his or her parent or guardian have read and understand the terms and conditions of the policy.

4. As used in this section, "provider of health care" means a physician licensed under [chapter 630](#) or [633](#) of NRS, a physical therapist licensed under [chapter 640](#) of NRS or an athletic trainer licensed under [chapter 640B](#) of NRS.

(Added to NRS by [2011, 785](#))

NRS 392.455 Devices for protection of eyes required in certain classes.

1. If a school district or a charter school has established a program in career and technical education, the teachers and pupils in classes provided pursuant to the program must wear devices provided by the school district or the charter school which are designed to protect their eyes while they are using power tools, torches or other dangerous equipment or machinery.

2. The teachers and pupils in classes in science must wear devices provided by the school district which are designed to protect their eyes when chemicals or toxic substances are used in those classes.

(Added to NRS by [1989, 185](#); A [1997, 1878](#); [2005, 1052](#))

PARENTAL INVOLVEMENT AND FAMILY ENGAGEMENT

NRS 392.456 Form for use in elementary schools concerning status of pupil and participation of parent; restrictions on use.

1. The Department shall:

(a) Prescribe a form for use by teachers in elementary schools to provide reports to parents and legal guardians of pupils pursuant to this section;

(b) Work in consultation with the Legislative Bureau of Educational Accountability and Program Evaluation, the Nevada Association of School Boards, the Nevada Association of School Administrators, the Nevada State Education Association and the Nevada Parent Teacher Association in the development of the form; and

(c) Make the form available in electronic format for use by school districts and charter schools and, upon request, in any other manner deemed reasonable by the Department.

2. The form must include, without limitation:

(a) A notice to parents and legal guardians that parental involvement is important in ensuring the success of the academic achievement of pupils;

(b) A checklist indicating whether:

(1) The pupil completes his or her homework assignments in a timely manner;

(2) The pupil is present in the classroom when school begins each day and is present for the entire school day unless the pupil's absence is approved in accordance with [NRS 392.130](#);

(3) The parent or legal guardian and the pupil abide by any applicable rules and policies of the school and the school district; and

(4) The pupil complies with the dress code for the school, if applicable; and

(c) A list of the resources and services available within the community to assist parents and legal guardians in addressing any issues identified on the checklist.

3. In addition to the requirements of subsection 2, the Department may prescribe additional information for inclusion on the form, including, without limitation:

(a) A report of the participation of the parent or legal guardian, including, without limitation, whether the parent or legal guardian:

(1) Completes forms and other documents that are required by the school or school district in a timely manner;

(2) Assists in carrying out a plan to improve the pupil's academic achievement, if applicable;

(3) Attends conferences between the teacher and the parent or legal guardian, if applicable; and

(4) Attends school activities.

(b) A report of whether the parent or legal guardian ensures the health and safety of the pupil, including, without limitation, whether:

(1) Current information is on file with the school that designates each person whom the school should contact if an emergency involving the pupil occurs; and

(2) Current information is on file with the school regarding the health and safety of the pupil, such as immunization records, if applicable, and any special medical needs of the pupil.

4. A teacher at an elementary school may provide the form prescribed by the Department, including the additional information prescribed pursuant to subsection 3 if the Department has prescribed such information on the form, to a parent or legal guardian of a pupil if the teacher determines that the provision of such a report would assist in improving the academic achievement of the pupil.

5. A report provided to a parent or legal guardian pursuant to this section must not be used in a manner that:

(a) Interferes unreasonably with the personal privacy of the parent or legal guardian or the pupil;

(b) Reprimands the parent or legal guardian; or

(c) Affects the grade or report of progress given to a pupil based upon the information contained in the report.

(Added to NRS by [2007, 2913](#); A [2009, 2333, 2334](#); [2013, 1934](#))

NRS 392.457 Adoption of policies by State Board and school districts concerning effective involvement and engagement; annual review of policies.

1. The State Board shall, in consultation with the boards of trustees of school districts, educational personnel, local associations and organizations of parents whose children are enrolled in public schools throughout this State and individual parents and legal guardians whose children are enrolled in public schools throughout this State, adopt a policy to encourage effective involvement and engagement by parents and families in support of their children and the education of their children. The policy adopted by the State Board must be considered when the Board:

(a) Consults with the boards of trustees of school districts in the adoption of policies pursuant to subsection 3; and

(b) Interacts with school districts, public schools, educational personnel, parents, legal guardians and families of pupils, and members of the general public in carrying out its duties pursuant to this title.

2. The policy adopted by the State Board pursuant to subsection 1 must include the following elements and goals:

(a) Promotion of an atmosphere for parents and families to visit the school that their children attend and feel welcome, valued and connected to the staff of the school, other parents and families and to the education of their children.

(b) Promotion of regular, two-way, meaningful communication between parents, families and schools relating to learning by pupils.

(c) Collaboration among parents, families and schools to support learning by pupils and healthy development of pupils at home and school.

(d) Empowerment of parents and families to advocate for their children and the children of other parents and families to ensure that all pupils are treated fairly and have access to learning opportunities that support pupil achievement.

(e) Promotion of an equal partnership between parents, families and schools in making decisions that affect children, parents and families and in informing, influencing and creating school policies, practices and programs.

(f) Collaboration of parents, families and schools with the community to connect pupils, parents, families and schools with learning opportunities, community services and civic participation.

3. The board of trustees of each school district shall, in consultation with the State Board, educational personnel, local associations and organizations of parents whose children are enrolled in public schools of the school district and individual parents and legal guardians whose children are enrolled in public schools of the school district, adopt policies to encourage effective involvement and engagement by parents and families in support of their children and the education of their children. The policies adopted pursuant to this subsection must:

(a) Be consistent, to the extent applicable, with the policy adopted by the State Board pursuant to subsection 1;

(b) Include the elements and goals specified in subsection 2; and

(c) Comply with the parental involvement policy required by the federal No Child Left Behind Act of 2001, as set forth in 20 U.S.C. § 6318.

4. The State Board and the board of trustees of each school district shall, at least once each year, review and amend their respective policies as necessary.

(Added to NRS by [2001, 978](#); A [2003, 19th Special Session, 79](#); [2011, 513](#), [1985](#))

NRS 392.4575 Educational involvement accords; policy by school districts for development and distribution; annual review.

1. The Department shall prescribe a form for educational involvement accords to be used by all public schools in this State. The educational involvement accord must comply with the policy:

(a) For parental involvement required by the federal No Child Left Behind Act of 2001, as set forth in 20 U.S.C. § 6318.

(b) For parental involvement and family engagement adopted by the State Board pursuant to [NRS 392.457](#).

2. Each educational involvement accord must include, without limitation:

(a) A description of how the parent or legal guardian will be involved in the education of the pupil, including, without limitation:

(1) Reading to the pupil, as applicable for the grade or reading level of the pupil;

(2) Reviewing and checking the pupil's homework; and

(3) Contributing 5 hours of time each school year, including, without limitation, by attending school-related activities, parent-teacher association meetings, parent-teacher conferences, volunteering at the school and chaperoning school-sponsored activities.

(b) The responsibilities of a pupil in a public school, including, without limitation:

(1) Reading each day before or after school, as applicable for the grade or reading level of the pupil;

- (2) Using all school equipment and property appropriately and safely;
- (3) Following the directions of any adult member of the staff of the school;
- (4) Completing and submitting homework in a timely manner; and
- (5) Respecting himself or herself, others and all property.

(c) The responsibilities of a public school and the administrators, teachers and other personnel employed at a school, including, without limitation:

- (1) Ensuring that each pupil is provided proper instruction, supervision and interaction;
- (2) Maximizing the educational and social experience of each pupil;
- (3) Carrying out the professional responsibility of educators to seek the best interest of each pupil; and
- (4) Making staff available to the parents and legal guardians of pupils to discuss the concerns of parents and legal guardians regarding the pupils.

