

# **BEHAVIOR MANUAL (2024-25) ELEMENTARY SCHOOLS**

Washoe County School District Progressive Discipline Plan

Office of Student & Family Supports

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**GLOSSARY OF TERMS**

<b>CIT</b>	Refers to the federal Children in Transition program supporting student's without a home.
<b>DIAT</b>	District Intervention Assistance Team which is a district level support team, including cross-agency representatives, for schools to discuss challenging student cases.
<b>Disproportionality</b>	The overrepresentation or underrepresentation of specific student groups in various educational categories or outcomes. Addressing disproportionality involves analyzing data, identifying contributing factors, and implementing strategies to ensure fair and equitable treatment for all students.
<b>Emergency Suspension</b>	Students excluded from school pending a hearing to discuss their behavior and the most appropriate educational setting to support them.
<b>FAPE</b>	Federal requirement for a Free and Appropriate Public Education.
<b>FBA</b>	Functional Behavior Assessment. A process schools use to figure out what is causing challenging behavior.
<b>FERPA</b>	Family Educational Rights and Privacy Act.
<b>IAES</b>	Interim Alternative Education Setting.
<b>IEP</b>	Individualized Education Program refers to the written document required for each child who is eligible to receive special education services. It is provided to a student who has been determined first to have a disability and, second, to need special education services because of that disability.
<b>Major Behavior</b>	Includes violent, disruptive, and procedural violations which warrant immediate response from school and/or district administration.
<b>Minor Behavior</b>	Disruptive behaviors that distract from learning, but generally do not significantly violate the rights of others, and that require immediate response from staff.
<b>MDR</b>	Manifestation Determination Process which is a review of behavior and its association to a student's disability.
<b>MTSS</b>	Multi-Tiered System of Supports or a tiered problem-solving framework.
<b>PBIS</b>	Positive Behavior Intervention and Supports which is a set of practices designed to manage and shape positive student behavior.
<b>Progressive Discipline Committee</b>	School-based committee required by Nevada Statute which must include a school's Principal or their designee, two teachers and one alternate teacher, and one classified staff member and one alternate classified staff member
<b>PTR</b>	Prevent-Teach-Reinforce. A standardized and individualized model for school-based interventions
<b>Restorative Practices</b>	Also referred to as Restorative Justice, this is a set of practices designed to build community and to repair harm and reconstitute community after harm to the community has occurred.
<b>School Climate</b>	Refers to the learning environment including perceptions of physical, emotional and social safety. Inclusive, welcoming, and valuing learning environments are associated with increased academic performance.
<b>SEL</b>	Social Emotional Learning and five competencies (self-awareness, self-management, other-awareness, relationship building, and responsible decision making).
<b>Significant Suspension</b>	Out of school suspensions of 3 days or longer.
<b>TAP</b>	Temporary Alternative Placements which can include in-school suspensions
<b>Threat Assessment</b>	This is step two of the comprehensive threat assessment process. The threat assessment is designed to better understand a student's threat and to build a safety plan.
<b>Threat Inquiry</b>	This is step 1 in the comprehensive threat assessment process and is an initial evaluation, often conducted by the principal, that determines if a threat is transient or of greater concern.
<b>Universal Referral</b>	A District process for requesting central office support with behavior, attendance, mental health, and/or academics.
<b>Section 504 Plan</b>	Section 504 Plan refers to the written document which provides accommodations, aids or services to students who have been determined to have a physical or mental impairment which substantially limits one or more major life activities and need accommodations, aids or services because of their disability so they can access and benefit from their education.

## SAFE AND CONNECTED SCHOOLS

The Washoe County School District (District) and the Board of Trustees (Board) are fully committed to a quality education. Through our strategic plan, the Board's promise is to "know every student by name, strength, and need so they graduate prepared for the future they choose, and we will deliver on this promise in partnership with our families and community." Moreover, one of our five strategic goals is that every student will be welcomed, included, and valued within a safe and supportive school environment; and this will be achieved in part through a district-wide culture that supports social, emotional, and physical well-being of students, staff and families.

### **Safe and Respectful Learning Environment**

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The Washoe County School District seeks to create a safe and respectful learning environment for students free from discrimination, bullying and cyber-bullying based on differing beliefs, races, colors, national origins, ancestries, religions, gender identities or expressions, sexual orientations, physical or mental disabilities, sexes or any other distinguishing characteristics or backgrounds in order for students to achieve success (Board Policy 5700 [Safe and Respectful Learning Environment](#)). Students are entitled to learn in environments free from discrimination and bullying (NRS 388.132). A positive school climate and culture characterized by mutual respect and the building of relationships results in academic, social, and emotional growth for students in the District (Board Policy 5100).

Schools can creating a safe and respectful learning environment by building meaningful relationships with students and families by:

- deliberately connecting with students and families.
- developing and implementing clear expectations and predictable routines.
- strengthening meaningful communication and that will provide welcoming, valuing, and stable classrooms and schools.

One approach to supporting student behavior is to create the conditions that promote culturally responsive prosocial behavior and academic engagement. The student who experiences connection, trusted adults, and who engages in the learning process is far less likely to behave in distracting and disruptive ways that impede their own learning and potentially the learning of others. Although we focus our attention on preventative measures, we know that not all students will be responsive. Below we outline recommended approaches to supporting students including recommended disciplinary strategies.

### Helpful Resources

- WCSSD School Climate Data: [School Climate / Climate Survey School Reports \(washoeschools.net\)](#); [School Climate / Debriefing Your Data \(washoeschools.net\)](#)
- Building Partnerships with Families: <https://www.washoeschools.net/familyschoolpartnerships>
- CDC Division of Adolescent and School Health: <https://www.cdc.gov/healthyyouth/safe-supportive-environments/index.htm>; [https://www.cdc.gov/healthyyouth/protective/school\\_connectedness.htm?CDC\\_AA\\_refVal=https%3A%2F%2Fwww.cdc.gov%2Fhealthyyouth%2Fprotective%2Fyouth-connectedness-important-protective-factor-for-health-well-being.htm](https://www.cdc.gov/healthyyouth/protective/school_connectedness.htm?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fhealthyyouth%2Fprotective%2Fyouth-connectedness-important-protective-factor-for-health-well-being.htm)
- [Student Bullying, Harassment and/or Discrimination Complaint and Appeal Procedures](#)

## State and Federal Legislation

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Federal and state statutes provide guiderails regarding student discipline (please see the appendix for relevant statutory language). State/federal law rarely mandates specific steps to be taken when specific situations arise. Instead, state and federal statutes highlight where and when school administrators can exercise discretion in decision making to best meet the needs of students and address student behaviors.

Most of the relevant Nevada statutes guiding student discipline can be found in Chapter 392-Pupils. In brief, state statute outlines the requirements of school-based Progressive Discipline Committees, temporary alternative placement (TAP) when removal of students from classrooms and other settings is appropriate, the use of restorative practices and MTSS, the use of out of school suspension, long term suspensions, expulsions, and permanent expulsions, and identifies specific behaviors that can and/or must result in the placement of a student in an Interim Alternative Education Setting (IAES).

Two assembly bills (AB285 & AB330) passed in the 2023 Legislative Session mandate changes to disciplinary practice. Both bills carry identical language in several sections. Changes can be summarized as including:

1. Greater flexibility in the use of suspension and/or expulsion with respect to first offense Battery with Bodily Injury, and Distribution of a Controlled Substance.
  - a. With battery, *intent* to cause bodily harm, may result in suspension and/or expulsion.
2. Greater flexibility in the use of disciplinary practices, including suspension and at times expulsion, for students under the age of 11.
3. Clarity regarding parents/guardians<sup>1</sup> rights to appeal suspensions; may only appeal significant suspensions (out of school for 3 days or more), longer term suspensions and expulsions.
4. Requirements for schools to build student plans based on restorative practices for students suspended (in-school or out-of-school) for more than 2 consecutive school days or for a cumulative 5 days of out of school suspension (plans must include provisions for educational services, positive behavior interventions, and a host of other options (see page 25 of the appendix for more information).
5. Changes to suspension and/or expulsion of students protected under McKinney Vento (students classified as Children in Transition (CIT), and those living in foster care) limiting suspension for any single event to no more than 5 consecutive days. For “Big 3” events, suspension and expulsion is allowed. Before suspending or expelling a student, a determination must be made with support from the District Homeless Liaison or District Foster Liaison regarding the extent to which living circumstances were a factor influencing the behavior in question. However, the law now indicates that the presumption is that living conditions were not a factor.
6. Increased accountability with requirements to review behavior and discipline data quarterly and analyze the extent to which outcomes are disproportionate.

Chapter 392 of Nevada Revised Statute, references when and how state mandates apply to students with disabilities and allows for the discipline of students with disabilities, so long as it is in compliance with the Individuals with Disabilities Education Act (IDEA) and/or the Americans with Disabilities Act (ADA).

Please see the following section for specific considerations related to students with IEPs and Section 504 plans. The requirements of IDEA for students with IEPs also apply to students with Section 504 plans.

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<sup>1</sup> However, please note that when a student turns 18, notifications and rights should be directed to the student as an adult, unless the student has a court appointed guardian or parents/guardians have been approved to retain educational rights under NRS 388.459.

## Special Education and Section 504 Plans

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We have a legal obligation to educate students with disabilities in the Least Restrictive Environment (34CFR 300.114). In short this means that to the extent possible and appropriate, students with disabilities are educated with non-disabled peers. The IEP Team (34CFR 300.321 and section 1414(d)) has authority to determine the Least Restrictive Environment based on the student's needs.

Students with disabilities can be suspended. Nevada State Statute limits the number of days that a student with a disability can be suspended for any single infraction to 5 school days. IDEA (34CFR 300.530) limits the number of days in one school year that a student with a disability can be suspended before the suspension constitutes a "change of placement" to 10 days.

A change of placement means a proposed change to the IEP which substantially or materially affects the composition of the educational program and services provided to the student. A simple change in the location of a building or facility is not, generally, viewed to be a change in placement where there are no significant changes in the educational program. It is the IEP Team, through the definition of the services needed to support the student, that determines a change of placement.

Because of this, before a change of placement is considered, which also means before the 10th day of suspension, a Manifestation Determination Review (MDR)(IDEA- 300.530) must be completed by the IEP Team. At an MDR two questions must be answered.

1. Was the conduct in question caused by, or did it have a direct and substantial relationship to the student's disability?
2. Was the conduct in question the direct result of the LEA's failure to implement the IEP?

With all students including students with IEPs, we should intervene early when we observe inappropriate behavior. Although a formal MDR is not required for every behavioral infraction, an informal review of the behavior and the services being provided within an IEP is appropriate. The goal would be to couple progressive disciplinary steps with progressive support, intervening as early as possible to prevent a behavior from reoccurring. If disruptive behaviors continue to occur, similar reviews and appropriate adjustments should take place. We strongly recommend that an MDR be completed on or about the 6th suspension day. Waiting until the 10th suspension day puts the child at risk, as well as the school for failure to comply with FAPE.

Because of this, and because of other definitional aspects of habitual discipline (e.g., 5 suspensions each of 3 or more days), that label rarely can be legally applied to a student with a disability. Generally speaking, habitual behavior is a pattern of behavior over time. If a student with an IEP exhibits a pattern of behavior, this pattern should be supported through the IEP. In other words, the behavior then would be considered as related to or a manifestation of the child's disability.

IDEA, like NRS (392.466), identifies certain behaviors that if committed by a student prompt immediate disciplinary action and potential removal of a student to an Interim Alternative Educational Setting (IAES). In brief, a student with an IEP may be removed for disciplinary purposes including up to 45 days for possession of a dangerous weapon, battery causing severe bodily injury, and for distribution of controlled substances (34CFR 300.530—300.536). As discussed above, before this placement is to occur, an MDR should be completed. If the behavior in question is not a manifestation, the student may be placed at the IAES for longer than 45 days.

This action constitutes a change of placement but in this circumstance, the District is obligated to continue to provide educational services as outlined in the students IEP so that they can continue to make progress toward their goals and to provide, as appropriate, a functional behavioral assessment and/or behavioral intervention services to address the behavior in question (IDEA 300.530(d)).

The purpose of this discussion is to underscore that there are specific guardrails that apply to students with disabilities. In general, these same guardrails apply to students with 504 plans. Therefore, we must carefully think through implications, intervene early and often, and consult central office special education, 504, and behavior department staff.

The appendix includes federal legislation referenced in this section.

### **BUILDING SCHOOL CLIMATE AND DISCIPLINARY PRACTICE**

There are practical steps that should be used to support student learning (academic, social, and emotional) through the creation of a safe and respectful learning environment or school climate. These steps begin with building meaningful relationships and connecting students to other students, students and families to adults in the building, and students to their own learning,

#### **Multi-Tiered System of Supports**

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As it relates to student discipline, we focus our attention on the teacher and the classroom,<sup>2</sup> the school administrator (and designees) and the school, and the role of central office administration. Please note that the same authority enjoyed by the teacher extends to all staff when addressing student behavior. By and large, Tier 1 practices and some Tier 2 interventions and consequences reside with the classroom teacher. Some Tier 2 interventions, and Tier 3 interventions and consequences reside with the school administrator. And some Tier 3 interventions and consequences, including behavior support, reside with central office administration.

Our goal is to foster connections and promote the behavior we expect to see students exhibit. We will still have to manage disruptive behaviors and we have many strategies we can rely on to intervene as early as possible when a student behaves inappropriately. We must discipline students in a progressive manner should students fail to respond to our reteaching and restorative practices. When a progressive system of discipline and support is not used, it can make it unclear to the student what they need to correct as well as what supports are there to help them correct the behavior.

Behaviors that threaten the safety of students and staff must be handled with immediacy. In these instances, it is paramount to think carefully about how we restore the community and reintegrate the student who has been temporarily removed. In this way, traditional disciplinary practices and restorative practices can and must work together. We will address this more fully in the next section and later when we discuss student transitions.

Generally speaking, minor behavior infractions should be addressed with Tier 1 practices and Tier 2 interventions and consequences. Major behavior infractions should be addressed through Tier 2 and

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<sup>2</sup> Although this manual focuses on the teacher and the classroom, what is shared applies to other staff (aids, bus drivers, nutrition workers) and other settings within the school or associated with the school (e.g. hallways, lunchroom, playground/quad, buses, etc.)

Tier 3 interventions and consequences. Minor behaviors that are appropriately addressed and which are repeated multiple times (e.g., 3 or more times in a 10-day period), should be classified as a major behavior.

