

**Eureka County School District**  
**Plan to Provide for the Progressive Discipline of Pupils and**  
**On-Site Review of Disciplinary Decisions**  
  
**and**  
  
**Plan to Use Disciplinary Practices Based on Restorative Justice**

Revised November 2024

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## **The ECSD Plan**

The purpose of this document is to describe the Eureka County School District (ECSD) Plan to Provide for the Progressive Discipline of Pupils and On-Site Review of Disciplinary Decisions and the Plan to Use Disciplinary Practices Based on Restorative Justice (collectively, “the ECSD Plan”). The document begins with a description of the statutory requirements for the Plan, followed by the components as they are implemented in ECSD. All references to “parent” or “parents” include legal guardian(s).

### **Introduction**

The optimum benefits of the instructional process are available only when each student participates in and contributes to the process of learning that takes place in the classroom. To assure that this is present in each classroom, the Trustees believe that each student must adhere to the standards of conduct established by the school district and each of the schools. School administrators and teachers will make known to all students and parents the expectations of good school conduct. They will assure that all class conduct is based on these principles. Moreover, the decisions made by school administrators and teachers will reflect their commitment to fair, nonbiased, and equitable responses to students who engage in misconduct.

Students who do not observe the standards interrupt their own instruction, but more seriously, that of other students in the class. Students who will not observe these standards and whose parents will not or cannot affect proper behavior will be denied the opportunity to attend school. It shall be the policy of the Board of Trustees that the Superintendent shall cause to be formulated administrative regulations to provide a basic discipline procedure for each of the schools in the district. Each school shall be charged with the development of school and classroom plans that are consistent with the regulations and that serve the unique needs of each school.

Exclusion from the educational program of the schools, whether by suspension or expulsion, is the most severe sanction that can be imposed on a student in the ECSD and one that will not be imposed without appropriate due process, including timely notification to parents/guardians. Accordingly, suspension or expulsion of students in the ECSD will occur only in compliance with all state and federal laws and regulations, including compliance with the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act, as applicable. When city, state or federal laws have been violated, a referral will be made to the proper legal authorities.

**I. COMPLIANCE WITH STATE LAW REQUIREMENTS FOR PLAN TO PROVIDE FOR THE PROGRESSIVE DISCIPLINE OF PUPILS AND ON-SITE REVIEW OF DISCIPLINARY DECISIONS**

**A. State Law Requirements for Plan to Provide for the Progressive Discipline of Pupils and On-Site Review of Disciplinary Decisions**

State law requires that the Eureka County School District Board of Trustees establish a plan to provide for the progressive discipline of students and on-site review of disciplinary decisions. The statute states:

**NRS 392.4644**

1. The superintendent of each school district and the administrative head of each charter school and university school for profoundly gifted pupils shall establish a plan to provide for the progressive discipline of pupils and on-site review of disciplinary decisions. The plan must:

(a) Be developed with the input and participation of teachers, school administrators, school counselors, school social workers, school psychologists, behavior analysts and other educational personnel and support personnel who are employed at the public school, pupils who are enrolled in the public school or schools within the school district, as applicable, and the parents and guardians of pupils who are enrolled in the public school or schools within the school district, as applicable.

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

(c) Include, without limitation, provisions designed to address the specific disciplinary needs and concerns of the public school or each school within the school district, as applicable.

(d) Prescribe methods of alternative conflict resolution and interventions based on social and emotional learning that are developed to avoid the need for the removal of a pupil.

(e) Include provisions that authorize the temporary removal of a pupil from a classroom or other premises of a public school pursuant to NRS 392.4645.

(f) Provide for the placement of a pupil in a more restrictive educational environment at that school or at a different public school or school within the school district, as applicable, in accordance with NRS 392.466.

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

(h) Include consideration of the results of the data collected and reported pursuant to NRS 392.462 and include methods for addressing the occurrences of the suspension, expulsion or removal of pupils from school that disproportionately affect pupils who belong to a group of pupils listed in subsection 2 of NRS 385A.250.

(i) Be provided to each school over which the superintendent or administrative head has authority and posted on the Internet website maintained by the public school.

(j) Be in accordance with a plan to use disciplinary practices based on restorative justice developed pursuant to subsection 2, if applicable.

**B. ECSD Plan to Provide for the Progressive Discipline of Pupils and On-Site Review of Disciplinary Decisions [NRS 392.4644(1)]**

**1. Development and Content of the ECSD Plan [NRS 392.4644(1)(a)]**

The ECSD Plan has been developed with the input and participation of teachers, school administrators, school counselors and other educational personnel and support personnel who are employed by the ECSD, students who are enrolled in schools within the ECSD, and the parents and guardians of students who are enrolled in schools within the ECSD. November 12, 2024, a draft of the November 2024 version of the plan was reviewed by Tate Else, Superintendent; Sherri Wilker, teacher; Lisa Hutchison, school administrator; Jaylene Callister, school counselor; ES, student; Breanna Rogne, parent of a student enrolled in an ECSD school. No substantive revisions were made as a result of the input and participation of these individuals. Although not required by NRS, the ECSD Plan was submitted to and approved by the ECSD board of trustees on November 12, 2024.

The ECSD Plan is consistent with ECSD Policy 5135.1 (General Student Conduct) and the corresponding Administrative Regulation that sets forth the written rules of behavior prescribed in accordance with NRS 392.463, as well as specific requirements for imposing out-of-school removals, including the timelines and processes for appealing suspension and expulsions. *See Appendix A, ECSD Discipline Policy 5135.1; Appendix B, ECSD Administrative Regulation 5135.3-AR.*

**2. ECSD Plan Distribution and Internet Posting [NRS 392.4644(1)(i)]**

NRS 392.4644(1)(i) requires that the ECSD provide its “plan to provide for the progressive discipline of pupils and on-site review of disciplinary decisions” to each school in the district and that the plan be posted on the Internet website of each school. NRS 392.4644(4) requires that the Superintendent issue the ECSD Plan on or before September 30 of each year. NRS 392.4644(5) requires that not more than 14 days after the receipt of the ECSD Plan from the Superintendent, each school principal must take certain actions related to plan distribution.

This ECSD Plan provides as follows:

By September 30 of each year, the Superintendent will issue the most recently reviewed/revised ECSD Plan. [NRS 392.4644(4)]

Within 14 days after receiving the ECSD Plan from the Superintendent, each school principal will post the plan on the school website. [NRS 392.4644(1)(i); NRS 392.4644(5)(a)]

Within 14 days after receiving the ECSD Plan from the Superintendent, each school principal will distribute the ECSD Plan by written or electronic copy to each teacher, school administrator and all educational support personnel who are employed at or assigned to the school. [NRS 392.4644(5)(b)]

### **3. Methods for Alternative Conflict Resolution and Interventions [NRS 392.4644(1)(d)]**

When appropriate, teachers will use restorative justice principles when working with students to respond to misconduct and resolve conflict. The following conflict resolution framework emphasizes holding a student responsible for his or her behavior, restoration or remedies related to the behavior of the misbehaving student, and relief for the victim. Following are six steps teachers can use to help students resolve a dispute<sup>1</sup>:

#### **1. Cool off**

First, before problem-solving can begin, the students need time to calm down. For younger students, have them take some deep breaths.

#### **2. Share, listen, check**

Students need to listen to each other share their issues, and then check that they understand them. This can take practice and coaching from a teacher. When sharing, students should use respectful but assertive “I statements,” like “I feel sad when you don’t let me play because I am alone.” Students can work on reflective listening and paraphrasing when they check for understanding. For example, they can start sentences with “I think I heard you say you feel ...” or “So you want me to try to ...”.

#### **3. Take responsibility**

Once students have shared their perspectives, they need to take responsibility for their own actions. You can prompt students by asking them an open-ended question like, “What could you have done differently to change what happened?”

#### **4. Brainstorm solutions**

Now the students can work together to find a solution that’s acceptable to both. This is a good time for students to learn to compromise. It can be helpful for a teacher to start the discussion with some suggestions, but it’s best that the ideas come from the students.

#### **5. Choose a solution**

Students now go over their brainstormed list of solutions to eliminate the ones that aren’t good for both of them and ones that won’t address future problems.

#### **6. Affirm, forgive, or thank**

Students can close out the session by acknowledging what happened and forgiving the other student (if an apology or forgiveness is warranted). They can then thank each other for working on the solution together.

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<sup>1</sup> Driscoll, Laura. “Teaching Conflict Resolution Skills in 6 Easy Steps.” Social Emotional Workshop. October, 2017. <https://www.socialemotionameworkshop.com/2017/10/teaching-conflict-resolution-skills/>

**4. Authorization for Temporary Removal of a Student Under NRS 392.4645 (“TAP”)  
[NRS 392.4644(1)(e)]**

If, in the judgment of a teacher or other staff member responsible for the classroom or other premises, a student has engaged in behavior that seriously interferes with the ability of the teacher to teach and the other students to learn, the student may be temporarily removed from the classroom or any other premises of a public school and assigned to a temporary alternative placement. While in alternative placement, the student shall be separated from other students who are not assigned to a temporary alternative placement, under the supervision of appropriate school personnel, and prohibited from engaging in extracurricular activities.

Upon the removal, the principal of the school shall provide a written explanation of the reason for the removal to the student and offer the student an opportunity to respond to the explanation, and shall, within 24 hours, notify the student’s parent of the removal.

