



Nevada Compilation of School Discipline Laws and Regulations

Prepared: April 3, 2019

Introduction

This compilation presents school discipline-related laws and regulations for U.S. states, U.S. territories, and the District of Columbia, and, where available, links to education agency websites or resources related to school discipline and student conduct. The discipline laws and regulations presented in this compilation have been categorized by type of specific discipline issue covered, according to an organizational framework developed by the National Center for Safe and Supportive Learning Environments (NCSSE). For example, one major category encompasses all laws or regulations governing states or territories that mandate specific disciplinary sanctions (such as suspension) for specific offenses (such as drug possession on school grounds). The school discipline laws and regulations were compiled through exhaustive searches of legislative websites that identified all laws and regulations relevant to each specific category. Compiled materials were subsequently reviewed by state education agency (SEA) representatives in the 50 states, Washington D.C., and the U.S. territories.

Discipline categories were not mutually exclusive. Laws and regulations often appeared across multiple categories. For jurisdictions with more extensive laws covering a breadth of topical areas, relevant sections were excerpted from the larger legislative text for inclusion in the appropriate discipline category. Laws, ordered by chapter and section number, appear first within each category followed by regulations. All laws and regulations listed within categories in the compilation also appear in the sources cited section of the document, which lists laws by chapter and section number and title, and where available, includes active hyperlinks to source websites supported or maintained by state legislatures. Additional links to government websites or resources are provided at the end of this document.

Notes & Disclaimers

To the best of the preparer's knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of April 2019. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the [Discipline Laws and Regulations Compendium](#) posted on the Center's website.

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General Provisions

Authority to develop and establish rules of conduct

LAWS

NRS 388.133. Policy by Department concerning safe and respectful learning environment.

1. The Department shall, in consultation with the governing bodies, educational personnel, local associations and organizations of parents whose children are enrolled in schools throughout this State, and individual parents and legal guardians whose children are enrolled in schools throughout this State, prescribe by regulation a policy for all school districts and schools to provide a safe and respectful learning environment that is free of bullying and cyber-bullying.

2. The policy must include, without limitation:

(a) Requirements and methods for reporting violations of NRS 388.135, including, without limitation, violations among teachers and violations between teachers and administrators, coaches and other personnel of a school district or school;

(b) Requirements and methods for addressing the rights and needs of persons with diverse gender identities or expressions; and

(c) A policy for use by school districts and schools to train members of the governing body and all administrators, teachers and all other personnel employed by the governing body. The policy must include, without limitation:

(1) Training in the appropriate methods to facilitate positive human relations among pupils by eliminating the use of bullying and cyber-bullying so that pupils may realize their full academic and personal potential;

(2) Training in methods to prevent, identify and report incidents of bullying and cyber-bullying;

(3) Training concerning the needs of persons with diverse gender identities or expressions;

(4) Training concerning the needs of pupils with disabilities and pupils with autism spectrum disorder;

(5) Methods to promote a positive learning environment;

(6) Methods to improve the school environment in a manner that will facilitate positive human relations among pupils; and

(7) Methods to teach skills to pupils so that the pupils are able to replace inappropriate behavior with positive behavior.

NRS 388.134. Policy by school districts for provision of safe and respectful learning environment and policy for ethical, safe and secure use of computers; provision of training to board of trustees and school personnel; posting of policies on Internet website; annual review and update of policies.

Each governing body shall:

1. Adopt the policy prescribed pursuant to NRS 388.133 and the policy prescribed pursuant to subsection 2 of NRS 389.520. The governing body may adopt an expanded policy for one or both of the policies if each expanded policy complies with the policy prescribed pursuant to NRS 388.133 or pursuant to subsection 2 of NRS 389.520, as applicable.

NRS 392.461. Code of honor relating to cheating; contents; distribution.

1. The Department shall prescribe by regulation a written policy that establishes a code of honor for pupils relating to cheating on examinations and course work. The policy must be developed in consultation with the boards of trustees of school districts, the governing bodies of charter schools, educational personnel employed by school districts and charter schools, and local associations and organizations of parents whose children are enrolled in public schools throughout this State.
2. The policy must include, without limitation, a definition of cheating that clearly and concisely informs pupils which acts constitute cheating for purposes of the code of honor.

NRS 392.463. Adoption of plan to ensure public schools are safe and free of controlled substances; written rules of behavior and punishments; distribution of plan and rules to pupils; availability for inspection.

1. Each school district shall adopt a plan to ensure that the public schools within the school district are safe and free of controlled substances. The plan must comply with the Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101 et seq.
2. Each school district shall prescribe written rules of behavior required of and prohibited for pupils attending school within their district and shall prescribe appropriate punishments for violations of the rules. If suspension or expulsion is used as a punishment for a violation of the rules, the school district shall follow the procedures in NRS 392.467.

NRS 392.464. Adoption and enforcement by trustees of disciplinary measures for pupil in possession of alcoholic beverage or controlled substance on premises of school.

1. The board of trustees of each school district shall adopt and enforce measures for disciplining any pupil who is found in possession of an alcoholic beverage or a controlled substance, while on the premises of any public school in its district.

NRS 392.4635. Policy for prohibition of activities of criminal gangs on school property.

1. The board of trustees of each school district shall establish a policy that prohibits the activities of criminal gangs on school property.
2. The policy established pursuant to subsection 1 may include, without limitation:
 - (a) The provision of training for the prevention of the activities of criminal gangs on school property.
 - (b) If the policy includes training:
 - (1) A designation of the grade levels of the pupils who must receive the training.
 - (2) A designation of the personnel who must receive the training, including, without limitation, personnel who are employed in schools at the grade levels designated pursuant to subparagraph (1).The board of trustees of each school district shall ensure that the training is provided to the pupils and personnel designated in the policy.
 - (c) Provisions which prohibit:
 - (1) A pupil from wearing any clothing or carrying any symbol on school property that denotes membership in or an affiliation with a criminal gang; and
 - (2) Any activity that encourages participation in a criminal gang or facilitates illegal acts of a criminal gang.
 - (d) Provisions which provide for the suspension or expulsion of pupils who violate the policy.

NRS 392.4637. Policy concerning use and possession of pagers, cellular telephones and other electronic devices.

1. The board of trustees of each school district shall adopt a policy concerning the use and possession by pupils of a pager, cellular telephone or any other similar electronic device used for communication while on the premises of a public school or while at an activity sponsored by a public school.
2. The policy adopted pursuant to subsection 1 must:
 - (a) Prescribe appropriate measures for disciplining a pupil who violates the policy.
 - (b) Be included within each copy of the rules of behavior for pupils that the school district provides to pupils pursuant to NRS 392.463.

NRS 392.4638. Board of trustees authorized to adopt policy for pupils to report unlawful activity being conducted on school property, activity sponsored by public school or on school bus.

1. The board of trustees of each school district may adopt a policy that allows a pupil enrolled in a public school within the school district to report, anonymously if the pupil chooses, any unlawful activity which is being conducted on school property, at an activity sponsored by a public school or on a school bus. The policy may include, without limitation:
 - (a) The types of unlawful activities which a pupil may report; and
 - (b) The manner in which a pupil may report the unlawful activities.
2. The board of trustees of a school district may work in consultation with a local law enforcement agency or other governmental entity, corporation, business, organization or other entity to assist the board of trustees in the implementation of a policy adopted pursuant to subsection 1.
3. If the board of trustees of a school district adopts a policy pursuant to subsection 1, each public school within the school district shall post prominently in various locations at the school the policy adopted pursuant to subsection 1, which must clearly denote the phone number and any other methods by which a report may be made. If a public school maintains an Internet website for the school, the policy must also be posted on the school's website.
4. If the board of trustees of a school district adopts a policy pursuant to subsection 1, the board of trustees shall post the policy on the Internet website maintained by the school district.