In Table 1, we include example practices and interventions that we might see in the classroom, the school, and at the district level. This is not an exhaustive listing and schools should develop their own bank of strategies. Our practices should help create and strengthen a positive and welcoming learning environment. Building meaningful connections and meaningful community among all students, families and staff is at the heart of this work. Establishing predictability through clear expectations and enforcing rules also enhances the sense of a physically and emotionally safe environment for students and staff alike. We emphasize reinforcement of desirable behaviors as preventative strategies and positive behavior support and recognize that punitive measures may at times be required.

In this set of example practices, what we have included at the classroom level is the same as that which we include at the school level. There must be a high degree of consistency among teachers regarding classroom expectations and enforcement of rules. This is particularly crucial at the secondary level when students enjoy multiple teachers daily. There should also be consistency between classroom expectations and schoolwide expectations. Noting that the ultimate responsibility for establishing and carrying out expectations lie with educators, a powerful way to build community is to include students genuinely in the development of classroom and schoolwide expectations.

Table 1. Examples of practices and interventions

	Climate Practices	Interventions		
		Tier 1	Tier 2	Tier 3
Classroom	Forming relationships Restorative Circles Clear expectations Modeling/Reteaching  Ignoring behavior Reinforcing behavior	Teach/Reteach Restorative chat Conflict mediation Parent/Guardian Conference SEL Activities	Writing exercise Beautification Restorative Plan Skill Building	TAP removal
School	Forming relationships Restorative Circles  Clear expectations Modeling/Reteaching Ignoring behavior Reinforcing behavior	Teach/Reteach Restorative chat	Restore at door Parent/Guardian Conference Beautification Restorative plan	TAP Conference Restorative Conference  Suspension Threat Assessment Transition plan Outside referrals
District	Forming relationships Professional Dev. Coaching Evaluation			Behavior support Modeling DIAT Hearing Officer Referrals

The handling of what we refer to as “**minor**” behaviors should in most cases be handled by the teacher or duty staff. In the appendix, our behavior matrix details major behavior events. By default, behaviors not listed in the appendix and that do not threaten the safety of the learning environment would be classified as minors.



#### Minor Behaviors:

- breach classroom and school-based rules that are clearly defined by the school,
- do not significantly violate the rights of others,
- do not put others at risk for harm,
- are not chronic but are disruptive and distract from student learning.

School rules should be regularly taught and reinforced by teachers and administration. Some examples of minor behaviors may be being tardy, and misusing property and/or technology. Each school should develop a PBIS matrix that outlines behavior standards or expectations at their site. If a student repeats the same or similar minor behaviors 3 or more times in a 10-day period and the teacher has retaught expectations and has used progressive disciplinary steps and supports within their means, that pattern should be identified as a major behavior and referred to school administration. In these instances, administrative action would likely fall within what we describe as Tier 2 discipline and intervention. Practices such as “restore at the door”, restorative conferences including teachers, administration and at times parents/guardians regarding student conduct, skill building opportunities, and safety and support planning could be used.

If a student continues to fail to respond or exhibits a behavior that in the professional judgment of the teacher is highly disruptive or alarming, the teacher can remove the child to a **temporary alternative placement (TAP)** within the building (more information on TAP can be found on page 16). In Table 1 we do refer to this as a Tier 3 intervention as we generally see this as an intervention of last resort on behalf of the teacher. School administrators are primarily involved in supporting teachers with Tier 2 interventions and in decision making regarding Tier 3 interventions. Not all major behaviors that require administrator intervention require traditional means of discipline such as out-of-school suspension. But behaviors classified as major should be taken with absolute seriousness. Restorative planning should occur to understand what prompted the behavior in question, what its impact was, what are appropriate consequences and how it can be avoided in the future. This will often require conferencing with students (including those impacted by the behavior), with parents/guardians, and developing support plans where we identify strategies that can be used by the student, often with adult support, to engage in their academic environment productively. Of course, progressive steps should be taken if behavior is repeated or intensifies.

If a student continues to repeat behaviors when progressive steps, including exclusionary practices coupled with restorative practices, have been used, administrators do have the ability to request district support through our universal referral system. Through the referral system, administrators can request behavior support, District Intervention Assistance Team (DIAT) support, behavior hearing support, as well as attendance support and mental health support.

District level practices rely on the development of meaningful relationships with school staff. Through creating this broader community all focused on the same goal, providing the best possible educational experience for all students, we are more apt to effectively manage student behavior including unruly behavior. District practices aim at building the capacity of school administrators and teachers to effectively manage behavior.

District interventions fall within the level of Tier 3. These include providing expert consultation in behavior management from Registered Behavior Technicians (RBTs) and at times Board Certified Behavior Analysts (BCBAs), conducting DIAT meetings providing student and family centered consultation with community partners, and behavior hearing support on extreme forms of behavior. Support with conducting threat assessments, and hearing support is also available.

### Helpful Resources

- Core Social Emotional Learning: [Multi-Tiered System of Supports / 3 Signature Practices \(washoeschools.net\)](#)
- Core Restorative Practices: [Multi-Tiered System of Supports / Critical Features \(washoeschools.net\)](#)
- Core Positive Behavior Intervention Supports: [Tier One: Universal Prevention \(All\) \(washoeschools.net\)](#)
- Core Trauma Responsive Practices: [Multi-Tiered System of Supports / Trauma Conference, 2021 \(washoeschools.net\)](#)

### Discipline Strategies

Teachers, with the support of other educators and staff, providing highly effective instruction and engaging students in learning is the greatest predictor of academic success. Instruction matters and so maximizing student time receiving instruction should be our shared goal. Traditional disciplinary strategies tend to exclude students from instruction or other school activities. By contrast, restorative strategies aim to minimize lost instruction and/or access to other school activities.

**Suspension should be used as a last resort when other disciplinary measures have failed or when a student's behavior poses a serious threat to the safety and well-being of others.**  
**Deferred suspension should not be used as a disciplinary action.**

### Guidelines for Implementing Suspensions

1. **Exhaustion of Other Interventions:** Before resorting to suspension, all other appropriate and feasible interventions and supports should be exhausted. This may include counseling, behavioral interventions, restorative practices, and family involvement.
2. **Due Process:** Ensure that the student receives due process, including clear communication about the reasons for the suspension, an opportunity to respond to the allegations, and a fair and unbiased decision-making process.
3. **Duration:** Keep suspensions as short as possible. Consider in-school suspensions or alternative educational settings that allow the student to continue their education.
4. **Reentry Plans:** Develop reentry plans to support the student's return to school, which may include counseling, behavioral contracts, and other support services.
5. **Documentation and Monitoring:** Document all incidents leading to suspension and monitor the use of suspensions to ensure they are applied fairly and consistently.
6. **Family and Student Support:** Engage the student's family in the process and provide resources and support to address the underlying issues contributing to the behavior.

When exclusionary practices are used, we must think carefully about how to restore the community. For example, if a student behaves dangerously in a classroom and must be immediately removed, what steps should we take with the remaining students to support them in regaining their sense of classroom safety? How do we approach this knowing that in all likelihood the student that was excluded will be returning? Anticipating that return, are there changes to be made and supports to be put in place to support other students that may have been most affected by the behavior? When the student does return, how do we reintroduce him or her to the classroom avoiding humiliation and shame?

Given this context, within a progressive discipline plan, there is room for both restorative practices and more traditional disciplinary practices. In Table 2. we list some of the practices that should be considered.

Table 2. Disciplinary Practices

Restorative Practices	Traditional Practices
Community circles	Time out
Mindfulness activities	Writing exercise
Self and other awareness exercises	School Beautification
Brain/exercise breaks	Loss of Privilege
Private note	Detention / Saturday School
Restorative chat	In-School Suspension (TAP)
Restore at the Door	Parent/Guardian Conference
Informal conferencing	Out-of-school Suspension
Formal conferencing	Long Term Suspension
Behavior/support planning	Expulsion
Threat assessment	Permanent Expulsion

### Restorative Justice and Restorative Practices

Restorative Justice means nonpunitive intervention and support provided by the school to a pupil to improve the behavior of the pupil and remedy any harm caused by the pupil. Restorative Practices within the field of education are positive social interactions that create equitable and safe learning conditions. Engaging restoratively with students before, during, and following a disciplinary offense fosters student accountability, growth, and the opportunity to repair the harm. For additional information, please refer to the **2023 Legislative Session Guidance Memorandum #23-04 - [Implementing Discipline and Restorative Justice Updates Adopted During the 82nd Legislative Session \(Assembly Bills 330 and 285, 2023\)](#)**.

Restorative Practices are practices designed to build and restore community. Most of the practices are in fact designed to build community before any breach has occurred. Practices such as morning circles, greeting students at the door, intentionally learning the name of each student and the proper pronunciation of names all contribute to a welcoming and inclusive community.

Unfortunately, with all communities at times breaches in expectations occur. When this occurs in the school setting, practices are used to address the breach and to restore the community. Restorative Practices are victim centered and are used to clearly understand the breach, why it occurred, who it impacted and how they were impacted, how it can be avoided in the future, and appropriate consequences for the breach.

In all instances, students who have been disruptive should be held accountable. This may involve a disciplinary consequence and must involve the learning of skills to avoid such behavior in the future.

### Discipline Practices & Professional Judgment

There are very few student behaviors in which we have little or no discretion. If, for example, a student was found in possession of a dangerous weapon on school grounds, there are immediate actions that must be taken. Even in this instance, however, legal definitions of a dangerous weapon can lead to ambiguity and the need to exercise professional judgment. By and large, very specific and immediate actions are taken with instances of battery with bodily injury, and instances of distribution of controlled substances. However, these behaviors too may inherently be more ambiguous requiring administrators to be thoughtful in response. With significant threats of violence, there is a process that must be followed. While the process must be followed, this process itself relies on professional discretion.

Teachers and administrators can reach out to central office staff for consultation. Certain instances will require the use of formal referrals, but in all instances central office staff are available to answer questions and provide guidance. Linked here is our universal referral for behavior management, attendance support, DIAT, behavior hearings, and mental health support: [WCSD DIAT/BEHAVIOR/SARB/MENTAL HEALTH REFERRAL FORM SY 23-24](#)

### **Administrative Decision Making & School Police**

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It is important to delineate the latitude site administrators have in taking action to manage behavior and to keep their learning environments safe. An important consideration in this regard is when student behavior prompts a response from school police.

School Police actions and administrative actions are separate and distinct. Although separate and distinct, they often overlap and are most often complementary. Outside of emergency responsiveness, most typically School Police are called to respond when a student's alleged behavior is believed to be in violation of law.

When School Police responds to alleged illegal student behavior, site-based and central office administrators will step back so as to not impede the police investigation. This means an administrator may wait to ask questions of the student and/or assumed witnesses. It may also mean waiting to contact parents/guardians until the administrator has an opportunity to communicate with school police and/or their supervisor. If the student is still within the school while the police investigation is taking place, administration may need to assist school police in ensuring a safe environment. If the student is not on- campus or if at some juncture the student is allowed to leave before the investigation is complete, this does not preclude the administrator from placing the student on suspension.

The outcome of the police Investigation can make the steps administrators take more routine. For example, if a student is found in possession of a dangerous weapon and through investigation the police officer determines that the weapon meets the statutory definition and either transports the student to Juvenile Detention, or refers the student to Juvenile Detention, the administrator then knows to follow the procedures for handling this sort of major behavior (e.g. emergency suspension, referral to hearing officer, MDR, attend student hearing, assist in planning assuming the student is placed at an IAES).

The outcome of the police Investigation can also make the steps we take less routine. For example, a student was alleged to be in possession of a dangerous weapon as reported by several other fellow students who witnessed the individual threatening another student. However, through the police investigation no weapon could be located and no citation could be given at this time. The administrator in this instance still has every right to follow the same process outlined above, issuing an emergency suspension and referring the student to the hearing officer. That is an example of administrative discretion distinct from school police involvement.

The standards that must be followed by law enforcement before citing a student are extremely high. Moreover, those standards do not dictate administrative decision making, although they can support it. When an administrator does exercise discretion in terms of disciplinary action, as outlined above they have many tools available to them. They must be thoughtful in their approach especially when it comes to the use of exclusionary forms of discipline. In the Behavior Matrix included in the appendix, mandatory actions and discretionary recommendations are provided. These recommendations are not absolute and administrators must use their professional judgment with every unique case, while adhering to laws and regulations set forth under the IDEA and Nevada state law.

In exercising discretion, an administrator must be thorough, carefully considering the behavior in question, the

context within which it occurred including antecedent conditions, the impact of the behavior, the appropriate actions to be taken including discipline and support, and the implications of such actions. Although each behavioral incident may be unique, the administrator should strive toward fairness and consistency as this alone will help strengthen a stable and predictable environment for all students, including those who have been disruptive.

### **Threat Assessment & Safety Planning**

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Educators are very familiar with the influence social media and smart phones have had on students' educational experiences. Although at times this technology can be effectively used to enhance instructional practice, too often it has led to disruptions in the classroom and recording and sharing of school events either exacerbating an already difficult situation or leading to what can be classified as cyberbullying. Additionally, it has contributed to a significant increase in threats of violence.

Threats of violence come in many forms including an impulsive claim on the playground, to writing or journaling disturbing words or pictures, to retaliatory and verbally threatening behavior, and the posting of threats on social media. In all instances, we must take threats with absolute seriousness.

The district uses a two-pronged process for evaluating threats that has been modeled from information provided federally (<https://www.secretservice.gov/protection/ntac>). Step one is the Threat Inquiry process usually conducted by the site administrator. The Threat Inquiry is conducted immediately after an administrator learns of a threat. This process is designed to classify a threat as transient, or as being of medium or high concern. Several questions are used to support the administrator in making this determination. If based on the inquiry the threat is determined to be transient or low risk, the administrator has a host of restorative practices and/or more traditional practices they may use to respond to the threatening behavior. If based on the inquiry the threat is determined to be of high concern, this triggers a Comprehensive Threat Assessment. If the outcome is medium, the school administrator should consult with the school safety team to determine if a comprehensive assessment should be carried out.

The Comprehensive Threat Assessment is a team process typically led by a school psychologist. The process, which requires parental/guardian consent, involves a detailed interview of the student who has made the threat, interviews of the student's parents/guardians, interviews of teachers and staff familiar with the student, and when appropriate interviews of students who may have participated in, witnessed, or been a victim of the threat. The assessment is primarily designed to identify the extent to which the threat is conceptual, planned, and whether or not the student has the means or access to means to carry out the threat. It is critical to emphasize the importance of parental/guardian involvement in this process. If parents/guardians refuse to give permission for the assessment, refuse to be interviewed, and/or refuse to a home check, the assessment team cannot rule out the extent of planning and access to means. Therefore, in this instance we must assume a student has a plan and the means to carry it out.