Not later than three school days after the student was removed from the classroom or any other premises of a public school, a conference shall be held with the student, the student’s parent, the principal and the teacher or other staff member who removed the student to discuss the removal of the student. The principal shall give an oral and written notice of the conference to each person who is required to participate. The conference can be rescheduled or waived by the parent. If the conference is rescheduled, the principal will send written notice to the parent confirming that the conference has been postponed at the request of the parent. If the parent refuses to attend a conference, the principal will send a written notice to the parent confirming that the parent has waived the right to a conference and authorized the principal to recommend a placement of the student.

The student must not return to the classroom or other premises of the public school from which the student was removed before the conference is held. If the conference is not held within 3 school days after the removal of the student, the student must be allowed to return to the classroom or other premises unless:

- The parent refuses to attend the conference;
- The failure to hold the conference is attributed to the action or inaction of the student or the parent of the student;
- The parent has requested that the date of the conference be postponed; or
- If, in the judgment of the principal, there is a reasonable expectation that the student poses a threat to employees of the school or other students enrolled at the school; and the principal has received written authorization from the superintendent to extend the period for which the student is removed from the classroom or other premises

During the conference, the teacher or other staff member who removed the student, or the principal shall provide the student and the student’s parent with an explanation of the reasons for the removal of the student. The student and the student’s parent must be granted an opportunity to respond to the explanation and to indicate whether the removal was appropriate in their opinion based on the behavior of the student. If the student is a homeless student, the conference must include



consideration of and interventions to mitigate the impact of homelessness on the behavior of the student.

Following this conference, or not more than three days after the removal, or extended removal authorized by the superintendent, the principal shall recommend whether the student shall continue in temporary alternative placement, or return to his or her class or other premises. If the teacher or other staff member who removed the student disagrees with the principal's recommendation, the principal shall immediately convene a disciplinary review committee composed of the principal, two teachers, and one staff member selected by a majority of their peers. One additional teacher and one additional staff member will be selected as alternates. A teacher or staff member who has served on the committee for two consecutive years or more is not eligible to be selected for membership. The specific names of the members and alternates of the disciplinary review committee will be identified no later than September 15 at the beginning of each school year. The principal shall inform the parent of the student that the committee will be conducting a meeting.

The committee will review the circumstances of the student's removal and the student's behavior that caused the removal. Based on its removal, the committee shall assess the best placement available for the student and shall:

1. Return the student to his or her classroom or other premises from which he or she was removed
2. Assign the student to another appropriate classroom or appropriate premises
3. Assign the student to an available alternative education program
4. Recommend the student be suspended or expelled
5. Take any other necessary appropriate disciplinary action against the student

The principal shall report to the school district each time a committee 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.

If a student is removed from a classroom or any other premises of the public school for more than 2 school days pursuant to the "temporary alternative placement" provisions of state law, a TAP plan must be offered to the student to include:

- Education services to prevent the student from losing academic credit or becoming disengaged from school during the period the student is removed; and
- Appropriate positive behavioral interventions and support, trauma-informed support and a referral to a school social worker or school counselor
- An option to provide such education and support services to a student in an in-person setting
- The location where such services will be provided to the student; and
- A plan for the student to complete any assignments or course work missed during his or her removal

A sample TAP plan will be provided to each school in the ECSD.

**5. Provisions to Address Disproportionality in Suspension, Expulsion or Removal from School [NRS 392.4644(1)(h)]**

The ECSD Plan requires that schools determine whether, and to what extent, occurrences of suspension, expulsion or removal of students from school disproportionately affect students when the data are disaggregated by these categories:

- Pupils who are economically disadvantaged
- Pupils from major racial and ethnic groups
- Pupils with disabilities
- Pupils who are English learners
- Pupils who are migratory children
- Gender of the pupils
- Pupils who are homeless
- Pupils in foster care
- Pupils whose parent or guardian is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard

Schools will annually analyze these data and make any recommendations deemed appropriate for revision to the ECSD Plan. Analysis of these data for the 2023-2024 school year are described below at pages 22-23.

**6. Plan for Placement of a Student in a More Restrictive Educational Environment at That School or in a Different School Within the District [NRS 392.4644(1)(a)(f)]**

If a school is unable to retain a student in the school pursuant to sections 1 through 6 of NRS 392.466, for the safety of any person or because doing so would not be in the best interest of the student, the student may be placed in a more restrictive educational environment at that school, suspended, expelled or placed in another school. If a student is placed in another school, the current school of the student shall explain what services will be provided to the student at the new school that the current school is unable to provide to address the specific needs and behaviors of the student. The current school and new school shall create a progressive discipline plan based on restorative justice for the student and ensure that any resources required to execute the plan are available at the new school.

**7. Transportation [NRS 392.4636]**

The Board recognizes that parents of students who are transported to school by District buses are responsible for the supervision of such students until such time as the student boards the bus in the morning and after the student leaves the bus at the end of the school day. The responsibility of the School District commences when the student boards the bus and ends when the student is delivered to the regular bus stop at the close of the school day. The Board shall require students to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. In cases when a student does not conduct themselves properly on a bus, the Supervisor or

Transportation shall inform the building principal, who will inform the parents immediately of the misconduct and request their cooperation in addressing the student's behavior.

Students who become a serious disciplinary problem on the school bus may have their riding privileges suspended. In such cases, the parents of the students involved become responsible for seeing that their children get to and from school safely.

**8. Provisions to Address Specific Disciplinary Needs and Concerns of Each School in the ECSD [NRS 392.4644(1)(c)]**

The ECSD Plan includes the following provisions designed to address the specific disciplinary needs and concerns of each school within the school district.

**Eureka Elementary/Crescent Valley School (Grades Prek-6)**

**Behavior and Discipline**

Each person in the building is expected to exhibit cordial and respectful behavior. Inappropriate or disruptive behavior shall be reported to the faculty and/or staff members. Referrals will be made to the principal for behavior that may result in disciplinary action.

Consequences may range from a conversation regarding behavior to expulsion. Circumstances of the situation as well as the severity of those circumstances will determine the level of discipline imposed.

**Rules of Student Behavior – Prohibited Behaviors**

- Engaging in any act which might cause harm to another person
- Harassing, threatening, or verbally abusing another person
- Interfering with teaching or learning
- Bullying or cyberbullying
- Possessing or brandishing a weapon or dangerous object
- Using, possessing, or selling an explosive device
- Distributing, selling, using, possessing, or being under the influence of alcoholic beverages, unlawful drugs, controlled substances, hallucinogens, or items that purport to be any of the foregoing
- Possessing or using tobacco
- Unauthorized use of a cell phone, or personal electronic device
- Destroying or vandalizing school or personal property
- Theft, or possession/distribution of stolen property
- Committing an obscene act, or engaging in profanity or vulgarity
- Using electronic media to send or display obscene or offensive messages or pictures. □
- Disrupting school activities, or defying the authority of school personnel
- Forgery
- Gambling
- Extortion or attempted extortion

- Arson
- Falsely reporting emergencies (fire alarm, bomb threat, etc.)
- Leaving campus without permission during school hours or at lunch time
- Unsafe or inappropriate use of school equipment
- Throwing objects (snowballs, rocks, etc.) in a reckless and dangerous manner
- Riding skateboards or rollerblades on school grounds
- Unexcused absences/tardiness

### Rules of Student Behavior –Disciplinary Actions

When a student is found to have violated a rule or broken a law, one or more of the following consequences will be applied. The consequences will be determined by school officials. The particular consequences administered will be based on: A) the nature of the infraction; B) the policies of the school and district; C) the attitude of the student; D) the student’s disciplinary history; and, E) other relevant information. The school will maintain a record of all rules infractions.

- Informal talk between student and school official
- Conference between student and school official
- Conference involving student, parents, and school officials
- Time out
- Detention
- Work detail
- Loss of extra and co-curricular participation including sports
- Loss of bus riding privileges
- Restitution/payment of damages
- Temporary removal from classroom
- Confiscation (of electronic device, skateboard, dangerous/unnecessary object, etc.)
- Evaluation by a certified drug and alcohol counselor
- Participation in a student assistance program
- Referral to law enforcement
- Transfer to alternative education program
- Suspension from school (10 days or less)
- Expulsion from school (more than 10 days)

Mandatory Suspension or Expulsion: Depending on the age of the student, Nevada state law requires suspension or expulsion for students found in possession of a firearm or students who commit a battery against an employee with intent to result in bodily injury. In the event a student commits one of these infractions, the penalty called for by law will be imposed.

### Classroom Discipline

Teachers will inform students of classroom rules. Teachers may refer students to the principal according to their classroom discipline plan. The principal will conference with a student when he or she is referred to the office, and will take appropriate disciplinary action, including informing

the student's parents as needed. When students' needs merit special attention, a behavioral intervention plan may be developed and implemented.

### Playground Rules

- Slides – Down only, feet first, one at a time
- Animal Rockers – Sitting only, one at a time, stay off bars or center
- Rock Wall – (EES) No jumping from the top of the wall
- Swing – Use only in a seated position, swing only forward and back.
- Tire Swing – Sitting only, no more than three at a time on the swing
- Football – Two hand touch, no tackling, teams must be divided equally
- Tetherball – Follow standard tetherball rules
- Climbing Bars – No sitting on top
- 4 Square – Follow standard 4 square rules.
- Balls – Students shall safely place all balls in the ball bin when the recess ends □ When Recess Ends – Students shall line up at the door.

### Unnecessary Devices and Objects

Items that create a nuisance, are deemed as disruptive to the learning environment, or present a health or safety concern such as toys, personal athletic equipment or electronic entertainment devices are potentially disruptive and are not allowed at school.

### Cell Phones/Tablets

Students may possess cell phones or personal tablet-type electronic devices at school, but may not use them during school hours, or during recess and lunch breaks. Such devices shall be in pockets or backpacks, with the power turned off, and out of sight during school hours.