NRS 392.4644. Plan for progressive discipline and on-site review of disciplinary decisions; annual review and revision of plan; posting and distribution of plan; submission of plan to superintendent of schools of school district; written reports by superintendent of schools and board of trustees concerning compliance with section.

1. The principal of each public school 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 and other educational personnel and support personnel who are employed at the school, and the parents and guardians of pupils who are enrolled in the school.
 - (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 school.
 - (d) Provide for the temporary removal of a pupil from a classroom or other premises of a public school in accordance with NRS 392.4645.
 - (e) Include the names of any members of a committee to review the temporary alternative placement of pupils required by NRS 392.4647.

REGULATIONS

No relevant regulations found.

Scope

LAWS

NRS 388.135. Bullying and cyber-bullying prohibited.

A member of a governing body, any employee of a governing body, including, without limitation, an administrator, teacher or other staff member, a member of a club or organization which uses the facilities of any school, regardless of whether the club or organization has any connection to the school, or any pupil shall not engage in bullying or cyber-bullying on the premises of any school, at an activity sponsored by a school or on any school bus.

NRS 388.1454. Legislative findings and declarations.

The Legislature hereby finds and declares that:

1. The ability to anonymously report information about dangerous, violent or unlawful activities, or the threat of such activities, conducted on school property, at an activity sponsored by a public school, or on a school bus of a public school or by a pupil enrolled at a public school is critical in preventing, responding to and recovering from such activities.
2. It is in the best interest of this State to ensure the anonymity of a person who reports such an activity, or the threat of such an activity, and who wishes to remain anonymous and to ensure the confidentiality of any record or information associated with such a report.
3. It is the intent of the Legislature in enacting NRS 388.1451 to 388.1459, inclusive, and sections 2 to 5, inclusive, of this act, to enable the people of this State to easily and anonymously provide to appropriate state or local public safety agencies and to school administrators information about dangerous, violent or unlawful activities, or the threat of such activities, conducted on school property, at an activity sponsored by a public school, or on a school bus of a public school. or by a pupil enrolled at a public school.

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 or expelled 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 and:
 - (a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or
 - (b) 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.
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 and:

- (a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or
- (b) Enroll in a program of independent study provided pursuant 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.

NRS 453.3345 Additional penalty for commission of certain violations at or near school, school bus stop, recreational facilities for minors or public park.

1. Unless a greater penalty is provided in NRS 453.333 or 453.334, and except as otherwise provided in NRS 193.169, any person who violates NRS 453.321 or 453.322:

- (a) On the grounds of a public or private school, a playground, public park, public swimming pool, recreational center for youths or a video arcade;
- (b) On a campus of the Nevada System of Higher Education;
- (c) Within 1,000 feet of the perimeter of such a school ground or campus, playground, park, pool, recreational center or arcade; or
- (d) Within 1,000 feet of a school bus stop from 1 hour before school begins until 1 hour after school ends during scheduled school days,

must be punished by imprisonment in the state prison for a term equal to and in addition to the term of imprisonment prescribed by statute for the crime. The sentence prescribed by this section runs consecutively with the sentence prescribed by statute for the crime.

2. This section does not create a separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

3. For the purposes of this section:

- (a) "Playground" means any outdoor facility, intended for recreation, open to the public and in any portion thereof containing one or more apparatus intended for the recreation of children, such as a sliding board, teeterboard, sandbox or swingset.
- (b) "Recreational center for youths" means a recreational facility or gymnasium which regularly provides athletic, civic or cultural activities for persons under 18 years of age.
- (c) "School bus" has the meaning ascribed to it in NRS 483.160.
- (d) "Video arcade" means a facility legally accessible to persons under 18 years of age, intended primarily for the use of pinball and video machines for amusement and which contains a minimum of 10 such machines.

REGULATIONS

No relevant regulations found.

Communication of policy

LAWS

NRS 388.134. Policy by school districts for provision of safe and respectful learning environment and policy for ethical, safe and secure use of computers; provision of training to board of trustees

and school personnel; posting of policies on Internet website; annual review and update of policies.

Each governing body shall:

3. Post the policies adopted pursuant to subsection 1 on the Internet website maintained by the school district or school.
4. Ensure that the parents and legal guardians of pupils enrolled in the school district or school have sufficient information concerning the availability of the policies, including, without limitation, information that describes how to access the policies on the Internet website maintained by the school district or school. Upon the request of a parent or legal guardian, the school district or school shall provide the parent or legal guardian with a written copy of the policies.

NRS 388.1341. Development of informational pamphlet by Department; annual review and update; posting on Internet website; development of tutorial.

1. The Department, in consultation with persons who possess knowledge and expertise in bullying and cyber-bullying, shall, to the extent money is available, develop an informational pamphlet to assist pupils and the parents or legal guardians of pupils enrolled in schools in this State in resolving incidents of bullying or cyber-bullying. If developed, the pamphlet must include, without limitation:

- (a) A summary of the policy prescribed by the Department pursuant to NRS 388.133 and the provisions of NRS 388.121 to 388.1395, inclusive;
- (b) A description of practices which have proven effective in preventing and resolving violations of NRS 388.135 in schools, which must include, without limitation, methods to identify and assist pupils who are at risk for bullying and cyber-bullying; and
- (c) An explanation that the parent or legal guardian of a pupil who is involved in a reported violation of NRS 388.135 may request an appeal of a disciplinary decision made against the pupil as a result of the violation, in accordance with the policy governing disciplinary action adopted by a governing body.

2. If the Department develops a pamphlet pursuant to subsection 1, the Department shall review the pamphlet on an annual basis and make such revisions to the pamphlet as the Department determines are necessary to ensure the pamphlet contains current information.

3. If the Department develops a pamphlet pursuant to subsection 1, the Department shall post a copy of the pamphlet on the Internet website maintained by the Department.

4. To the extent the money is available, the Department shall develop a tutorial which must be made available on the Internet website maintained by the Department that includes, without limitation, the information contained in the pamphlet developed pursuant to subsection 1, if such a pamphlet is developed by the Department.

NRS 388.139. Text of certain provisions required to be included in rules of behavior.

Each school district shall include the text of the provisions of NRS 388.121 to 388.145, inclusive, and sections 2, 3 and 4 of this act and the policies adopted by the board of trustees of the school district pursuant to NRS 388.134 under the heading "Bullying and Cyber-Bullying Is Prohibited in Public Schools," within each copy of the rules of behavior for pupils that the school district provides to pupils pursuant to NRS 392.463.

NRS 392.461. Code of honor relating to cheating; contents; distribution.

4. Copies of the code of honor must be made available for inspection at each public school located within a school district, including, without limitation, each charter school, in an area on the grounds of the school that is open to the public.

5. Each classroom teacher shall:

- (a) Distribute the code of honor to each pupil enrolled in the teacher's class and to the parent or legal guardian of each pupil enrolled in his or her class at the beginning of each school year or upon a pupil's enrollment in the teacher's class, as applicable;
- (b) Provide the pupil and the parent or legal guardian of the pupil with a reasonable opportunity to sign the code of honor; and
- (c) If the code of honor is returned with the signatures, retain a copy of the signed code of honor in the pupil's file.

NRS 392.463. Adoption of plan to ensure public schools are safe and free of controlled substances; written rules of behavior and punishments; distribution of plan and rules to pupils; availability for inspection.

3. A copy of the plan adopted pursuant to subsection 1 and the rules of behavior, prescribed punishments and procedures to be followed in imposing punishments prescribed pursuant to subsection 2 must be distributed to each pupil at the beginning of the school year and to each new pupil who enters school during the year. Copies must also be made available for inspection at each school located in that district in an area on the grounds of the school which is open to the public.

NRS 392.4644. Plan for progressive discipline and on-site review of disciplinary decisions; annual review and revision of plan; posting and distribution of plan; submission of plan to superintendent of schools of school district; written reports by superintendent of schools and board of trustees concerning compliance with section.