The Comprehensive Threat Assessment process isn't used to predict behavior. Instead, it is used to surmise the total situation and to build a safety plan designed to keep the community safe, and to keep the student safe and supported in order to work through whatever stress is influencing the behavior. Threats are not events that require a student to be removed from a school. Every attempt is made to build a plan to keep a student supported in school. The degree of threat including access to means, as well as the ability for the school to effectively carry out a support plan are factors that can be considered by District administration if there is a question about re-locating the student to a different environment. If based on the assessment there is a high degree of concern including the means to carry out an attack, and if the school administrator believes that implementation of the developed safety plan will be difficult, the administrator can use the universal referral process to request a hearing.

Additional information regarding the Threat Assessment process can be found through the Department of Psychological Services ([Office of Strategies / Psychological Services \(washoeschools.net\)](https://washoeschools.net)).

### **Notification Requirements**

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School communication should aim to keep our learning environment safe and get the necessary support for a student to address behavior and to overcome obstacles. First, we should communicate early and often with parents/guardians regarding student behavior. An important reminder is that we should be communicating positive behavior as much as possible. This is an important piece in building meaningful relationships as it builds school community helping set the stage to engage families in partnership, validating them and including them as an asset in their child's education. Too often parents /guardians hear little until something is amiss. If we communicate positively, we will strengthen family engagement which will be invaluable to us should we run into a situation where unwanted behavior must be addressed and we need parental/guardian support.

The call for restorative plans for students to address behavior as well as tiered interventions are great opportunities to communicate with parents/guardians. Although statute and policy dictates that we communicate with parents/guardians when their student is excluded, except in extraordinary circumstances this should not be the first time they are learning about disruptive and inappropriate behavior. Parents/guardians have a legal right to appeal suspensions and so clear communication regarding any suspension is required.

Within the boundaries of the Family Education Rights and Privacy Act (FERPA), teachers should receive feedback regarding the outcomes of student discipline. Without violating FERPA, messages can be shared that indicate that a behavior has been addressed. As discussed above and as will be discussed in greater detail below, especially as it relates to exclusionary practices, we must build restorative plans as students transition back to class, to a different class, and to the school. Teachers must be involved in this as often they will be instrumental in carrying out the plan.

With respect to site administrator to district administrator communication, more is better. The behavior matrix includes recommendations for when the Behavior Hearing Officer should be consulted. In many instances, there is a recommendation for consultation even when a hearing is not a likely outcome. The Hearing Officer can be a great resource in connecting the school with valuable resources that will assist in supporting a student. It is incumbent upon the Hearing Officer and other central office administrators to communicate with school administrators regarding student behavior. This should include reminders regarding available support, any trends in behavior that may be emerging, and actionable data that can then be shared school wide by site administrators.

Another way that administrators must effectively communicate student behavior to central office administration as well as other administrators is through proper documentation within Infinite Campus. This certainly includes documentation regarding "major" and "minor" behaviors but also includes proper documentation within the MTSS tab. To support students who may be transient and students when they matriculate, this proper documentation is paramount. Moreover, when consulting with the Hearing Officer, that administrator is going to use Infinite Campus to support the school and the student. If documentation is lacking, this narrows the support the hearing officer can provide and may prohibit any possibility of an IAES placement for habitual discipline.

## Positive Recognitions

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To reinforce and shape positive behavior, every attempt should be made by a school to “call-out” positive behavior. This should be in the form of phone calls or emails home to build partnership with families. Positive behavior can and should be coded and detailed into the Major Behavior tab within Infinite Campus.

## Duty to Warn (NRS 392.850)

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Nevada Revised Statute (392.850) requires that certain staff be informed when they will be in regular contact with a student who has engaged in violent criminal behavior in the past 3 years (adjudicated behavior). To ensure compliance with both this statute and FERPA, site administrators are encouraged to seek guidance from central office administration including General Counsel and School Police. Please see the appendix for complete statutory language.

## THE BEHAVIOR HEARING PROCESS

It is not uncommon to hear that we spend more than 90% of our time on fewer than 10% of our students. Similarly, the actual removal of students to Interim Alternative Educational Settings (IAES) is infrequent, and it often gets the greatest attention. This is in part because the behavior that results in this sort of change is extreme and most typically affects the safety of the entire school community.

The Behavior Hearing Process involves 7 general steps. At times there are sub steps that must also be taken. The following assumes that one of several behaviors has occurred to include a) possession of a dangerous weapon as defined by statute (NRS 202.265), b) battery of a staff member or student causing bodily harm, c) distribution of a controlled substance, d) habitual discipline problem (NRS 392.4655), or a behavior which substantively affects the health and safety of a school community (e.g. can include a threat). Note that e) requires extraordinary circumstances.

- 1) **Emergency Suspension:** Student is placed on an emergency suspension.
- 2) **Parent/guardian Notification:** The student's parent/guardian should be contacted immediately or as soon as physically possible if a child is placed on suspension.
- 3) **Universal Referral:** The site administrator should use the Universal Referral System to request a hearing.
- 4) **Schoolwork:** Classwork should be provided to students while they wait for a hearing to be scheduled.
- 5) **Manifestation Determination Review (MDR):** If a student has an IEP, every attempt should be made to conduct an MDR within 5 school days and prior to the scheduled hearing. *In-rare*
- 6) **The Hearing:** The Hearing Officer will work with the school and the family to schedule hearings.
- 7) **The Contract:** Once the Hearing Officer renders their decision, within 72 hours the Hearing
  - a. **Durations:** Generally speaking, IAES placements for possession of a dangerous weapon are for 180 school days and IAES placements for other student behaviors are for 90 days. If a student is on an IEP and the MDR indicates that the behavior in question is a manifestation, the length of placement is 45 days for all the above referenced behaviors.
- 8) **The Support Plan:** If a student is placed at an IAES, administration from the referring school will be required to work with IAES administration, and parents/guardians to develop a support plan. The support plan should be designed to include educational programming, social-emotional learning programming, and behavior programming to assist the student to overcome any barriers, better control behavior and emotion, and engage in learning. The plan must always be built with an eye toward the transition back to the sending school.



## Student Transitions

As described above, Nevada Revised Statute through AB285/AB330 requires us to build support plans to aid students as they make transitions. It is worth noting that the overwhelming majority of students who are temporarily removed from a classroom or suspended from a school will return to that classroom and will return to that school. A thoughtful approach to reintegration is crucial to prevent future reoccurrences of unwanted behavior.

Assembly Bill 285 requires that a restorative plan be built for any student removed for more than 2 consecutive school days. This applies to students temporarily removed from a classroom but still served within the school, and to students receiving out-of-school suspension. A plan must also be built for a student who receives 5 or more days of cumulative out of school suspension. Minimally, these plans must include how educational support will be maintained during the suspension period as well as a plan for behavioral supports for when the student returns (see appendix for example support plan templates).

Statute now requires a site administrator with support from central office to determine when a student who is being excluded is also supported as a Child-In-Transition (homeless) or is supported through foster care. In these instances, care must be taken to identify the extent to which living circumstances and past experiences may have influenced behavior. A support plan should be developed that includes mitigation steps to prevent reoccurrence of the behavior. Please contact our Intervention Department for support ([Intervention / foster care \(washoeschools.net\)](https://www.washoeschools.net)).

Finally, students that are transitioning between schools due to discipline related placements must receive a transition plan. This plan should include information regarding the supports that were in place during the lengthier exclusion to see the extent to which those supports can be supported in the comprehensive environment (see appendix for example support plan templates).

In all instances of support planning, restorative practices should be included. These should center around repairing any previous harm, building connections for the student to engage them meaningfully in the school environment, and strategies the student can use to self-manage their behavior.

## PLAN IMPLEMENTATION

### Disproportionality

As we move into a discussion of the implementation of progressive discipline practices, it is important to point out one of the compelling reasons to use balanced discipline practices. Throughout our nation, state, and locally in Washoe County School District, data related to disciplinary practices demonstrates substantive differences between student groups in terms of who has been involved in major behavioral events. Moreover, for the same major behaviors there are substantive differences in the harshness of consequences. Across most studies, African American, Latino, and Native American students, as well as students with disabilities, students living in poverty, students living in transition, and in the foster care system are more often involved in major behavior events, suspended for those behaviors, and suspended for longer amounts of time compared to their fellow classmates.

Although behavior that threatens the safety of students and staff cannot be tolerated, we must take a hard look at how we are interpreting threatening and violent behavior. Data disparities suggest that implicit bias accounts for some of the variance in our interpretations and resulting actions.

One result of this is lost instructional time. Lost instructional time can often lead to student frustration as gaps



in learning grow. In response, students attend school less often and/or become disruptive. This cycle of frustration and missed instruction must be interrupted using methods to better engage students and to give them opportunities to experience success and engage in learning.

Because of these long-standing trends in disproportionality, the State of Nevada through Assembly Bill 285 and Assembly Bill 330 are increasing accountability expectations. These and other critical implementation steps are outlined below.

### **Progressive Discipline Committees (NRS 392.4647)**

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By August 15 of each year, the school principal needs to assemble the school's Progressive Discipline Committee. The committee must minimally include the following individuals:

- Principal or their designee
- Two teachers and one alternate teacher
- One classified staff member and one alternate classified staff member

Teachers and classified staff should be elected to their roles. The principal has latitude in how the election is conducted. Minimally, the principal should seek nominees and volunteers and then conduct a staff vote to confirm membership.

In addition to other duties as assigned by the principal, the Progressive Discipline Committee should be responsible for:

- Review of the District wide progressive discipline plan and making recommendations for changes and/or additions as relevant.
- Convening and reviewing principal decisions regarding temporary alternative placements.
- Convening and reviewing disputes among staff regarding minor and major behaviors.
- Convening and reviewing disputes among staff regarding "intent to commit bodily harm."<sup>3</sup>

### **Temporary Alternative Placements (TAP)**

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A teacher can at their own discretion have a student who has been disruptive temporarily removed from their classroom. A classified staff member such as a bus driver has the same authority to remove a student temporarily from a school setting (e.g. the bus). The in-school placement is at the discretion of the principal. As noted above, TAP is considered a Tier 3 consequence and should be used as a last resort. The Progressive Discipline Team should regularly review TAPs to ensure their proper use.

Upon removal, the principal must contact the parent/guardian within 24 hours. Additionally, within 3 school days the principal should hold a conference with the parent/guardian, student, and staff member and then must make a determination regarding if the student will be returned to the previous classroom or assigned to a different classroom. The time limit for a TAP is 3 days. The duration can be less than 3 days if a parent/guardian conference can be conducted sooner. Developmental level may affect duration.

If the principal returns the student to the classroom and the teacher objects, the student remains in temporary placement and the Progressive Discipline Committee must meet as soon as possible to hear the principal's rationale, the teacher's objection, and the committee must make a final decision. If the teacher or

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<sup>3</sup> Assembly Bills 285 & 330 include language that allows principals to consider a student's "intent to cause bodily harm" when they have committed a battery. Intent can be ambiguous and if there is a difference of opinion among staff, the Progressive Discipline Committee should review the disagreement and make a recommendation to the principal.

classified staff member who initiated the temporary removal and who has appealed the return is also a member of the Progressive Discipline Committee, this is when the alternate committee member would sit in on the conference.

### **Review of District Progressive Discipline Plan**

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By August 31 of each year, the Progressive Discipline Committee must review the District's progressive discipline plan. The District plan is the default plan for each school within our District. The committee can comment on the plan's contents, and the committee must indicate if the school intends to make additions to the plan (it cannot remove elements of the plan or substantially alter the District plan). For example, some schools choose to explicitly add components of their school's Positive Behavior Intervention and Supports (PBIS) plan to the District plan for use at their own school.

By August 31<sup>st</sup>, the principal must submit a form to the Behavior Hearing Officer which details Progressive Discipline Committee membership, and review of the District plan indicating if the school is making any additions. By this same date, the district plan should be disseminated to all teachers and staff members. At this juncture the plan is still technically a draft as it has not yet been formally adopted by the Board of Trustees.

### **Board Adoption of the District Progressive Discipline Plan and its Dissemination**

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At a Board meeting in the month of September, the District plan will be presented to the Board for final adoption. The Board will also be presented with a report indicating school compliance with the Progressive Disciplinary Committee requirements.

Immediately after the Board adopts the plan, the plan will be distributed to schools in final form. The plan must be available at the school district website as well as on each school's website.

### **Professional Learning**

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As occurred pre-pandemic, district administration will meet every 4-6 weeks with school administrators responsible for student discipline. These meetings will be designed to understand plan requirements, support available to carry out the plan and to support safe and connected school climates, and to review data to evaluate the extent to which progress is being made.

District administration will be co-developing professional learning opportunities with the Washoe Education Association (WEA) to create opportunities for teachers. Delivery dates for these opportunities have not yet been defined.

### **Quarterly Monitoring**

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Assembly Bill 285 requires that data regarding student behavior and discipline be reviewed quarterly. To comply with this requirement, schools will be expected to review major behavior events and suspension data quarterly. Business Intelligence Gateway (BIG) reports are already available that allow for ongoing review of incidences as well as some disproportionality. It will be critical for each school to be aware of the extent to which outcomes are disproportionate.

District administration will be reviewing rates of major behavior and suspension on a quarterly basis. A primary filter for this analysis will be disproportionality. Controlled school comparisons will also be made. Aspects of these quarterly reviews will be submitted to the Board of Trustees through weekly Superintendent Highlights.

### **Annual Revision Cycle**

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Consistent with Assembly Bill 285 and 330, each school is required to review its end-of-year behavior and discipline data annually. It should do this as part of its School Performance Planning process.

District administration will be reviewing annual outcomes, and these will be used in part to fuel potential revisions to the District Progressive Discipline Plan. AB285 requires that the District submit annual data regarding behavior and discipline to the State Superintendent. The State Superintendent will analyze disproportionality and will highlight areas where there are significant disparities. The State Superintendent does have the authority, based on this review, to make changes to a District's discipline plan and to place the District into Corrective Action for a 1-3 year period.

### **APPENDIX**

Behavior Matrix	Pg. 18
Progressive Discipline Plans	Pg. 23
Prevent-Teach-Reinforce (PTR)	Pg. 24
Law Enforcement	Pg. 25
Bus Transportation	Pg. 28
Traditional Disciplinary Strategies	Pg. 30
Select State & Federal Legislation	Pg. 32

## BEHAVIOR MATRIX

The Behavior Matrix includes behaviors designated as major infractions. A description is provided for the infraction and as relevant, special considerations or caveats are provided, and statutory references. We have grouped the events for ease of review. First, we include those events most likely to result in an IAES placement (e.g., weapons, battery, distribution, habitual discipline, significant threats to health and safety, and extortion). Second, we include events that we consider violent or dangerous in nature. Third we include events that are disruptive, and finally events that may be considered procedural violations.