### Buying and Selling at School

Private property is not to be exchanged on school property. Sale of any items must be approved by the administration.

### Substitute Teachers

A guest teacher or other person substituting in a position deserves the utmost courtesy and cooperation when serving the district.

### Dress/Grooming

Dress and grooming appropriate to the school environment is expected. Limitations include, but are not limited to, items that are unhealthy, obscene, profane, derogatory, filthy, promote tobacco, alcohol, or drugs, and cause a distraction or interfere with the educational process.

Reasonable length of shorts, skirts, dresses and coverage of the stomach/midriff area and undergarments are expected. The building principal with the support of faculty and staff will hold discretion for inappropriate attire or grooming.

### Curriculum Materials

Students are responsible for the proper use and care of textbooks and other curriculum materials. Students may be charged for lost or damaged materials.

### Assemblies and Performances

Respectful and courteous behavior is expected. Students shall come to order quickly, sit quietly, be attentive, remain seated until excuse, and follow the expectations of the teachers and presenters.

### Cafeteria Rules

- Walk at all times in the cafeteria
- Do not take or give “cuts” in the lunch line
- No rough play
- Use inside voices
- Be polite and respectful
- Do not share or trade food
- Raise your hand to leave your table
- Clean up your mess
- Finish all food - do not bring food onto the playground

### Extracurricular Activities – Sixth Graders Participating in Junior High Activities

Sixth grade students participating in junior high extra-curricular activities and/or sports will need to follow the procedures and guidelines under the high school handbook and supervising coaches for these activities. These rules shall be requested and provided prior to the activity participation.

## Eureka County High School (Grades 7-12)

### School Behavioral Standards

#### **BEHAVIOR EXPECTATIONS**

Teachers are in charge of their classrooms and have *in loco parentis* authority over the students enrolled. Teachers will inform all students of their classroom rules, expectations, and the procedures that will follow violations of acceptable behavior. Parents may request a copy of each teacher's classroom expectations.

#### **DISCIPLINE for MINOR INFRACTIONS**

##### **Verbal Warning from Teacher**

##### **Teacher Imposed Discipline**

= Call parent

##### **1<sup>st</sup> Office Referral**

= 1 Day Lunch Detention

= Inform Parent and Counselor

##### **2<sup>nd</sup> Office Referral**

= 3 Days Lunch Detention

= Inform Parent and Counselor

##### **3<sup>rd</sup> Office Referral**

= 1 Day In-School Suspension

= Parent/Teacher/Admin Conference

##### **4<sup>th</sup> Office Referral**

= 1-3 Days Out-of-School Suspension

= Parent/Teacher/Admin Conference

Infractions include but are not limited to: **PDA, Dress Code, Electronics, Language, Not Prepared, Food/Drink, Misbehavior, Misconduct.**

**\*ADDITIONAL REFERRALS will result in continued discipline.**

Following is a list of inappropriate behaviors and the resulting consequences. The list is not exhaustive. Except as otherwise provided in state law, all consequences are subject to the discretion of the School Principal and District Superintendent depending on the circumstances and the seriousness of the infractions.

If any listed prohibited conduct fits within the definitions of bullying or cyberbullying, or discrimination based on race, state law provisions at NRS 388.121 *et seq.* will be followed.

	Student Contact	Parent Contact	Teacher Conference	Parent/Teacher/Administrator Conference	Make-up Work Not Allowed	Reimbursement for Repair	Loss of Internet Privileges/Access	Lunch Detention	After-School Detention	1- Day Suspension	5- Day Suspension	Day Suspension	Day to One Semester Suspension	Police Involvement	Expulsion of More than One Semester	One Year Expulsion	Permanent Expulsion
Alcohol/Drug Possession or Use	X	X										X	P	X	P		
Alcohol/Drug Sale/Distribution	X	X										X	P	X	P		
Battery of Staff	X	X										X	X	X	X		
Body Piercing/Tattooing at School	X	X		P				X	P								
Bullying/Cyber-bullying – 1 <sup>st</sup>	X	X	P	X			P				X	P	P	P	P		
Bullying/Cyber- bullying – 2 <sup>nd</sup>	X	X	P	X			P					X	P	P	P		
Cheating	X	X	X		X					P							
Defiance of Authority/ Insubordination	X	X	P	P					X	P	P	P			P		
Dishonesty	X	X						P	P								
Failure to Serve Detention	X	X		X					X	P							
Fighting – 1 <sup>st</sup>	X	X									X	P	P		P		
Fighting – 2 <sup>nd</sup>	X	X										X	R		R		
Gang Activity	X	X									X	P	P		P		
General Misconduct/ Class Disturbance	X	X	P	P				P	P	P							
Guns/Firearms/ Explosives/Weapons	X	X										X	P	X	P	P	P
Inappropriate Dress	X	X						P	P	P							
Inappropriate Use of Internet	X	X					X			P	P						
Knives – Not a Weapon	X	X							P	P	P	P	P	P	P		
Language/Gestures to Staff	X	X						X	P	P	P	P					
Language/Gestures to Students	X	R								X							
SafeVoice – False Reporting	X	X							P	P					P		
Stealing	X	X								P	X	P	P	P	P		
Threat to Staff	X	X		X						P	P	P					
Tobacco (any form) Possession/Use	X	X								X	P						
Truancy*	X	X						P	P	P							
Vandalism/ Property Destruction	X	X		P		X				X	P	P	P	P			

**LEGEND: X = Actual                      P = Possible                      R = Recommended**



## **II. COMPLIANCE WITH STATE LAW REQUIREMENTS FOR PLAN TO USE DISCIPLINARY PRACTICES BASED ON RESTORATIVE JUSTICE**

### **A. State Law Requirements for Plan to Use Disciplinary Practices Based on Restorative Justice [NRS 392.4644(2)]**

State law requires that the Eureka County School District Board of Trustees establish a plan to use disciplinary practices based on restorative justice. The statute states:

#### **NRS 392.4644**

2. The superintendent of a school district shall, in addition to establishing a plan to provide for the progressive discipline of pupils pursuant to subsection 1, establish a plan to use disciplinary practices based on restorative justice. Such a plan must:

(a) Authorize the use of disciplinary practices based on restorative justice which include, without limitation:

- (1) Holding a pupil accountable for his or her behavior;
- (2) Restoration or remedies related to the behavior of the pupil;
- (3) Relief for any victim of the pupil; and
- (4) Changing the behavior of the pupil; and

(b) Be in accordance with the statewide framework for restorative justice developed pursuant to NRS 388.1333, including, without limitation, by addressing the occurrences of the suspension, expulsion or removal of pupils from schools that disproportionately affect pupils who belong to a group of pupils listed in subsection 2 of NRS 385A.250.

### **B. ECSD Plan to Use Disciplinary Practices Based on Restorative Justice [NRS 392.4644(2)]**

“Restorative justice” means nonpunitive intervention and support provided by the school to a student to improve the behavior of the student and remedy any harm caused by the student. [NRS 392.4644(8)(b); NRS 392.472] To the extent that the Nevada Department of Education develops a statewide framework for restorative justice, the ECSD will modify its Plan to ensure that the Plan components are consistent with the statewide framework. [NRS 392.4644(2)(b)]

#### **1. Prevention of Misconduct**

The ECSD Plan includes a focus on the prevention of misconduct through an emphasis on communication and supervision. The following practices are used:

##### **Communication**

Students and parents receive information about behavioral expectations and restorative discipline practices through these activities:

- Posting of the ECSD Plan on school and district websites
- 1:1 conferences with students
- Parent teacher conferences
- Teacher contact with parents by phone, email, electronic messaging and in person
- Teachers’ syllabi

- Presentations by teachers and administrators at the beginning of each year to explain behavioral expectations to students
- Student handbooks
- Information shared through Infinite Campus and other social media
- Annual awareness/prevention intervention, *The Week of Respect* (first week of October) Classroom-Based Interventions
- Clearly define / post the behavioral expectations.
- Implement procedures for all class routines - entering the room, handing in assignments, sharpening the pencil, welcoming a guest, etc.
- TEACH and ROLE-PLAY the behavioral expectations, classroom procedures, use of materials, etc. Demonstrate what the expected behavior “looks like” (positive example) as well as what it “does not look like” (non-example).
- Pre-correct - Prior to directing students to perform a task, provide a description of what the expected behavior will look like. “Lunch will be in two minutes. At that time, everyone will put away all materials, push in all chairs and line up.”
- Cue / Prompt / Remind - Provide a pre-arranged / previously taught cue to remind specific students to engage in the appropriate behavior.
- Acknowledge students who appropriately demonstrate the expected behavior.
- Specifically explain HOW the behavior did not meet the stated / taught expectation. “It is disrespectful to other students when you \_\_\_\_\_.”
- Provide a warning - “Respect a school rule. All students are expected to talk respectfully to staff and students here at ABC School. This is your official warning.”
- Check for student understanding of the behavioral expectations - “Please summarize what we discussed so I ensure there is no confusion.”
- Evaluate the student’s skill repertoire. Determining if the student is capable of demonstrating the behavioral expectation. Evaluate behavior & academic domains.
- Determine the FUNCTION of the misbehavior. All behaviors serve a purpose (function). Determine what the student is gaining or avoiding by misbehaving?
- Provide a structured choice - clearly offer a choice between two alternatives and state the consequence for each. “You can work quietly on your assignment now and leave with the class or work with me during lunch.”
- Evaluate ENVIRONMENTAL factors within the classroom which may be contributing to the misbehavior: Space, Time, Materials, Interactions.
- Collaborate with colleagues to identify behavior patterns and trends (class to class, year to year, etc.).
- Use a variety of consequences: Positive Reinforcement, Negative Reinforcement, Penalties and Punishments. Remember, punishment is the least effective consequence for students with anti-social behaviors.
- Evaluate the effectiveness of consequences. Ineffective consequences must be analyzed and modified. Seek assistance for “out of the box” ideas.
- Involve a problem-solving team.