2. On or before September 15 of each year, the principal of each public school shall:

- (c) Post a copy of the plan or the revised plan, as applicable, on the Internet website maintained by the school or school district;
- (d) Distribute to each teacher and all educational support personnel who are employed at or assigned to the school a written or electronic copy of the plan or the revised plan, as applicable; and
- (e) Submit a copy of the plan or the revised plan, as applicable, to the superintendent of schools of the school district.

REGULATIONS

No relevant regulations found.

In-School Discipline

Use of multi-tiered discipline approaches

LAWS

NRS 392.4644. Plan for progressive discipline and on-site review of disciplinary decisions; annual review and revision of plan; posting and distribution of plan; submission of plan to superintendent of schools of school district; written reports by superintendent of schools and board of trustees concerning compliance with section.

1. The principal of each public school 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 and other educational personnel and support personnel who are employed at the school, and the parents and guardians of pupils who are enrolled in the school.
- (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 school.
- (d) Provide for the temporary removal of a pupil from a classroom or other premises of a public school in accordance with NRS 392.4645.
- (e) Include the names of any members of a committee to review the temporary alternative placement of pupils required by NRS 392.4647.

REGULATIONS

No relevant regulations found.

Teacher authority to remove students from classrooms

LAWS

NRS 392.4645. Removal of pupil: Notice; assignment to temporary alternative placement; exceptions.

1. The plan established pursuant to NRS 392.4644 must provide for the temporary removal of a pupil from a classroom or other premises of a public school if, in the judgment of the teacher or other staff member responsible for the classroom or other premises, as applicable, the 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 or with the ability of the staff member to discharge his or her duties. The plan must provide that, upon the removal of a pupil from a classroom or any other premises of a public school pursuant to this section, the principal of the school shall provide an explanation of the reason for the removal of the pupil to the pupil and offer the pupil an opportunity to respond to the explanation. Within 24 hours after the removal of a pupil pursuant to this section, the principal of the school shall notify the parent or legal guardian of the pupil of the removal.

NRS 392.4646. Removal of pupil: Conference; recommendation of principal.

1. Except as otherwise provided in this section, not later than 3 school days after a pupil is removed from a classroom or any other premises of a public school pursuant to NRS 392.4645, a conference must be held with:

- (a) The pupil;
- (b) A parent or legal guardian of the pupil;
- (c) The principal of the school; and
- (d) The teacher or other staff member who removed the pupil. Ë The principal shall give an oral or written notice of the conference, as appropriate, to each person who is required to participate.

2. After receipt of the notice required pursuant to subsection 1, the parent or legal guardian of the pupil may, not later than 3 school days after the removal of the pupil, request that the date of the conference be postponed. The principal shall accommodate such a request. If the date of the conference is postponed pursuant to this subsection, the principal shall send written notice to the parent or legal guardian confirming that the conference has been postponed at the request of the parent or legal guardian.

3. If a parent or legal guardian of a pupil refuses to attend a conference, the principal of the school shall send a written notice to the parent or legal guardian confirming that the parent or legal guardian has waived the right to a conference provided by this section and authorized the principal to recommend the placement of the pupil pursuant to subsection 6.

4. Except as otherwise provided in this subsection, a pupil must not return to the classroom or other premises of the public school from which the pupil was removed before the conference is held. If the conference is not held within 3 school days after the removal of the pupil, the pupil must be allowed to return to the classroom or other premises unless:

- (a) The parent or legal guardian of the pupil refuses to attend the conference;
- (b) The failure to hold a conference is attributed to the action or inaction of the pupil or the parent or legal guardian of the pupil; or
- (c) The parent or legal guardian requested that the date of the conference be postponed.

5. During the conference, the teacher who removed the pupil from the classroom, the staff member who removed the pupil from the other premises of the public school or the principal shall provide the pupil and the pupil's parent or legal guardian with an explanation of the reason for the removal of the pupil from the classroom or other premises. The pupil and the pupil's parent or legal guardian must be granted an opportunity to respond to the explanation of the pupil's behavior and to indicate whether the removal of the pupil from the classroom or other premises was appropriate in their opinion based upon the behavior of the pupil.

6. Upon conclusion of the conference or, if a conference is not held pursuant to subsection 3 not later than 3 school days after the removal of a pupil from a classroom or other premises of a public school, the principal shall recommend whether to return the pupil to the classroom or other premises or continue the temporary alternative placement of the pupil if the pupil has been assigned to a temporary alternative placement.

NRS 392.4647. Establishment of committee to review temporary alternative placement of pupils.

1. On or before September 15 of each school year, the principal of each public school shall establish at least one committee to review the temporary alternative placement of pupils. A committee established pursuant to this section must consist of the principal, two regular members who are teachers selected for membership by a majority of the teachers who are employed at the school and one staff member who is selected for membership by a majority of the staff members who are employed at the school. One additional teacher and one additional staff member must be selected in the same manner to serve as an alternate member. A teacher or staff member who has served on the committee for 2 consecutive years or more is not eligible to be selected for membership.

2. If a pupil is removed from the classroom or other premises of a public school pursuant to NRS 392.4645 by a teacher or staff member who is a member of a committee established pursuant to this section, the teacher or staff member shall not participate in the review of the placement of the pupil and the appropriate alternate member shall serve on the committee for that review.

NRS 392.4648. Powers and duties of committee to review temporary alternative placement of pupils; principal to report to school district when committee convened; submission of compiled reports.

1. If the teacher or other staff member who removed a pupil from the classroom or other premises of a public school does not agree with the recommendation of the principal pursuant to subsection 6 of NRS 392.4646, the principal shall continue the temporary alternative placement of the pupil and shall immediately convene a meeting of the committee created pursuant to NRS 392.4647. The principal shall inform the parent or legal guardian of the pupil that the committee will be conducting a meeting. The committee shall review the circumstances of the pupil's removal from the classroom or other premises of the public school and the pupil's behavior that caused the pupil to be removed from the classroom or other premises. Based upon its review, the committee shall assess the best placement available for the pupil and shall, without limitation:

- (a) Direct that the pupil be returned to the classroom or other premises from which he or she was removed;
- (b) Assign the pupil to another appropriate classroom or other premises;
- (c) Assign the pupil to an alternative program of education, if available;
- (d) Recommend the suspension or expulsion of the pupil in accordance with NRS 392.467; or
- (e) Take any other appropriate disciplinary action against the pupil that the committee deems necessary.

2. A principal shall report to the school district each time a committee created pursuant to NRS 392.4647 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.

3. Each school district shall compile the reports submitted to the school district pursuant to subsection 2 and, on or before July 1 of each year, submit an annual report to the Legislative Committee on Education containing such information for all schools located in the school district.

REGULATIONS

No relevant regulations found.

Alternatives to suspension

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Use of corporal punishment

LAWS

NRS 388.478. “Corporal punishment” defined.

“Corporal punishment” means the intentional infliction of physical pain, including, without limitation, hitting, pinching or striking.

NRS 392.4633. Corporal punishment prohibited.

1. Corporal punishment must not be administered upon a pupil in any public school.
2. Subsection 1 does not prohibit any person from defending himself or herself if attacked by a pupil.
3. As used in this section, “corporal punishment” means the intentional infliction of physical pain upon or the physical restraint of a pupil for disciplinary purposes. The term does not include the use of reasonable and necessary force:
 - (a) To quell a disturbance that threatens physical injury to any person or the destruction of property;
 - (b) To obtain possession of a weapon or other dangerous object within a pupil’s control;
 - (c) For the purpose of self-defense or the defense of another person; or
 - (d) To escort a disruptive pupil who refuses to go voluntarily with the proper authorities.

REGULATIONS

No relevant regulations found.

Use of student and locker searches

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Other in-school disciplinary approaches

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Out-of-School and Exclusionary Discipline: Suspensions, Expulsion, Restraint and Seclusion, and Alternative Placements

Grounds for possible suspension or expulsion

LAWS

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.