3. Each educational involvement accord must be accompanied by, without limitation:

(a) Information describing how the parent or legal guardian may contact the pupil's teacher and the principal of the school in which the pupil is enrolled;

(b) The curriculum of the course or standards for the grade in which the pupil is enrolled, as applicable, including, without limitation, a calendar that indicates the dates of major examinations and the due dates of significant projects, if those dates are known by the teacher at the time that the information is distributed;

(c) The homework and grading policies of the pupil's teacher or school;

(d) Directions for finding resource materials for the course or grade in which the pupil is enrolled, as applicable;

(e) Suggestions for parents and legal guardians to assist pupils in their schoolwork at home;

(f) The dates of scheduled conferences between teachers or administrators and the parents or legal guardians of the pupil;

(g) The manner in which reports of the pupil's progress will be delivered to the parent or legal guardian and how a parent or legal guardian may request a report of progress;

(h) The classroom rules and policies;

(i) The dress code of the school, if any;

(j) The availability of assistance to parents who have limited proficiency in the English language;

(k) Information describing the availability of free and reduced-price meals, including, without limitation, information regarding school breakfast, school lunch and summer meal programs;

(l) Opportunities for parents and legal guardians to become involved in the education of their children and to volunteer for the school or class; and

(m) The code of honor relating to cheating prescribed pursuant to [NRS 392.461](#).

4. The board of trustees of each school district shall adopt a policy providing for the development and distribution of the educational involvement accord. The policy adopted by a board of trustees must require each classroom teacher to:

(a) Distribute the educational involvement accord to the parent or legal guardian of each pupil in the teacher's class at the beginning of each school year or upon a pupil's enrollment in the class, as applicable; and

(b) Provide the parent or legal guardian with a reasonable opportunity to sign the educational involvement accord.

5. Except as otherwise provided in this subsection, the board of trustees of each school district shall ensure that the form prescribed by the Department is used for the educational involvement accord of each public school in the school district. The board of trustees of a school district may authorize the

use of an expanded form that contains additions to the form prescribed by the Department if the basic information contained in the expanded form complies with the form prescribed by the Department.

6. The Department and the board of trustees of each school district shall, at least once each year, review and amend their respective educational involvement accords.

(Added to NRS by [2005, 1659](#); A [2007, 2914](#); [2009, 2335, 2337](#); [2011, 1986](#); [2013, 1935](#))

NRS 392.4577 Employer required to grant leave to parent to participate in school conferences and other school-related activities; conditions; exception.

1. Except as otherwise provided in subsection 5, an employer shall grant a parent, guardian or custodian of a child who is enrolled in a public school leave from his or her place of employment for 4 hours per school year, which must be taken in increments of at least 1 hour, to:

- (a) Attend parent-teacher conferences;
- (b) Attend school-related activities during regular school hours;
- (c) Volunteer or otherwise be involved at the school in which his or her child is enrolled during regular school hours; and
- (d) Attend school-sponsored events.

Ê The leave must be at a time mutually agreed upon by the employer and the employee.

2. An employer may require:

(a) An employee to provide a written request for the leave at least 5 school days before the leave is taken; and

(b) An employee who takes leave pursuant to this section to provide documentation that during the time of the leave, the employee attended or was otherwise involved at the school or school-related activity for one of the purposes set forth in subsection 1.

3. An employer is not required to pay an employee for any leave taken pursuant to this section.

4. A parent, guardian or custodian must be granted leave in accordance with this section for each child of the parent, guardian or custodian who is enrolled in public school.

5. The provisions of this section do not apply if an employee is afforded pursuant to the provisions of a collective bargaining agreement:

(a) At least 4 hours of leave or more per school year for the purposes set forth in subsection 1 and subject to the same provisions as subsections 2, 3 and 4; and

(b) Substantially similar protections and remedies for violations by the employer as those that are set forth in [NRS 392.920](#).

6. As used in this section, “employer” means any person who has 50 or more employees for each working day in each of 20 or more calendar weeks in the current calendar year.

(Added to NRS by [2009, 1247](#))

BEHAVIOR AND DISCIPLINE

General Provisions

NRS 392.461 Code of honor relating to cheating; contents; distribution.

1. The Department shall prescribe by regulation a written policy that establishes a code of honor for pupils relating to cheating on examinations and course work. The policy must be developed in consultation with the boards of trustees of school districts, the governing bodies of charter schools, educational personnel employed by school districts and charter schools, and local associations and organizations of parents whose children are enrolled in public schools throughout this State.

2. The policy must include, without limitation, a definition of cheating that clearly and concisely informs pupils which acts constitute cheating for purposes of the code of honor.

3. On or before July 1 of each year, the Department shall:

(a) Provide a copy of the code of honor to the board of trustees of each school district and the governing body of each charter school.

(b) Review and amend the code of honor as necessary.

4. Copies of the code of honor must be made available for inspection at each public school located within a school district, including, without limitation, each charter school, in an area on the grounds of the school that is open to the public.

5. Each classroom teacher shall:

(a) Distribute the code of honor to each pupil enrolled in the teacher's class and to the parent or legal guardian of each pupil enrolled in his or her class at the beginning of each school year or upon a pupil's enrollment in the teacher's class, as applicable;

(b) Provide the pupil and the parent or legal guardian of the pupil with a reasonable opportunity to sign the code of honor; and

(c) If the code of honor is returned with the signatures, retain a copy of the signed code of honor in the pupil's file.

(Added to NRS by [2005, 1661](#); A [2007, 2916](#))

NRS 392.463 Adoption of plan to ensure public schools are safe and free of controlled substances; written rules of behavior and punishments; distribution of plan and rules to pupils; availability for inspection.

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

2. Each school district shall prescribe written rules of behavior required of and prohibited for pupils attending school within their district and shall prescribe appropriate punishments for violations of the rules. If suspension or expulsion is used as a punishment for a violation of the rules, the school district shall follow the procedures in [NRS 392.467](#).

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

(Added to NRS by [1985, 350](#); A [2003, 19th Special Session, 80](#))

NRS 392.4633 Corporal punishment prohibited; report of violation; forwarding of complaint if determined to be substantiated.

1. Corporal punishment must not be administered upon a pupil in any public school.

2. Subsection 1 does not prohibit any teacher, principal or other licensed person from defending himself or herself if attacked by a pupil.

3. A person may report the use of corporal punishment on a pupil to the agency which provides child welfare services in the county in which the school district is located. If the agency determines that the complaint is substantiated, the agency shall forward the complaint to the Department, the appropriate local law enforcement agency within the county and the district attorney's office within the county for further investigation.

4. As used in this section:

(a) "Agency which provides child welfare services" has the meaning ascribed to it in [NRS 432B.030](#).

(b) "Corporal punishment" means the intentional infliction of physical pain upon or the physical restraint of a pupil for disciplinary purposes. The term does not include the use of reasonable and necessary force:

(1) To quell a disturbance that threatens physical injury to any person or the destruction of property;

(2) To obtain possession of a weapon or other dangerous object within a pupil's control;

(3) For the purpose of self-defense or the defense of another person; or

(4) To escort a disruptive pupil who refuses to go voluntarily with the proper authorities.

(Added to NRS by 1960, 60; A 1979, 1616; [1987, 1013](#); [1993, 2622](#); [2009, 921](#))

NRS 392.4635 Policy for prohibition of activities of criminal gangs on school property.

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

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

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

(b) If the policy includes training:

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

(2) A designation of the personnel who must receive the training, including, without limitation, personnel who are employed in schools at the grade levels designated pursuant to subparagraph (1).

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

(c) Provisions which prohibit:

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

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

(d) Provisions which provide for the suspension or expulsion of pupils who violate the policy.

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

(a) Local law enforcement agencies;

(b) School police officers, if any;

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

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

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

4. As used in this section, "criminal gang" has the meaning ascribed to it in [NRS 213.1263](#).

(Added to NRS by [1995, 1426](#); A [2009, 1195](#))

NRS 392.4637 Policy concerning use and possession of pagers, cellular telephones and other electronic devices.

1. The board of trustees of each school district shall adopt a policy concerning the use and possession by pupils of a pager, cellular telephone or any other similar electronic device used for communication while on the premises of a public school or while at an activity sponsored by a public school.

2. The policy adopted pursuant to subsection 1 must:

(a) Prescribe appropriate measures for disciplining a pupil who violates the policy.

(b) Be included within each copy of the rules of behavior for pupils that the school district provides to pupils pursuant to [NRS 392.463](#).

(Added to NRS by [2003, 493](#))

NRS 392.4638 Board of trustees authorized to adopt policy for pupils to report unlawful activity being conducted on school property, activity sponsored by public school or on school bus.

1. The board of trustees of each school district may adopt a policy that allows a pupil enrolled in a public school within the school district to report, anonymously if the pupil chooses, any unlawful activity which is being conducted on school property, at an activity sponsored by a public school or on a school bus. The policy may include, without limitation:

- (a) The types of unlawful activities which a pupil may report; and
- (b) The manner in which a pupil may report the unlawful activities.

