

LCB File No. R048-00

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

NOTICE OF INTENT TO ACT UPON A REGULATION

**Notice of Hearing for the Adoption of Regulations
of the Nevada State Board of Education/Nevada
State Board for Occupational Education**

The Nevada State Board of Education/Nevada State Board for Occupational Education will hold a public hearing on **Saturday, June 10, 2000** at the **Department of Education, Board Room 101, 700 East Fifth Street, Carson City, Nevada.**

The time for the public hearing has been scheduled as follows:

10:00 a.m. **Public Hearing on Proposed Revisions to Regulation, NAC 392, School District Progressive Discipline Plans (First of Two Public Hearings)**

The purpose of the hearing is to receive comments from all interested persons regarding proposed regulation language that pertain to **Chapter 392** of the Nevada Administrative Code.

The substance of the proposed regulation is to clarify procedures for school districts to implement progressive discipline plans in accordance with Assembly Bill 521, passed by the 1999 Legislature.

There is no anticipated economic effect of the regulation on the business that the agency regulates. The beneficial, immediate and long term effects will be to clarify the implementation of state statute.

There is no known anticipated economic effect on the public. There is no additional cost for enforcement to the regulating agency.

There is no federal law affecting the proposed regulations and there is no duplication or overlap of state or local government agencies. The proposed regulations do not establish any new fees nor increase an existing fee of the regulating agency.

Persons wishing to comment upon the proposed action of the Nevada State Board of Education/Nevada State Board for Occupational Education may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form to the Nevada Department of Education, 700 East Fifth Street, Carson City, Nevada 89701-5096. Written submissions must be received by Department of Education **on or before Monday, June 5, 2000.** The following statement applies for hearings noticed above for possible Board adoption: If no person who is directly affected by the proposed action appears to request time to make an oral

presentation, the Nevada State Board of Education/Nevada State Board for Occupational Education may proceed immediately to act upon any written submissions.

A copy of this notice and the proposed regulation will be on file at the Nevada State Library and Archives, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the proposed regulation will be available at the Nevada Department of Education, 700 East Fifth Street, Carson City, 89701-5096, and in all counties at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available at the State of Nevada Register of Administrative Regulations which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233b.0653, and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reasons for overruling the consideration urged against its adoption.

This notice has been filed at the following locations: The offices of the Nevada Department of Education in Carson City and Las Vegas, at the 17 Nevada School District Superintendents' Offices, the 17 county main public libraries, and at the Nevada State Library and Archives.

**NEVADA STATE BOARD OF EDUCATION
NEVADA STATE BOARD FOR OCCUPATIONAL EDUCATION**

RULES FOR PUBLIC TESTIMONY

1. In accordance with NRS 233B.060, the Board, before adopting, amending or repealing any permanent or temporary regulations shall give at least 30 days of notice.
2. The Board will endeavor to hold public hearings on its intended action in two separate locations. The Board does reserve the right to hold only one hearing. A public hearing held by video telecommunication, allowing access at two separate locations, will be considered as two hearings. Also, under NRS 233B.060, the Board has the authority to promulgate emergency regulations which expire and then must go through the regular public hearing process.
3. All persons wishing to submit written testimony for a public hearing of the Board should do so at least five (5) working days before the scheduled public hearing.
4. Written submissions should be sent to the Board Secretary, State Board of Education, Department of Education, 700 East Fifth Street, Carson City, Nevada 89701-5096. All materials will be duplicated for distribution to the Board members.
5. Persons wishing to give oral testimony at the public hearing should sign in at the meeting on the cards provided and submit the card to the Board secretary.
6. Each person giving oral testimony is asked to provide a single page abstract of comments, if possible.
7. The Board President, at the time of the public hearing, may ask a person to condense their testimony so that all persons wishing to speak will have the opportunity. Time limits on testimony may be placed at the discretion of the Board President.