Below each event, we include required actions, and actions we recommend be taken for 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> offenses. Although not listed, if a student has a 4<sup>th</sup> or 5<sup>th</sup> offense, progressive steps should continue to be taken. Multiple options are recommended which provides the administrator some choice and should help with taking progressive steps with repeated offenses. The logic of the plan is to progressively increase disciplinary action and intervention when a student repeats unwanted behavior.

An administrator must use their professional judgment when deciding on disciplinary action. Because of necessity, the matrix treats each behavior discretely. If in the judgment of an administrator discrete behaviors are associated that should be considered when thinking through progressive steps. For example, if in the opinion of the administrator substance use is linked to an incident of disregard for school rules and later to an incident of fighting, the administrator might treat the incident of fighting as a second offense when considering action.

Administrators must consider several factors when deciding on disciplinary action. There are significant developmental differences among students within a grade level, and certainly across grade levels. For example, a fight between two 1<sup>st</sup> grade students will likely be handled very differently than a fight between two 7<sup>th</sup> graders, or 12<sup>th</sup> graders. Student maturity can and should be factored in and so a range of options is available. The 1<sup>st</sup> grade students may be sent home for the rest of the day whereas older students might receive a significant suspension (e.g., 3 or more days). When making a decision on discipline, it should be clearly communicated to the student what will occur next should they fail to respond appropriately. This too will be highly dependent on a student's developmental readiness. **We strongly emphasize the importance of utilizing alternatives to Out-of-School Suspension (OSS) to better support student development and maintain educational continuity.** While we provide recommendations for the removal of OSS, these should be regarded as guidelines rather than rigid protocols. It is essential to exercise professional judgment and consider the specific circumstances and precipitating factors of each individual case. Our objective is to ensure that disciplinary actions are fair, appropriate, and conducive to the overall well-being and academic success of every student.

Perceived intent is another factor that should be considered. For example, Nevada Revised Statute now explicitly states that if in the judgment of the administrator, a student intended to cause bodily harm while carrying out a battery, that student may be treated as if they did cause bodily harm.<sup>4</sup> Similarly, if a student inadvertently batters another student or staff member even if injury occurs, the lack of intent can be considered in meting out discipline.

Below each infraction we also recommend supports and interventions. These are purposefully made general as each school must develop an inventory of practices they can turn to when supporting students. Schools can request support in developing an inventory and securing proper training. When reference is made to safety, behavior and support planning, it is expected that these plans will include restorative practices.

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<sup>4</sup> Note that any discipline taken with a student with an IEP or 504 plan must adhere to IDEA.

<b>EVENTS THAT PROMPT BEHAVIOR HEARINGS AND POTENTIAL IAES PLACEMENTS</b>		
<b>POSSESSION / USE OF A WEAPON, AIR GUN, TASER, FIREARM, CO2 AIR GUN, COMBUSTIBLES AND EXPLOSIVES</b> (Dangerous weapon as defined by NRS 202.265; see also NRS 392.466)		
<b>DISTRIBUTION OF CONTROLLED SUBSTANCE</b> (The selling of controlled substances, or items represented to be controlled substances, between two or more people (see NRS 392.466; 453.338))		
<b>BATTERY OF DISTRICT EMPLOYEE, OR FELLOW STUDENT, CAUSING INJURY</b> (The willful and unlawful use of force upon a district employee or student. For a student with an IEP, the federal definition of severe bodily harm affects allowable discipline (see NRS 200.481; 18 U.S.C. 1365(h)(3)))		
<b>Required Action:</b> <ul style="list-style-type: none"> <li>Contact School Police</li> <li>Notify parent/guardian of emergency suspension and their right to appeal Place on emergency suspension (up to 5-days)</li> <li>Contact Behavior Hearings Director and submit universal referral</li> <li>Conduct Manifestation Determination Review</li> <li>Participate in behavior hearing</li> </ul>		
1 <sup>st</sup> Incident (options)	2 <sup>nd</sup> Incident (options)	
Recommend IAES placement Recommend exception to an IAES placement (requires superintendent approval)	Recommend IAES placement	
<i>Intervention/Support</i>		
Develop safety & support plan Violence Intervention Develop transition plan	Revise safety & support plan Violence Intervention Develop transition plan	
<b>HABITUAL DISCIPLINE PROBLEM</b> (When a student commits 5 significant suspensions; or threatened or extorted another student or staff member two or more times (see NRS 392.4655))		
*Significant suspension is an out of school suspension of 3 or more days. **Note, 2 <sup>nd</sup> and 3 <sup>rd</sup> incidents don't require 5 additional suspensions. If a student fails to substantially adhere to a behavior plan, or commits similar behaviors following a placement change, this can qualify.		
<b>Required Action:</b> <ul style="list-style-type: none"> <li>Notify parent/guardian of emergency suspension and their right to appeal.</li> <li>Place on emergency suspension (up to 5-days)</li> <li>Contact Behavior Hearings Director and submit universal referral.</li> <li>Conduct Manifestation Determination Review</li> <li>Participate in behavior hearing</li> </ul>		
1 <sup>st</sup> Incident	2 <sup>nd</sup> Incident**	3 <sup>rd</sup> Incident**
Recommend IAES placement Recommend exception to an IAES placement (requires superintendent approval)	Recommend IAES placement	Recommend IAES placement
<i>Intervention/Support</i>		
Develop safety & support plan Functional Behavior Assessment Develop transition plan	Revise safety & support plan Functional Behavior Assessment Develop transition plan	Revise safety & support plan Functional Behavior Assessment Develop transition plan

<b>THREATS TO THE HEALTH &amp; SAFETY OF STAFF, STUDENTS OR THE SCHOOL COMMUNITY</b> (Any communication verbal or physical, or through an electronic device, that would cause the impression of danger or harm to district employees or students (see NRS 392.915))		
<b>Required Action:</b> <ul style="list-style-type: none"> <li>• Conduct threat inquiry.</li> <li>• As determined by threat inquiry, obtain parent/guardian consent for comprehensive threat assessment.</li> <li>• Develop safety plan as function of comprehensive assessment.</li> <li>• Conduct Manifestation Determination Review.</li> <li>• Complete emergency suspension and universal referral if safety plan cannot be executed.</li> </ul>		
1 <sup>st</sup> Incident (options)	2 <sup>nd</sup> Incident (options)	3 <sup>rd</sup> Incident
Parent/guardian Conference Suspension (1-2 days) Consultation with Behavior Hearings Director Contact School Police	Parent/guardian Conference Suspension (2-3 days) Consultation with Behavior Hearings Director Contact School Police	Recommend IAES Placement
<i>Intervention/Support</i>		
Develop safety & support plan Violence Intervention Develop transition plan	Revise safety & support plan Violence Intervention Develop transition plan	Revise safety & support plan Violence Intervention Develop transition plan
<b>EXTORTION OR THREAT OF EXTORTION</b> (Obtaining something, especially money, through force or threats (NRS 392.4655))		
<b>Required Action:</b> <ul style="list-style-type: none"> <li>• Contact school police</li> <li>• Notify parent/guardian</li> <li>• *Contact Behavior Hearings Director and submit universal referral</li> </ul>		
1 <sup>st</sup> Incident (options)	2 <sup>nd</sup> Incident (options)	3 <sup>rd</sup> Incident (options)
Parent/guardian Conference Suspension (1-2 days) Consultation with Behavior Hearings Director	Parent/guardian Conference Suspension (3-4 days) Consultation with Behavior Hearings Director *Classify as Habitual Discipline	*Classify as Habitual Discipline Recommend IAES placement Recommend exception to an IAES placement. (requires superintendent approval)
<i>Intervention/Support</i>		
Safety & support plan Counseling Violence Intervention	Revise Safety & support plan Counseling Violence Intervention Transition plan as relevant	Revise Safety & support Plan Violence Intervention Develop Transition plan Transition plan as relevant
<b>VIOLENT/DANGEROUS BEHAVIORS</b>		
<p><b>*ARSON</b> (The intentional setting of fire (NRS 205.005))</p> <p><b>*ASSAULT, including SEXUAL ASSAULT, VIOLENCE OR HARM TO STAFF** OR STUDENT</b> (A harm which results in the bodily injury of an employee or student of the school below the threshold of battery (NRS 392.466))</p> <p><b>**If the principal determines that the assault was done with an intention to cause bodily harm, consult with the Behavior Hearings Director.</b></p> <p><b>BULLYING / CYBERBULLYING</b> (Harm or threat of harm to a person or their property, impersonation, misrepresentation, or the spreading of harmful information about someone, generally with an imbalance of power and/or protected class; action is unwanted; action is severe, persistent or pervasive.</p> <p><b>*DAMAGE / DESTRUCTION OF SCHOOL PROPERTY AT OR IN EXCESS OF \$500.00</b> (Willfully or maliciously destroying or injuring property of another (NRS 393.410))</p>		

**DISCRIMINATION BASED ON RACE** (any single or repeated or pervasive act or acts, whether targeted to a specific person or targeted in general based on race, color, culture, religion, language, ethnicity, or national origin that causes harm or hostile learning environment, which may include jokes, threats, physical altercation or intimidation, and which occurs in person, on-line, or in any other setting (NRS 388.1235))

**FIGHTING / PHYSICAL AGGRESSION** (The mutual use of physical force, which includes striking both with hands and feet, or other body parts. This also includes biting, scratching, and other aggressive actions. If a student uses physical force to defend against battery that is not considered fighting/physical aggression but self-defense and may not warrant disciplinary action. (NRS 392.466))

**\*HARASSMENT / INTIMIDATION** (To use harm or threat of harm to compel a person to abstain from doing, or to do, any act which they have a right to do; treating an individual unfavorably because of a perceived disability, membership in a certain race, religious group, gender, and sexual orientation. This includes but is not limited to unwanted sexual advances, obscene remarks, requests for sexual favors, and other verbal or physical harassment of a sexual nature, including stalking (NRS 388.121; 388.145))

**INSTIGATION / PROMOTION OF FIGHTING OR VIOLENCE** (The willful act of provoking or facilitating assault between two or more students by using a variety of communications, including social media aimed at causing or resulting in a physical altercation (NRS 200.490))

**POSSESSION / USE OF A WEAPON NOT MEETING STATUTORY DEFINITION OF A DANGEROUS WEAPON** (Dangerous weapon is defined by NRS 202.265; see also NRS 392.466; if uncertain, contact school police immediately)

**\*POSSESSION / USE OF A CONTROLLED SUBSTANCE AND OR ALCOHOL** (The possession or use of items used to inhale, ingest, or by any other means introduce a controlled substance or alcohol into the body, to include being under the influence on school property, district vehicle, or at a school sponsored event (NRS 453.544))

**\*SEXUAL MISCONDUCT** (Not limited to unwanted sexual advances or propositions, requests for sexual favors, using electronic devices to transmit or record nudity or sexual acts, stalking, unwanted touching, threatening to or actually sexually harming

someone, dating violence, and other verbal or physical harassment of a sexual nature (Must contact the Title IX Coordinator / Department of Civil Rights Compliance immediately for guidance prior to initiating an investigation)

**Required Action:**

- \*Asterisked behaviors may constitute a violation of law and school police must be contacted
- Notify parent/guardian

1 <sup>st</sup> Incident (options)	2 <sup>nd</sup> Incident (options)	3 <sup>rd</sup> Incident (options)
Parent/guardian Conference Restorative Conference Suspension (1-3 days) Consultation with Behavior Hearings Director Contact Department of Civil Rights Compliance Loss of privilege School beautification Restitution	Parent/guardian Conference Restorative Conference Suspension (1-3 days) Consultation with Behavior Hearings Director Contact Department of Civil Rights Compliance Loss of privilege School beautification Restitution	Parent/guardian Conference Suspension (3-5 days) Restitution Consultation with Behavior Hearings Director. Contact Department of Civil Rights Compliance
<b>Intervention/Support</b>		
Develop safety & support plan Counseling Violence Intervention Develop transition plan Substance Use Intervention	Revise safety & support plan. Counseling Violence Intervention Develop transition plan Substance Use Intervention Behavior/DIAT support	Revise safety & support plan Counseling Violence Intervention Develop transition plan Substance Use Intervention Behavioral/DIAT support

<b>DISRUPTIVE BEHAVIORS</b>		
<p><b>*DAMAGE / DESTRUCTION OF SCHOOL PROPERTY LESS THAN \$500.00</b> (Willfully or maliciously destroying or injuring property of another (NRS 393.410))</p> <p><b>DISREGARD FOR SCHOOL RULES INCLUDING INAPPROPRIATE LANGUAGE</b> (Violations of the rules of the school as outlined in the parent/student handbook or disseminated by the individual school to include use of inappropriate language when addressing or confronting another individual or group of individuals (does not include other violations listed in this matrix))</p> <p><b>DISTURBANCE OF SCHOOL ACTIVITIES / INSTRUCTION / DISTURBANCE OF THE PEACE</b> (Conduct which interferes with the educational process. Willfully disturbing the peace of a person. Intentionally or willfully interfering with or disturbing persons in the school (NRS 392.910))</p> <p><b>*GANG RELATED BEHAVIOR / GANG ACTIVITY</b> (Involvement or potential involvement in any activity representing a group involved in illegal activity (NRS 392.4635))</p> <p><b>*THEFT / POSSESSION OF STOLEN PROPERTY</b> (Intentionally receiving, taking, or possessing property of another without the owner's permission (NRS 205.0832))</p> <p><b>TOBACCO VIOLATION</b> (Possession or use of any nicotine delivery devices which includes cigars, cigarettes, electronic cigarettes, vape pens, mods, chew, snuff, pipes, hookahs, etc. (NRS 202.2491))</p>		
<p><b>Required Action:</b></p> <ul style="list-style-type: none"> <li>*Asterisked behaviors may constitute a violation of law and school police must be contacted</li> <li>Notify parent/guardian</li> </ul>		
1 <sup>st</sup> Incident (options)	2 <sup>nd</sup> Incident (options)	3 <sup>rd</sup> Incident (options)
Restore at the Door Restorative Conference Suspension (1-2 days) School beautification Restitution	Restorative Conference Parent/guardian Conference Suspension (1-3 days) School beautification Restitution	Parent/guardian Conference School beautification Suspension (3-5 days) Restitution
<b>Intervention/Support</b>		
Develop safety & support plan Counseling	Revise safety & support plan Counseling Behavioral/DIAT support	Revise safety & support plan Counseling Behavioral/DIAT support
<b>PROCEDURAL VIOLATIONS</b>		
<p><b>ACADEMIC INTEGRITY-CHEATING PLAGIARISM</b> (Cheating is the improper taking of information from and/or giving information to another student, individual, or other source. Obtaining, seeking to obtain, or aiding another student to obtain credit for work by a deceptive or dishonest means. Plagiarism is representing another's work or ideas as your own without credit to the proper source and submitting it for any reason (NRS 392.461))</p> <p><b>ATTENDANCE / HABITUAL TRUANCY</b> (Defined in statute 392.040)</p> <p><b>FAILURE TO ADHERE TO SAFETY &amp; HEALTH MEASURES TO MITIGATE AGAINST THE SPREAD OF COMMUNICABLE DISEASES</b> (Failure to adhere to measures required by the Washoe County Health District and the Department of Student Health Services (NRS 392.4655))</p>		
1 <sup>st</sup> Incident (options)	2 <sup>nd</sup> Incident (options)	3 <sup>rd</sup> Incident (options)
Restore at the Door Restorative Conference School beautification	Restorative Conference Parent/guardian Conference School beautification Loss of Privilege	Parent/guardian Conference School beautification Loss of privilege Suspension (1-2 days)
<b>Intervention/Support</b>		
Develop safety & support plan	Revise safety & support plan Counseling Behavioral/DIAT support	Revise safety & support plan Counseling Behavioral/DIAT support



## Guidance for Progressive Discipline Plans Related to NRS 392

In 2023 the Nevada Legislature introduced new language in [NRS 392.472](#) and [NRS 392.467](#) which places additional documentation on districts and schools around the suspension or expulsion of students and how we support students in these situations. These additional documentation requirements are:

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

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

## Process to Document Supports and Progressive Discipline Plans

In accordance with NRS 392 districts are required to report on a quarterly basis the number of students who fit the above criteria and the supporting information.

