

**PROPOSED REGULATION OF THE
DEPARTMENT OF EDUCATION**

LCB FILE NO. R155-20I

**The following document is the initial draft regulation proposed
by the agency submitted on 09/14/2020**

REQUESTED AMENDMENT TO NAC 388.XXX

(REGULATION R ___-19)

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

PLEASE NOTE: This draft language is associated with the requirement of SB 89, Section 9, which requires the Department of Education to add to the existing Model Policy for Safe and Respectful Learning Environments the “[r]equirements and methods for restorative disciplinary practices.”

- The statutory requirement for a Model Policy for Safe and Respectful Learning Environments can be found in NRS 388.133.
- Current regulatory language on the Model Policy for Safe and Respectful Learning Environments can be found in NAC 388.870 – NAC 388.920. The most recent version of the Model Policy for Safe and Respectful Learning Environments can be found [here](#).

The draft language below would be new language to be added to that portion of NAC 388, which currently includes the requirements for investigating incidents of bullying/cyberbullying as well as other requirements for the provision of a safe and respectful learning environment.

Section 1. Chapter 388 of NAC is hereby amended by adding thereto the provisions set forth as Sections 2 of this regulation.

Sec. 2. *1. Each school or district shall address the restorative discipline of pupils in a manner which:*

- a. Considers the unique strengths of pupils and their families, the leadership and staff of the school, and the community in which they reside;*
- b. Is culturally responsive and trauma informed;*
- c. Serves to eliminate disparate or discriminatory discipline of any student based on actual or perceived race, color, national origin, ancestry, religion, gender identity or*

expression, sexual orientation, physical or mental disability of a person, sex or any other distinguishing characteristic or background of a person;

d. Supports effective and transparent communication with pupils and the parents or guardians of pupils;

e. Regularly and intentionally incorporates pupil voice from a collaborative perspective; and

f. Incorporates the philosophy, methods, and practices identified in nationally accepted best practice models for restorative discipline in schools.

2. In addressing the restorative discipline of pupils, each school or district shall utilize the framework for integrated student supports pursuant to NRS 388.885, including:

a. The use of a school team to implement a tiered model of prevention and supports, which team shall:

(1) Include representation from administrators, teachers, specialized instructional support personnel as defined in NRS 388.890, pupils, the parents or guardians of pupils, and community stakeholders; and

(2) Meet on a regular basis to review the effectiveness of the preventions and supports which are selected by the school team including through the examination of relevant data at the school, cohort, or individual pupil level, as appropriate.

b. Prevention strategies, practices, and supports which are:

(1) Based on nationally accepted best practices and, to the extent possible, empirically validated scientific evidence;

(2) Culturally responsive and respectful; and

(3) Grounded in high quality instructional practices.

c. The use of data to support decision making and to monitor the progress of the implementation of preventative and responsive supports and practices at the school, cohort, or individual pupil level, as appropriate.

(1) Such data sources may include, without limitation:

(a) annual school climate surveys;

(b) information published through the automated system of accountability information established pursuant to NRS 385A.800, including but not limited to pupil assessments, pupil graduation rates, discipline of pupils, and the attendance of pupils;

(c) any data collected through the screening or assessment conducted pursuant to subsection 1 of NRS 388.885; and

(d) any other such data which supports the implementation of a tiered model of prevention and supports.

(2) To the extent possible, the data used for these purposes shall be disaggregated and examined by the pupil characteristics identified in subsection 2 of NRS 385A.240 and NRS 385A.250 to support the identification of disproportional access to prevention and supports or relevant pupil outcomes.

(3) Such data shall be used to:

(a) identify preventive measures to support the establishment and ongoing maintenance of a positive school climate for pupils, the parents and guardians of pupils, and the faculty and staff of the school;

(b) identify a process and indicators for identifying pupils who may need additional supports beyond the preventative measures that have been implemented in a school;

(c) identify a tiered system of supports and interventions that may be provided to pupils based on the indicators identified by the school team;

(d) develop goals and a plan of action to address any issues of disproportionality or trends in the discipline of pupils identified and reported pursuant to NRS 385A.840 and NRS 392.462; and

(e) identify areas for the professional development of school administrators and teachers. Such training may include:

i. methods and practices of restorative discipline approaches;

ii. the written rules of behavior and punishments established pursuant to NRS 392.463 and the plan for restorative discipline established pursuant to NRS 392.4644;

iii. culturally responsive classroom management;

iv. awareness regarding the impacts of implicit bias and methods to mitigate those impacts;

v. trauma informed instructional practices;

vi. social, emotional, and academic development; and

vii. any other such training which supports a safe and respectful learning environment.

3. When carrying out the provisions of the written rules of behavior and punishments established pursuant to NRS 392.463 or the plan for restorative discipline established pursuant to NRS 392.4644:

a. the administrator or the designee of the administrator is to act in loco parentis and must act to safeguard student rights; and

b. a school resource officer or school police officer must align his or her actions with nationally accepted best practice models as established by the national associations for such officers, including non-involvement with student discipline.

4. Each school or district shall develop a template for an individual plan of action for use with a pupil who is identified as needing restorative disciplinary supports. Such plan must:

a. Include supports and interventions which:

(1) hold the pupil accountable for his or her behavior;

(2) serve to restore or remedy damage or injury related to the behavior of the pupil;

(3) provide, as appropriate, relief for any victim of the pupil; and

(4) support the pupil in changing his or her behavior.

b. Consider previous efforts to prevent or address the behavior through nonpunitive intervention and support provided by the school to the pupil to improve the behavior of the pupil.

c. Consider any characteristics of the pupil which may be contributing to the behavior of the pupil, including but not limited to:

(1) diagnosed or undiagnosed mental illness;

(2) current or past trauma;

- (3) appropriateness of the pupil's placement or setting;*
- (4) victimization from or perpetration of bullying;*
- (5) familial, social, or environmental factors which may be affecting the pupil's ability to engage in appropriate behaviors in the school; and*
- (6) the pupil's age and ability to understand the consequences of his or actions.*

d. Utilize multiple sources of data in identifying appropriate supports for the pupil and for monitoring the effectiveness of those supports.

e. To the extent possible, include input from the parent or guardian of the pupil and, as appropriate, the pupil.