### Supervision

The ECSD provides necessary supervision to support positive student behaviors and deter misconduct through these activities:

- Staff supervision at assigned duty areas before and after school, at nutrition breaks and during lunch, and at school-sponsored activities
- The work of our safe school professionals and counselors
- Access to support from law enforcement officials and juvenile probation officers as necessary

## 2. **Restorative Discipline Practices** [NRS 392.4644(2)(a)]

The ECSD Plan authorizes and encourages the use of disciplinary practices based on restorative justice, including:

- Holding a student accountable for his or her behavior
- Restoration or remedies related to the behavior of the student
- Relief for any victim of the student, and
- Changing the behavior of the student

The ECSD will provide a student a “progressive discipline plan based on restorative justice” (1) after the student has received at least five cumulative days of suspension during a school year, and (2) within two days after removing a student from a classroom or other premises of the public school or suspending or expelling a student from school for a period of at least three days. The plan supports holding the student accountable for his or her behavior and helps to change the behavior of the student. The plan will include:

- Positive behavioral interventions and support
- A plan for behavioral intervention
- A referral to a team of student support
- A referral to determine (1) whether an IEP is needed, and (2) whether adjustments should be made to an IEP that has been developed
- A referral to appropriate community-based services
- A conference with the principal of the school or his or her designee and any other appropriate personnel
- A determination of the need for a referral to a school social worker
- Guidelines for the provision of notice to a student to initiate his or her reinstatement, and
- A plan for the reinstatement of a student who was expelled

A sample “progressive discipline plan based on restorative justice” will be provided to each school in the ECSD.

The practices for implementing restorative discipline include, but are not limited to, these activities:

- a. **Holding Students Accountable** [NRS 392.4644(2)(a)(1)]
  - Behavior contracts
  - Attendance contracts
  - Athletic participation agreements signed by all student athletes

- Lunch and after school detentions
- In-school and out-of-school suspensions

When a student's misconduct requires disciplinary consequences, the ECSD will take into consideration the following factors:

- Level of progression on the discipline continuum;
- Implementation of a progressive discipline plan based on restorative justice for the student;
- Nature and severity of the conduct violation;
- Extent of previous attempts to support and intervene to redirect and educate the student to engage in appropriate student conduct; and
- Compliance with ECSD policy and Nevada Revised Statutes regarding behavior and discipline.

***b. Opportunities for Restoration or Remedies [NRS 392.4644(2)(a)(2)]***

- Opportunities to make restitution for physical/emotional harm (e.g., participate in mediation and/or offer apologies) or property damage
- Teacher, student and parent phone calls to collaboratively discuss problem behavior and identify solutions
- School and/or community service; campus beautification; lunchroom clean-up
- Complete an educational project (poster, research, essay, etc.)
- Targeted parent/guardian engagement activities with access to support services
- Reentry plans to support student integration back into school after a suspension

***c. Relief for Victims [NRS 392.4644(2)(a)(3)]***

- Mediation and/or restorative conferences
- Apology letter and/or in-person verbal apology
- Restitution for property damage
- School-based counseling; referrals to community-based services
- Opportunities to turn in work or take tests that were delayed/missed as a consequence of another student's misconduct
- Teacher, student and parent phone calls to collaboratively discuss impact on student victim and identify strategies to remediate
- Targeted parent/guardian engagement activities with access to support services

***d. Changing the Behavior of the Student [NRS 392.4644(2)(a)(4)]***

- Behavior contracts
- School-based counseling; referrals to community-based services
- Targeted use of interventions described above
- Targeted skill development (e.g. anti-social conduct, conflict with authority, drug/alcohol use, impulse control, problems with peers, withdrawal)
- Increased support and feedback (e.g., check in/check out, mentoring, intentional staff/student interactions)
- Increased progress monitoring
- Social skills groups
- Structure provided in after school programs, organizations, clubs and athletics

- Positive Behavior Support Plans as determined in Individualized Educational Plans
- School leadership and school mentoring programs
- Teacher, student and parent phone calls to collaboratively discuss problem behavior and identify solutions
- Classroom observations and support to promote a positive culture
- Targeted parent/guardian engagement activities with access to support services
- Reentry plans to support student integration back into school after a suspension

### 3. **Collection and Reporting of Data on Discipline of Pupils [NRS 392.462]**

#### **Considerations of Results of Data Collected and Reported Pursuant to NRS 392.462 [NRS 392.4644(1)(h)]**

#### **Addressing Occurrences of the Suspension, Expulsion or Removal of Pupils from Schools that Disproportionately Affect Pupils in Specified Categories [NRS 392.4644(2)(b)]**

##### ***a. Definitions***

NRS 392.4601 states that when the words “expulsion” or “suspension” are used in NRS 392.4601 to 392.471, inclusive, the words have the meanings defined in NRS 392.4603 and NRS 392.4607.

NRS 392.4607 defines “suspension” as the disciplinary removal of a pupil from the school in which the pupil is currently enrolled for not more than one school semester.

Because the NRS provisions regarding data collection and reporting, considerations of those data, and addressing the disproportionality all fall within the range of NRS 392.4601 to 392.471, these definitions will be applied to the ECSD analysis. Note that the statutory definition of suspension pertains to students who have been removed from the school in which the student is currently enrolled; suspensions do not include students who are disciplined through an in-school suspension.

##### ***b. Collection and Reporting of Data***

NRS 392.462 requires each school in the ECSD to quarterly collect data on the discipline of pupils and the plans developed pursuant to NRS 392.4644. The data must include the number of expulsions and suspensions, and related matters. The data must be disaggregated into the following subgroups:

- (a) Pupils who are economically disadvantaged;
- (b) Pupils from major racial and ethnic groups;
- (c) Pupils with disabilities;
- (d) Pupils who are English learners;
- (e) Pupils who are migratory children;

- (f) Gender;
- (g) Pupils who are homeless;
- (h) Pupils in foster care; and
- (i) Pupils whose parent or guardian is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard.

The principal of each public school is required to report the data on or before August 1 of each year to the Board of Trustees, the Superintendent of the school district, and the Nevada Superintendent of Public Instruction. The ECSD complies with these requirements, using the data reporting template provided to the ECSD from the Nevada Department of Education.

Schools are also required to post this data collection on their websites. However, because the numbers of suspensions reported in each quarter are fewer than 10, the ECSD has not done so in order to protect student privacy under FERPA. This data suppression rule is consistent with the rule imposed by the Nevada Department of Education in its Report Card data.

**c. *Consideration of the Results of Data Collected; Methods for Addressing Occurrences of Suspension or Expulsion that Disproportionately Affect Pupils***

As the ECSD reviewed and revised the ECSD Plan for the 2024-2025 school year, the data on suspensions and expulsions submitted to the Nevada Department of Education (NDE) were carefully reviewed. In the course of this review, the ECSD discovered that, in conflict with the statutory definition of suspension that pertains to the data collection, the ECSD incorrectly included instances when students were subjected to in-school suspensions.<sup>1</sup> The data were rerun in the NDE spreadsheet, and the spreadsheet calculated the disproportionate discipline of suspensions and expulsions, by the categories (a) through (i), listed above. The spreadsheet calculator identified student groups that had an “above average chance of a suspension or expulsion compared to all students or compared to white students.”

One school in ECSD suspended a total of eight students during 2023-2024. Three students who were suspended identified as American Indian/Alaska Native. The school enrolled nine students who identified as American Indian/Alaska Native. Five students who were suspended identified as White. The school enrolled either 120 or 121 students who identified as White, depending on the quarter reported. Disproportionate discipline in the race/ethnicity category was highlighted for each of the eight suspensions, as well as for the categories of male, female, students who receive IEP services, and students who receive free and reduced lunch for a subset of the eight suspensions.

As we understand it, extremely low counts of children cannot validly be used as measures of disproportionate discipline using standard risk-ratio methodology. For example, when the NDE

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<sup>1</sup> The data collection is required by NRS 392.462. The definitions of suspension and expulsion to be used for that data collection are specified in NRS 392.4601, which states that the definition of suspension in NRS 392.4607 applies. NRS 392.4607 defines suspension as “the disciplinary removal of a pupil from the school in which the pupil is currently enrolled for not more than one school semester.” The definition does not include in-school suspensions.

analyzes significant disproportionality in the disciplinary removal of students with disabilities, by race/ethnic category, a risk-ratio is only calculated if the cell size (numerator=# children disciplined in race/ethnic category) is 10 or higher, and the “n” size (denominator=#of children enrolled in race/ethnic category) is 30 or higher for the target group. If numbers are smaller than these thresholds, significant disproportionality is not calculated because the numbers are too low for statistical validity.

Aside from these concerns about the validity of risk-ratio analyses when numbers of suspension are this low, the ECSD found other aspects of the data important. Not a single student was subjected to more than one suspension, suggesting that the use of restorative justice principles may have a positive effect in reducing the incidence of disciplinary removals for students in ECSD. Also, not a single student was subject to an expulsion, which suggests that progressive discipline based on restorative justice is a positive approach to helping students learn to conform their behavior to the standards established by the ECSD board of trustees.