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:

- (a) Suspended from the school for a period not to exceed one school semester as determined by the seriousness of the acts which were the basis for the discipline; or
- (b) Expelled from school under extraordinary circumstances as determined by the principal of the school.

NRS 392.467. Suspension or expulsion of pupil: Procedure; limitation.

1. Except as otherwise provided in subsections 4 and 5, the board of trustees of a school district may authorize the suspension or expulsion of any pupil from any public school within the school district.

2. Except as otherwise provided in subsection 5, no pupil may be suspended or expelled until the pupil has been given notice of the charges against him or her, an explanation of the evidence and an opportunity for a hearing, except that a pupil who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process or who is selling or distributing any controlled substance or is found to be in possession of a dangerous weapon as provided in NRS 392.466 may be removed from the school immediately upon being given an explanation of the reasons for his or her removal and pending proceedings, to be conducted as soon as practicable after removal, for the pupil's suspension or expulsion.

3. The provisions of chapter 241 of NRS do not apply to any hearing conducted pursuant to this section. Such hearings must be closed to the public.

4. The board of trustees of a school district shall not authorize the expulsion, suspension or removal of any pupil from the public school system solely because the pupil is declared a truant or habitual truant in accordance with NRS 392.130 or 392.140.

5. 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.
- (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.

REGULATIONS

No relevant regulations found.

Grounds for mandatory suspension or expulsion

LAWS

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 or expelled 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 and:

- (a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or
- (b) 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.

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 and:

- (a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or
- (b) Enroll in a program of independent study provided pursuant 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. The superintendent of schools of a school district may, for good cause shown in a particular case in that school district, allow a modification to the expulsion requirement of this subsection if such modification is set forth in writing.

REGULATIONS

No relevant regulations found.

Limitations, conditions or exclusions for use of suspension and expulsion

LAWS

NRS 392.4634. Prohibition against disciplining certain pupils for simulating firearm or dangerous weapon or wearing clothing or accessories that depict firearm or dangerous weapon; exceptions; prohibition against adoption of conflicting policy, ordinance or regulation.

1. Except as otherwise provided in subsection 3, a pupil enrolled in kindergarten or grades 1 to 8, inclusive, may not be disciplined, including, without limitation, pursuant to NRS 392.466, for:

- (a) Simulating a firearm or dangerous weapon while playing; or

- (b) Wearing clothing or accessories that depict a firearm or dangerous weapon or express an opinion regarding a constitutional right to keep and bear arms, unless it substantially disrupts the educational environment.
2. Simulating a firearm or dangerous weapon includes, without limitation:
- (a) Brandishing a partially consumed pastry or other food item to simulate a firearm or dangerous weapon;
 - (b) Possessing a toy firearm or toy dangerous weapon that is 2 inches or less in length;
 - (c) Possessing a toy firearm or toy dangerous weapon made of plastic building blocks which snap together;
 - (d) Using a finger or hand to simulate a firearm or dangerous weapon;
 - (e) Drawing a picture or possessing an image of a firearm or dangerous weapon; and
 - (f) Using a pencil, pen or other writing or drawing implement to simulate a firearm or dangerous weapon.
3. A pupil who simulates a firearm or dangerous weapon may be disciplined when disciplinary action is consistent with a policy adopted by the board of trustees of the school district and such simulation:
- (a) Substantially disrupts learning by pupils or substantially disrupts the educational environment at the school;
 - (b) Causes bodily harm to another person; or
 - (c) Places another person in reasonable fear of bodily harm.
4. Except as otherwise provided in subsection 5, a school, school district, board of trustees of a school district or other entity shall not adopt any policy, ordinance or regulation which conflicts with this section.
5. The provisions of this section shall not be construed to prohibit a school from establishing and enforcing a policy requiring pupils to wear a school uniform as authorized pursuant to NRS 386.855.
6. As used in this section:
- (a) "Dangerous weapon" has the meaning ascribed to it in paragraph (b) of subsection 9 of NRS 392.466.
 - (b) "Firearm" has the meaning ascribed to it in paragraph (c) of subsection 9 of NRS 392.466.

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.

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 and:
- (a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or
 - (b) Enroll in a program of independent study provided pursuant 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.

The superintendent of schools of a school district may, for good cause shown in a particular case in that school district, allow a modification to the expulsion requirement of this subsection if such modification is set forth in writing.

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:

(a) Suspended from the school for a period not to exceed one school semester as determined by the seriousness of the acts which were the basis for the discipline; or

(b) Expelled from school under extraordinary circumstances as determined by the principal of the 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 or be homeschooled; or

(b) 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.

6. 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.

7. 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.

NRS 392.467. Suspension or expulsion of pupil: Procedure; limitation.

1. Except as otherwise provided in subsections 4 and 5, the board of trustees of a school district may authorize the suspension or expulsion of any pupil from any public school within the school district.

2. Except as otherwise provided in subsection 5, no pupil may be suspended or expelled until the pupil has been given notice of the charges against him or her, an explanation of the evidence and an opportunity for a hearing, except that a pupil who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process or who is selling or distributing any controlled substance or is found to be in possession of a dangerous weapon as provided in NRS 392.466 may be removed from the school immediately upon being given an explanation of the reasons for his or her removal and pending proceedings, to be conducted as soon as practicable after removal, for the pupil's suspension or expulsion.

3. The provisions of chapter 241 of NRS do not apply to any hearing conducted pursuant to this section. Such hearings must be closed to the public.

4. The board of trustees of a school district shall not authorize the expulsion, suspension or removal of any pupil from the public school system solely because the pupil is declared a truant or habitual truant in accordance with NRS 392.130 or 392.140.

5. 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.

(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.

REGULATIONS

NAC 388.265. Suspension, expulsion or exclusion of pupil with disability.

1. A pupil with a disability may not be suspended, expelled or excluded from attendance by a public agency except upon compliance with the provisions of this section, 34 C.F.R. §§ 300.530 to 300.536, inclusive, and 20 U.S.C. § 1415(k). School personnel may consider any unique circumstances, including, without limitation, the disciplinary history of the pupil, the ability of the pupil to understand consequences, whether the pupil expresses remorse and whether support was provided before the misconduct, on a case-by-case basis when determining whether to make a change of placement for a pupil with a disability who violates a code of conduct for pupils.

2. Before initiating any suspension, expulsion or exclusion that will result in a change of placement for the pupil during a school year, the public agency shall convene a meeting of relevant members of the committee, as determined by the parent and the public agency, that developed the pupil's individualized educational program pursuant to NAC 388.281. The public agency may appoint other qualified personnel to meet with those relevant members of the committee.

3. The public agency, the parent, the relevant members of the committee and any other qualified personnel appointed by the public agency to meet with the relevant members of the committee shall:

(a) Consider all information relevant to the behavior subject to disciplinary action, including, without limitation:

(1) Evaluations and diagnostic results, including, without limitation, relevant information supplied by the parents of the pupil;

(2) Observations of the pupil; and

(3) The pupil's individualized educational program and placement.

(b) Determine whether the behavior of the pupil was a manifestation of the disability of the pupil. In carrying out the requirements of this paragraph, it must be determined whether the conduct in question was:

(1) Caused by or directly and substantially related to the disability of the pupil; or

(2) The direct result of the public agency's failure to implement the pupil's individualized educational program.

If the public agency, the parent and the relevant members of the committee determine that either subparagraph (1) or (2) is applicable to the pupil, the conduct must be determined to be a manifestation of the disability of the pupil.

(c) Prepare a report containing their findings and conclusions.

4. The public agency shall provide to a pupil with a disability who is suspended, expelled or excluded a free appropriate public education in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., on the 11th school day that the pupil is removed and during any subsequent school day in the same school year in which the pupil is removed from school.