2. The board of trustees of a school district may work in consultation with a local law enforcement agency or other governmental entity, corporation, business, organization or other entity to assist the board of trustees in the implementation of a policy adopted pursuant to subsection 1.

3. If the board of trustees of a school district adopts a policy pursuant to subsection 1, each public school within the school district shall post prominently in various locations at the school the policy adopted pursuant to subsection 1, which must clearly denote the phone number and any other methods by which a report may be made. If a public school maintains an Internet website for the school, the policy must also be posted on the school's website.

4. If the board of trustees of a school district adopts a policy pursuant to subsection 1, the board of trustees shall post the policy on the Internet website maintained by the school district.

(Added to NRS by [2011, 648](#))

NRS 392.464 Adoption and enforcement by trustees of disciplinary measures for pupil in possession of alcoholic beverage or controlled substance on premises of school.

1. The board of trustees of each school district shall adopt and enforce measures for disciplining any pupil who is found in possession of an alcoholic beverage or a controlled substance, while on the premises of any public school in its district.

2. As used in this section, "alcoholic beverage" has the meaning ascribed to it in [NRS 202.015](#).

(Added to NRS by [1985, 1649](#); A [1987, 482, 1550, 1576](#))

Temporary Alternative Placement

NRS 392.4642 "Principal" defined. As used in [NRS 392.4642](#) to [392.4648](#), inclusive, unless the context otherwise requires, "principal" means the principal of a school or the principal's designee.

(Added to NRS by [1999, 3185](#))

NRS 392.4643 Actions taken against pupils with disabilities. An action must not be taken pursuant to the provisions of [NRS 392.4642](#) to [392.4648](#), inclusive, against a pupil with a disability who is participating in a program of special education pursuant to [NRS 388.440](#) to [388.520](#), inclusive, unless the action complies with:

1. The Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.;
2. The Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.;
3. Title V of the Rehabilitation Act of 1973, 29 U.S.C. §§ 791 et seq.;
4. Any other federal law applicable to children with disabilities; and
5. The procedural policy adopted by the board of trustees of the school district for such matters.

(Added to NRS by [1999, 3188](#))

NRS 392.4644 Plan for progressive discipline and on-site review of disciplinary decisions; annual review and revision of plan; posting and availability of plan; written reports by superintendent of schools, board of trustees and Superintendent of Public Instruction concerning compliance with section.

1. The principal of each public school shall establish a plan to provide for the progressive discipline of pupils and on-site review of disciplinary decisions. The plan must:

(a) Be developed with the input and participation of teachers and other educational personnel and support personnel who are employed at the school, and the parents and guardians of pupils who are enrolled in the school.

(b) Be consistent with the written rules of behavior prescribed in accordance with [NRS 392.463](#).

(c) Include, without limitation, provisions designed to address the specific disciplinary needs and concerns of the school.

(d) Provide for the temporary removal of a pupil from a classroom in accordance with [NRS 392.4645](#).

2. On or before October 1 of each year, the principal of each public school shall:

(a) Review the plan in consultation with the teachers and other educational personnel and support personnel who are employed at the school;

(b) Based upon the review, make revisions to the plan, as recommended by the teachers and other educational personnel and support personnel, if necessary; and

(c) Post a copy of the plan or the revised plan, as applicable, in a prominent place at the school for public inspection and otherwise make the plan available for public inspection at the administrative office of the school.

3. On or before October 1 of each year, the principal of each public school shall submit a copy of the plan established pursuant to subsection 1 or a revised plan, if applicable, to the superintendent of schools of the school district. On or before November 1 of each year, the superintendent of schools of each school district shall submit a report to the board of trustees of the school district that includes:

(a) A compilation of the plans submitted pursuant to this subsection by each school within the school district.

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

4. On or before November 30 of each year, the board of trustees of each school district shall submit a written report to the Superintendent of Public Instruction based upon the compilation submitted pursuant to subsection 3 that reports the progress of each school within the district in complying with the requirements of this section.

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

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

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

(Added to NRS by [1999, 3185](#); A [2003, 3382](#))

NRS 392.4645 Removal of pupil from classroom: Notice; assignment to temporary alternative placement; exceptions.

1. The plan established pursuant to [NRS 392.4644](#) must provide for the temporary removal of a pupil from a classroom if, in the judgment of the teacher, the pupil has engaged in behavior that seriously interferes with the ability of the teacher to teach the other pupils in the classroom and with the ability of the other pupils to learn. The plan must provide that, upon the removal of a pupil from a classroom pursuant to this section, the principal of the school shall provide an explanation of the reason for the removal of the pupil to the pupil and offer the pupil an opportunity to respond to the explanation. Within 24 hours after the removal of a pupil pursuant to this section, the principal of the school shall notify the parent or legal guardian of the pupil of the removal.

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

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

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

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

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

(a) Required by [NRS 392.466](#); or

(b) Authorized by [NRS 392.467](#) and the principal decides to proceed in accordance with that section.

Ê If the principal proceeds in accordance with [NRS 392.466](#) or [392.467](#), the pupil must be removed from school in accordance with those sections and the provisions of [NRS 392.4642](#) to [392.4648](#), inclusive, do not apply to the pupil.

(Added to NRS by [1999, 3185](#))

NRS 392.4646 Removal of pupil from classroom: Conference; recommendation of principal.

1. Except as otherwise provided in this section, not later than 3 school days after a pupil is removed from a classroom pursuant to [NRS 392.4645](#), a conference must be held with:

(a) The pupil;

(b) A parent or legal guardian of the pupil;

(c) The principal of the school; and

(d) The teacher who removed the pupil.

Ê The principal shall give an oral or written notice of the conference, as appropriate, to each person who is required to participate.

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

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

4. Except as otherwise provided in this subsection, a pupil must not return to the classroom from which the pupil was removed before the conference is held. If the conference is not held within 3 school days after the removal of the pupil, the pupil must be allowed to return to the classroom unless:

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

(b) The failure to hold a conference is attributed to the action or inaction of the pupil or the parent or legal guardian of the pupil; or

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

5. During the conference, the teacher who removed the pupil from the classroom or the principal shall provide the pupil and the pupil's parent or legal guardian with an explanation of the reason for the removal of the pupil from the classroom. The pupil and the pupil's parent or legal guardian must be granted an opportunity to respond to the explanation of the pupil's behavior and to indicate whether the removal of the pupil from the classroom was appropriate in their opinion based upon the behavior of the pupil.

6. Upon conclusion of the conference or, if a conference is not held pursuant to subsection 3 not later than 3 school days after the removal of a pupil from a classroom, the principal shall recommend

whether to return the pupil to the classroom or continue the temporary alternative placement of the pupil.

(Added to NRS by [1999, 3186](#))

NRS 392.4647 Establishment of committee to review temporary alternative placement of pupils.

1. The principal of each public school shall establish at least one committee to review the temporary alternative placement of pupils. A committee established pursuant to this section must consist of the principal and two regular members who are teachers selected for membership by a majority of the teachers who are employed at the school. One additional teacher must be selected in the same manner to serve as an alternate member.

2. If a pupil is removed from the classroom pursuant to [NRS 392.4645](#) by a teacher who is a member of a committee established pursuant to this section, the teacher shall not participate in the review of the placement of the pupil and the alternate member shall serve on the committee for that review.

(Added to NRS by [1999, 3187](#))

NRS 392.4648 Powers and duties of committee to review temporary alternative placement of pupils. If, in accordance with subsection 6 of [NRS 392.4646](#), the principal recommends that a pupil be returned to the classroom from which the pupil was removed and the teacher who removed the pupil does not agree with the recommendation, the principal shall continue the temporary alternative placement of the pupil and shall immediately convene a meeting of the committee created pursuant to [NRS 392.4647](#). The principal shall inform the parent or legal guardian of the pupil that the committee will be conducting a meeting. The committee shall review the circumstances of the pupil's removal from the classroom and the pupil's behavior that caused the pupil to be removed from the classroom. Based upon its review, the committee shall assess the best placement available for the pupil and shall, without limitation:

1. Direct that the pupil be returned to the classroom from which he or she was removed;
2. Assign the pupil to another appropriate classroom;
3. Assign the pupil to an alternative program of education, if available;
4. Recommend the suspension or expulsion of the pupil in accordance with [NRS 392.467](#); or
5. Take any other appropriate disciplinary action against the pupil that the committee deems necessary.