When entering a behavior resolution in Infinite Campus and the determination is to suspend the student based incident situations and the [WCSD Student Behavior Manual](#) schools must determine if the student has been suspended already five cumulative days (inclusive of the recent incident) of suspension (all types) during a single school year OR is suspended for a period of at least three days.

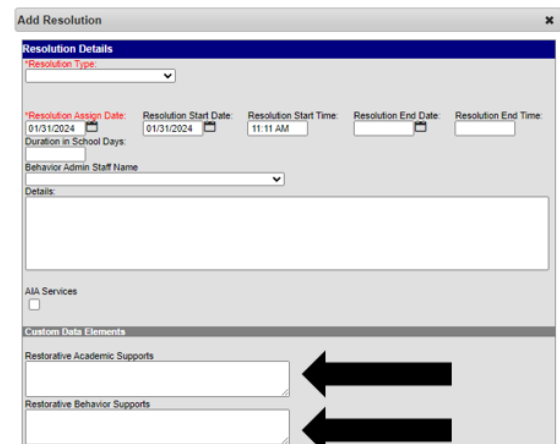
If the student does fit the day criteria or the criteria listed above in NRS 392 we need to create a progressive discipline plan ([NRS 392.4644](#)).

To help keep tracking and compliance of this Statutory Requirement we are requesting that all schools document the following in the Infinite Campus suspension resolution details.

- Restorative Academic Supports in the plan.
- Restorative Behavior Supports in the plan.

It is recommended to reference an already existing plan or to update or create a plan for each suspension occurrence for students and document the supports in Infinite Campus.

Plans must also meet [NRS 392.472](#) and is documented in the MTSS Tab for behavior intervention.



Infinite Campus behavior module resolution details screen. Highlighting the areas for the academic and behavior supports.

## **Prevent-Teach-Reinforce (PTR) and a Functional Behavior Assessment (FBA)**

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1. A Functional Behavior Assessment (FBA) is generally considered a problem-solving process for addressing student problem behavior. It relies on a variety of techniques and strategies to identify the antecedents or triggers of specific behavior and to help IEP teams select interventions to address directly the problem behavior.
2. The Prevent-Teach-Reinforce (PTR) model of behavior support is a team-based, systematic, structured process for supporting students with challenging behaviors that have not been resolved satisfactorily with classroom and school wide behavior management systems.
3. Although the District has historically identified the PTR as the tool used to conduct the FBA, it is transitioning to a new tool and process referred to as FBA Made Easy. More information pertaining to the FBA Made Easy tool/process can be found at the District Website under Special Education.
4. PTR utilizes scientifically validated practices of functional behavior assessment, reinforcement and teaching new behaviors.
5. The PTR is a model of Positive Behavior Support (PBS) aligned largely with principles of Applied Behavior Analysis (ABA) (Dunlap, et al, 2010).
6. The PTR, based on extensive research, is intended for students who exhibit challenging behaviors, including those with disabilities (Dunlap, et al., 2010), and is derived from two approaches that have guided behavioral support for decades, PBS and ABA.
7. PBS is a broad approach for organizing environmental, social, educational and systems strategies to improve competence and quality of life for individuals with challenging behaviors (Dunlap et al., 2010).
8. The ABA approach utilizes approaches to learning that produce socially meaningful changes in behavior. The PTR is directly linked to both PBS and ABA and is utilized in a variety of settings. The PTR has been implemented and tested over the span of several years and has been shown to lead to improved outcomes in student's behavior and academic achievement (Dunlap et al., 2010).
9. It is intended to be used in Tier 3 Individual Interventions.
10. The PTR is the tool WCCSD staff need to use to guide a school team through the completion of functional behavioral assessment and a positive-behavioral intervention plan, as well as fidelity checks.
11. The PTR process is utilized, with fidelity, for students in Tier 3 who need behavioral support and for students with disabilities who may need additional behavioral supports, or an alternate placement based on behavior.
12. Evaluation Requirement under IDEA—under 34 C.F.R. 300.304(b) (3) state that districts shall use “technically sound instruments” that assess behavioral factors.
13. As used in this section, “targeted behavior” means the particular adaptive or inappropriate behavior of the pupil that the person conducting the assessment monitors in order to promote adaptive behavior and reduce the occurrence of inappropriate behavior.

## **LAW ENFORCEMENT**

1. Schools should work closely with law enforcement agencies in the course of their duties.
2. The District's School Police Department will act as a liaison between the district and local law enforcement agencies.
3. An incident, which may constitute the commission of a crime, shall be reported to the District's School Police Department in a timely manner, and the student's parent(s)/guardian(s) will be notified.
4. When an emergency situation requires immediate action prior to an officer being able to respond, follow-up information shall be provided to School Police in a timely fashion.
5. Officers will complete a criminal report for incidents that involve an arrest, citation, or referral.

## **Criminal Offenses**

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1. Criminal Offenses, as defined in applicable laws, regulations, and/or ordinances, shall be reported to the School Police or local law enforcement (if the action was outside of the jurisdiction of School Police). Additionally, such offenses may result in disciplinary action by the school administrator.
2. Examples of criminal offenses include, but are not limited to:
  - a. ALCOHOL: The possession, sale, furnishing and/or distribution of alcohol.
  - b. ARSON: The intentional setting of fire.
  - c. ASSAULT: Unlawfully attempting to use physical force against another person; or intentionally placing another person in reasonable apprehension of immediate bodily harm.
  - d. BATTERY: Willful offensive touching without consent or willful application of force to another person.
  - e. BOMB THREAT/FALSE: Willfully conveying by social media, telephone, mail, written notes, or any other means of communication, a bomb threat knowing it to be false.
  - f. BURGLARY: Illegal entry onto the property of another with the intent to commit a crime.
  - g. DESTRUCTION OF PROPERTY: Willfully and maliciously destroying or injuring real or personal property of another.
  - h. DISTURBING THE PEACE: Maliciously and willfully disturbing the peace of any person maliciously and willfully interfering with or disturbing persons in the school.
  - i. EXPLOSIVE DEVICES: The possession, sale, furnishing, distribution, or use of explosive or incendiary devices, to include fireworks.
  - j. FALSE FIRE ALARMS: False reporting of a fire or transmission of fire alarm signal knowing it to be false.
  - k. HARASSMENT: To knowingly threaten to cause bodily injury in the future to the person threatened or to any other person; to cause physical damage to the property of another person; to subject the person threatened or any other person to physical confinement or restraint; or to do any act which is intended to substantially harm the person threatened or any other person with respect to his or her physical or mental health or safety; AND by words or conduct place the person receiving the threat in reasonable fear that the threat will be carried out.
  - l. INDECENT EXPOSURE: An open indecent or obscene exposure of one's sexual organs or the sexual organs of another. Indecent exposure may also include open exposure of one's person in circumstances where the exposure is contrary to local moral or other standards of appropriate behavior.
  - m. LARCENY: Stealing, taking, carrying away property of another.
  - n. MARIJUANA / NARCOTICS: The possession, sale, use, furnishing or distribution of marijuana and/or any other controlled substance.
  - o. NARCOTICS PARAPHERNALIA: The possession, sale, use, furnishing or distribution of narcotics paraphernalia.
  - p. RESISTING OFFICER: Willfully resisting, delaying or obstructing an officer in the performance of duty.

- q. ROBBERY: The unlawful taking of personal property from the person of another or in one's presence, against one's will, by means of force, violence, or fear of injury.
- r. SEXUAL MISCONDUCT: Any unwelcome behavior of a sexual nature that is committed without consent or by force, intimidation, coercion, or manipulation. A person of any gender can commit sexual misconduct, and it can occur between people of the same or different gender.
- s. STOLEN PROPERTY: Receiving or possessing property of another, knowing or under such circumstances as would cause a reasonable person to know they were so obtained.
- t. TRESPASS: To be upon the property of another without permission of the owner and to stay upon it after warning. This includes being on school property or at a school function while under suspension from school.
- u. WEAPONS: It is unlawful for any person to possess, conceal, carry, brandish and/or use any weapon, as defined by state or federal laws and regulations, commonly known as a knife, blackjack, slingshot, Billy club, sand club, sandbag, metal knuckles, explosive substance, dirk, dagger, pistol, revolver or other firearm, or other dangerous weapon while on District property or at a District-sponsored activity. For the purpose of this section, nunchakus are included herein. This includes brandishing a weapon in a rude, angry or threatening manner or to use it in any fight or quarrel.
- v. Violation of any other federal or state criminal laws or local ordinances at school, at school-sponsored activities or on district-sponsored transportation is prohibited.

### **Searches of Students**

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The primary function of the public schools is education. In order to serve this function, the schools must maintain discipline and order and must provide students with physical safety and security. School officials and teachers are permitted to act *in loco parentis* for the students during the time students are under their supervision. To provide an orderly and safe school environment, students need to act responsibly by maintaining control of their own behavior. To ensure the safety of students, staff, and property, the school may take measures to manage the behavior of students. This is accomplished by the prevention of harmful, damaging, unlawful or deleterious items being brought onto the school premises. The law, therefore, permits school authorities to search students, their personal possessions and their desks and lockers under appropriate circumstances. A decision to search a student, their possessions, or any school property or area assigned to them for personal use shall be made in accordance with the guidelines included below (see section 3).

- **Student's Rights and Responsibilities**

- 1. The student has a right of privacy in their person, their personal belongings and effects and their personal automobile parked on school grounds; but that right is limited by the needs of all students for a safe, calm, and orderly school environment.
- 2. Students shall not carry, conceal, or bring onto the school premises any material that is prohibited by law or published school district rules, regulations or policies or any material that will detract from the maintenance of a calm, orderly and safe school environment.

- **Questioning of a Student** (See Board Policy 5100)

- 1. Prior to questioning a student regarding behavior that could result in a school transfer, a significant long-term suspension (3 days or more), or expulsion, a school or District administrator must attempt to contact the student's parent or legal guardian. However, school or District administration is under no obligation to contact a student's parent or legal guardian prior to questioning a student if exigent circumstances exist, such as the threat of destruction of evidence or District property, or if there is a risk to the health, safety, and welfare of the student(s) or school community.

2. Prior to questioning by school police, the parent/guardian shall be contacted unless there is a risk to the health, safety, and welfare of the student(s) or school community. If circumstances prohibit this initial notification, the parent/guardian shall be informed immediately afterwards.
- **Searches:**
    1. A teacher, administrator or other school employee designated by an administrator may search the person of any student, the personal effects in the student's possession, or the student's automobile parked on school grounds, under any of the following circumstances:
      - a. The search is made in connection with a lawful arrest.
      - b. The search is made with the voluntary consent of the student.
      - c. The search is conducted on the reasonable suspicion that the student is engaged in an activity which violates a law or published school district rule, regulation or policy or that the student is carrying, concealing, or sequestering material the possession of which is prohibited by law or by published school district rule, regulation or policy.
    2. If the search is made with the consent of the student, there should be a witness to the obtaining of the consent and to the search.
    3. The teacher, administrator, or other designated school employee making the search shall be of the same sex as the student searched, unless the need for an immediate search requires a search by a teacher, administrator, or school employee of the other sex. When someone of a different sex than the student searched makes the search, there should be a witness to the search.
    4. The search of a desk or locker assigned to a student may be done at any time pursuant to either of the following rules:
      - a. The search is made to maintain discipline and protect the students from the introduction into the school of offensive or undesirable materials, or
      - b. The search is made on the reasonable suspicion that the student is engaged in an activity which violates a law or a published school district rule, regulation, or policy or that the student is using the school property in the form of a locker or desk for illegal or wrongful purposes or to sequester material the possession of which is prohibited by law or by published school district rule, regulation, or policy.
      - c. In all other cases, a search warrant should be obtained before a search is conducted.
  - **Reasonable Suspicion**
    1. In those cases, requiring a reasonable suspicion as the basis for the search, the school official or employee authorizing the search shall have a reasonable suspicion that the fruits or implements of a crime or unlawful act will be found, or that a weapon or other material the possession of which is prohibited by law or by school district rules, regulations or policies will be found.
    2. A reasonable suspicion is a subjective, good faith belief supported by objective facts, which may include, but are not limited to, the student's age, history and record in the school, the seriousness of the reported conduct and the potential threat to the safety of the students and staff, the liability of the information giving rise to the suspicion and the seriousness and prevalence of the problem in the school.
    3. The "reasonable suspicion" must be based on facts relating to a particular student whose person, belongings, automobile, desk, or locker is to be searched and such suspicion must arise immediately prior to the proposed search.
  - **Limitations on Right of Privacy: Lockers and Desks**
    1. The student does not have the exclusive right to possession of the locker or desk to which he or she is assigned and the school reserves the right to conduct searches of lockers and desks as outlined above.
    2. Each student shall accept and use the assigned locker or desk on such basis.

- **Canine Sniffs**
  1. The school district may conduct canine sniffs of school property or District sponsored events utilizing a law enforcement canine unit.
  2. A canine unit consists of a qualified law enforcement handler and a dog specially trained and certified to detect illegal or prohibited substances, weapons, or bomb materials.
  3. If a teacher, administrator, other school official, employee, school police, or security personnel, have a reasonable suspicion to believe that an individual has in their possession a weapon or a controlled substance or material which is prohibited by law or school district rules, regulations and policies, the school district may conduct canine sniffs of such individual's vehicle(s) and/or personal effects.
- **Role of Law Enforcement Agencies**
  1. School personnel should call for assistance from the School Police Department when they believe a situation is dangerous or a criminal law violation may have occurred.
  2. If a search by school personnel results in the discovery of materials the possession of which is prohibited by law, the District's School Police Department shall be notified, and the materials shall be turned over to them.