5. As used in this section:

- (a) "Change of placement" occurs under the circumstances described in 34 C.F.R. § 300.536.
- (b) "School day" means any day, including a partial day, that pupils are in attendance at school for instructional purposes.

Administrative procedures related to suspension and expulsion

LAWS

NRS 392.4655. Conditions under which pupil deemed habitual disciplinary problem; plan of behavior to prevent pupil from being deemed habitual disciplinary problem.

1. Except as otherwise provided in this section, a principal of a school shall 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 a 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 pursuant to subsection 5.

2. At least one teacher of a pupil who is enrolled in elementary school and at least two teachers of a pupil who is enrolled in junior high, middle school or high school may request that the principal of the school deem a pupil a habitual disciplinary problem. Upon such a request, the principal of the school shall meet with each teacher who made the request to review the pupil's record of discipline. If, after the review, the principal of the school determines that the provisions of subsection 1 do not apply to the pupil, a teacher who submitted a request pursuant to this subsection may appeal that determination to the board of trustees of the school district. Upon receipt of such a request, the board of trustees shall review the initial request and determination pursuant to the procedure established by the board of trustees for such matters.

3. If a pupil is suspended, the school in which the pupil is enrolled shall provide written notice to the parent or legal guardian of the pupil that contains:

- (a) A description of the act committed by the pupil and the date on which the act was committed;
- (b) An explanation that if the pupil receives five suspensions on his or her record during the current school year and has not entered into and participated in a plan of behavior pursuant to subsection 5, the pupil will be deemed a habitual disciplinary problem;
- (c) An explanation that, pursuant to subsection 3 of NRS 392.466, a pupil who is deemed a habitual disciplinary problem may be: (1) Suspended from school for a period not to exceed one school semester as determined by the seriousness of the acts which were the basis for the discipline; or (2) Expelled from school under extraordinary circumstances as determined by the principal of the school;
- (d) If the pupil has a disability and is participating in a program of special education pursuant to NRS 388.520, an explanation of the effect of subsection 7 of NRS 392.466, including, without limitation, that if it is determined in accordance with 20 U.S.C. § 1415 that the pupil's behavior is not a manifestation of the pupil's disability, he or she may be suspended or expelled from school in the same manner as a pupil without a disability; and
- (e) A summary of the provisions of subsection 5..

4. A school shall provide the notice required by subsection 3 for each suspension on the record of a pupil during a school year. Such notice must be provided at least 7 days before the school deems the pupil a habitual disciplinary problem.

5. If a pupil is suspended the school in which the pupil is enrolled may develop, in consultation with the pupil and the parent or legal guardian of the pupil, a plan of behavior for the pupil. Such a plan must be designed to prevent the pupil from being deemed a habitual disciplinary problem and may include, without limitation,

- (a) A plan for graduating if the pupil is deficient in credits and not likely to graduate according to schedule.
- (b) Information regarding schools with a mission to serve pupils who have been:
 - (1) Expelled or suspended from a public school, including, without limitation, a charter school; or
 - (2) Deemed to be a habitual disciplinary problem pursuant to this section.
- (c) A voluntary agreement by the parent or legal guardian to attend school with his or her child.
- (d) A voluntary agreement by the pupil and the pupil's parent or legal guardian to attend counseling, programs or services available in the school district or community.
- (e) A voluntary agreement by the pupil and the pupil's parent or legal guardian that the pupil will attend summer school, intersession school or school on Saturday, if any of those alternatives are offered by the school district.

6. If a pupil commits the same act for which notice was provided pursuant to subsection 3 after he or she enters into a plan of behavior pursuant to subsection 5, the pupil shall be deemed to have not successfully completed the plan of behavior and may be deemed a habitual disciplinary problem.

7. A pupil may, pursuant to the provisions of this section, enter into one plan of behavior per school year.

8. The parent or legal guardian of a pupil who has entered into a plan of behavior with a school pursuant to this section may appeal to the board of trustees of the school district a determination made by the school concerning the contents of the plan of behavior or action taken by the school pursuant to the plan of behavior. Upon receipt of such a request, the board of trustees of the school district shall review the determination in accordance with the procedure established by the board of trustees for such matters.

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 or expelled 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 and:

- (a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or
- (b) 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.

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 and:

- (a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or
 - (b) Enroll in a program of independent study provided pursuant 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. The superintendent of schools of a school district may, for good cause shown in a particular case in that school district, allow a modification to the expulsion requirement of this subsection if such modification is set forth in writing.
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:
- (a) Suspended from the school for a period not to exceed one school semester as determined by the seriousness of the acts which were the basis for the discipline; or
 - (b) Expelled from school under extraordinary circumstances as determined by the principal of the 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 or be homeschooled; or
 - (b) 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.
5. This section does not prohibit a pupil from having in his or her possession a knife or firearm with the approval of the principal of the school. A principal may grant such approval only in accordance with the policies or regulations adopted by the board of trustees of the school district.
6. 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.
7. 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.
8. As used in this section:
- (a) "Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.
 - (b) "Dangerous weapon" includes, without limitation, a blackjack, slungshot, billy, sand-club, sandbag, metal knuckles, dirk or dagger, a nunchaku, 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.

(c) "Firearm" includes, 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.

9. The provisions of this section do not prohibit a pupil who is suspended or expelled from enrolling in a charter school that is designed exclusively for the enrollment of pupils with disciplinary problems if the pupil is accepted for enrollment by the charter school pursuant to NRS 386.580. Upon request, the governing body of a charter school must be provided with access to the records of the pupil relating to the pupil's suspension or expulsion in accordance with applicable federal and state law before the governing body makes a decision concerning the enrollment of the pupil.

NRS 392.467. Suspension or expulsion of pupil: Procedure; limitation.

2. Except as otherwise provided in subsection 5, no pupil may be suspended or expelled until the pupil has been given notice of the charges against him or her, an explanation of the evidence and an opportunity for a hearing, except that a pupil who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process or who is selling or distributing any controlled substance or is found to be in possession of a dangerous weapon as provided in NRS 392.466 may be removed from the school immediately upon being given an explanation of the reasons for his or her removal and pending proceedings, to be conducted as soon as practicable after removal, for the pupil's suspension or expulsion.

REGULATIONS

No relevant regulations found.

In-school suspension

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Return to school following removal

LAWS

NRS 392.4657. Conditions under which pupil deemed suspended.

A pupil shall be deemed suspended from school if the school in which the pupil is enrolled:

1. Prohibits the pupil from attending school for 3 or more consecutive 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.

REGULATIONS

No relevant regulations found.

Use of restraint and seclusion

LAWS

NRS 388.471. Definitions.

As used in NRS 388.471 to 388.515, inclusive, unless the context otherwise requires, the words and terms defined in NRS 388.473 to 388.495, inclusive, have the meanings ascribed to them in those sections.

NRS 388.473. “Aversive intervention” defined.

“Aversive intervention” means any of the following actions if the action is used to punish a pupil with a disability or to eliminate, reduce or discourage maladaptive behavior of a pupil with a disability:

1. The use of noxious odors and tastes;
2. The use of water and other mists or sprays;
3. The use of blasts of air;
4. The use of corporal punishment;
5. The use of verbal and mental abuse;
6. The use of electric shock;
7. The administration of chemical restraint to a person;
8. The placement of a person alone in a room where release from the room is prohibited by a mechanism, including, without limitation, a lock, device or object positioned to hold the door closed or otherwise prevent the person from leaving the room;
9. Requiring a person to perform exercise under forced conditions if the:
 - (a) Person is required to perform the exercise because he or she exhibited a behavior that is related to his or her disability;
 - (b) Exercise is harmful to the health of the person because of his or her disability; or
 - (c) Nature of the person’s disability prevents him or her from engaging in the exercise; or
10. The deprivation of necessities needed to sustain the health of a person, regardless of the length of the deprivation, including, without limitation, the denial or unreasonable delay in the provision of:
 - (a) Food or liquid at a time when it is customarily served; or
 - (b) Medication.