(Added to NRS by [1999, 3187](#))

Habitual Disciplinary Problem; Suspension and Expulsion

NRS 392.4655 Conditions under which pupil deemed habitual disciplinary problem; plan of behavior to prevent pupil from being deemed habitual disciplinary problem.

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

- (a) The pupil has threatened or extorted, or attempted to threaten or extort, another pupil or a teacher or other personnel employed by the school;
- (b) The pupil has been suspended for initiating at least two fights on school property, at an activity sponsored by a public school, on a school bus or, if the fight occurs within 1 hour of the beginning or end of a school day, on the pupil's way to or from school; or
- (c) The pupil has a record of five suspensions from the school for any reason.

2. At least one teacher of a pupil who is enrolled in elementary school and at least two teachers of a pupil who is enrolled in junior high, middle school or high school may request that the principal of the

school deem a pupil a habitual disciplinary problem. Upon such a request, the principal of the school shall meet with each teacher who made the request to review the pupil's record of discipline. If, after the review, the principal of the school determines that the provisions of subsection 1 do not apply to the pupil, a teacher who submitted a request pursuant to this subsection may appeal that determination to the board of trustees of the school district. Upon receipt of such a request, the board of trustees shall review the initial request and determination pursuant to the procedure established by the board of trustees for such matters.

3. If a pupil is suspended for initiating a fight described in paragraph (b) of subsection 1 and the fight is the first such fight that the pupil has initiated during that school year, or if a pupil receives one suspension on the pupil's record, the school in which the pupil is enrolled shall provide written notice to the parent or legal guardian of the pupil that contains:

(a) A description of the acts committed by the pupil and the dates on which those acts were committed;

(b) An explanation that if the pupil is suspended for initiating one additional fight or if the pupil receives five suspensions on his or her record during the current school year, the pupil will be deemed a habitual disciplinary problem;

(c) An explanation that, pursuant to subsection 3 of [NRS 392.466](#), a pupil who is deemed a habitual disciplinary problem must be suspended or expelled from school for a period equal to at least one school semester;

(d) If the pupil has a disability and is participating in a program of special education pursuant to [NRS 388.520](#), an explanation of the effect of subsection 6 of [NRS 392.466](#), including, without limitation, that if it is determined in accordance with 20 U.S.C. § 1415 that the pupil's behavior is not a manifestation of the pupil's disability, he or she may be suspended or expelled from school in the same manner as a pupil without a disability; and

(e) If applicable, a summary of the provisions of subsection 4.

Ê A school shall provide the notice required by this subsection for each suspension on the record of a pupil during a school year. A school may include the notice required by this subsection with notice that is otherwise provided to the parent or legal guardian of a pupil which informs the parent or legal guardian of the act committed by the pupil.

4. If a pupil is suspended for initiating a fight described in paragraph (b) of subsection 1 and the fight is the first such fight that the pupil has initiated during that school year, or if a pupil receives four suspensions on the pupil's record within 1 school year, the school in which the pupil is enrolled may develop, in consultation with the pupil and the parent or legal guardian of the pupil, a plan of behavior for the pupil. Such a plan must be designed to prevent the pupil from being deemed a habitual disciplinary problem and may include, without limitation, a voluntary agreement by:

(a) The parent or legal guardian to attend school with his or her child.

(b) The pupil and the pupil's parent or legal guardian to attend counseling, programs or services available in the school district or community.

(c) The pupil and the pupil's parent or legal guardian that the pupil will attend summer school, intersession school or school on Saturday, if any of those alternatives are offered by the school district.

Ê If the pupil commits the same act for which notice was provided pursuant to subsection 3 after he or she enters into a plan of behavior, the pupil shall be deemed a habitual disciplinary problem.

5. If a pupil commits an act the commission of which qualifies the pupil to be deemed a habitual disciplinary problem pursuant to subsection 1, the school shall provide written notice to the parent or legal guardian of the pupil that contains:

(a) A description of the qualifying act and any previous such acts committed by the pupil and the dates on which those acts were committed;

(b) An explanation that pursuant to subsection 3 of [NRS 392.466](#), a pupil who is a habitual disciplinary problem must be suspended or expelled from school for a period equal to at least one school semester;

(c) If the pupil has a disability and is participating in a program of special education pursuant to [NRS 388.520](#), an explanation of the effect of subsection 6 of [NRS 392.466](#), including, without limitation, that if it is determined in accordance with 20 U.S.C. § 1415 that the pupil's behavior is not a manifestation of the pupil's disability, he or she may be suspended or expelled from school in the same manner as a pupil without a disability; and

(d) If applicable, a summary of the provisions of subsection 6.

Ê The school shall provide the notice at least 7 days before the school deems the pupil a habitual disciplinary problem. A school may include the notice required by this subsection with notice that is otherwise provided to the parent or legal guardian of a pupil which informs the parent or legal guardian of the act committed by the pupil.

6. Before a school deems a pupil a habitual disciplinary problem and suspends or expels the pupil, the school may develop, in consultation with the pupil and the parent or legal guardian of the pupil, a plan of behavior for the pupil. Such a plan must be designed to prevent the pupil from being deemed a habitual disciplinary problem and may include, without limitation, a voluntary agreement by:

(a) The parent or legal guardian to attend school with his or her child.

(b) The pupil and the pupil's parent or legal guardian to attend counseling, programs or services available in the school district or community.

(c) The pupil and the pupil's parent or legal guardian that the pupil will attend summer school, intersession school or school on Saturday, if any of those alternatives are offered by the school district.

Ê If the pupil violates the conditions of the plan or commits the same act for which notice was provided pursuant to subsection 5 after he or she enters into a plan of behavior, the pupil shall be deemed a habitual disciplinary problem.

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

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

(Added to NRS by [1997, 2489](#); A [1999, 2110](#))

NRS 392.4657 Conditions under which pupil deemed suspended. A pupil shall be deemed suspended from school if the school in which the pupil is enrolled:

1. Prohibits the pupil from attending school for 3 or more consecutive days; and

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

(Added to NRS by [1999, 2110](#))

NRS 392.466 Suspension or expulsion of pupil for battery on employee of school, possession of firearm or dangerous weapon, sale or distribution of controlled substance or status as habitual disciplinary problem; limitations for pupils with disabilities.

1. Except as otherwise provided in this section, any pupil who commits a battery which results in the bodily injury of an employee of the school or who sells or distributes any controlled substance while on the premises of any public school, at an activity sponsored by a public school or on any school bus

must, for the first occurrence, be suspended or expelled from that school, although the pupil may be placed in another kind of school, for at least a period equal to one semester for that school. For a second occurrence, the pupil must be permanently expelled from that school and:

(a) Enroll in a private school pursuant to [chapter 394](#) of NRS or be homeschooled; or

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

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

(a) Enroll in a private school pursuant to [chapter 394](#) of NRS or be homeschooled; or

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

Ê The superintendent of schools of a school district may, for good cause shown in a particular case in that school district, allow a modification to the expulsion requirement of this subsection if such modification is set forth in writing.

3. Except as otherwise provided in this section, if a pupil is deemed a habitual disciplinary problem pursuant to [NRS 392.4655](#), the pupil must be suspended or expelled from the school for a period equal to at least one semester for that school. For the period of the pupil's suspension or expulsion, the pupil must:

(a) Enroll in a private school pursuant to [chapter 394](#) of NRS or be homeschooled; or

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

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

5. Any pupil in grades 1 to 6, inclusive, except a pupil who has been found to have possessed a firearm in violation of subsection 2, may be suspended from school or permanently expelled from school pursuant to this section only after the board of trustees of the school district has reviewed the circumstances and approved this action in accordance with the procedural policy adopted by the board for such issues.

6. A pupil who is participating in a program of special education pursuant to [NRS 388.520](#), other than a pupil who is gifted and talented or who receives early intervening services, may, in accordance with the procedural policy adopted by the board of trustees of the school district for such matters, be:

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

(b) Suspended from school for more than 10 days or permanently expelled from school pursuant to this section only after the board of trustees of the school district has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.

7. As used in this section:

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

(b) "Dangerous weapon" includes, without limitation, a blackjack, slungshot, billy, sand-club, sandbag, metal knuckles, dirk or dagger, a nunchaku, switchblade knife or trefoil, as defined in [NRS 202.350](#), a butterfly knife or any other knife described in [NRS 202.350](#), 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.