Adopted 3/21/93

PROPOSED REGULATION OF THE STATE BOARD OF EDUCATION

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

Authority: NAC 385.080

Section 1. Chapter 392 of NAC is hereby amended by adding thereto the following provisions:

Section 2. *Provisions governing progressive discipline plans: Definitions. Unless otherwise provided, the words and terms defined have the meanings ascribed to them in those sections.*

A. "Pupil suspension" defined. "Pupil suspension", pursuant to NRS 392.4657, occurs when the school in which the pupil is enrolled:

(1) Prohibits the pupil from attending school for 3 or more consecutive school days up to and including 90 school days; and

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

B. "Administrative removal of pupil" defined. "Administrative removal of pupil" occurs when the administration of a school:

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

(2) allows the pupil to attend school but in a setting other than the pupil's regular classroom for a period of less than 3 consecutive school days.

C. "Temporary removal of pupil by teacher" defined. "Temporary removal of a pupil by a teacher", pursuant to NRS 392.4645 occurs when, in the judgement of the teacher, a pupil has engaged in behavior that seriously interferes with the ability of the teacher to teach the other pupils in the classroom and with the ability of the other pupils to learn.

D. "Pupil expulsion" defined. "Pupil expulsion" occurs when the board of trustees of a school district prohibits a pupil from attending school for a period between 91 through 180 consecutive school days.

E. "Permanent pupil expulsion" defined. "Permanent pupil expulsion occurs when the board of trustees of a school district prohibits a pupil from attending school for any period exceeding 180 consecutive school days.

Section 3. Pursuant to NRS 392.4644, the principal of each school shall establish a plan to provide for the progressive discipline of pupils. In addition to the requirements contained in NRS 392.4644 this plan shall include, without limitation, the following:

1. A description of how the school's progressive discipline plan aligns with the written rules of behavior and punishments as prescribed by the district pursuant to NRS 392.463;

2. A description of the continuum of interventions focused on promoting appropriate changes in the behavior of a pupil;

3. Procedures for the removal of a pupil from the classroom, assignment to a temporary alternative placement, and on-site review of the removal pursuant to NRS 392.4645 to NRS 392.4648. Additional requirements regarding temporary removal of a pupil include, without limitation:

(A) Written documentation by the teacher to include: (a) the pupil's behavior that seriously interferes with the ability of the teacher to teach the other pupils in the classroom and with the ability of the other pupils to learn; and (b) the progressive disciplinary steps or interventions taken by the teacher prior to the temporary removal of the pupil by the teacher;

(B) Identification of the location for a pupil's temporary placement that is separated from pupils not assigned to such temporary alternative placement, or written documentation that such separation is not practicable;

9C) Procedures that assure that the pupil temporarily removed from the classroom studies under the supervision of licensed school district personnel;

(D) A policy stating whether, in the case of pupils with multiple classrooms, the pupils will be removed from these classrooms as well; and

(E) Procedures that document the methods to be used to notify the parent or legal guardian within 24 hours of pupil removal;

4. Provisions under which the principal shall deem a pupil a habitual disciplinary problem pursuant to NRS 392.4555 as well as:

(A) Definitions of what constitutes (1) "written evidence"; (2) "threatened or extorted, or attempted to threaten or extort"; and (c) "initiating a fight";

(B) A policy as to whether a plan of behavior for a pupil will be allowed and a description of the process for developing the plan, if applicable; and

(C) An assurance that the written notice to the parent or legal guardian includes requirements specified in NRS 392.4655, subsections 3 and 5 and a description of:

(1) The right of a pupil to receive equivalent instruction if deemed a habitual disciplinary problem; and

(2) the right of a pupil and his parent or legal guardian to engage in a plan of behavior and the appeal process pursuant to subsection 2 and

5. Provisions regarding suspension or expulsion of pupils pursuant to 392.466 and 392.467 and definitions of what constitutes (1) “poses a continuing danger to persons or property”; and (2) “an ongoing threat of disrupting the academic process”; and

A. the progressive discipline plan must be available to the public in the school library. Copies or annotated copies of this plan, as appropriate, shall be distributed to all school personnel and to each pupil at the beginning of the school year and to each pupil who enters school during the year.