

Elko County School District 2021-2022

Restorative Discipline Plan

Infraction	Grade Level	Applicable ECSD/NRS Code	1st Violation	2nd Violation	3rd Violation	4th Violation	5th Violation	6th Violation	7th Violation
Bus Conduct and Citations	K-12	JCCC	Driver gives verbal warning to student by name.	Driver changes seat assignment of student.	Driver issued first written misconduct report. Parent conference or written notification to parent by administration.	Driver issued second written misconduct report. Student may be suspended from riding school transportation for 3 to 5 days (determined by administration). Parent conference to be held prior to reinstatement.	Driver issued third written misconduct report. Student suspended from riding bus minimum of 10 days by administration. Parent conference held prior to reinstatement.	Driver issued fourth written misconduct report. Student suspended from riding bus minimum of 30 days by administration. Parent conference held prior to reinstatement.	Driver issued fifth written misconduct report. Student excluded from the bus for the balance of the year by administration. Parent conference and/or written notification.
Classroom/Activity Disruption, Profanity/Inappropriate Speech	K-12	JDB, NRS 392.910	D 1-3 days	PC, D 3-5 days	PC, ISS/OSS - 1-5 day	Progressive from previous step			
Dress Code Violation	K-12	JCD, JDB	Verbal Warning, Change Clothing	PC, D 1 - 3 days, Change Clothing	PC, ISS 1 - 3 days, Change Clothing	PC, ISS/OSS 1 - 5 days, Change Clothing	Progressive from previous step		

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Suspension or Expulsion

• Only students who are at least 11 years old may be removed from a school, suspended, or expelled, with the following exceptions:

- o A general education student in possession of a firearm or dangerous weapon (NRS 392.466.3), or
- o Under extraordinary circumstances, in which case a school may request an exception to this prohibition from the district Board of Trustees (NRS 392.466.9, NRS 392.467.1).

District Superintendent Modification of Suspension or Expulsion

• A district superintendent may, for a good cause shown in a particular case in that school district, allow a modification to a suspension or expulsion made pursuant to sections 1-5 of NRS 392.466, if such modification is set forth in writing. If the superintendent determines that a plan of action based on restorative justice may be used successfully, the superintendent must allow the modification (NRS 392.466.7).

Removal Solely Based on Attendance Not Permitted

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EDV Policy - Use/Misuse by Pupils of Pager, Cell Phone, Electronic, or Digital Devices During Class/Passing Time. ED violations are cumulative from 7th – 12th grades.	K-12	JDBA, NRS 392.4637	PC, Warning, Device Confiscated, parent/guardian notified, device returned to Parent/Guardian only.	PC, D 1 - 3 days, Device Confiscated & Returned to Parent/Guardian only.	PC, ISS/OSS 1 - 5 days, Device Confiscated & Returned to Parent/Guardian only, ED privileges lost for 90 school days.	PC, ISS/OSS 1 - 5 days, Device Confiscated & Returned to Parent/Guardian only, ED privileges lost for 180 school days, HDP notice.	Progressive from previous step		
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Public Display of Affection (PDA)	5th-12th	JDB	Verbal Warning	PC, D 1 - 3 days	PC, D/ISS 1 - 3 days	Parent Conference, D/ISS 3 - 5 days	Progressive from previous step		
Loitering	7th - 12th	JDB, NRS 207.270, 393.410	PC, Verbal warning	PC, D, SRO 1 - 5 days	PC, ISS/OSS, SRO 1 - 5 days	PC, OSS, SRO 1 - 5 days	Progressive from previous step		
Skipping Detention/ISS	K-12	JDB	D/ISS, 1 additional day added to total	PC, ISS 1 - 3 days	PC, ISS/OSS 1 - 3 days	PC, OSS 1 - 5 days	Progressive from previous step		
Tardies	K-12	JDB	Determined by school site						
Truancy	K-12	JBC, NRS 392.130, 392.140	PC, D/ISS, SRO Contact 1 - 3 days	PC, D/ISS, SRO Contact 1 - 5 days	PC, SRO, ISS 3 - 5 days, TC, (NRS 392.140) - HT designation	Progressive from previous step			