(c) "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.

8. The provisions of this section do not prohibit a pupil who is suspended or expelled from enrolling in a charter school that is designed exclusively for the enrollment of pupils with disciplinary problems if the pupil is accepted for enrollment by the charter school pursuant to [NRS 386.580](#). Upon request, the governing body of a charter school must be provided with access to the records of the pupil relating to the pupil's suspension or expulsion in accordance with applicable federal and state law before the governing body makes a decision concerning the enrollment of the pupil.

(Added to NRS by [1985, 1648](#); A [1987, 1550](#); [1989, 429](#); [1991, 628, 1364](#); [1993, 2161](#); [1995, 2710](#); [1997, 2489](#); [1999, 2113, 3317](#); [2001, 1022](#); [2003, 19th Special Session, 81](#); [2005, 1539](#); [2007, 1997, 3038](#); [2009, 756](#))

NRS 392.467 Suspension or expulsion of pupil: Procedure; limitation.

1. Except as otherwise provided in subsections 4 and 5, the board of trustees of a school district may authorize the suspension or expulsion of any pupil from any public school within the school district.

2. Except as otherwise provided in subsection 5, no pupil may be suspended or expelled until the pupil has been given notice of the charges against him or her, an explanation of the evidence and an opportunity for a hearing, except that a pupil who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process or who is selling or distributing any controlled substance or is found to be in possession of a dangerous weapon as provided in [NRS 392.466](#) may be removed from the school immediately upon being given an explanation of the reasons for his or her removal and pending proceedings, to be conducted as soon as practicable after removal, for the pupil's suspension or expulsion.

3. The provisions of [chapter 241](#) of NRS do not apply to any hearing conducted pursuant to this section. Such hearings must be closed to the public.

4. The board of trustees of a school district shall not authorize the expulsion, suspension or removal of any pupil from the public school system solely because the pupil is declared a truant or habitual truant in accordance with [NRS 392.130](#) or [392.140](#).

5. A pupil who is participating in a program of special education pursuant to [NRS 388.520](#), other than a pupil who is gifted and talented or who receives early intervening services, may, in accordance with the procedural policy adopted by the board of trustees of the school district for such matters, be:

(a) Suspended from school pursuant to this section for not more than 10 days.

(b) Suspended from school for more than 10 days or permanently expelled from school pursuant to this section only after the board of trustees of the school district has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.

[362:32:1956]—(NRS A 1959, 808; 1967, 457; 1975, 1471; 1977, 609; [1985, 1649](#); [1989, 73](#); [1991, 1365](#); [1993, 2162](#); [2009, 758](#))

NRS 392.4675 Certain suspended or expelled pupils ineligible to attend public school; authority for school district or charter school to enroll ineligible pupil in alternative programs, independent study, distance education or charter school designated for pupils with disciplinary problems.

1. Except as otherwise provided in this section, a pupil who is suspended or expelled from:
 - (a) Any public school in this State pursuant to [NRS 392.466](#); or
 - (b) Any school outside of this State for the commission of any act which, if committed within this State, would be a ground for suspension or expulsion from public school pursuant to [NRS 392.466](#),
 È is ineligible to attend any public school in this State during the period of that suspension or expulsion.
2. A school district or a charter school, if the charter school offers the applicable program, may allow a pupil who is ineligible to attend a public school pursuant to this section to enroll in:
 - (a) An alternative program for the education of pupils at risk of dropping out of school provided pursuant to [NRS 388.537](#);
 - (b) A program of independent study provided pursuant to [NRS 389.155](#) for pupils who have been suspended or expelled from public school;
 - (c) A program of distance education provided pursuant to [NRS 388.820](#) to [388.874](#), inclusive; or
 - (d) Any program of instruction offered pursuant to the provisions of [NRS 388.550](#),
 È if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program. A school district or charter school may conduct an investigation of the background of any such pupil to determine if the educational needs of the pupil may be satisfied without undue disruption to the program. If an investigation is conducted, the board of trustees of the school district or the governing body of the charter school shall, based on the results of the investigation, determine if the pupil will be allowed to enroll in such a program.
3. The provisions of subsections 1 and 2 do not prohibit a pupil from enrolling in a charter school that is designed exclusively for the enrollment of pupils with disciplinary problems if the pupil is accepted for enrollment by the charter school pursuant to [NRS 386.580](#). Upon request, the governing body of a charter school must be provided with access to the records of the pupil relating to the pupil's suspension or expulsion in accordance with applicable federal and state law before the governing body makes a decision concerning the enrollment of the pupil.

(Added to NRS by [1993, 2306](#); A [1997, 2491](#); [2005, 1541](#); [2007, 1999](#))

CRISIS AND EMERGENCY RESPONSE IN PUBLIC SCHOOLS

NRS 392.600 Definitions. As used in [NRS 392.600](#) to [392.656](#), inclusive, unless the context otherwise requires, the words and terms defined in [NRS 392.604](#) to [392.612](#), inclusive, have the meanings ascribed to them in those sections.

(Added to NRS by [2001, 1323](#); A [2011, 1074](#))

NRS 392.604 "Crisis" defined. "Crisis" means a traumatic and sudden event or emergency condition that:

1. Involves violence;
2. Profoundly and negatively affects or will affect pupils or employees of a public school, or both;
3. Occurs on the property of a public school, at an activity sponsored by a public school or on a school bus while the bus is engaged in its official duties for a public school; and
4. May involve serious injury or death.

(Added to NRS by [2001, 1323](#))

NRS 392.608 "Development committee" defined. "Development committee" means a committee established pursuant to [NRS 392.616](#).

(Added to NRS by [2001, 1323](#))

NRS 392.609 "Emergency" defined. "Emergency" means an occurrence or threatened occurrence for which action is necessary to save lives, protect property or to protect the health and

safety of persons, or to avert the threat of damage to property or injury to persons, on the property of a public school, at an activity sponsored by a public school or on a school bus while the bus is engaged in its official duties for a public school.

(Added to NRS by [2011, 1073](#))

NRS 392.610 “Local organization for emergency management” defined. “Local organization for emergency management” has the meaning ascribed to it in [NRS 414.036](#).

(Added to NRS by [2011, 1074](#))

NRS 392.612 “School committee” defined. “School committee” means a committee established pursuant to [NRS 392.628](#).

(Added to NRS [2001, 1323](#))

NRS 392.616 Development committee: Establishment by school districts and charter schools; membership; terms of members.

1. The board of trustees of each school district shall establish a development committee to develop one plan to be used by all the public schools other than the charter schools in the school district in responding to a crisis or an emergency. The governing body of each charter school shall establish a development committee to develop a plan to be used by the charter school in responding to a crisis or an emergency.

2. The membership of a development committee must consist of:

(a) At least one member of the board of trustees or of the governing body that established the committee;

(b) At least one administrator of a school in the school district or of the charter school;

(c) At least one licensed teacher of a school in the school district or of the charter school;

(d) At least one employee of a school in the school district or of the charter school who is not a licensed teacher and who is not responsible for the administration of the school;

(e) At least one parent or legal guardian of a pupil who is enrolled in a school in the school district or in the charter school;

(f) At least one representative of a local law enforcement agency in the county in which the school district or charter school is located;

(g) At least one school police officer, including, without limitation, a chief of school police of the school district if the school district has school police officers; and

(h) At least one representative of a state or local organization for emergency management.

3. The membership of a development committee may also include any other person whom the board of trustees or the governing body deems appropriate, including, without limitation:

(a) A counselor of a school in the school district or of the charter school;

(b) A psychologist of a school in the school district or of the charter school;

(c) A licensed social worker of a school in the school district or of the charter school;

(d) A pupil in grade 10 or higher of a school in the school district or a pupil in grade 10 or higher of the charter school if a school in the school district or the charter school includes grade 10 or higher; and

(e) An attorney or judge who resides or works in the county in which the school district or charter school is located.

4. The board of trustees of each school district and the governing body of each charter school shall determine the term of each member of the development committee that it establishes. Each development committee may adopt rules for its own management and government.

(Added to NRS by [2001, 1323](#); A [2011, 1074](#))

NRS 392.620 Development committee: Development of plan to be used by schools in responding to crisis or emergency; submission of plan to board of trustees or governing body of charter school; compliance with plan required.