### **BUS TRANSPORTATION**

See the Department of Transportation web page at <https://www.washoeschools.net/Domain/73> for a complete listing of transportation rules, safety precautions, and other considerations.

At the discretion of the Board of Trustees, the school district provides bus transportation to students based upon how far they live from their zoned school and other criteria. Our responsibility is the safe transportation of all students in our care. Video and audio surveillance is operating on every school bus. Any behavior that distracts the driver is considered a **SERIOUS SAFETY HAZARD** that endangers all passengers. Students who choose to disobey bus transportation rules may be cited and may have transportation privileges suspended or terminated. (NRS392.4636 School Transportation Policy)

Bus drivers and school administrators will follow a protocol for citing students. The severity of the misbehavior and the number of incidences will affect the duration of suspension. The bus is an extension of the school site and so the behavioral matrix may be used additionally when considering disciplinary measures. Minor and major behavior infractions will be entered into Infinite Campus.

Bus drivers will provide clear expectations for students, reinforce positive behaviors, and address minor behaviors, provide redirection, and onboard consequences on the bus prior to issuing conduct reports or citations. The Bus Driver has the authority to assign student seats to manage student behavior and to create a safe environment on the bus. Minor behaviors that are appropriately addressed and which are repeated multiple times, should be classified as major behaviors.

- **Elementary Level Conduct/Citation Protocols-**
  - **Conduct Reports-** Used for Elementary Students only
    - The Conduct Report is used to provide feedback to parents from the bus driver about how their student is behaving on the bus. The report will show students strengths on safe ridership as well as areas of needed improvement. The driver will fill out the conduct report and it will be sent to the school administration by the transportation supervisor for that school. The administrator will then discuss the behaviors with the student and inform the parents. The administrator can then reward the positive behaviors and improvements or administer Tier 1 practices and Tier 2 interventions and consequences.
  - **Citations-** Elementary Students

- The Bus Driver will issue a Citation for repetitive minor behaviors, and severe offenses. The transportation supervisor will send the citation to the school administrator to take appropriate action for the offense and contact the parent/guardian. The administrator will then provide the transportation supervisor a copy of the completed citation once the level of discipline has been determined.
- 1<sup>st</sup> Citation – Warning issued to student (unless severe)
- 2<sup>nd</sup> Citation – Detention (unless severe)
- 3<sup>rd</sup> Citation or Severe Citation – Transportation suspended for 1-3 days.
- 4<sup>th</sup> Citation or Severe Citation – Transportation suspended for 5-10 days.
- After the fourth citation or 10 day loss of bus privileges a conference should be held with the parent/guardian, school administrator, and transportation supervisor to discuss a safety behavior plan before transportation services resume.
- 5<sup>th</sup> Citation- Transportation suspended for 30 days, remainder of a semester, or school year.
- Severe offences should result in a suspension from the bus regardless of a first time offense.

Listed below are behaviors disallowed on school buses (this is not an exhaustive list).

- Bullying, cyber-bullying, fighting, wrestling, boisterous activity, vulgar or foul language or gestures, and sharing of inappropriate written material.
- Physical harm or threat of harm to another student.
- Physical harm or threat of physical harm to driver/objects thrown at driver.
- Assault or battery.
- Possession of a fireworks, knives, explosives, guns, mace (any object defined as a dangerous weapon per NRS) and/or any other instruments which can cause injury or property damage.
- Possession or use of any combustibles.
- Damaging a school bus by fire or other means
- Possession or use of tobacco, drugs, alcohol, vaping or other electronic devices used in injecting, inhaling, or taking in a foreign substance into your body.
- Constant refusal to obey the bus driver.
- Throwing objects, standing up in the aisles, or on the seats when the bus is moving.
- Screaming or yelling that distracts the driver.
- Possession of animals, glass containers, aerosol cans, skateboards, fishing poles, snowboards, hockey sticks, golf clubs, skis, shovels, bats, or laser pens.
- Scooters and skateboards in appropriate bags may be transported on the bus only if the school the child attends permits them in school.
- Any other offenses that jeopardize the health, safety, and well-being of students, district staff, and parents/guardians, or causes damage to the bus or district property may result in automatic suspension.
- While riding a school bus, the student is under the direction and supervision of the bus driver. Students who refuse to obey the directions of the bus driver promptly or refuse to obey transportation regulations may forfeit their privilege to ride the bus.

## TRADITIONAL DISCIPLINE STRATEGIES

### Terms of Suspension

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1. A student may not participate in, or attend any school-sponsored activity during the term of their suspension.
2. Notations of suspension from school will be made in the Student Information System- IC (under Behavior Tab).
3. Attendance code can be entered in the suspension resolution screen of the major behavior.  
**SUS3 should only be used if instruction has been provided during the student's absence.**
4. Parent(s) and/or guardian(s) shall be notified whenever a student is suspended.
5. Schoolwork missed because of suspension may be made up for each school day the student was suspended. The student and their parent/guardian are responsible for obtaining and returning missed assignments.
6. A student who is participating in a program of special education pursuant to NRS 388.520, other than a pupil who is gifted and talented, may not be suspended from school for more than ten school days per school year, or suspended from school for more than -five consecutive school days or permanently expelled from school until after the designated officials have reviewed the circumstances related to the disciplinary infraction and have determined that the action is in compliance with the Individuals with Disabilities Education improvement Act, 20 U.S.C. 1400 et seq.
  - a. Please refer to Manifestation Determination Review Process in the Special Education Procedure Manual.
  - b. Special Circumstances. School personnel may remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability, if the child -
    - i. Carries a statutory weapon to or possesses a statutory weapon at school, on school premises, or to or at a school function under the jurisdiction of a Local Education Agency (LEA);
    - ii. Knowingly sells or distributes illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of an LEA; or
    - iii. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of an LEA.
  - c. A student who is eligible for Section 504 of the Americans with Disabilities Act may not be suspended from school for more than ten school days per school year or permanently expelled from school until after the designated officials have reviewed the circumstances related to the disciplinary infraction and have determined that the action is in compliance with Section 504 of the Americans with Disabilities Act.
  - d. Under the IDEA, any removal from school, for any number of days, for the remainder of the school year or longer is consider an EXPULSION (i.e. the last day of school)

### Expel or Expulsion

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The disciplinary removal of a pupil from the school in which the pupil is currently enrolled for more than one school semester.

1. The District is committed to providing educational options to students. If a student has committed an infraction that would warrant expulsion, the District will typically work to identify education options or an alternative educational setting for the student, rather than permanently removing a student from an educational setting with no educational options. Disciplinary actions for students participating in a program of special education pursuant to NRS 388.520



and students eligible for Section 504 of the Americans with Disabilities Act will adhere to the Individuals with Disabilities Education Improvement Act, 20 U.S.C. 1400 et seq. and Americans with Disabilities Act.

### **Corporal Punishment / Aversive Interventions**

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The Board of Trustees and NRS 392.465 expressly prohibit the use of corporal punishment on any student by any staff member of the Washoe County School District.

1. A violation of the District's disciplinary code by a student will be dealt with in accordance with existing school rules and district regulations.
2. This procedure shall in no way prohibit a teacher or school official from defending himself or herself using no more force than is necessary for the situation if attacked by a student.
3. Corporal punishment means the intentional infliction of physical pain upon a pupil for disciplinary purposes.
4. The term does not include the use of reasonable and necessary force:
  - a. To quell a disturbance that threatens physical injury to any person or the destruction of property.
  - b. To obtain possession of a weapon or other dangerous object within a pupil's control.
  - c. For the purposes of self-defense or the defense of another person; or
  - d. To escort a disruptive pupil who refuses to go voluntarily with the proper authorities.

### **Restitution for Damages or Theft**

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1. The principal should handle acts of theft, forced entry or destruction of property in the manner most suited to the development of respect for law and civic responsibility.
2. This requires taking into consideration the age and background of the student, the specific nature of the offense and other circumstances, but does not allow condoning such action in any way.
3. Any student who steals district property, enters a locked building or enclosure, or destroys or defaces any district property shall be subject to suspension, transfer, expulsion or other disciplinary action.
4. If it appears that a law may have been violated, the student's parent(s)/guardian(s) shall be notified, if possible, and the student shall be referred to the School Police Department.
5. The student and his or her parent(s)/guardian(s) shall be held responsible within the limits of the law for restitution for damages to district property. State law (NRS 393.410) provides specifically that students and parent(s)/guardian(s) are responsible for instructional supplies and material loaned to students. It specifies further (NRS 393.070) that willfully and maliciously injuring, marking or defacing any public property is illegal.
6. The principal may deal with minor damage, that which does not exceed \$500, in a manner he/she deems most suitable.
  - a. The principal will then file a report of the incident with the Superintendent of Schools. Whenever possible, the student should take full responsibility for restoring damages.
  - b. If the damage exceeds \$500 and the student and their parent(s)/guardian(s) do not voluntarily make restitution, the Risk Management Office will pursue recovery of costs and will seek advice and/or assistance from legal counsel, as needed.
  - c. If the District's Special Insurance Fund covered repair or replacement of the damaged item, any monies recovered by the principal shall be forwarded to the Risk Management Office for deposit back into the fund.

## Confiscation of Personal Property

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If during the course of an event, school administration confiscates from a student an object that is the property of the student or their parents/guardians, parents/guardians may have the right to retrieve the item. If the object is collected by school police or other law enforcement as evidence, the family will have to request retrieval from law enforcement, and this will most likely be delayed until after the investigation and criminal matter is resolved. If confiscated by school administration, but the event does not involve law enforcement, the family may request to retrieve their possession from school administration. If the object is returned and the student is found in possession of the same object or similar item in the future, that object may be returned to the family at the end of the school year.

## Select State & Federal Legislation

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### **NRS 202.265 Possession of dangerous weapon on property or in vehicle of school or child care facility; penalty; exceptions.**

1. Except as otherwise provided in this section, a person shall not carry or possess while on the property of the Nevada System of Higher Education, a private or public school or child care facility, or while in a vehicle of a private or public school or child care facility:

- (a) An explosive or incendiary device;
- (b) A dirk, dagger or switchblade knife;
- (c) A nunchaku or trefoil;
- (d) A blackjack or billy club or metal knuckles;
- (e) A pneumatic gun;
- (f) A pistol, revolver or other firearm; or
- (g) Any device used to mark any part of a person with paint or any other substance.

2. Any person who violates subsection 1 is guilty of a gross misdemeanor.

3. This section does not prohibit the possession of a weapon listed in subsection 1 on the property of:

- (a) A private or public school or child care facility by a:
  - (1) Peace officer;
  - (2) School security guard; or
  - (3) Person having written permission from the president of a branch or facility of the Nevada System of Higher Education or the principal of the school or the person designated by a child care facility to give permission to carry or possess the weapon.
- (b) A child care facility which is located at or in the home of a natural person by the person who owns or operates the facility so long as the person resides in the home and the person complies with any laws governing the possession of such a weapon.

4. The provisions of this section apply to a child care facility located at or in the home of a natural person only during the normal hours of business of the facility.

5. For the purposes of this section:

(a) "Child care facility" means any child care facility that is licensed pursuant to [chapter 432A](#) of NRS or licensed by a city or county.

(b) "Nunchaku" has the meaning ascribed to it in [NRS 202.350](#).

(c) "Pneumatic gun" means any implement designed as a gun that may expel a ball bearing or a pellet by action of pneumatic pressure. The term includes, without limitation, a paintball gun that expels plastic balls filled with paint for the purpose of marking the point of impact.

(d) "Switchblade knife" means a spring-blade knife, snap-blade knife or any other knife having the appearance of a pocketknife, any blade of which is 2 or more inches long and which can be released automatically by a flick of a button, pressure on the handle or other mechanical device, or is released by any type of mechanism. The term does not include a knife which has a blade that is held in place by a spring if the blade does not have any type of automatic release.

(e) "Trefoil" has the meaning ascribed to it in [NRS 202.350](#).

(f) "Vehicle" has the meaning ascribed to "school bus" in [NRS 484A.230](#).

(Added to NRS by [1989, 656](#); A [1993, 364](#); [1995, 1151](#); [2001, 806](#); [2007, 1913](#); [2015, 1586](#))

**NRS 388.132 Legislative declaration concerning safe and respectful learning environment.** The Legislature declares that:

1. Pupils are the most vital resource to the future of this State;
2. A learning environment that is safe and respectful is essential for the pupils enrolled in the schools in this State and is necessary for those pupils to achieve academic success and meet this State's high academic standards;
3. Every classroom, hallway, locker room, cafeteria, restroom, gymnasium, playground, athletic field, school bus, parking lot and other areas on the premises of a school in this State must be maintained as a safe and respectful learning environment, and no form of discrimination based on race, bullying or cyber-bullying will be tolerated within the system of public education in this State;
4. Any form of discrimination based on race, bullying or cyber-bullying seriously interferes with the ability of teachers to teach in the classroom and the ability of pupils to learn;
5. The use of the Internet by pupils in a manner that is ethical, safe and secure is essential to a safe and respectful learning environment and is essential for the successful use of technology;
6. It will ensure that:
  - (a) The schools in this State provide a safe and respectful learning environment in which persons of differing beliefs, races, colors, national origins, ancestries, religions, gender identities or expressions, sexual orientations, physical or mental disabilities, sexes or any other distinguishing characteristics or backgrounds can realize their full academic and personal potential;
  - (b) All administrators, teachers and other personnel of the school districts and schools in this State demonstrate appropriate and professional behavior on the premises of any school by treating other persons, including, without limitation, pupils, with civility and respect, by refusing to tolerate discrimination based on race, bullying and cyber-bullying, and by taking immediate action to protect a victim or target of discrimination based on race, bullying or cyber-bullying when witnessing, overhearing or being notified that discrimination based on race, bullying or cyber-bullying is occurring or has occurred;
  - (c) The quality of instruction is not negatively impacted by poor attitudes or interactions among administrators, teachers, coaches or other personnel of a school district or school;
  - (d) All persons in a school are entitled to maintain their own beliefs and to respectfully disagree without resorting to discrimination based on race, bullying, cyber-bullying or violence; and
  - (e) Any teacher, administrator, coach or other staff member or pupil who tolerates or engages in an act of discrimination based on race, bullying or cyber-bullying or violates a provision of [NRS 388.121](#) to [388.1395](#), inclusive, regarding a response to discrimination based on race, bullying or cyber-bullying against a pupil will be held accountable; and
7. By declaring this mandate that the schools in this State provide a safe and respectful learning environment, the Legislature is not advocating or requiring the acceptance of differing beliefs in a manner that would inhibit the freedom of expression, but is requiring that pupils be free from physical, emotional or mental abuse while at school and that pupils be provided with an environment that allows them to learn.

