

**PROPOSED REGULATION OF THE
STATE BOARD OF EDUCATION**

LCB File No. R048-00

June 26, 2000

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§1-3, NRS 385.080.

Section 1. Chapter 392 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. 1. *The plan to provide for the progressive discipline of pupils and on-site review of disciplinary decisions required pursuant to NRS 392.4644 must include, without limitation:*

(a) A description of how the plan of the school is consistent with the written rules of behavior prescribed in accordance with NRS 392.463;

(b) A description of any actions of the school that attempt to promote appropriate changes in the behavior of a pupil who is disciplined;

(c) A statement of the procedures for the:

(1) Temporary removal of a pupil from a classroom by a teacher;

(2) Assignment of a pupil to a temporary alternative placement; and

(3) On-site review of the removal of a pupil pursuant to the provisions of NRS 392.4645 to 392.4648, inclusive;

(d) A description of any additional requirements related to the temporary removal of a pupil from a classroom by a teacher, including, without limitation:

(1) Written documentation by the teacher describing:

(I) The behavior of the pupil that seriously interferes with the ability of the teacher to teach the other pupils in the classroom and with the ability of the other pupils to learn; and

(II) Any progressive disciplinary steps taken by the teacher before the temporary removal of the pupil by the teacher;

(2) The method to be used to identify the location for a temporary alternative placement of a pupil who is separated from pupils not assigned to such temporary alternative placement, or written documentation of any reason that a pupil is not assigned to a temporary alternative placement;

(3) Any procedure which ensures that a pupil who is temporarily removed from the classroom studies under the supervision of appropriate personnel of the school district;

(4) A policy stating whether, in the case of a pupil with multiple classrooms, the pupil will be removed from any other classrooms; and

(5) Any method to be used to notify the parent or legal guardian of a pupil within 24 hours after the temporary removal of a pupil from a classroom;

(e) A description of the circumstances under which the principal of a school shall deem a pupil enrolled in the school a habitual disciplinary problem pursuant to NRS 392.4655;

(f) For the purposes of NRS 392.4655, a description of how the following phrases will be interpreted:

(1) "Initiating a fight";

(2) "Threatened or extorted, or attempted to threaten or extort"; and

(3) "Written evidence";

(g) A policy as to whether a plan of behavior for a pupil pursuant to NRS 392.4655 will be developed;

(h) A description of the process for developing the plan described in paragraph (g), if applicable;

(i) An assurance that the written notice to the parent or legal guardian pursuant to NRS 392.4655:

(1) Meets the requirements set forth in subsections 3 and 5 of NRS 392.4655; and

(2) Contains a description of the right of a pupil and his parent or legal guardian to engage in a plan of behavior and the appeal process pursuant to NRS 392.4655;

(j) A description of any provisions regarding suspension or expulsion of pupils pursuant to NRS 392.466 and 392.467;

(k) The method that the school will use to record and report the incidence of:

(1) Suspension of pupils;

(2) Administrative removal of pupils;

(3) Temporary removal of pupils from classrooms by teachers;

(4) Expulsion of pupils; and

(5) Permanent expulsion of pupils; and

(l) For the purposes of NRS 392.467, a description of how the following terms will be interpreted:

(1) “An ongoing threat of disrupting the academic process”; and

(2) “Poses a continuing danger to persons or property.”

2. As used in this section:

(a) “Administrative removal of a pupil” means an action by an administrator of a school that:

(1) Prohibits a pupil from attending school for fewer than 3 consecutive school days; or

(2) Allows a pupil to attend school in a setting other than the pupil's regular classroom for fewer than 3 consecutive school days.

(b) "Expulsion of a pupil" means an action by the board of trustees of a school district that prohibits a pupil from attending school for at least 90 consecutive school days but not more than 180 consecutive school days.

(c) "Permanent expulsion of a pupil" means an action by the board of trustees of a school district that prohibits a pupil from attending school for more than 180 consecutive school days.

(d) "Suspension of a pupil" means an action by a school in which a pupil is enrolled that:

(1) Prohibits the pupil from attending school for 3 or more consecutive school days but not more than 90 consecutive school days; and

(2) Requires a conference or some other form of communication with the parent or legal guardian of the pupil before the pupil is allowed to return to school.

(e) "Temporary removal of a pupil from a classroom by a teacher" means that a teacher removes a pupil from the classroom pursuant to NRS 392.4645.

Sec. 3. 1. *The plan to provide for the progressive discipline of pupils and on-site review of disciplinary decisions required pursuant to NRS 392.4644 must be available to the public in the school library.*

2. Copies or annotated copies of the plan, as appropriate, must be distributed to each:

(a) Member of school personnel;

(b) Pupil at the beginning of the school year; and

(c) Pupil who enters school during the school year.