1. Each development committee established by the board of trustees of a school district shall develop one plan to be used by all the public schools other than the charter schools in the school district in responding to a crisis or an emergency. Each development committee established by the governing body of a charter school shall develop a plan to be used by the charter school in responding to a crisis or an emergency. Each development committee shall, when developing the plan, consult with:

(a) The local social service agencies and local law enforcement agencies in the county in which its school district or charter school is located.

(b) The director of the local organization for emergency management or, if there is no local organization for emergency management, with the Chief of the Division of Emergency Management of the Department of Public Safety or his or her designee.

2. The plan developed pursuant to subsection 1 must include, without limitation, a procedure for:

(a) Assisting persons within a school in the school district or the charter school to communicate with each other;

(b) Assisting persons within a school in the school district or the charter school to communicate with persons located outside the school, including, without limitation, relatives of pupils and relatives of employees of the school, the news media and persons from local, state or federal agencies that are responding to a crisis or an emergency;

(c) Immediately responding to a crisis or an emergency and for responding during the period after a crisis or an emergency has concluded, including, without limitation, a crisis or an emergency that results in immediate physical harm to a pupil or employee of a school in the school district or the charter school;

(d) Assisting pupils of a school in the school district or the charter school, employees of the school and relatives of such pupils and employees to move safely within and away from the school, including, without limitation, a procedure for evacuating the school and a procedure for securing the school; and

(e) Enforcing discipline within a school in the school district or the charter school and for obtaining and maintaining a safe and orderly environment during a crisis or an emergency.

3. Each development committee shall provide a copy of the plan that it develops pursuant to this section to the board of trustees of the school district that established the committee or the governing body of the charter school that established the committee.

4. Except as otherwise provided in [NRS 392.632](#) and [392.636](#), each public school, including, without limitation, each charter school, must comply with the plan developed for it pursuant to this section.

(Added to NRS by [2001, 1324](#); A [2011, 1075](#))

NRS 392.624 Annual review and update of plan for responding to crisis or emergency; maintenance, posting and distribution of plan; annual training for school employees in responding to crisis or emergency; acceptance of gifts and grants.

1. Each development committee shall, at least once each year, review and update as appropriate the plan that it developed pursuant to [NRS 392.620](#). In reviewing and updating the plan, the development committee shall consult with the director of the local organization for emergency management or, if there is no local organization for emergency management, with the Chief of the Division of Emergency Management of the Department of Public Safety or his or her designee.

2. Each development committee shall provide an updated copy of the plan to the board of trustees of the school district that established the committee or the governing body of the charter school that established the committee.

3. The board of trustees of each school district and the governing body of each charter school shall:

(a) Post a notice of the completion of each review and update that its development committee performs pursuant to subsection 1 at each school in its school district or at its charter school;

(b) Post a copy of [NRS 392.600](#) to [392.656](#), inclusive, at each school in its school district or at its charter school;

(c) Retain a copy of each plan developed pursuant to [NRS 392.620](#), each plan updated pursuant to subsection 1 and each deviation approved pursuant to [NRS 392.636](#);

(d) Provide a copy of each plan developed pursuant to [NRS 392.620](#) and each plan updated pursuant to subsection 1 to:

(1) The State Board;

(2) Each local law enforcement agency in the county in which the school district or charter school is located;

(3) The Division of Emergency Management of the Department of Public Safety; and

(4) The local organization for emergency management, if any;

(e) Upon request, provide a copy of each plan developed pursuant to [NRS 392.620](#) and each plan updated pursuant to subsection 1 to a local agency that is included in the plan and to an employee of a school who is included in the plan;

(f) Upon request, provide a copy of each deviation approved pursuant to [NRS 392.636](#) to:

(1) The State Board;

(2) A local law enforcement agency in the county in which the school district or charter school is located;

(3) The Division of Emergency Management of the Department of Public Safety;

(4) The local organization for emergency management, if any;

(5) A local agency that is included in the plan; and

(6) An employee of a school who is included in the plan; and

(g) At least once each year, provide training in responding to a crisis and training in responding to an emergency to each employee of the school district or of the charter school, including, without limitation, training concerning drills for evacuating and securing schools.

4. The board of trustees of each school district and the governing body of each charter school may apply for and accept gifts, grants and contributions from any public or private source to carry out the provisions of [NRS 392.600](#) to [392.656](#), inclusive.

(Added to NRS by [2001, 1325](#); A [2011, 1075](#))

NRS 392.628 School committee: Establishment; membership; terms of members.

1. The principal of each public school, including, without limitation, each charter school, shall establish a school committee to review the plan developed for the school pursuant to [NRS 392.620](#).

2. The membership of a school committee must consist of:

(a) The principal of the school;

(b) Two licensed employees of the school;

(c) One employee of the school who is not a licensed employee and who is not responsible for the administration of the school;

(d) One school police officer of the school if the school has school police officers; and

(e) One parent or legal guardian of a pupil who is enrolled in the school.

3. The membership of a school committee may also include any other person whom the principal of the school deems appropriate, including, without limitation:

(a) A member of the board of trustees of the school district in which the school is located or a member of the governing body of the charter school;

(b) A counselor of the school;

(c) A psychologist of the school;

- (d) A licensed social worker of the school;
 - (e) A representative of a local law enforcement agency in the county, city or town in which the school is located; and
 - (f) A pupil in grade 10 or higher from the school if the school includes grade 10 or higher.
4. The principal of a public school, including, without limitation, a charter school, shall determine the term of each member of the school committee. Each school committee may adopt rules for its own management and government.
- (Added to NRS by [2001, 1326](#))

NRS 392.632 School committee: Annual review of plan prepared by development committee; determination whether to request deviation from plan; notice of review.

1. Each school committee shall, at least once each year, review the plan developed for the school pursuant to [NRS 392.620](#) and determine whether the school should deviate from the plan.
 2. Each school committee shall, when reviewing the plan, consult with:
 - (a) The local social service agencies and law enforcement agencies in the county, city or town in which its school is located.
 - (b) The director of the local organization for emergency management or, if there is no local organization for emergency management, with the Chief of the Division of Emergency Management of the Department of Public Safety or his or her designee.
 3. If a school committee determines that the school should deviate from the plan, the school committee shall notify the development committee that developed the plan, describe the proposed deviation and explain the reason for the proposed deviation. The school may deviate from the plan only if the deviation is approved by the development committee pursuant to [NRS 392.636](#).
 4. Each public school, including, without limitation, each charter school, shall post at the school a notice of the completion of each review that the school committee performs pursuant to this section.
- (Added to NRS by [2001, 1326](#); A [2011, 1076](#))

NRS 392.636 Review by development committee of proposed deviation from plan; notice of approval or denial; submission of copy of approved deviation to board of trustees or governing body.

1. A development committee that receives a proposed deviation from a school committee pursuant to [NRS 392.632](#) shall, within 60 days after it receives the proposed deviation:
 - (a) Review the proposed deviation and any information submitted with the proposed deviation; and
 - (b) Notify the school committee that submitted the proposed deviation whether the proposed deviation has been approved.
 2. A development committee shall provide a copy of each deviation that it approves pursuant to this section to the board of trustees of the school district that established the committee or to the governing body of the charter school that established the committee.
- (Added to NRS by [2001, 1326](#))

NRS 392.640 State Board: Development of plan for management of crisis or emergency; authorized dissemination of plan prepared by State Board or development committee.

1. The State Board shall, with assistance from other state agencies, including, without limitation, the Division of Emergency Management, the Investigation Division, and the Nevada Highway Patrol Division of the Department of Public Safety, develop a plan for the management of a crisis or an emergency that involves a public school, including, without limitation, a charter school, or a private school and that requires immediate action. The plan must include, without limitation, a procedure for coordinating the resources of local, state and federal agencies, officers and employees, as appropriate. In developing the plan, the State Board shall consider the plans developed pursuant to [NRS 392.620](#) and [394.1687](#) and updated pursuant to [NRS 392.624](#) and [394.1688](#).

2. The State Board may disseminate to any appropriate local, state or federal agency, officer or employee, as the State Board determines is necessary:

- (a) The plan developed by the State Board pursuant to subsection 1;
- (b) A plan developed pursuant to [NRS 392.620](#) or updated pursuant to [NRS 392.624](#);
- (c) A plan developed pursuant to [NRS 394.1687](#) or updated pursuant to [NRS 394.1688](#); and
- (d) A deviation approved pursuant to [NRS 392.636](#) or [394.1692](#).