NRS 388.476. “Chemical restraint” defined.

“Chemical restraint” means the administration of drugs for the specific and exclusive purpose of controlling an acute or episodic aggressive behavior when alternative intervention techniques have failed to limit or control the behavior. The term does not include the administration of drugs on a regular basis, as prescribed by a physician, to treat the symptoms of mental, physical, emotional or behavioral disorders and for assisting a person in gaining self-control over his or her impulses.

NRS 388.478. “Corporal punishment” defined.

“Corporal punishment” means the intentional infliction of physical pain, including, without limitation, hitting, pinching or striking.

NRS 388.485. “Electric shock” defined.

“Electric shock” means the application of electric current to a person’s skin or body. The term does not include electroconvulsive therapy.

NRS 388.487. “Emergency” defined.

“Emergency” means a situation in which immediate intervention is necessary to protect the physical safety of a person or others from an immediate threat of physical injury or to protect against an immediate threat of severe property damage.

NRS 388.491. “Mechanical restraint” defined.

“Mechanical restraint” means the use of devices, including, without limitation, mittens, straps and restraint chairs to limit a person’s movement or hold a person immobile.

NRS 388.494. “Physical restraint” defined.

“Physical restraint” means the use of physical contact to limit a person’s movement or hold a person immobile.

NRS 388.495. “Verbal and mental abuse” defined.

“Verbal and mental abuse” means actions or utterances that are intended to cause and actually cause severe emotional distress to a person.

NRS 388.497. Aversive intervention prohibited.

A person employed by the board of trustees of a school district or any other person shall not use any aversive intervention on a pupil with a disability.

NRS 388.499. Physical restraint and mechanical restraint prohibited; exceptions.

A person employed by the board of trustees of a school district or any other person shall not:

1. Except as otherwise provided in NRS 388.501, use physical restraint on a pupil with a disability.
2. Except as otherwise provided in NRS 388.503, use mechanical restraint on a pupil with a disability.

NRS 388.501. Conditions under which physical restraint may be used; report required; requirements if pupil has three or five reports of use of restraint in 1 school year.

1. Except as otherwise provided in subsection 2, physical restraint may be used on a pupil with a disability only if:

- (a) An emergency exists that necessitates the use of physical restraint;
- (b) The physical restraint is used only for the period that is necessary to contain the behavior of the pupil so that the pupil is no longer an immediate threat of causing physical injury to the pupil or to others or causing severe property damage; and
- (c) The use of force in the application of physical restraint does not exceed the force that is reasonable and necessary under the circumstances precipitating the use of physical restraint.

2. Physical restraint may be used on a pupil with a disability and the provisions of subsection 1 do not apply if the physical restraint is used to:

- (a) Assist the pupil in completing a task or response if the pupil does not resist the application of physical restraint or if the pupil’s resistance is minimal in intensity and duration;
- (b) Escort or carry the pupil to safety if the pupil is in danger in his or her present location; or
- (c) Conduct medical examinations or treatments on the pupil that are necessary.

3. If physical restraint is used on a pupil with a disability in an emergency, the use of the procedure must be reported in the pupil's cumulative record and a confidential file maintained for the pupil not later than 1 working day after the procedure is used. A copy of the report must be provided to the board of trustees of the school district or its designee, the pupil's individualized education program team and the parent or guardian of the pupil. If the board of trustees or its designee determines that a denial of the pupil's rights has occurred, the board of trustees or its designee shall submit a report to the Department in accordance with NRS 388.513.

4. If a pupil with a disability has three reports of the use of physical restraint in his or her record pursuant to subsection 3 in 1 school year, the school district shall notify the school in which the pupil is enrolled to review the circumstances of the use of the restraint on the pupil and provide a report to the school district on its findings.

5. If a pupil with a disability has five reports of the use of physical restraint in his or her record pursuant to subsection 3 in 1 school year, the pupil's individualized education program must be reviewed in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1414 et seq., and the regulations adopted pursuant thereto. If physical restraint continues after the pupil's individualized education program has been reviewed, the school district and the parent or legal guardian of the pupil shall include in the pupil's individualized education program additional methods that are appropriate for the pupil to ensure that the restraint does not continue, including, without limitation, mentoring, training, a functional behavioral assessment, a positive behavior plan and positive behavioral supports.

NRS 388.503. Conditions under which mechanical restraint may be used; report required; requirements if pupil has three or five reports of use of restraint in 1 school year.

1. Except as otherwise provided in subsection 2, mechanical restraint may be used on a pupil with a disability only if:

- (a) An emergency exists that necessitates the use of mechanical restraint;
- (b) A medical order authorizing the use of mechanical restraint from the pupil's treating physician or advanced practice registered nurse is included in the pupil's individualized education program before the application of the mechanical restraint;
- (c) The physician or advanced practice registered nurse who signed the order required pursuant to paragraph (b) or the attending physician or attending advanced practice registered nurse examines the pupil as soon as practicable after the application of the mechanical restraint;
- (d) The mechanical restraint is applied by a member of the staff of the school who is trained and qualified to apply mechanical restraint;
- (e) The pupil is given the opportunity to move and exercise the parts of his or her body that are restrained at least 10 minutes per every 60 minutes of restraint, unless otherwise prescribed by the physician or advanced practice registered nurse who signed the order;
- (f) A member of the staff of the school lessens or discontinues the restraint every 15 minutes to determine whether the pupil will stop injury to himself or herself without the use of the restraint;
- (g) The record of the pupil contains a notation that includes the time of day that the restraint was lessened or discontinued pursuant to paragraph (f), the response of the pupil and the response of the member of the staff of the school who applied the mechanical restraint;
- (h) A member of the staff of the school continuously monitors the pupil during the time that mechanical restraint is used on the pupil; and
- (i) The mechanical restraint is used only for the period that is necessary to contain the behavior of the pupil so that the pupil is no longer an immediate threat of causing physical injury to himself or herself.

2. Mechanical restraint may be used on a pupil with a disability and the provisions of subsection 1 do not apply if the mechanical restraint is used to:

- (a) Treat the medical needs of the pupil;
- (b) Protect a pupil who is known to be at risk of injury to himself or herself because he or she lacks coordination or suffers from frequent loss of consciousness;
- (c) Provide proper body alignment to a pupil; or
- (d) Position a pupil who has physical disabilities in a manner prescribed in the pupil's individualized education program.

3. If mechanical restraint is used on a pupil with a disability in an emergency, the use of the procedure must be reported in the pupil's cumulative record and a confidential file maintained for the pupil not later than 1 working day after the procedure is used. A copy of the report must be provided to the board of trustees of the school district or its designee, the pupil's individualized education program team and the parent or guardian of the pupil. If the board of trustees or its designee determines that a denial of the pupil's rights has occurred, the board of trustees or its designee shall submit a report to the Department in accordance with NRS 388.513.

4. If a pupil with a disability has three reports of the use of mechanical restraint in his or her record pursuant to subsection 3 in 1 school year, the school district shall notify the school in which the pupil is enrolled to review the circumstances of the use of the restraint on the pupil and provide a report of its findings to the school district.

5. If a pupil with a disability has five reports of the use of mechanical restraint in his or her record pursuant to subsection 3 in 1 school year, the pupil's individualized education program must be reviewed in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1414 et seq., and the regulations adopted pursuant thereto. If mechanical restraint continues after the pupil's individualized education program has been reviewed, the school district and the parent or legal guardian of the pupil shall include in the pupil's individualized education program additional methods that are appropriate for the pupil to ensure that restraint does not continue, including, without limitation, mentoring, training, a functional behavioral assessment, a positive behavior plan and positive behavioral supports.

NRS 388.505. Mandatory education and training for staff.