(Added to NRS by [2001, 1929](#); A [2005, 705](#); [2009, 687](#); [2013, 1655](#); [2015, 412](#), [881](#); [2017, 4153](#); [2021, 3360](#))

**NRS 388.1333 Development of statewide framework for restorative justice by Department.**

1. To the extent that money is available, the Department shall develop a statewide framework for restorative justice. The statewide framework must, without limitation:
  - (a) In accordance with [NRS 392.472](#), establish standards for a plan of action based on restorative justice to enable a public school to address the unique needs of pupils enrolled in the school;
  - (b) Provide for the identification of and address the needs of homeless pupils, unaccompanied pupils or pupils in foster care;
  - (c) Address the occurrences of the suspension, expulsion or removal of pupils from school that disproportionately affect pupils who belong to a group of pupils listed in subsection 2 of [NRS 385A.250](#);
  - (d) Provide for the improvement of school climate, culture and safety and pupil outcomes by providing information on, without limitation:
    - (1) Multi-tiered systems of support;
    - (2) Early warning systems;
    - (3) Positive behavioral interventions and support;
    - (4) The provision of school social workers;
    - (5) Curriculum on social and emotional learning; and

- (6) Trauma-informed practices; and
  - (e) Provide for training for teachers, administrators and other school staff in:
    - (1) Child and adolescent development;
    - (2) Restorative justice, including, without limitation, positive behavioral interventions and support, conflict resolution and de-escalation techniques; and
    - (3) Psychology, trauma and chronic stress, the effect of trauma and chronic stress on pupils and learning and effective responses to trauma and chronic stress.
  - 2. The Department may apply for grants, gifts and donations of money to carry out the objectives of the statewide framework for restorative justice.
  - 3. As used in this section:
    - (a) "Foster care" has the meaning ascribed to it in 45 C.F.R. § 1355.20.
    - (b) "Homeless pupil" has the meaning ascribed to the term "homeless children and youths" in 42 U.S.C. § 11434a(2).
    - (c) "Restorative justice" has the meaning ascribed to it in [NRS 392.472](#).
    - (d) "Unaccompanied pupil" has the meaning ascribed to the term "unaccompanied youth" in 42 U.S.C. § 11434a(6).
- (Added to NRS by [2021, 3558](#))

### **Safety Team Statutes**

**NRS 388.1343 Establishment by administrator of each school; duties of administrator.** The administrator of each school or his or her designee shall:

- 1. Establish a school safety team to develop, foster and maintain a school environment which is free from discrimination based on race, bullying and cyber-bullying;
- 2. Conduct investigations of violations of [NRS 388.135](#) occurring at the school; and
- 3. Collaborate with the governing body and the school safety team to prevent, identify and address reported violations of [NRS 388.135](#) at the school.

(Added to NRS by [2011, 2243](#); A [2013, 1658](#); [2017, 4158](#); [2021, 3365](#))

**NRS 388.1344 Membership; chair; duties.**

1. Each school safety team established pursuant to [NRS 388.1343](#) must consist of the administrator of the school or his or her designee and the following persons appointed by the administrator:

- (a) A school counselor, school psychologist or social worker if the school employs a person in such a position full-time;
- (b) At least one teacher who teaches at the school;
- (c) At least one parent or legal guardian of a pupil enrolled in the school;
- (d) A school police officer or school resource officer if the school employs a person in such a position full-time;
- (e) For a middle school, junior high school or high school, one pupil enrolled in the school; and
- (f) Any other persons appointed by the administrator.
- 2. The administrator of the school or his or her designee shall serve as the chair of the school safety team.
- 3. The school safety team shall:
  - (a) Meet at least two times each year;
  - (b) Identify and address patterns of discrimination based on race, bullying or cyber-bullying;
  - (c) Review and strengthen school policies to prevent and address discrimination based on race, bullying or cyber-bullying;
  - (d) Provide information to school personnel, pupils enrolled in the school and parents and legal guardians of pupils enrolled in the school on methods to address bullying and cyber-bullying;
  - (e) To the extent practicable, work with members of the community with expertise in cultural competency; and
  - (f) To the extent money is available, participate in any training conducted by the school district or school regarding bullying and cyber-bullying.
- 4. To the extent practicable, the school safety team must consist of members who are representative of the demographic groups identified in subsection 1 of [NRS 388.1235](#).

(Added to NRS by [2011, 2243](#); A [2013, 1658](#); [2017, 4159](#); [2019, 3235](#); [2021, 3365](#))

### **Student Discipline**

**NRS 392.4645 Removal of pupil: Notice; assignment to temporary alternative placement; exceptions; services**

**offered to pupil; determination whether pupil is homeless pupil.**

1. Except as otherwise provided in subsection 5, the plan established pursuant to [NRS 392.4644](#) must provide for the temporary removal of a pupil from a classroom or other premises of a public school if, in the judgment of the teacher or other staff member responsible for the classroom or other premises, as applicable, 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 or with the ability of the staff member to discharge his or her duties. The plan must provide that, upon the removal of a pupil from a classroom or any other premises of a public school 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 or any other premises of a public school pursuant to this section may 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 or remains 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.

4. A public school must offer a pupil who is removed from a classroom or any other premises of the public school pursuant to this section for more than 2 school days:

- (a) Education services to prevent the pupil from losing academic credit or becoming disengaged from school during the period the pupil is removed from a classroom or any other premises of the public school; and
- (b) Appropriate positive behavioral interventions and support, trauma-informed support and a referral to a school social worker or school counselor.

5. Before removing a pupil from a classroom or any other premises of a public school pursuant to this section for more than 1 school day, the principal of the school must contact the local educational agency liaison for homeless pupils designated in accordance with the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq., or a contact person at a school, including, without limitation, a school counselor or school social worker, to make a determination of whether the pupil is a homeless pupil.

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

(Added to NRS by [1999, 3185](#); A [2017, 2006](#); [2019, 3251](#); [2021, 3562](#))

**NRS 392.4646 Removal of pupil: 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 or any other premises of a public school pursuant to [NRS 392.4645](#), a conference must be held with:

- (a) The pupil;
- (b) A parent or legal guardian of the pupil, unless the pupil is an unaccompanied pupil;
- (c) The principal of the school; and
- (d) The teacher or other staff member who removed the pupil.

Ê The principal shall give an oral and written notice of the conference 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 or other premises of the public school 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, including, without limitation, an unaccompanied pupil or a pupil in foster care, must be allowed to return to the classroom or other premises 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, including, without limitation, an unaccompanied pupil or a pupil in foster care, 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, the staff member who removed the pupil from the other premises of the public school or the principal shall provide the pupil and, if the pupil is not an unaccompanied pupil, the pupil's parent or legal guardian with an explanation of the reason for the removal of the pupil from the classroom or other premises. The pupil and, if the pupil is not an unaccompanied pupil, 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 or other premises was appropriate in their opinion based upon the behavior of the pupil. If the pupil is a homeless pupil, the conference must include consideration of and interventions to mitigate the impact of homelessness on 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 or other premises of a public school, the principal shall recommend whether to return the pupil to the classroom or other premises or continue the temporary alternative placement of the pupil if the pupil has been assigned to a temporary alternative placement.

7. As used in this section:

- (a) "Foster care" has the meaning ascribed to it in 45 C.F.R. § 1355.20.
- (b) "Homeless pupil" has the meaning ascribed to the term "homeless children and youths" in 42 U.S.C. § 11434a(2).
- (c) "Unaccompanied pupil" has the meaning ascribed to the term "unaccompanied youth" in 42 U.S.C. § 11434a(6).

(Added to NRS by [1999, 3186](#); A [2017, 2006](#); [2021, 3563](#))

#### **NRS 392.4647 Establishment of committee to review temporary alternative placement of pupils.**

1. On or before September 15 of each school year, 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, two regular members who are teachers selected for membership by a majority of the teachers who are employed at the school and one staff member who is selected for membership by a majority of the staff members who are employed at the school. One additional teacher and one additional staff member must be selected in the same manner to serve as an alternate member. A teacher or staff member who has served on the committee for 2 consecutive years or more is not eligible to be selected for membership.

2. If a pupil is removed from the classroom or other premises of a public school pursuant to [NRS 392.4645](#) by a teacher or staff member who is a member of a committee established pursuant to this section, the teacher or staff member shall not participate in the review of the placement of the pupil and the appropriate alternate member shall serve on the committee for that review.

(Added to NRS by [1999, 3187](#); A [2017, 2007](#))

#### **NRS 392.4648 Powers and duties of committee to review temporary alternative placement of pupils; principal to report to school district when committee convened; submission of compiled reports.**

1. If the teacher or other staff member who removed a pupil from the classroom or other premises of a public school does not agree with the recommendation of the principal pursuant to subsection 6 of [NRS 392.4646](#), 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 or other premises of the public school and the pupil's behavior that caused the pupil to be removed from the classroom or other premises. Based upon its review, the committee shall assess the best placement available for the pupil and shall, without limitation:

- (a) Direct that the pupil be returned to the classroom or other premises from which he or she was removed;
- (b) Assign the pupil to another appropriate classroom or other premises;



- (c) Assign the pupil to an alternative program of education, if available;
  - (d) Recommend the suspension or expulsion of the pupil in accordance with [NRS 392.467](#); or
  - (e) Take any other appropriate disciplinary action against the pupil that the committee deems necessary.
2. A principal shall report to the school district each time a committee created pursuant to [NRS 392.4647](#) is convened and, upon the conclusion of the committee's review of a placement, shall supplement the report with the result of the assessment of the committee.
3. Each school district shall compile the reports submitted to the school district pursuant to subsection 2 and, on or before July 1 of each year, submit an annual report to the Joint Interim Standing Committee on Education containing such information for all schools located in the school district.
- (Added to NRS by [1999, 3187](#); A [2017, 2008](#))

**NRS 392.4655 Conditions under which pupil deemed habitual disciplinary problem; plan of behavior to prevent pupil from being deemed habitual disciplinary problem; appeal by parent or guardian concerning content of plan or action taken pursuant to plan.**

- (a) 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: The pupil has threatened or extorted, or attempted to threaten or extort, another pupil or a teacher or other personnel employed by the school two or more times or the pupil has a record of five significant suspensions from the school for any reason;
- (b) The pupil has not entered into and participated in a plan of behavior pursuant to subsection 6; and
- (c) The behavior of the pupil was not caused by homelessness, as determined in consultation with the local educational agency liaison for homeless pupils designated in accordance with the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq., or a contact person at a school, including, without limitation, a school counselor or school social worker.
2. A principal of a school shall presume that the behavior of the pupil was caused by homelessness unless the principal determines the behavior was not caused by homelessness pursuant to subsection 1.
3. 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.
4. If a pupil is suspended, the school in which the pupil is enrolled shall provide written notice to the parent or legal guardian of the pupil or, if the pupil is an unaccompanied pupil, the pupil that contains:
- (a) A description of the act committed by the pupil and the date on which the act was committed;
  - (b) An explanation that if the pupil receives five significant suspensions on his or her record during the current school year and has not entered into and participated in a plan of behavior pursuant to subsection 6, the pupil will be deemed a habitual disciplinary problem;
  - (c) An explanation that, pursuant to subsection 5 of [NRS 392.466](#), a pupil who is deemed a habitual disciplinary problem may be:
    - (1) Suspended from school; or
    - (2) Expelled from school under extraordinary circumstances as determined by the principal of the school;
  - (d) If the pupil is a pupil with a disability, an explanation of the effect of subsection 10 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) A summary of the provisions of subsection 6.
5. A school shall provide the notice required by subsection 4 for each suspension on the record of a pupil during a school year. Such notice must be provided at least 7 days before the school deems the pupil a habitual disciplinary problem.
6. If a pupil is suspended, the school in which the pupil is enrolled shall develop, in consultation with the pupil and the parent or legal guardian of the pupil, a plan of behavior for the pupil. The parent or legal guardian of the pupil

or, if the pupil is an unaccompanied pupil, the pupil may choose for the pupil not to participate in the plan of behavior. If the parent or legal guardian of the pupil or the pupil chooses for the pupil not to participate, the school shall inform the parent or legal guardian or the pupil of the consequences of not participating in the plan of behavior. Such a plan must be designed to prevent the pupil from being deemed a habitual disciplinary problem and may include, without limitation:

- (a) A plan for graduating if the pupil is deficient in credits and not likely to graduate according to schedule.
- (b) Information regarding schools with a mission to serve pupils who have been:
  - (1) Expelled or suspended from a public school, including, without limitation, a charter school; or
  - (2) Deemed to be a habitual disciplinary problem pursuant to this section.
- (c) A voluntary agreement by the parent or legal guardian to attend school with his or her child.
- (d) A voluntary agreement by the pupil and, if the pupil is not an unaccompanied pupil, the pupil's parent or legal guardian to attend counseling, programs or services available in the school district or community.
- (e) A voluntary agreement by the pupil and, if the pupil is not an unaccompanied pupil, 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.

7. If a pupil commits the same act for which notice was provided pursuant to subsection 4 after he or she enters into a plan of behavior pursuant to subsection 6, the pupil shall be deemed to have not successfully completed the plan of behavior and may be deemed a habitual disciplinary problem.

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

9. The parent or legal guardian of a pupil or, if the pupil is an unaccompanied pupil, 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.

10. As used in this section:

- (a) "Significant suspension" means 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.
- (b) "Unaccompanied pupil" has the meaning ascribed to the term "unaccompanied youth" in 42 U.S.C. § 11434a(6).

(Added to NRS by [1997, 2489](#); A [1999, 2110](#); [2015, 424](#), [2034](#); [2019, 3573](#); [2021, 2331](#), [3564](#))

**NRS 392.466 Plan of action for pupil who engages in battery on employee of school, possession of firearm or dangerous weapon or sale or distribution of controlled substance or is deemed a habitual disciplinary problem; appeal by employee who is victim of battery; suspension or expulsion of such pupils; modification to suspension or expulsion; 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 and who is at least 11 years of age shall meet with the school and his or her parent or legal guardian. The school shall provide a plan of action based on restorative justice to the parent or legal guardian of the pupil or, if the pupil is an unaccompanied pupil, the pupil. The pupil may be suspended or expelled from the school, in which case the pupil shall:

- (a) Enroll in a private school pursuant to [chapter 394](#) of NRS or be homeschooled; or
- (b) Enroll in a program of independent study provided pursuant to [NRS 389.155](#) for pupils who have been suspended 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. An employee who is a victim of a battery which results in the bodily injury of an employee of the school may appeal to the school the plan of action provided pursuant to subsection 1 if:

- (a) The employee feels any actions taken pursuant to such plan are inappropriate; and
- (b) For a pupil with a disability who committed the battery, the board of trustees of the school district or its designee has reviewed the circumstances and determined that such an appeal is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.