(Added to NRS by [2001, 1327](#); A [2011, 1077](#))

NRS 392.644 State Board: Adoption of regulations concerning development of plans in responding to crisis or emergency, review of proposed deviations and requirements for training.

1. The State Board shall adopt regulations setting forth requirements for:

- (a) The plan required to be developed pursuant to [NRS 392.620](#); and
- (b) Reviewing and approving a deviation pursuant to [NRS 392.636](#).

2. The regulations adopted pursuant to this section must include, without limitation, requirements concerning training and practice in procedures for responding to a crisis or an emergency.

(Added to NRS by [2001, 1327](#); A [2011, 1077](#))

NRS 392.648 Duties of principal if crisis or emergency occurs at school; determination by local agency whether crisis or emergency requires assistance from state agency; duties of Division of Emergency Management of Department of Public Safety.

1. If a crisis or an emergency that requires immediate action occurs at a public school, including, without limitation, a charter school, the principal of the school involved, or the principal's designated representative, shall, in accordance with the plan developed for the school pursuant to [NRS 392.620](#) and in accordance with any deviation approved pursuant to [NRS 392.636](#), contact all appropriate local agencies to respond to the crisis or the emergency.

2. If a local agency that is responsible for responding to a crisis or an emergency is contacted pursuant to subsection 1 and the local agency determines that the crisis or the emergency requires assistance from a state agency, the local agency may:

(a) If a local organization for emergency management has been established in the city or county in which the local agency that was contacted is located, through such local organization for emergency management, notify the Division of Emergency Management of the Department of Public Safety of the crisis or the emergency and request assistance from the Division in responding to the crisis or the emergency; or

(b) If a local organization for emergency management has not been established in the city or county in which the local agency that was contacted is located, directly notify the Division of Emergency Management of the Department of Public Safety of the crisis or the emergency and request assistance from the Division in responding to the crisis or the emergency.

3. If the Division of Emergency Management of the Department of Public Safety receives notification of a crisis or an emergency and a request for assistance pursuant to subsection 2 and the Governor or the Governor's designated representative determines that the crisis or the emergency requires assistance from a state agency, the Division shall carry out its duties set forth in the plan developed pursuant to [NRS 392.640](#) and its duties set forth in [chapter 414](#) of NRS, including, without limitation, addressing the immediate crisis or emergency and coordinating the appropriate and available local, state and federal resources to provide support services and counseling to pupils, teachers, and parents or legal guardians of pupils, and providing support for law enforcement agencies, for as long as is reasonably necessary.

(Added to NRS by [2001, 1327](#); A [2011, 1077](#))

NRS 392.652 Confidentiality of plans, approved deviations and certain other information. A plan developed pursuant to [NRS 392.620](#) or updated pursuant to [NRS 392.624](#), a deviation and any information submitted to a development committee pursuant to [NRS 392.632](#), a deviation approved pursuant to [NRS 392.636](#) and the plan developed pursuant to [NRS 392.640](#) are confidential and, except as otherwise provided in [NRS 239.0115](#) and [392.600](#) to [392.656](#), inclusive, must not be disclosed to any person or government, governmental agency or political subdivision of a government.

(Added to NRS by [2001, 1328](#); A [2007, 2100](#))

NRS 392.656 Inapplicability of Open Meeting Law to development committee, school committee and certain meetings of State Board related to crisis and emergency response. The provisions of [chapter 241](#) of NRS do not apply to a meeting of:

1. A development committee;
2. A school committee; or
3. The State Board if the meeting concerns a regulation adopted pursuant to [NRS 392.644](#) or the plan developed pursuant to [NRS 392.640](#).

(Added to NRS by [2001, 1328](#))

HOMESCHOOLED CHILDREN

NRS 392.700 Notice of intent to homeschool; release of child's records; participation in examinations; educational plan; discrimination prohibited.

1. If the parent of a child who is subject to compulsory attendance wishes to homeschool the child, the parent must file with the superintendent of schools of the school district in which the child resides a written notice of intent to homeschool the child. The Department shall develop a standard form for the notice of intent to homeschool. The form must not require any information or assurances that are not otherwise required by this section or other specific statute. The board of trustees of each school district shall, in a timely manner, make only the form developed by the Department available to parents who wish to homeschool their child.

2. The notice of intent to homeschool must be filed before beginning to homeschool the child or:

(a) Not later than 10 days after the child has been formally withdrawn from enrollment in public school; or

(b) Not later than 30 days after establishing residency in this State.

3. The purpose of the notice of intent to homeschool is to inform the school district in which the child resides that the child is exempt from the requirement of compulsory attendance.

4. If the name or address of the parent or child as indicated on a notice of intent to homeschool changes, the parent must, not later than 30 days after the change, file a new notice of intent to homeschool with the superintendent of schools of the school district in which the child resides.

5. A notice of intent to homeschool must include only the following:

(a) The full name, age and gender of the child;

(b) The name and address of each parent filing the notice of intent to homeschool;

(c) A statement signed and dated by each such parent declaring that the parent has control or charge of the child and the legal right to direct the education of the child, and assumes full responsibility for the education of the child while the child is being homeschooled;

(d) An educational plan for the child that is prepared pursuant to subsection 12;

(e) If applicable, the name of the public school in this State which the child most recently attended; and

(f) An optional statement that the parent may sign which provides:

I expressly prohibit the release of any information contained in this document, including, without limitation, directory information as defined in 20 U.S.C. § 1232g(a)(5)(A), without my prior written consent.

6. Each superintendent of schools of a school district shall accept notice of intent to homeschool that is filed with the superintendent pursuant to this section and meets the requirements of subsection 5, and shall not require or request any additional information or assurances from the parent who filed the notice.

7. The school district shall provide to a parent who files a notice a written acknowledgment which clearly indicates that the parent has provided notification required by law and that the child is being homeschooled. The written acknowledgment shall be deemed proof of compliance with Nevada's compulsory school attendance law. The school district shall retain a copy of the written acknowledgment for not less than 15 years. The written acknowledgment may be retained in electronic format.

8. The superintendent of schools of a school district shall process a written request for a copy of the records of the school district, or any information contained therein, relating to a child who is being or has been homeschooled not later than 5 days after receiving the request. The superintendent of schools may only release such records or information:

(a) To a person or entity specified by the parent of the child, or by the child if the child is at least 18 years of age, upon suitable proof of identity of the parent or child; or

(b) If required by specific statute.

9. If a child who is or was homeschooled seeks admittance or entrance to any school in this State, the school may use only commonly used practices in determining the academic ability, placement or eligibility of the child. If the child enrolls in a charter school, the charter school shall, to the extent practicable, notify the board of trustees of the school district in which the child resides of the child's enrollment in the charter school. Regardless of whether the charter school provides such notification to the board of trustees, the charter school may count the child who is enrolled for the purposes of the calculation of basic support pursuant to [NRS 387.1233](#). A homeschooled child seeking admittance to public high school must comply with [NRS 392.033](#).

10. A school or organization shall not discriminate in any manner against a child who is or was homeschooled.

11. Each school district shall allow homeschooled children to participate in all college entrance examinations offered in this State, including, without limitation, the SAT, the ACT, the Preliminary SAT and the National Merit Scholarship Qualifying Test. Each school district shall ensure that the homeschooled children who reside in the school district have adequate notice of the availability of information concerning such examinations on the Internet website of the school district maintained pursuant to [NRS 389.004](#).

12. The parent of a child who is being homeschooled shall prepare an educational plan of instruction for the child in the subject areas of English, including reading, composition and writing, mathematics, science and social studies, including history, geography, economics and government, as appropriate for the age and level of skill of the child as determined by the parent. The educational plan must be included in the notice of intent to homeschool filed pursuant to this section. If the educational plan contains the requirements of this section, the educational plan must not be used in any manner as a basis for denial of a notice of intent to homeschool that is otherwise complete. The parent must be prepared to present the educational plan of instruction and proof of the identity of the child to a court of law if required by the court. This subsection does not require a parent to ensure that each subject area is taught each year that the child is homeschooled.

13. No regulation or policy of the State Board, any school district or any other governmental entity may infringe upon the right of a parent to educate his or her child based on religious preference unless it is:

- (a) Essential to further a compelling governmental interest; and
- (b) The least restrictive means of furthering that compelling governmental interest.