### **III. COMPLIANCE WITH STATE LAW REQUIREMENTS REGARDING APPEALS OF SUSPENSIONS OR EXPULSIONS**

#### **A. State Law Requirements for Policy for Appealing a Significant Suspension, Expulsion or Permanent Expulsion [NRS 392.4671]**

State law requires that the Eureka County School District Board of Trustees establish a policy for appealing a significant suspension, expulsion or permanent expulsion. The statute states:

#### **NRS 392.4671 Significant suspension, expulsion or permanent expulsion of pupil: Appeals.**

1. The board of trustees of each school district and the governing body of each charter school or university school for profoundly gifted pupils, as applicable, shall adopt a policy for appealing the significant suspension, expulsion or permanent expulsion of a pupil enrolled in the school district, charter school or university school, as applicable. The policy must provide, without limitation, that:

(a) The board of trustees of a school district, the governing body of a charter school or university school for profoundly gifted pupils or the designee of the board of trustees or governing body, as applicable, may authorize the significant suspension, expulsion or permanent expulsion of a pupil within the timeline established by the Department pursuant to NRS 392.4609;

(b) Within the timeline established by the Department pursuant to NRS 392.4609, the board of trustees of a school district, the governing body of a charter school or university school for profoundly gifted pupils or the designee of the board of trustees or governing body, as applicable, shall notify the pupil and, if the pupil is under 18 years of age, the parent or legal guardian of the pupil who is given a significant suspension, expelled or permanently expelled of:

(1) The significant suspension, expulsion or permanent expulsion;

(2) The right to appeal the significant suspension, expulsion or permanent expulsion; and

(3) Information on the appeal policy adopted by the board of trustees of the school district or the governing body of the charter school or university school, as applicable;

(c) A pupil or, if the pupil is under 18 years of age, the parent or legal guardian of the pupil, who is given a significant suspension, expelled or permanently expelled may file an appeal with the board of trustees of the school district, the governing body of the charter school or university school for profoundly gifted pupils or the designee of the board of trustees or governing body, as applicable, within the timeline established by the Department pursuant to NRS 392.4609;

(d) The board of trustees of a school district, the governing body of a charter school or university school for profoundly gifted pupils or the designee of the board of trustees or governing body, as applicable, shall schedule a hearing on an appeal of a significant suspension, expulsion or permanent expulsion of a pupil within the timeline established by the Department pursuant to NRS 392.4609; and

(e) After conducting a hearing pursuant to this subsection, the board of trustees of a school district, the governing body of a charter school or university school for profoundly



gifted pupils or the designee of the board of trustees or governing body, as applicable, may not increase the initial significant suspension or expulsion of a pupil.

2. The board of trustees of a school district, the governing body of a charter school or university school for profoundly gifted pupils or the designee of the board of trustees or governing body, as applicable, shall post the appeal policy on the Internet website of the school district and each school within the district or of the charter school or university school, as applicable.

**B. State Law Requirements to Provide Notice of the Policy for Appealing a Suspension or Expulsion Pursuant to NRS 392.4671 [NRS 392.4674]**

State law requires that the Eureka County School District Board of Trustees provide notice of the policy for appealing a suspension or expulsion pursuant to NRS 392.4671. The statute states:

**NRS 392.4674**

1. If a pupil is suspended or expelled from a public school, the board of trustees of the school district or the governing body of the charter school or university school for profoundly gifted pupils in which the pupil is enrolled or the designee of the board of trustees or governing body, as applicable, shall provide, on the same day that the pupil is suspended or expelled, a notice of the policy for appealing a suspension or expulsion of a pupil adopted by the board of trustees or governing body, as applicable, pursuant to NRS 392.4671, to the pupil and, if the pupil is less than 18 years of age, the parent or legal guardian of the pupil. A notice provided pursuant to this subsection must:

(a) Include information regarding the timelines for appealing the suspension or expulsion, as applicable, pursuant to subsection 2;

(b) Be written clearly and in a manner that allows the pupil and, if the pupil is less than 18 years of age, the parent or legal guardian of the pupil, to understand each provision of the policy; and

(c) To the extent practicable, be provided in as many languages as possible.

2. Not later than 5 school days after receiving notification of the suspension or expulsion of the pupil pursuant to NRS 392.4671, the pupil or, if the pupil is less than 18 years of age, the parent or legal guardian of the pupil may file an appeal pursuant to the policy adopted by the board of trustees of the school district or the governing body of the charter school or university school for profoundly gifted pupils, as applicable, pursuant to NRS 392.4671.

3. Not later than 5 school days after receiving notification of an appeal of a suspension or expulsion made pursuant to the policy adopted pursuant to NRS 392.4671, the board of trustees of the school district or the governing body of the charter school or university school for profoundly gifted pupils or the designee of the board of trustees or governing body, as applicable, must schedule a hearing.

4. A pupil who is suspended or expelled or is being considered for suspension or expulsion:

(a) May be considered for temporary alternative placement pursuant to NRS 392.4645 if, in the judgment of the principal after consideration of the seriousness of the acts which were the basis for the discipline of the pupil:

(1) The temporary alternative placement will serve as the least restrictive environment possible, pursuant to NRS 392.4676; and

(2) The pupil does not pose a serious threat to the safety of the school.

(b) Must be provided education services to prevent the pupil from losing academic credit or becoming disengaged from school during the period of suspension or expulsion.

**C. The ECSD Policy for Appealing a Suspension or Expulsion Pursuant to NRS 392.4671 [NRS 392.4674]**

NRS 392.4671(1) requires the ECSD to “adopt a policy for appealing the significant suspension, expulsion or permanent expulsion of a pupil enrolled in the school district.” (Emphasis added.) The ECSD has established a policy for implementing student discipline within the school district that is consistent with state law. See *Appendix A, ECSD Policy 5135.1*.

NRS 392.4674(1) requires the ECSD, on the same day that a student is suspended or expelled, to provide “notice of the policy for appealing a suspension or expulsion of a pupil adopted by the board of trustees ... pursuant to NRS 392.4671.”

ECSD Policy 5135.1 authorizes the Superintendent to formulate administrative regulations to provide discipline procedures in each of the schools in the district. The Superintendent has formulated Administrative Regulation 5135.3-AR which sets forth the discipline procedures used throughout the district, and it specifically includes provisions that address each requirement outlined in NRS 392.4671 and NRS 392.4674. See *Appendix B, ECSD Administrative Regulation 5135.3-AR*. Appeal provisions related to suspensions up to 10 school days are described on pages 45-46 in the Appendix, items 8-9. Appeal provisions related to suspensions of more than 10 school days or expulsions are described on page 48, item 5g, and pages 48-49 in the Appendix, item 11.

*Appendix A*  
*ECSD Discipline Policy 5135.1*

GENERAL STUDENT CONDUCT

The optimum benefits of the instructional process are available only when each student participates in and contributes to the process of learning that takes place in the classroom. To assure that this is present in each classroom, the Trustees believe that each student must adhere to the standards of conduct established by the school district and each of the schools.

School administrators and teachers will make known to all students and parents the expectations of good school conduct. They will assure that all class conduct is based on these principles.

School administrators and teachers will not subject themselves to abuse, annoyance or interruptions of their normal teaching functions by violations of the stated standards. They shall hold students to strict account for their conduct on school grounds, on the playground and during any intermission, (e.g. recess, field trips, and all school sponsored activities).

Students who do not observe the standards interrupt their own instruction, but more seriously, that of other students in the class. Students who will not observe these standards and whose parents will not or cannot affect proper behavior will be denied the opportunity to attend school.

Students who are denied the opportunity to attend school for violations of standards of good school conduct will be permitted to re-enter school only with the consent of the Superintendent and the school principal. Re-entry will be on a probationary basis and subject to continuing evaluation for conformance with the standards.

It shall be the policy of the Board of Trustees that the Superintendent shall cause to be formulated administrative regulations to provide a basic discipline procedure for each of the schools in the district. Each school shall be charged with the development of school and classroom plans that are consistent with the regulations and that serve the unique needs of each school.

*Appendix B*  
*ECSD Administrative Regulation 5135.3-AR*

## ADMINISTRATIVE REGULATION

### STUDENT DISCIPLINE

#### I. PURPOSE

These regulations shall provide for the uniform implementation of Board Policy 5135.3 in the school district.

#### II. PHILOSOPHY

The law charges every teacher and school administrator with maintaining order and discipline among students and provides that students who do not comply with reasonable rules may be subject to disciplinary action.

Throughout this administrative regulation, the term “school administrator” generally refers to the school principal or designee, including an assistant principal. The term “parent” generally refers to the student’s parents or legal guardians.

This Administrative Regulation incorporates amendments to NRS Chapter 392 enacted by the 2019 Legislature under Assembly Bill 168, by the 2021 Legislature under Assembly Bill 67, and by the 2023 Legislature under Assembly Bills 285 and 330. These changes generally prohibit the suspension or expulsion of students under the age of 11, with exceptions for misconduct in the following seven categories of behavior:

- A. Student who sells or distributes a controlled substance;
- B. Student who commits a battery against a school employee;
- C. Student who commits a battery against a school employee with intent to result in bodily injury;
- D. Student who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process;
- E. Student in possession of a dangerous weapon other than a firearm;
- F. Student in possession of a firearm; and
- G. Student deemed a habitual discipline problem.

NRS 392 also requires the development of progressive discipline plans based on restorative justice in certain circumstances for students who are being suspended or expelled. “Restorative justice” means nonpunitive

intervention and support provided by the school to a student to improve the behavior of the student and remedy any harm caused by the student.