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Truancy - students over 18 (no citations issued)	9th-12th	JBC, NRS 392.130, 392.140	PC, D, SRO 1 - 3 days	PC, D, SRO 1 - 5 days	PC, SRO, ISS 1 - 3 days, HT designation, D 1 -3 days	PC, SRO, D 1 - 5 days, HT designation, ISS 1 - 5 days	Progressive from previous step		
Vehicle or Parking/Driving Violations	9th-12th	JDB	Report to SRO						
Impairing Health, Safety or Welfare of others	K-12	JDB	D/ISS/OSS, 1 - 3 days	PC, ISS/OSS 1 - 3 days	PC, OSS 1 - 5 Days	Progressive from previous step			
Inciting Conflict or Aiding the Inciting of Conflict	K-12	JDB	PC, D/ISS/OSS 1-3 Days	PC, D/ISS/OSS 1-5 Days	PC, D/ISS/OSS 3-5 Days	Progressive from previous step			
Insubordination/Disrespect	K-12	JDB	PC, D/ISS/OSS - 1 - 3 days	PC, ISS/OSS 3 - 5 days	PC, OSS 3 - 10 days	Progressive from previous step			
Profanity/Inappropriate Speech directed at Staff	K-12	JDB, NRS 392.910	PC, ISS/OSS 1 - 3 days	PC, OSS 1 - 5 days	Progressive from previous step				
Theft	K-12	JDB, NRS 205.0832	PC, ISS/OSS 1 - 3 days, SRO's may file police report (restitution may apply).	PC, ISS/OSS 1 - 5 days SRO's may file police report (restitution may apply).	PC, OSS 5 - 10 days, SRO's may file police report (restitution may apply).	Progressive from previous step			
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Use/Possession - Tobacco Product	K-12	JDB	PC, D/ISS 1 - 3 Days	PC, ISS 3-5 Days	PC, OSS 1-3 Days	PC, OSS 3-5 Days	PC, OSS 5-10 Days	PC, OSS HD, LTS 90+ days, NRS 392.4655	
Vandalism, Damage to School Property	K-12	JDB, NRS 393.410	PC, D/ISS/OSS 3 - 5 days, restitution, SRO will file a police report.	PC, ISS/OSS 5 - 7 days, restitution, SRO will file a police report.	PC, OSS 5 - 10 days, restitution, SRO will file a police report.	Progressive from previous step			
Bullying, Cyber-Bullying, Harassment, Verbal, Physical, or Sexual	K-12	JDA, JDAB, JDBA, NRS 388.122, 388.123	PC/D/ISS/OSS - 1-3 Days SRO Contact Complete <u>ECSD Bullying and Cyber- Bullying Investigation Report</u> . Notice of investigation sent to the parents of all students involved.	PC/OSS - 3-5 Days SRO Contact Complete <u>ECSD Bullying and Cyber-Bullying Investigation Report</u> - Notice of investigation sent to the parents of all students involved.	PC/OSS - 5-10 Days SRO Contact Complete <u>ECSD Bullying and Cyber- Bullying Investigation Report</u> - Notice of investigation sent to the parents of all students involved.	PC/OSS - 10 Day Pending completion of investigation. SRO Contact Complete <u>ECSD Bullying and Cyber- Bullying Investigation Report</u> - Notice of investigation sent to the parents of all students involved. Long-term suspension, NRS 392.4655			