14. As used in this section, "parent" means the parent, custodial parent, legal guardian or other person in this State who has control or charge of a child and the legal right to direct the education of the child.

(Added to NRS by [2007, 3032](#); A [2011, 3063](#); [2013, 3283](#))

NRS 392.705 Form for participation in programs and activities at public school or through Nevada Interscholastic Activities Association.

1. The Department shall develop a standard form for the notice of intent of a homeschooled child to participate in programs and activities. The board of trustees of each school district shall, in a timely manner, make only the form developed by the Department available to parents of homeschooled children.

2. The notice developed pursuant to subsection 1 must include the information required in the notice of intent to homeschool pursuant to [NRS 392.700](#), excluding the educational plan for the homeschooled child.

3. If a homeschooled child wishes to participate in classes, activities, programs, sports or interscholastic activities and events at a public school or through a school district, or through the Nevada Interscholastic Activities Association, the parent of the child must file a current notice of intent to participate with the school district in which the child resides.

(Added to NRS by [2007, 3034](#))

MISCELLANEOUS PROVISIONS

NRS 392.850 Provision of information to certain employees regarding unlawful conduct of pupil; immunity from liability under certain circumstances; confidentiality of information.

1. The board of trustees of a county school district, or its designee, shall inform each employee of the district, including teachers, other licensed employees, drivers of school buses, instructional aides and office managers, who may have consistent contact with a pupil if that pupil has, within the preceding 3 years, unlawfully caused or attempted to cause serious bodily injury to any person. The district shall provide this information based upon any written records that the district maintains or which it receives from a law enforcement agency or a court. The district need not initiate a request for such information from any source.

2. A school district and the members of its board of trustees are not liable for failure strictly to comply with this section if a good faith effort to comply is made.

3. Except as otherwise provided in [NRS 239.0115](#), any information received by an employee pursuant to this section is confidential and must not be further disseminated by the employee.

(Added to NRS by [1991, 981](#); A [1997, 1362](#); [2007, 2100](#))

NRS 392.855 Policy for procedures to be followed by peace officers in arresting pupil on school grounds during school hours.

1. The board of trustees of each school district, in conjunction with the school police officers of the school district, if any, and the local law enforcement agencies that have jurisdiction over the school district, shall establish a policy for the procedures which must be followed by a peace officer in arresting a pupil on school grounds during school hours. The policy must include the circumstances under which the chief administrative officer of a school must be notified of the arrest of a pupil.

2. Each law enforcement agency that has jurisdiction over any part of a school district shall adopt the policy which is established pursuant to subsection 1.

(Added to NRS by [1993, 853](#))

NRS 392.860 Employee of school district prohibited from disclosing certain information about status of pupil placed in foster home. An employee of a school district, including, without limitation, a teacher, an administrator or an instructional aide, shall not disclose to any person who is not employed by the school district the fact that a pupil is a child who has been placed in a foster home or any related information.

(Added to NRS by [2011, 654](#))

UNLAWFUL ACTS

NRS 392.900 Interference with pupil attending school; penalty.

1. It is unlawful for any person, against the will of a pupil attending any public school, to beat, whip, detain or otherwise interfere with the pupil while the pupil is on his or her way to and from school.

2. Any person who violates any of the provisions of this section shall be guilty of a misdemeanor.

[407:32:1956]—(NRS A 1967, 566)

NRS 392.910 Disturbance of school; assaulting pupil or school employee; interference with persons peaceably assembled within school; penalties.

1. It is unlawful for any person to disturb the peace of any public school by using vile or indecent language within the building or grounds of the school. Any person who violates any of the provisions of this subsection is guilty of a misdemeanor.

2. It is unlawful for any person to assault any pupil or school employee:

(a) Within the building or grounds of the school;

(b) On a bus, van or any other motor vehicle owned, leased or chartered by a school district to transport pupils or school employees; or

(c) At a location where the pupil or school employee is involved in an activity sponsored by a public school.

Ê Except under circumstances described in paragraph (c) or (d) of subsection 2 of [NRS 200.471](#) or in [NRS 200.571](#), any person who violates any of the provisions of this subsection is guilty of a misdemeanor.

3. It is unlawful for any person maliciously and purposely in any manner to interfere with or disturb any persons peaceably assembled within a building of a public school for school district purposes. Any person who violates any of the provisions of this subsection is guilty of a misdemeanor.

4. For the purposes of this section “school employee” means any licensed or unlicensed person employed by a board of trustees of a school district pursuant to [NRS 391.100](#).

[408:32:1956]—(NRS A 1967, 566; 1979, 1617; [1993, 239](#); [2001 Special Session, 185](#); [2003, 2](#))

NRS 392.915 Threatening to cause bodily harm or death to pupil or school employee by means of oral, written or electronic communication; penalties.

1. A person shall not, through the use of any means of oral, written or electronic communication, including, without limitation, through the use of cyber-bullying, knowingly threaten to cause bodily harm or death to a pupil or employee of a school district or charter school with the intent to:

(a) Intimidate, harass, frighten, alarm or distress a pupil or employee of a school district or charter school;

(b) Cause panic or civil unrest; or

(c) Interfere with the operation of a public school, including, without limitation, a charter school.

2. Unless a greater penalty is provided by specific statute, a person who violates the provisions of subsection 1 is guilty of:

(a) A misdemeanor, unless the provisions of paragraph (b) apply to the circumstances.

(b) A gross misdemeanor, if the threat causes:

(1) Any pupil or employee of a school district or charter school who is the subject of the threat to be intimidated, harassed, frightened, alarmed or distressed;

(2) Panic or civil unrest; or

(3) Interference with the operation of a public school, including, without limitation, a charter school.

3. As used in this section:

(a) "Cyber-bullying" has the meaning ascribed to it in [NRS 388.123](#).

(b) "Oral, written or electronic communication" includes, without limitation, any of the following:

(1) A letter, note or any other type of written correspondence.

(2) An item of mail or a package delivered by any person or postal or delivery service.

(3) A telegraph or wire service, or any other similar means of communication.

(4) A telephone, cellular phone, satellite phone, page or facsimile machine, or any other similar means of communication.

(5) A radio, television, cable, closed-circuit, wire, wireless, satellite or other audio or video broadcast or transmission, or any other similar means of communication.

(6) An audio or video recording or reproduction, or any other similar means of communication.

(7) An item of electronic mail, a modem or computer network, or the Internet, or any other similar means of communication.

(Added to NRS by [2001 Special Session, 184](#); A [2009, 690](#))

NRS 392.920 Employer prohibited from threatening or taking retaliatory action against parent for parent's participation in certain school conferences and school-related activities; penalty; authorization for parent to file claim with Labor Commissioner.

1. It is unlawful for an employer or an agent of the employer to:

(a) Terminate the employment of, or to demote, suspend or otherwise discriminate against, a person who, as the parent, guardian or custodian of a child:

(1) Appears at a conference requested by an administrator of the school attended by the child;

(2) Is notified during his or her work by a school employee of an emergency regarding the child;

or

(3) Takes leave pursuant to [NRS 392.4577](#) if the employer is subject to the requirements of that section; or

(b) Assert to the person that his or her appearance or prospective appearance at such a conference, the receipt of such a notification during his or her work or leave taken pursuant to [NRS 392.4577](#) will result in the termination of his or her employment or a demotion, suspension or other discrimination in the terms and conditions of the person's employment.

2. Any person who violates the provisions of subsection 1 is guilty of a misdemeanor.

3. A person who is discharged from employment or who is demoted, suspended or otherwise discriminated against in violation of subsection 1 may file a claim or complaint with the Labor Commissioner. The employer shall provide the person who is discharged from employment or who is demoted, suspended or otherwise discriminated against with all the forms necessary to request such a claim or complaint. If the Labor Commissioner determines that the claim or complaint is valid and enforceable, the Labor Commissioner shall provide notice and opportunity for a hearing pursuant to [NRS 607.205](#) to [607.215](#), inclusive.

4. If the Labor Commissioner issues a written decision in favor of the employee, the Labor Commissioner may award in addition to any remedies and penalties provided in [chapters 607](#) and [608](#) of NRS:

- (a) Wages and benefits lost as a result of the violation;
- (b) An order of reinstatement without loss of position, seniority or benefits; and
- (c) Damages equal to the amount of the lost wages and benefits.

(Added to NRS by [1989, 901](#); A [2009, 1247](#))