### III. DEFINITIONS

#### Suspension

“Suspend” or “suspension” means the disciplinary removal of a student from the school in which the student is currently enrolled for not more than one school semester.

#### Expulsion

“Expel” or “expulsion” means the disciplinary removal of a student from the school in which the student is currently enrolled for more than one school semester with the possibility of:

1. Except as otherwise provided in subsection 2, returning to the school in which the student is currently reenrolled or another public school within the school district after the expulsion; and
2. Enrolling in a program or public school for alternative education for students who are expelled or permanently expelled during the period of expulsion.

#### Permanent Expulsion

“Permanently expelled” means the disciplinary removal of a student from the school in which the student is currently enrolled:

1. Except as otherwise provided in subparagraph (2), without the possibility of returning to the school in which the student 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 students who are expelled or permanently expelled after being permanently expelled.

#### IV. INDIVIDUAL CIRCUMSTANCES

Actions taken to control and correct undesirable student behavior should take individual circumstances into account. Concern for the safety and educational welfare of all students must be the major priority.

#### V. STUDENTS WITH DISABILITIES

Students with disabilities must be disciplined in accordance with applicable provisions of Part B of the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act, state law, and these regulations.

Students with disabilities receiving IEP services who are at least 11 years of age, or younger in the event that the student engages in misconduct in one of the seven categories where state law provides for the suspension, expulsion, and/or permanent expulsion of students with disabilities at any age, may be suspended from school for not more than 10 days for each occurrence of misconduct, expelled, or permanently expelled from school only after the Board of Trustees or a designee has reviewed the circumstances and determined that the action is in compliance with the IDEA. In Eureka County School District, the Special Education Director is the designee responsible for making this determination. Nevada law allows for the suspension of a student with a disability who is under the age of eleven (11) in the following areas of misconduct: 1) Student who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, 2) Student in possession of a dangerous weapon other than a firearm, or 3) Student in possession of a firearm.

Before any school administrator suspends a student with a disability for any portion of a day, up to a maximum of 10 days per occurrence of misconduct, or conducts a hearing regarding a proposed expulsion or permanent expulsion, the administrator must contact the Special Education Director who will determine whether the procedural requirements, if any, under the IDEA have been satisfied. This determination must be made before implementation of the short-term suspension, or before a hearing is conducted regarding a proposed expulsion or permanent expulsion.

In addition, pursuant to state and federal law, a student with a disability who has been suspended or expelled must be provided with a free appropriate public education in compliance with the IDEA for each school



day the student is suspended or expelled after the student has been removed for 10 cumulative days.

## VI. ADMINISTRATIVE RESPONSIBILITIES

School administrators are responsible for taking actions as necessary to protect students and school personnel from dangerous or socially detrimental actions of students.

## VII. PROHIBITED CONDUCT AND CONSEQUENCES

Students may be disciplined for violating the rules listed in this section. This list is not exhaustive. Only the most frequent infractions of school rules are listed. See student handbooks for schools in the Eureka County School District for additional information concerning prohibited conduct.

Consequences for misconduct vary and will be imposed or recommended by a school administrator at his or her discretion depending upon individual circumstances. Consequences may include a verbal reprimand, referral to the school counselor, in-school suspension or other in-school procedures, out-of-school suspension, or expulsion. When appropriate, progressive discipline will be imposed.

When it is alleged that city, state, or federal laws have been violated, a referral will also be made to the proper legal authorities and to the Superintendent or designee. Under certain circumstances suspension or expulsion is mandatory under state law. See Section XI titled "SUSPENSION, EXPULSION OR PERMANENT EXPULSION."

1. Defiance of authority of school personnel (refusal to comply with reasonable requests of school personnel)
2. Disorderly conduct, profanity, obscene behavior (conduct and/or behavior which is disruptive to the orderly educational procedure of the school)
3. Fighting (engaging in or threatening any act which might cause harm to another person, including "play-fighting")
4. Threats/verbal abuse (statements which intimidate or injure another person)
5. Destruction of property/vandalism (defacing, damaging, or destroying property or materials belonging to the school, school personnel, or other persons)
6. Theft (taking or attempting to take property that belongs to others)

7. Bus conduct (not following bus rules)
8. Smoking/chewing (the possession or use of tobacco on school property)
9. Forgery (writing and using the signature or initials of another person, or altering school documents)
10. Gambling (participating in games of chance for the purpose of exchanging money or something of value)
11. Drugs/alcohol (the use, possession, or sale of drugs, narcotics or alcoholic substances, or consumption of such substances)
12. Weapons (the illegitimate possession of any object which might be used to inflict injury to another person)
13. Extortion (the solicitation of money or something of value from another person in return for protection, or in connection with a threat to inflict harm)
14. Explosive/incendiary devices (the use, possession, or sale of explosive devices)
15. Bomb threats (any false report that a bomb or other explosive device has been placed)

#### VIII. DISCIPLINE CONSIDERATIONS

Discipline imposed for a violation of the rules of behavior by the student will be the appropriate discipline in light of all of the circumstances, including, without limitation:

1. The seriousness of the offense;
2. Prior violations of that or other rules of behavior;
3. Any statutorily required minimum discipline;
4. Any impairment or risk of impairment to the health, safety or welfare of school employees or students; and
5. Any actual, threatened or likely disruption to school operations.

#### IX. RANGE OF DISCIPLINE

The range of appropriate discipline includes:

1. Immediate informal discipline by staff;
2. Informal administrative discipline;
3. Detention;
4. In-school suspension/temporary removal from the classroom;
5. Short-term suspension (10 school days or less);

6. Long-term suspension (more than 10 school days up to and including one school semester);
7. Transfer;
8. Expulsion (more than one school semester); and
9. Permanent expulsion.

X. CORPORAL PUNISHMENT PROHIBITED

Corporal punishment may not be administered in any school in the Eureka County School District.

XI. SUSPENSION, EXPULSION OR PERMANENT EXPULSION

General Provisions

With the exception of the authority given to ECSD if a student engages in any of the seven categories of misconduct described below, students must be at least 11 years old to be subjected to a suspension, expulsion or permanent expulsion for violations of the ECSD code of conduct.

In extraordinary circumstances, a school official may request an exception from the Board of Trustees to expel or permanently expel a student under 11 years of age.

If a student is suspended for one school semester or expelled, the student must:

1. Enroll in a private school pursuant to Chapter 394 of NRS, or be homeschooled;
2. Enroll in a program of independent study provided pursuant NRS 389.155 for students 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 student qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program; or
3. Enroll in a program of alternative education provided by the school district. ECSD shall, alone or through a partnership with another school district, provide a program of alternative education in an in-person setting that allows each student enrolled in the program to receive educational services in the least restrictive environment.

A homeless student or a student in foster care may be suspended from school for not more than 5 days if, following a review of all available information, the principal determines that the conduct of the student poses an ongoing threat to the student or other persons at the school, and if a determination is made that homelessness or being in foster care was not a factor in the behavior that led to the consideration for suspension or expulsion. The person responsible for making a determination of whether or not homelessness or being in foster care was a factor in the behavior shall presume that homelessness or being in foster care was not a factor in the behavior unless the person determines otherwise. A determination that homelessness was not a factor in the behavior must be made in consultation with the ECSD liaison for homeless students in accordance with the McKinney-Vento Homeless Assistance Act of 1987, or a contact person at a school, including, without limitation, a school counselor or school social worker. A determination that being in foster care was not a factor in the behavior must be made in consultation with an advocate for students in foster care at the school in which the student is enrolled or the school counselor of the student.

For any proposed suspension of 10 days or less, see Section XIII, Procedures for Short-Term Suspensions.

For any proposed suspension of more than 10 days or an expulsion, see Section XIV, Procedures for Long-Term Suspensions or Expulsions.

#### Suspension, Expulsion or Permanent Expulsion in Seven Categories of Misconduct

Nevada law contains specific discipline authority and rules for seven categories of misconduct:

- A. Student who sells or distributes a controlled substance;
- B. Student who commits a battery against a school employee;
- C. Student who commits a battery against a school employee with intent to result in bodily injury;
- D. Student who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process;
- E. Student in possession of a dangerous weapon other than a firearm;
- F. Student in possession of a firearm; and
- G. Student deemed a habitual discipline problem.

The specific discipline rules for these seven categories of misconduct are described below.

The Superintendent may, for good cause shown in a particular case, allow a modification to the suspension or expulsion provisions for these seven categories of misconduct, if such modification is set forth in writing. The Superintendent shall allow such a modification if the Superintendent determines that a progressive discipline plan based on restorative justice may be used successfully.

**A. Student who Sells or Distributes Controlled Substances**

State law authorizes the ECSD to impose the following discipline for a student 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:

- Students ages 11 or older **may** be suspended, expelled, or permanently expelled.
- Students ages 6 through 10 **may** be suspended, but not expelled or permanently expelled.
- Students ages 5 or less **may** be suspended, but not expelled or permanently expelled. Any suspension must be reviewed and approved by the Superintendent or designee.

Nevada law does not allow the suspension of a student with a disability who is under the age of eleven (11) for this category of misconduct.

The student must meet with the school and the student's parent/legal guardian. The school will provide the parent/legal guardian a progressive discipline plan based on restorative justice.

The principal of the school may reduce the period of suspension or convert an expulsion to a suspension for a student who distributes a controlled substance while on the premises of a public school, at an activity sponsored by a public school or on a school bus if:

1. The student is less than 11 years of age;
2. The student has not engaged in such proscribed conduct before; and
3. After a thorough review of the facts and circumstances, the principal determines that the student did not know that the substance being distributed was a controlled substance.