1. The Department shall develop a model program of education for use by the school districts to train the members of the staff of the schools within the school districts who are identified in the individualized education programs of pupils with disabilities to provide services to those pupils. The model program of education must provide instruction in positive behavioral interventions and positive behavioral supports that:

- (a) Includes positive methods to modify the environment of pupils with disabilities to promote adaptive behavior and reduce the occurrence of inappropriate behavior;
- (b) Includes methods to teach skills to pupils with disabilities so that the pupils can replace inappropriate behavior with adaptive behavior;
- (c) Includes methods to enhance the independence and quality of life for pupils with disabilities;
- (d) Includes the use of the least intrusive methods to respond to and reinforce the behavior of pupils with disabilities; and
- (e) Offers a process for designing interventions based upon the pupil that are focused on promoting appropriate changes in behavior as well as enhancing the overall quality of life for the pupil.

2. The board of trustees of each school district shall provide for appropriate training for the members of the staff of the schools within the school district who are authorized to carry out and monitor physical

restraint and mechanical restraint to ensure that those members of the staff are qualified to carry out the procedures in accordance with NRS 388.471 to 388.515, inclusive.

NRS 388.506. Disciplinary action against person for intentional violation.

In addition to any penalty prescribed by specific statute, a person who intentionally uses aversive intervention on a pupil with a disability or intentionally violates NRS 388.499 is subject to disciplinary action pursuant to NRS 391.330 or 391.750, or both.

NRS 388.508. Report of violation; corrective plan required; appointment of administrator to oversee school under certain circumstances.

1. A school where a violation of NRS 388.471 to 388.515, inclusive, occurs shall report the violation to the board of trustees of the school district not later than 24 hours after the violation occurred, or as soon thereafter as the violation is discovered.
2. The board of trustees of the school district where the violation occurred shall develop, in cooperation with the superintendent of schools of the school district, a corrective plan to ensure that within 30 calendar days after the violation occurred, appropriate action is taken by the school and the board of trustees to prevent future violations.
3. The superintendent of schools of the school district shall submit the plan to the Department. The Department shall review the plan to ensure that it complies with applicable federal law and the statutes and regulations of this state. The Department may require appropriate revision of the plan to ensure compliance.
4. If the school where the violation occurred does not meet the requirements of the plan to the satisfaction of the Department, the Department may appoint a licensed administrator to oversee the school to ensure that the school meets the requirements of the plan. An administrator serves at the pleasure of the Superintendent of Public Instruction and is entitled to receive such compensation as may be set by the superintendent. A school district that contains a school for which an administrator is appointed pursuant to this subsection shall reimburse the Department for any expenses incurred by the Department pursuant to this subsection.

NRS 388.511. Retaliation for reporting violation prohibited.

An officer, administrator or employee of a public school shall not retaliate against any person for having:

1. Reported a violation of NRS 388.471 to 388.515, inclusive; or
2. Provided information regarding a violation of NRS 388.471 to 388.515, inclusive, by a public school or a member of the staff of the public school.

NRS 388.513. Reporting of denial of rights; investigation and resolution of disputes by Department.

1. A denial of rights of a pupil with a disability pursuant to NRS 388.471 to 388.515, inclusive, must be entered in the pupil's cumulative record and a confidential file maintained for that pupil. Notice of the denial must be provided to the board of trustees of the school district or its designee.
2. If the board of trustees of a school district or its designee receives notice of a denial of rights pursuant to subsection 1, the board of trustees or its designee shall cause a full report to be prepared which must set forth in detail the factual circumstances surrounding the denial. A copy of the report must be provided to the Department.
3. The Department:
 - (a) Shall receive reports made pursuant to subsection 2;
 - (b) May investigate apparent violations of the rights of pupils with disabilities; and

(c) May act to resolve disputes relating to apparent violations.

NRS 388.515. Annual report by school districts on use of restraint and violations; compilation of reports by Department; submission of compilation to Legislature.

1. The board of trustees of each school district shall, on or before August 1 of each year, prepare a report in the form prescribed by the Department that includes, without limitation, for each school within the school district:

(a) The number of instances in which physical restraint was used at the school during the immediately preceding school year, which must indicate the number of instances per teacher employed at the school and per pupil enrolled at the school without disclosing personally identifiable information about the teacher or the pupil;

(b) The number of instances in which mechanical restraint was used at the school during the immediately preceding school year, which must indicate the number of instances per teacher employed at the school and per pupil enrolled at the school without disclosing personally identifiable information about the teacher or the pupil; and

(c) The number of violations of NRS 388.471 to 388.515, inclusive, by type of violation, which must indicate the number of violations per teacher employed at the school and per pupil enrolled at the school without disclosing personally identifiable information about the teacher or the pupil.

2. The board of trustees of each school district shall prescribe a form for each school within the school district to report the information set forth in subsection 1 to the school district and the time by which those reports must be submitted to the school district.

3. On or before August 15 of each year, the board of trustees of each school district shall submit to the Department the written report prepared by the board of trustees pursuant to subsection 1.

4. The Department shall compile the data received by each school district pursuant to subsection 3 and prepare a written report of the compilation, disaggregated by school district. On or before October 1 of each year, the Department shall submit the written compilation:

(a) In even-numbered years, to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature.

(b) In odd-numbered years, to the Legislative Committee on Education.

5. If a particular item in a report required pursuant to this section would reveal personally identifiable information about an individual pupil or teacher, that item must not be included in the report.

REGULATIONS

No relevant regulations found.

Alternative placements

LAWS

NRS 392.017. Regulations concerning school choice for pupils enrolled in persistently dangerous school and for pupils who are victims of violent offense while at school.

The State Board shall adopt regulations to carry out the provisions of 20 U.S.C. § 7912 concerning the choice that must be offered to a pupil to attend another public school, including, without limitation, a charter school, if the pupil is enrolled in a persistently dangerous school or is the victim of a violent offense while at school or on the grounds of the school in which the pupil is enrolled. The regulations must include the criteria for identifying a school as persistently dangerous.

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 or expelled 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 and:

- (a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or
- (b) 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.

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 and:

- (a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or
- (b) Enroll in a program of independent study provided pursuant 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. The superintendent of schools of a school district may, for good cause shown in a particular case in that school district, allow a modification to the expulsion requirement of this subsection if such modification is set forth in writing.

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:

- (a) Suspended from the school for a period not to exceed one school semester as determined by the seriousness of the acts which were the basis for the discipline; or
- (b) Expelled from school under extraordinary circumstances as determined by the principal of the school.

The superintendent of schools of a school district may, for good cause shown in a particular case in that school district, allow a modification to the expulsion requirement of this subsection if such modification is set forth in writing.

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:

- (a) Suspended from the school for a period not to exceed one school semester as determined by the seriousness of the acts which were the basis for the discipline; or
- (b) Expelled from school under extraordinary circumstances as determined by the principal of the 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 or be homeschooled; or

(b) 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.

9. The provisions of this section do not prohibit a pupil who is suspended or expelled from enrolling in a charter school that is designed exclusively for the enrollment of pupils with disciplinary problems if the pupil is accepted for enrollment by the charter school pursuant to NRS 386.580. Upon request, the governing body of a charter school must be provided with access to the records of the pupil relating to the pupil's suspension or expulsion in accordance with applicable federal and state law before the governing body makes a decision concerning the enrollment of the pupil.

NRS 392.4645. Removal of pupil: Notice; assignment to temporary alternative placement; exceptions.

1. The plan established pursuant to NRS 392.4644 must provide for the temporary removal of a pupil from a classroom or other premises of a public school if, in the judgment of the teacher or other staff member responsible for the classroom or other premises, as applicable, the 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 or with the ability of the staff member to discharge his or her duties. The plan must provide that, upon the removal of a pupil from a classroom or any other premises of a public school pursuant to this section, the principal of the school shall provide an explanation of the reason for the removal of the pupil to the pupil and offer the pupil an opportunity to respond to the explanation. Within 24 hours after the removal of a pupil pursuant to this section, the principal of the school shall notify the parent or legal guardian of the pupil of the removal.