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Gang Activities	K-12	NRS 388.122, 392.4635	PC, D/ISS/OSS 3 - 5 days, SRO will file a police report.	PC, ISS/OSS 5 - 7 days, SRO will file a police report.	PC, OSS 5 - 10 days, SRO will file a police report.	PC, OSS 5 - 10 days, SRO will file a police report.	PC, OSS 10 days, SRO will file a police report, HDP, LTS 90+ days, NRS 392.4655		
Infraction	Grade Level	Applicable ECSD/NRS Code	1st Violation	2nd Violation	3rd Violation	4th Violation	5th Violation		
Use/Possession - Controlled Substance <i>(alcohol is not a controlled substance)</i>	K-12	JDB, NRS 202.020 453.566	PC, OSS 5 days, 3-day ALERT option, SRO will file a police report.	PC, OSS 10 days, SRO will file a police report.	PC, OSS 10 days, SRO will file a police report.	PC, OSS 10 days, SRO will file a police report.	PC, OSS 10 days, SRO will file a police report, HDP, LTS 90+ days, NRS 392.4655		
Use/Possession/Distributi on of Alcohol	K-12	JDB, NRS 202.020, 453.566	PC, OSS 3-5 days, SRO will file a police report.	PC, OSS 5-10 days, SRO will file a police report.	PC, OSS 5-10 days, SRO will file a police report.	PC, OSS 5-10 days, SRO will file a police report.	PC, OSS 10 days, SRO will file a police report, HDP, LTS 90+ days, NRS 392.4655		

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Fighting (Major Infraction)	K-12	JDB, JDEAA, NRS 392.910, 203.010	PC, OSS - 3 - 5 days Written Notification to parents, report to SRO, may develop behavior plan.	PC/OSS/SRO/ R – up to 10 days pending investigation, HDP, LTS 90+ days , NRS 392.910 and 203.010 May file police report.					
Possession of Firearm or Dangerous Weapon (NRS 392.466 Mandated Disciplinary Procedures)	K-12	JDB, JDDC, NRS 392.466, 202.265	PC/OSS/SRO/ IR – up to 10 days pending investigation, HDP - LTS 180 days , 392.4655, SRO will file a police report.						
Sale of or distribution of a Controlled Substance (alcohol is not a controlled substance) (NRS 392.466 Mandated Disciplinary Procedures)	K-12	NRS 392.466	PC/OSS/SRO/ IR – up to 10 days pending investigation, HDP - LTS 90+ days , 392.4655, SRO will file a police report.	PC/OSS/SRO/ IR – up to 10 days pending investigation, HDP - LTSPermanentl y expelled , 392.4655, SRO will file a police report.					

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<p>Commits Battery of School Employee (NRS 392.466 Mandated Disciplinary Procedures)</p>	K-12	<p>NRS 392.466</p>	<p>PC/OSS/SRO/IR – up to 10 days pending investigation, HDP - LTS 90+ days, 392.4655, SRO will file a police report.</p>	<p>PC/OSS/SRO/IR – up to 10 days pending investigation, HDP - LTS Permanently expelled, 392.4655, SRO will file a police report.</p>					
<p>Habitual Discipline Problem-Threatened or extorted a pupil, a teacher, or other personnel employed by the school twice in one school year or student has a record of 5 suspensions within a school year. (NRS 392.466 Mandated Disciplinary Procedures)</p>	K-12	<p>NRS 392.466</p>	<p>May develop a behavior plan before deeming a student habitual</p>	<p>PC/OSS/SRO/IR – up to 10 days pending investigation, HDP - LTS May be suspended for 90- days, 392.4655, SRO will file a police report.</p>					
<p>* School Administration has the authority to determine the appropriate consequences which may deviate from the above list of progressive consequences.</p>									

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Definition of Abbreviations

IR - Investigation Report: Must be sent to Central Office as soon as possible. We have 10 days from the first day of suspension to conduct a hearing if the parent appeals the suspension.

ED – Electronic Device (includes cell phones, MP3 players, pagers, handheld games, computers, etc.)

HDP - Habitual Disciplinary Problem: classification of student behavior in NRS 392.4655 that results in a 90-school day or more, long term suspension. Administration of a school **may** deem a student a “Habitual Disciplinary Problem” if the school has written evidence to support the designation.

HT – Habitual Truant: A student who has received his/her third truancy referral, citation, or notice.