3. Except as otherwise provided in this section, any pupil of any age, including, without limitation, a pupil with a



disability, who is found in possession of a firearm or a dangerous weapon while on the premises of any public school, at an activity sponsored by a public school or on any school bus must, for the first occurrence, be expelled from the school for a period of not less than 1 year, although the pupil may be placed in another kind of school for a period not to exceed the period of the expulsion. For a second occurrence, the pupil must be permanently expelled from the school.

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

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

- (a) Suspended from the school; or
- (b) Expelled from the school under extraordinary circumstances as determined by the principal of the school.

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

7. 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 a suspension or expulsion pursuant to subsections 1 to 5, inclusive, if such modification is set forth in writing. The superintendent shall allow such a modification if the superintendent determines that a plan of action based on restorative justice may be used successfully.

8. 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.

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

10. Except as otherwise provided in subsection 3, a pupil with a disability who is at least 11 years of age may, in accordance with the procedural policy adopted by the board of trustees of the school district for such matters and only after the board of trustees of the school district or its designee 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., be:

- (a) Suspended from school pursuant to this section for not more than 5 days. Such a suspension may be imposed pursuant to this paragraph for each occurrence of conduct proscribed by subsection 1.
- (b) Expelled from school pursuant to this section.
- (c) Permanently expelled from school pursuant to this section.

11. A homeless pupil or a pupil in foster care who is at least 11 years of age may be suspended or expelled from school pursuant to this section only if a determination is made that the behavior that led to the consideration for suspension or expulsion was not caused by homelessness or being in foster care. The person responsible for making a determination of whether or not the behavior was caused by homelessness or being in foster care shall presume that the behavior was caused by homelessness or being in foster care unless the person determines that the behavior was not caused by homelessness or being in foster care pursuant to this subsection. A determination that the behavior was not caused by homelessness must be made in consultation with the local educational agency liaison for homeless pupils designated in accordance with the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq., or a contact person at a school, including, without limitation, a school counselor or school social worker. A

determination that the behavior was not caused by being in foster care must be made in consultation with an advocate for pupils in foster care at the school in which the pupil is enrolled or the school counselor of the pupil.

12. The provisions of [chapter 241](#) of NRS do not apply to any hearing or proceeding conducted pursuant to this section. Such hearings or proceedings must be closed to the public.

13. 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 or trefoil, as defined in [NRS 202.350](#), a butterfly knife or any other knife described in [NRS 202.350](#), a switchblade knife as defined in [NRS 202.265](#), or any other object which is used, or threatened to be used, in such a manner and under such circumstances as to pose a threat of, or cause, bodily injury to a person.

(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.

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

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

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

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

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

(g) "Restorative justice" has the meaning ascribed to it in [NRS 392.472](#).

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

14. 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 388A.453](#) or [388A.456](#). 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](#); [2015, 426, 1589, 1846, 2037](#); [2019, 3291, 3575](#); [2021, 924, 2333, 3566](#))

#### **NRS 392.467 Suspension or expulsion of pupil: Procedure; limitations.**

1. Except as otherwise provided in subsections 5 and 6 and [NRS 392.466](#), the board of trustees of a school district or its designee may authorize the suspension or expulsion of any pupil who is at least 11 years of age from any public school within the school district. Except as otherwise provided in this subsection and subsection 3 of [NRS 392.466](#), a pupil who is less than 11 years of age must not be permanently expelled from school. In extraordinary circumstances, a school may request an exception to the prohibition set forth in this subsection against permanently expelling a pupil who is less than 11 years of age from school from the board of trustees of the school district.

2. Except as otherwise provided in subsection 6, 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 is found to be in possession of a firearm or 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 board of trustees of a school district or its designee may authorize the expulsion, suspension or removal of a pupil who has been charged with a crime from the school at which the pupil is enrolled regardless of the outcome of any criminal or delinquency proceedings brought against the pupil only if the school:

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

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

4. The provisions of [chapter 241](#) of NRS do not apply to any hearing or proceeding conducted pursuant to this section. Such hearings or proceedings must be closed to the public.

5. The board of trustees of a school district or its designee shall not authorize the expulsion, suspension or

removal of any pupil from the public school system solely for offenses related to attendance or because the pupil is declared a truant or habitual truant in accordance with [NRS 392.130](#) or [392.140](#).

6. A pupil with a disability may, in accordance with the procedural policy adopted by the board of trustees of the school district for such matters and only after the board of trustees of the school district or its designee 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., be:

(a) Suspended from school pursuant to this section for not more than 5 days for each occurrence of proscribed conduct.

(b) Expelled from school pursuant to this section.

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

7. A homeless pupil or a pupil in foster care who is at least 11 years of age may be suspended or expelled from school pursuant to this section only if a determination is made that the behavior that led to the consideration for suspension or expulsion was not caused by homelessness or being in foster care. The person responsible for making a determination of whether or not the behavior was caused by homelessness or being in foster care shall presume that the behavior was caused by homelessness or being in foster care unless the person determines that the behavior was not caused by homelessness or being in foster care pursuant to this subsection. A determination that the behavior was not caused by homelessness must be made in consultation with the local educational agency liaison for homeless pupils designated in accordance with the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq., or a contact person at a school, including, without limitation, a school counselor or school social worker. A determination that the behavior was not caused by being in foster care must be made in consultation with an advocate for pupils in foster care at the school in which the pupil is enrolled or the school counselor of the pupil.

8. As used in this section:

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

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

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

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

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

[362:32:1956]—(NRS A [1959, 808](#); [1967, 457](#); [1975, 1471](#); [1977, 609](#); [1985, 1649](#); [1989, 73](#); [1991, 1365](#); [1993, 2162](#); [2009, 758](#); [2019, 3578](#); [2021, 2335](#), [3569](#))

#### **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 392.910 Assaulting pupil or school employee; interference with persons peaceably assembled within school; penalties.**

1. 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.

È Except under circumstances described in paragraph (c) or (d) of subsection 2 of [NRS 200.471](#) with respect to school employees or in [NRS 200.571](#), any person who violates this subsection is guilty of a misdemeanor.

2. It is unlawful for any person maliciously 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 this subsection is guilty of a misdemeanor.

3. For the purposes of this section:

(a) "Assault" has the meaning ascribed to it in [NRS 200.471](#).

(b) "Maliciously" has the meaning ascribed to it in [NRS 193.0175](#).

(c) "School employee" means any licensed or unlicensed person employed by a board of trustees of a school district pursuant to [NRS 391.100](#) or [391.281](#).

[408:32:1956]—(NRS A [1967, 566](#); [1979, 1617](#); [1993, 239](#); [2001 Special Session, 185](#); [2003, 2](#); [2015, 428](#))

### **Gangs**

#### **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).

È 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 pursuant to [NRS 392.466](#) and [392.467](#) 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](#); [2019, 3572](#))

### **FEDERAL**

#### **Free appropriate public education (FAPE)**

[300.101](#) Free appropriate public education (FAPE).

(a) General. A free appropriate public education must be available to all children residing in the State between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled from school, as provided for in [§300.530\(d\)](#).

(b) FAPE for children beginning at age 3.

(1) Each State must ensure that—

(i) The obligation to make FAPE available to each eligible child residing in the State begins no later than the child's third birthday; and

(ii) An IEP or an IFSP is in effect for the child by that date, in accordance with [§300.323\(b\)](#).

(2) If a child's third birthday occurs during the summer, the child's IEP Team shall determine the date when services under the IEP or IFSP will begin.

[\(c\)](#) Children advancing from grade to grade.

[\(1\)](#) Each State must ensure that FAPE is available to any individual child with a disability who needs special education and related services, even though the child has not failed or been retained in a course or grade, and is advancing from grade to grade.

[\(2\)](#) The determination that a child described in paragraph (a) of this section is eligible under this part, must be made on an individual basis by the group responsible within the child's LEA for making eligibility determinations.

## **Student Discipline**

### **Sec. 300.530 (a)**

(a) Case-by-case determination. School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the other requirements of this section, is appropriate for a child with a disability who violates a code of student conduct.

### **Sec. 300.530 (c)**

(c) Additional authority. For disciplinary changes in placement that would exceed 10 consecutive school days, if the behavior that gave rise to the violation of the school code is determined not to be a manifestation of the child's disability pursuant to paragraph (e) of this section, school personnel may apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as the procedures would be applied to children without disabilities, except as provided in paragraph (d) of this section.

### **Sec. 300.530 (d)**

[\(1\)](#) A child with a disability who is removed from the child's current placement pursuant to paragraphs (c), or (g) of this section must—

[\(i\)](#) Continue to receive educational services, as provided in [§300.101\(a\)](#), so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP; and

[\(ii\)](#) Receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur.

[\(2\)](#) The services required by paragraph (d)(1), (d)(3), (d)(4), and (d)(5) of this section may be provided in an interim alternative educational setting.

[\(3\)](#) A public agency is only required to provide services during periods of removal to a child with a disability who has been removed from his or her current placement for 10 school days or less in that school year, if it provides services to a child without disabilities who is similarly removed.

[\(4\)](#) After a child with a disability has been removed from his or her current placement for 10 school days in the same school year, if the current removal is for not more than 10 consecutive school days and is not a change of placement under [§300.536](#), school personnel, in consultation with at least one of the child's teachers, determine the extent to which services are needed, as provided in [§300.101\(a\)](#), so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP.

[\(5\)](#) If the removal is a change of placement under [§300.536](#), the child's IEP Team determines appropriate services under paragraph (d)(1) of this section.

### **Sec. 300.530 (g)**

(g) Special circumstances. School personnel may remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability, if the child—

[\(1\)](#) Carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of an SEA or an LEA;

[\(2\)](#) Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of an SEA or an LEA; or

[\(3\)](#) Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of an SEA or an LEA.



#### Sec. 300.534 (b)

(b) Basis of knowledge. A public agency must be deemed to have knowledge that a child is a child with a disability if before the behavior that precipitated the disciplinary action occurred—

- (1) The parent of the child expressed concern in writing to supervisory or administrative personnel of the appropriate educational agency, or a teacher of the child, that the child is in need of special education and related services;
- (2) The parent of the child requested an evaluation of the child pursuant to §§300.300 through 300.311; or
- (3) The teacher of the child, or other personnel of the LEA, expressed specific concerns about a pattern of behavior demonstrated by the child directly to the director of special education of the agency or to other supervisory personnel of the agency.

#### Sec. 300.534 (d)

(1) If a public agency does not have knowledge that a child is a child with a disability (in accordance with paragraphs (b) and (c) of this section) prior to taking disciplinary measures against the child, the child may be subjected to the disciplinary measures applied to children without disabilities who engage in comparable behaviors consistent with paragraph (d)(2) of this section.

#### (2)

(i) If a request is made for an evaluation of a child during the time period in which the child is subjected to disciplinary measures under §300.530, the evaluation must be conducted in an expedited manner.

(ii) Until the evaluation is completed, the child remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services.

(iii) If the child is determined to be a child with a disability, taking into consideration information from the evaluation conducted by the agency and information provided by the parents, the agency must provide special education and related services in accordance with this part, including the requirements of §§300.530 through 300.536 and section 612(a)(1)(A) of the Act.

#### Serious Bodily Injury

18 U.S.C. §1365. (h) (3) the term “serious bodily injury” means bodily injury which involves— (A) a substantial risk of death; (B) extreme physical pain; (C) protracted and obvious disfigurement; or (D) protracted loss or impairment of the function of a bodily member, organ, or mental faculty; and (4) the term “bodily injury” means— (A) a cut, abrasion, bruise, burn, or disfigurement; (B) physical pain; (C) illness; (D) impairment of the function of a bodily member, organ, or mental faculty; or (E) any other injury to the body, no matter how temporary. (Added Pub. L. 98–127, §2, Oct. 13, 1983, 97 Stat. 831; amended Pub. L. 101–647, title XXXV, §3544, Nov. 29, 1990, 104 Stat. 4926; Pub. L. 103–322, title XXXIII, §330016(1)(L), (O), (Q), (S), Sept. 13, 1994, 108 Stat. 2147, 2148; Pub. L. 107–307, §2, Dec. 2, 2002, 116 Stat. 2445.)

#### § 300.536 Change of placement because of disciplinary removals.

(a) For purposes of removals of a child with a disability from the child's current educational placement under §§ 300.530 through 300.535, a change of placement occurs if—

- (1) The removal is for more than 10 consecutive school days; or
- (2) The child has been subjected to a series of removals that constitute a pattern—
  - (i) Because the series of removals total more than 10 school days in a school year;
  - (ii) Because the child's behavior is substantially similar to the child's behavior in previous incidents that resulted in the series of removals; and
  - (iii) Because of such additional factors as the length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another.

#### (b)

- (1) The public agency determines on a case-by-case basis whether a pattern of removals constitutes a change of placement.
- (2) This determination is subject to review through due process and judicial proceedings.

(Authority: [20 U.S.C. 1415\(k\)](#))

#### Least Restrictive Environment

[300.114](#) LRE requirements.

[\(a\)](#) General.

[\(1\)](#) Except as provided in [§300.324\(d\)\(2\)](#) (regarding children with disabilities in adult prisons), the State must have in effect policies and procedures to ensure that public agencies in the State meet the LRE requirements of this section and [§§300.115](#) through [300.120](#).

[\(2\)](#) Each public agency must ensure that—

[\(i\)](#) To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled; and

[\(ii\)](#) Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

### **The IEP Team**

Sec. 300.321 IEP Team

[300.321](#) IEP Team.

[\(a\)](#) General. The public agency must ensure that the IEP Team for each child with a disability includes—

[\(1\)](#) The parents of the child;

[\(2\)](#) Not less than one regular education teacher of the child (if the child is, or may be, participating in the regular education environment);

[\(3\)](#) Not less than one special education teacher of the child, or where appropriate, not less than one special education provider of the child;

[\(4\)](#) A representative of the public agency who—

[\(i\)](#) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;

[\(ii\)](#) Is knowledgeable about the general education curriculum; and

[\(iii\)](#) Is knowledgeable about the availability of resources of the public agency.

[\(5\)](#) An individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in paragraphs (a)(2) through (a)(6) of this section;

[\(6\)](#) At the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and

[\(7\)](#) Whenever appropriate, the child with a disability.