## **B. Student who Commits a Battery Against a School Employee**

State law authorizes the ECSD to impose the following discipline for a student who commits a battery against an employee of the school while on the premises of any public school, at an activity sponsored by a public school or on any school bus:

- Students ages 8 or older **may** be suspended, expelled, or permanently expelled.
- Students ages 6 or 7 **may** be suspended, but not expelled or permanently expelled.
- Students ages 5 or less **may** be suspended, but not expelled or permanently expelled. Any suspension must be reviewed and approved by the Superintendent or designee.

Nevada law does not allow the suspension expulsion, or permanent expulsion of a student with a disability who is under the age of eleven (11) for this category of misconduct.

The student must meet with the school and the student's parent/legal guardian. The school will provide the parent/legal guardian a progressive discipline plan based on restorative justice.

"Battery" means any willful and unlawful use of force or violence upon the person of another. (NRS 200.481.1(a))

## **C. Student who Commits a Battery Against a School Employee with Intent to Result in Bodily Injury**

State law authorizes the ECSD to impose the following discipline for a student who commits a battery which is intended to result in the bodily injury of an employee of the school while on the premises of any public school, at an activity sponsored by a public school or on any school bus:

- Students ages 8 or older **must** be suspended, expelled, or permanently expelled.
- Students ages 6 or 7 **must** be suspended, but not expelled or permanently expelled.
- Students ages 5 or less **may** be suspended, but not expelled or permanently expelled. Any suspension must be reviewed and approved by the Superintendent or designee.

“Bodily injury” means any actual damage or injury to a person that interferes with or is detrimental to the health of the person and is more than merely accidental, transient or trifling in nature.

Nevada law does not allow the suspension expulsion, or permanent expulsion of a student with a disability who is under the age of eleven (11) for this category of misconduct.

The student must meet with the school and the student’s parent/legal guardian. The school will provide the parent/legal guardian a progressive discipline plan based on restorative justice.

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

**D. Student who Poses a Continuing Danger to Persons or Property or an Ongoing Threat of Disrupting the Academic Process**

State law authorizes the ECSD to impose the following discipline for a student who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process while on the premises of any public school, at an activity sponsored by a public school or on any school bus:

- Students ages 11 or older **may** be suspended, expelled, or permanently expelled.
- Students ages 6 through 10 **may** be suspended, but not expelled or permanently expelled.
- Students ages 5 or less **may** be suspended, but not expelled or permanently expelled. Any suspension must be reviewed and approved by the Superintendent or designee.

The student may be removed from the public school immediately upon being given an explanation of the reasons for the removal and pending proceedings, which must be conducted as soon as practicable after removal.

**E. Student in Possession of a Dangerous Weapon Other than a Firearm**

State law authorizes the ECSD to impose the following discipline for a student found in possession of a dangerous weapon other than a firearm while on the premises of any public school, at an activity sponsored by a public school or on any school bus:

- Students ages 11 or older **may** be suspended, expelled, or permanently expelled.
- Students ages 6 through 10 **may** be suspended, but not expelled or permanently expelled.
- Students ages 5 or less **may** be suspended, but not expelled or permanently expelled. Any suspension must be reviewed and approved by the Superintendent or designee.

The student may be removed from the public school immediately upon being given an explanation of the reasons for the removal and pending proceedings, which must be conducted as soon as practicable after removal.

“Dangerous weapon” includes, without limitation, a blackjack, slungshot, billy, sand-club, sandbag, metal knuckles, dirk or dagger, a nanchaku 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.

The definitions in NRS 393.410 are not determinative of whether a knife or other item is a dangerous weapon for purposes of NRS 392.466 as described in the following chart:

Reference	Type of Weapon/Knife	Consequence
NRS 392.466, 202.350	Blackjack, slungshot, billy, sand-club, sandbag, metal knuckles, dirk, dagger, machete, nunchaku, switchblade knife <sup>1</sup> , trefoil, butterfly knife, or any other object	May suspend, expel, or permanently expel; see

<sup>1</sup> For purposes of NRS 392.466, “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 the 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. NRS 202.265(5)(d).



	which is used or threatened to be used to pose a threat of or cause bodily injury to a person.	limitations for various ages above.
NRS 392.466, 202.350, 393.410	<p>NRS 393.410(4)(b)(2) defines a “dangerous weapon” as including as “dangerous knife.” NRS 393.410(4)(a) defines a “dangerous knife” as “a knife having a blade that is 2 inches or more in length when measured from the tip of the knife which is customarily sharpened to the unsharpened extension of the blade which forms the hinge connecting the blade to the handle.”</p> <p>However, a “dangerous knife” as defined by 393.410(4)(a) is not necessarily a “dangerous weapon” requiring removal under 392.466. For example, a paring knife with a 2 ½ inch blade is a dangerous knife under 393.410(4)(a) but not a dangerous weapon authorizing suspension, expulsion or permanent expulsion under age 11 under 392.466 <u>unless it is used as a dangerous weapon.</u></p>	Knife/weapon confiscated and student suspended for up to 10 days, unless knife used or threatened to be used to pose a threat of or cause bodily injury to a person.

**F. Student in Possession of a Firearm**

State law authorizes the ECSD to impose the following discipline for a student found in possession of a firearm while on the premises of any public school, at an activity sponsored by a public school or on any school bus:

- Students ages 11 or older **must** be suspended, expelled, or permanently expelled.
- Students ages 8 through 10 **must** be suspended or expelled, but not permanently expelled.
- Students ages 6 or 7 **may** be suspended, but not expelled or permanently expelled.
- Students ages 5 or less **may** be suspended, but not expelled or permanently expelled. Any suspension must be reviewed and approved by the Superintendent or designee.

The student **must** be removed from the public school immediately upon being given an explanation of the reasons for the removal and pending proceedings, which must be conducted as soon as practicable after removal.

“Firearm” is defined in NRS 392.466 as including, 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.

#### **G. Student Deemed a Habitual Discipline Problem**

A school administrator shall deem a student enrolled in the school a habitual disciplinary problem if the school has written evidence which documents that in one year the student has:

1. Threatened or extorted, or attempted to threaten or extort, another student or a teacher or other personnel employed by the school two or more times; or the student has a record of five significant suspensions from the school of three days or more for any reason; and
2. The school has made reasonable efforts to develop a plan of behavior and the student has not made efforts to enter into or participate in such a plan of behavior.

If a student is suspended, a school official shall develop, in consultation with the student and the parent or legal guardian of the student, a plan of behavior for the student. The parent or legal guardian may choose for the student not to participate in the plan of behavior. If the parent or legal guardian chooses for the student not to participate, the school official shall inform the parent or legal guardian of the consequences of not participating in the plan of behavior.

State law authorizes the ECSD to impose the following discipline for a student deemed a habitual discipline problem:

- Students at any age **may** be suspended.
- Students at any age **may** be expelled under extraordinary circumstances as determined by the principal.
- Students **may not** be permanently expelled.

Nevada law does not allow the suspension expulsion, or permanent expulsion of a student with a disability who is under the age of eleven (11) for this category of misconduct.

The school must make a reasonable effort to complete a progressive discipline plan based on restorative justice, based on the seriousness of the acts which were the basis for the discipline.

## XII. CONDUCT ON AND OFF CAMPUS

Violations of the rules listed in this regulation or the violation of any other regulation, policy, or law may result in the student being suspended or expelled when the misconduct occurs:

1. At any time on school grounds, whether or not school is in session, at the student's assigned school.
2. At any time on school grounds other than the student's assigned school, whether or not school is in session, or upon any properties controlled by the District.
3. Off school grounds at a school activity, function, event, or on the way to and from school or a school activity, function, or event.
4. Off school grounds but within sufficient proximity to district property that the conduct may have a direct impact on a school campus, a school sponsored activity, function, or event, or upon the health, welfare, or safety of students or school employees.
5. Off school grounds by a student who is truant and whose conduct may impact a school campus, a school sponsored activity, function or event, or the health, welfare, or safety of students or school employees.
6. At any time on or off the school grounds when the conduct has a direct impact on the health, welfare, or safety of students or school employees. This includes conduct off the school grounds that materially and substantially disrupts school activities, or causes school officials to reasonably believe that it will do so.

## XIII. PROCEDURES FOR SHORT-TERM SUSPENSIONS (UP TO 10 SCHOOL DAYS)

The following procedures will be implemented for short-term suspensions from school for ten consecutive school days or less. Except for the seven categories of misconduct described in Section XI, students must be at least 11 years old to be subjected to a short-term suspension.

The term "school administrator" refers to a dean/assistant principal or principal.

1. The school administrator tells the student that the school administrator is meeting with the student to investigate allegations that the student has violated laws, and/or rules, policies, or regulations of the school district.
2. The school administrator tells the student the specific laws, rules, policies, and/or regulations that are alleged to have been violated and that if the evidence supports the allegations, there will be consequences up to and including short-term or long-term suspension from school, and expulsion. The school administrator asks the student if the student understands the allegations.
3. The school administrator explains to the student the evidence the school administrator has regarding the alleged violation(s).
4. The school administrator asks the student to explain his or her conduct and gives the student an opportunity to present the student's side of the story.
5. After hearing the student's explanation and evidence, the school administrator determines if he/she needs more information and, if so, obtains it before making a decision. If no additional information is needed, the school administrator determines what, if any, violations exist and assigns appropriate consequences.
6. Before any school administrator suspends a student with a disability receiving IEP services for any portion of a day (up to a maximum of 10 days per occurrence of misconduct), the administrator must contact the Special Education Director who will determine whether procedural requirements, if any, under the IDEA have been satisfied. **This determination must be made before implementation of the suspension.**
7. If suspension is appropriate (for up to ten consecutive school days or less), the administrator notifies the student that the student will be suspended for (number of days) commencing (starting date). **A special education student receiving IEP services may be suspended for up to 10 days maximum per occurrence of misconduct.**
8. On the same day that the suspension is issued, the school administrator notifies the student and, if the student is under 18 years of age, the student's parent or legal guardian via telephone call that the student has been suspended for (number of days)

commencing (starting date). Notice of the terms of the suspension and the current process including timelines to exercise the right to appeal the suspension shall be provided in writing from the school administrator to the student and, if the student is under 18 years of age, the student's parent or legal guardian. A copy of this Administrative Regulation shall be included with the notice. If a student and/or parent require that the notice and/or this Administrative Regulation be translated into a language other than English, prompt translation services will be provided.