ISS - In-School Suspension: Student removed from regular classes and placed in an ISS room with supervision for the entire day. Classroom teachers will be notified of students serving ISS and will deliver class work to the ISS supervisor.

JBB, JCD, JBB, etc. - Elko County School District Policies

D - Detention

NRS - Nevada Revised Statute: Nevada state law statutes.

OSS - Out of School Suspension: Student is removed from campus and prohibited from coming back on to campus for any reason or attending any school sponsored activities for the duration of the OSS. When a student is assigned OSS, it is required that a conference between the parent and administration take place either before the student leaves the campus or before the student returns to the campus.

PC - Parent Contact: Parents will be contacted via mail whenever a discipline referral is received by administration. Other contact may come via phone, email, or face-to-face conference depending on the severity of the situation.

TC – Truancy Citation: Issued by School Attendance Officer after being labeled a habitual disciplinary problem for every truancy thereafter. Truancy Court will be assigned after a citation is issued.

LTS - Long-term Suspension

Minor Infraction - Infraction that will not result in an OSS on first offence.

Major Infraction - Infraction that may result in OSS on the first offence or result in an LTS following progressive discipline plan.

NRS

* NRS 392.4655 Except as otherwise provided in this section, 1. a principal of a school **may** deem a pupil enrolled in the school a habitual disciplinary problem if the school has written evidence which documents that in 1 school year:

(a) The pupil has threatened or extorted, or attempted to threaten or extort, another pupil or teacher or other personnel employed by the school **two or more times or the pupil has a record of five suspensions from the school for any reason**; and

(b) The pupil has not entered into and participated in a plan of behavior.

* NRS 392.466 – Suspension or expulsion of pupil for battery on employee of school, possession of firearm or dangerous weapon, sale or distribution of controlled substance or status as habitual disciplinary problem; limitations for pupils with disabilities.

1. Except as otherwise provided in this section, any pupil who commits a battery which results in the bodily injury of an employee of the school or who sells or distributes any controlled substance while on the premises of any public school, at an activity sponsored by a public school or on any school bus **must**, for the **first occurrence**, be **suspended** from that school, although the pupil may be placed in another kind of school, *for at least a period equal to one semester* for that school. For a **second occurrence**, the pupil must be **permanently expelled** from that school.

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

3. Except as otherwise provided in this section, if a **pupil is deemed a habitual disciplinary problem** pursuant to NRS 392.4655, the pupil **may** be suspended from the school **for a period equal to at least one semester** for that school.

4. If the pupil is expelled, or the period of the pupil's suspension is for one school semester, the pupil **must**:

(a) Enroll in a private school pursuant to chapter 394 of NRS, be homeschooled; **or**

(b) Under NRS 392.466, student will be provided placement in a different school as selected by the District, enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program or

7. Any pupil in grades 1 to 6, inclusive, except a pupil who has been found to have possessed a firearm in violation of subsection 2, may be suspended from school or permanently expelled from school pursuant to this section only after the board of trustees of the school district has reviewed the circumstances and approved this action in accordance with the procedural policy adopted by the board for such issues.

8. A pupil who is participating in a program of special education pursuant to NRS 388.520, other than a pupil who is gifted and talented or who receives early intervening services, may, in accordance with the procedural policy adopted by the board of trustees of the school district for such matters, be:

(a) Suspended from school pursuant to this section for not more than 10 days. Such a suspension may be imposed pursuant to this paragraph for each occurrence of conduct proscribed by subsection 1.

(b) Suspended from school for more than 10 days or permanently expelled from school pursuant to this section only after the board of trustees of the school district has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.

9. b. **“Dangerous weapon”** includes, without limitation, a blackjack, slingshot, billy-club, sand-club, sandbag, metal knuckles, dirk or dagger, a nunchaku, switchblade knife or trefoil, as defined in NRS 202.350, a butterfly knife or **any other knife described in NRS 202.350, 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.

NRS 200.481 - “Battery” means any willful and unlawful use of force or violence upon the person of another.