Only suspensions of three (3) or more days may be appealed.

If the suspension is for 3-10 days, the written notice must also include:

1. An explanation that if the student receives five significant suspensions of three or more days on his or her record during the current school year and has not entered into and participated in a plan of behavior, the student will be deemed a habitual disciplinary problem;
  2. An explanation that a student who is deemed a habitual disciplinary problem may be suspended from school; or expelled from school under extraordinary circumstances as determined by the principal of the school;
  3. If the student has a disability and is receiving IEP services, an explanation of the effect of NRS 392.466, including that if it is determined that the student's behavior is not a manifestation of the student's disability, he or she may be suspended or expelled from school in the same manner as a student without a disability;
  4. A summary of the provisions in NRS 392.4655 concerning the development of a behavior plan.
9. The student or, if the student is under 18 years of age, the parent or legal guardian of a student suspended for up to 10 school days may appeal the decision of the school administrator by contacting the District Office in writing within five (5) days of the issuance of the suspension. Only suspensions of three (3) or more days may be appealed.

The District Office will schedule a hearing on an appeal of a suspension within five (5) days of receipt of the written request for an appeal. The appeal of a suspension for up to 10 school days will be conducted in an in-person or virtual hearing chaired by a Eureka County School District school administrator who did not issue the original suspension. The student or, if the student is under 18 years of age, the parent or legal guardian and a Eureka County School District school counselor shall be invited to the appeal hearing.

During the hearing, the student or, if the student is under 18 years of age, the parent or legal guardian shall present any relevant information concerning the incident and alleged misconduct which formed the basis of the disciplinary action, as well as present any concerns regarding the student's meeting with the school administrator who issued the suspension. The school administrator chairing the appeal hearing, in consultation with the school counselor shall then determine whether the disciplinary action taken by the school administrator who issued the suspension will be upheld or overturned. The District Office will notify the student or, if the student is under 18 years of age, the parent or legal guardian of the appeal decision of the within two school days of the appeal hearing. The appeal decision is final.

A student who is suspended for up to 10 school days or is being considered for suspension for up to 10 school days:

- (a) May be considered for temporary alternative placement pursuant to NRS 392.4645 if, in the judgment of the principal after consideration of the seriousness of the acts which were the basis for the discipline of the student:
  - (1) The temporary alternative placement will serve as the least restrictive environment possible, pursuant to NRS 392.4674; and
  - (2) The student does not pose a serious threat to the safety of the school.
- (b) Must be provided education services to prevent the pupil from losing academic credit or becoming disengaged from school during the period of suspension.

#### XIV. PROCEDURES FOR LONG-TERM SUSPENSIONS (UP TO ONE SEMESTER) OR EXPULSIONS (MORE THAN ONE SEMESTER)

The following procedures will be implemented for long-term suspensions (more than ten consecutive school days, up to one semester), expulsions (more than one semester), and permanent expulsions. These sanctions are collectively referred to in this section as "long-term suspension(s)" and/or "expulsion(s)." Except for the seven categories of misconduct described in Section XI, students must be at least 11 years old to be subjected to a long-term suspension or expulsion.

Unless otherwise mandated by statute, the timelines are general guidelines, subject to modification under individual circumstances.

1. If the school administrator determines that a long-term suspension or an expulsion is an appropriate consequence for a violation of laws, rules, policies, and/or regulations, the school administrator must notify the Office of the Superintendent within two days, or as soon as practicable, of imposing a short-term suspension.
2. Students with disabilities receiving IEP services may not be suspended for more than 10 days per occurrence of misconduct. Students with disabilities receiving IEP services may be expelled or permanently expelled. Before any hearing is scheduled to propose the expulsion or permanent expulsion of a student with a disability, the administrator must contact the Special Education Director who will determine whether procedural requirements, if any, under the IDEA have been satisfied. This determination must be made before scheduling any hearing.
3. The Office of the Superintendent will designate a committee of three impartial school district employees, one of whom will be a school administrator who will chair the committee, to conduct a hearing on the proposed long-term suspension or expulsion.
4. The hearing will generally be scheduled no later than the conclusion of the short-term suspension, unless individual circumstances require an extended timeline.
5. Five calendar days in advance of the scheduled hearing, the school administrator will send or hand-deliver to the student and, if the student is under 18 years of age, the student's parent or legal guardian a written notice that includes the following:
  - a. A statement of the laws, rules, policies, and/or regulations allegedly violated by the student and the disciplinary action proposed by the school administrator;
  - b. Notification that the school district will convene a hearing before imposing any additional suspension (beyond any short-term suspension already imposed) or expulsion and that the school district will be providing notification of the date, time, and location for the scheduled hearing;
  - c. Notification of the student's right to be represented at the hearing by an advocate of his or her choosing, including legal counsel;
  - d. Notification of the student's right to present evidence and witnesses in his or her own behalf and to cross-examine witnesses against the student who are available and present at the hearing;
  - e. Notification of witnesses the school intends to present;

- f. Notification of written evidence the school intends to present and copies of any such evidence;
- g. Notification of the current process including timelines to exercise the right to appeal the long-term suspension or expulsion; and
- h. A copy of this administrative regulation.

If a student and/or parent require that the notice or this administrative regulation be translated into a language other than English, prompt translation services will be provided.

- 6. The committee will not be required to observe the strict rules of evidence observed by the courts, and shall be allowed to take such evidence, including oral and written evidence, as the committee deems appropriate.
- 7. Neither the school administrators nor the student or his parents shall discuss the merits of the case with any member of the committee prior or subsequent to the hearing.
- 8. The District will tape record the hearing, and the District's tape recording is the official recording of the proceeding. The parent may obtain a copy upon request.
- 9. All hearings shall be closed to the public. (NRS 392.467(4))
- 10. At the conclusion of the hearing, the committee shall issue a written decision stating its findings with respect to the alleged violation(s) of laws, rules, policies, and/or regulations and the disciplinary consequences, if any, to be imposed. Generally, the written decision of the long-term suspension or expulsion hearing panel will be provided to the student and, if the student is under 18 years of age, the parent or legal guardian prior to the conclusion of any short-term suspension that has been imposed pending the long-term suspension or expulsion hearing.
- 11. The decision of the hearing committee may be appealed by the student or, if the student is under 18 years of age, the parent or legal guardian of a student suspended for more than 10 school days or expelled.

The student or, if the student is under 18 years of age, the parent or legal guardian may appeal the decision of the hearing committee by contacting the District Office in writing within five (5) days of the issuance of the decision of the hearing committee. The District



Office will schedule a hearing on the appeal of a long-term suspension or expulsion within five (5) days of receipt of the written request for an appeal

The District Office will immediately contact the Superintendent. The appeal of a long-term suspension or an expulsion will be conducted by the Superintendent or designee in an in-person or virtual hearing within five (5) days of receipt of the request for an appeal. During the hearing, the student or, if the student is under 18 years of age, the parent or legal guardian shall present any relevant information concerning the incident and alleged misconduct which formed the basis of the disciplinary action, as well as present any concerns regarding the impartial hearing proceedings. Following the hearing, the Superintendent or designee will review the tape recording of the hearing and the final decision of the hearing committee. The Superintendent or designee will review adherence to the requirements for procedural safeguards listed above. The Superintendent or designee will review the evidentiary basis for the decision of the hearing committee. After reviewing the evidentiary basis for the decision and the extent to which the hearing procedures were adhered to, the Superintendent or designee shall then determine whether the disciplinary decision of the hearing committee will be upheld or overturned. The Superintendent or designee will notify the student or, if the student is under 18 years of age, the parent or legal guardian of the decision of the Superintendent or designee within two school days of the appeal hearing. The decision of the Superintendent or designee is final.

A student who is suspended for more than 10 school days, expelled, or permanently expelled, or is being considered for suspension for more than 10 school days, expelled, or permanently expelled:

- (a) May be considered for temporary alternative placement pursuant to NRS 392.4645 if, in the judgment of the principal after consideration of the seriousness of the acts which were the basis for the discipline of the student:
  - (1) The temporary alternative placement will serve as the least restrictive environment possible, pursuant to NRS 392.4674; and
  - (2) The student does not pose a serious threat to the safety of the school.
- (b) Must be provided education services to prevent the pupil from losing academic credit or becoming disengaged from school during the period of suspension, expulsion, or permanent expulsion.

XV. STUDENTS UNDER SUSPENSION OR EXPULSION FROM OTHER SCHOOLS

Except as otherwise provided in NRS 392.4675 schools in the Eureka County School District will not accept students who are under suspension or expulsion from other schools until such suspension or expulsion has been completed.

ADOPTED: 03/15/2022

REVISED: 11/11/2023, 11/12/2024

LEGAL REFERENCE: NRS 391.270, 392.466, 392.467