2. Except as otherwise provided in subsection 3, a pupil who is removed from a classroom or any other premises of a public school pursuant to this section must be assigned to a temporary alternative placement pursuant to which the pupil:

(a) Is separated, to the extent practicable, from pupils who are not assigned to a temporary alternative placement;

(b) Studies or remains under the supervision of appropriate personnel of the school district; and

(c) Is prohibited from engaging in any extracurricular activity sponsored by the school.

3. The principal shall not assign a pupil to a temporary alternative placement if the suspension or expulsion of a pupil who is removed from the classroom pursuant to this section is:

(a) Required by NRS 392.466; or

(b) Authorized by NRS 392.467 and the principal decides to proceed in accordance with that section. If the principal proceeds in accordance with NRS 392.466 or 392.467, the pupil must be removed from school in accordance with those sections and the provisions of NRS 392.4642 to 392.4648, inclusive, do not apply to the pupil.

NRS 392.4675. Certain suspended or expelled pupils ineligible to attend public school; authority for school district or charter school to enroll ineligible pupil in alternative programs, independent study, distance education or charter school designated for pupils with disciplinary problems.

2. A school district or a charter school, if the charter school offers the applicable program, may allow a pupil who is ineligible to attend a public school pursuant to this section to enroll in:

(a) An alternative program for the education of pupils at risk of dropping out of school provided pursuant to NRS 388.537;

(b) A program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school;

(c) A program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive; or

(d) Any program of instruction offered pursuant to the provisions of NRS 388.550,

if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program. A school district or charter school may conduct an investigation of the background of any such pupil to determine if the educational needs of the pupil may be satisfied without undue disruption to the program. If an investigation is conducted, the board of trustees of the school district or the governing body of the charter school shall, based on the results of the investigation, determine if the pupil will be allowed to enroll in such a program.

REGULATIONS

NAC 388.500. "Alternative program" defined.

As used in NAC 388.510 and 388.520, unless the context otherwise requires, "alternative program" means a program operated by a school district in accordance with NRS 388.537 for the education of pupils at risk of dropping out of school.

NAC 388.510. General requirements; effective period.

1. A plan for an alternative program submitted for approval pursuant to NRS 388.537 must be on a form approved by the Department of Education and must address the considerations set forth in NRS 388.537.
2. A plan for an alternative program that is approved pursuant to NRS 388.537 remains in effect for 5 years after the date of approval. The board of trustees of a school district shall update its plan for an alternative program at least once annually if a substantive change is made to the plan.

NAC 388.520. Plan to provide for independent study.

1. An alternative program may include a plan to provide for independent study pursuant to NAC 389.710 to 389.750, inclusive.
2. A plan to provide for independent study must include:
 - (a) A description of the pupils targeted for enrollment in courses of independent study.
 - (b) A list of the intended instructors, including an identification of the subject areas that each instructor will teach.
 - (c) The names of the courses of independent study to be taught.
 - (d) A plan for maintaining the records of each pupil placed for independent study in accordance with the requirements set forth in NAC 389.720.
 - (e) A statement of the maximum period allowed to complete the courses of independent study.
 - (f) A statement of the maximum number of credits that a pupil may earn in courses of independent study.

Disciplinary Approaches Addressing Specific Infractions and Conditions

Firearms (as required by the Gun-Free Schools Act)

LAWS

NRS 202.265. Possession of dangerous weapon on property or in vehicle of school or child care facility; penalty; exceptions.

1. Except as otherwise provided in this section, a person shall not carry or possess while on the property of the Nevada System of Higher Education, a private or public school or child care facility, or while in a vehicle of a private or public school or child care facility:

- (a) An explosive or incendiary device;
- (b) A dirk, dagger or switchblade knife;
- (c) A nunchaku or trefoil;
- (d) A blackjack or billy club or metal knuckles;
- (e) A pistol, revolver or other firearm; or
- (f) Any device used to mark any part of a person with paint or any other substance.

2. Any person who violates subsection 1 is guilty of a gross misdemeanor.

3. This section does not prohibit the possession of a weapon listed in subsection 1 on the property of:

(a) A private or public school or child care facility by a:

1) Peace officer;

(2) School security guard; or

(3) Person having written permission from the president of a branch or facility of the Nevada System of Higher Education or the principal of the school or the person designated by a child care facility to give permission to carry or possess the weapon.

(b) A child care facility which is located at or in the home of a natural person by the person who owns or operates the facility so long as the person resides in the home and the person complies with any laws governing the possession of such a weapon.

4. The provisions of this section apply to a child care facility located at or in the home of a natural person only during the normal hours of business of the facility.

5. For the purposes of this section:

(a) "Child care facility" means any child care facility that is licensed pursuant to chapter 432A of NRS or licensed by a city or county.

(b) "Firearm" includes any device from which a metallic projectile, including any ball bearing or pellet, may be expelled by means of spring, gas, air or other force.

(c) "Nunchaku" has the meaning ascribed to it in NRS 202.350.

(d) "Switchblade knife" has the meaning ascribed to it in NRS 202.350.

(e) "Trefoil" has the meaning ascribed to it in NRS 202.350.

(f) "Vehicle" has the meaning ascribed to "school bus" in NRS 484A.230.

NRS 392.4634. Prohibition against disciplining certain pupils for simulating firearm or dangerous weapon or wearing clothing or accessories that depict firearm or dangerous weapon; exceptions; prohibition against adoption of conflicting policy, ordinance or regulation.

1. Except as otherwise provided in subsection 3, a pupil enrolled in kindergarten or grades 1 to 8, inclusive, may not be disciplined, including, without limitation, pursuant to NRS 392.466, for:
 - (a) Simulating a firearm or dangerous weapon while playing; or
 - (b) Wearing clothing or accessories that depict a firearm or dangerous weapon or express an opinion regarding a constitutional right to keep and bear arms, unless it substantially disrupts the educational environment.
2. Simulating a firearm or dangerous weapon includes, without limitation:
 - (a) Brandishing a partially consumed pastry or other food item to simulate a firearm or dangerous weapon;
 - (b) Possessing a toy firearm or toy dangerous weapon that is 2 inches or less in length;
 - (c) Possessing a toy firearm or toy dangerous weapon made of plastic building blocks which snap together;
 - (d) Using a finger or hand to simulate a firearm or dangerous weapon;
 - (e) Drawing a picture or possessing an image of a firearm or dangerous weapon; and
 - (f) Using a pencil, pen or other writing or drawing implement to simulate a firearm or dangerous weapon.
3. A pupil who simulates a firearm or dangerous weapon may be disciplined when disciplinary action is consistent with a policy adopted by the board of trustees of the school district and such simulation:
 - (a) Substantially disrupts learning by pupils or substantially disrupts the educational environment at the school;
 - (b) Causes bodily harm to another person; or
 - (c) Places another person in reasonable fear of bodily harm.
4. Except as otherwise provided in subsection 5, a school, school district, board of trustees of a school district or other entity shall not adopt any policy, ordinance or regulation which conflicts with this section.
5. The provisions of this section shall not be construed to prohibit a school from establishing and enforcing a policy requiring pupils to wear a school uniform as authorized pursuant to NRS 386.855.
6. As used in this section:
 - (a) "Dangerous weapon" has the meaning ascribed to it in paragraph (b) of subsection 9 of NRS 392.466.
 - (b) "Firearm" has the meaning ascribed to it in paragraph (c) of subsection 9 of NRS 392.466.

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.

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 and:
 - (a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or

(b) Enroll in a program of independent study provided pursuant 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.

The superintendent of schools of a school district may, for good cause shown in a particular case in that school district, allow a modification to the expulsion requirement of this subsection if such modification is set forth in writing.

5. This section does not prohibit a pupil from having in his or her possession a knife or firearm with the approval of the principal of the school. A principal may grant such approval only in accordance with the policies or regulations adopted by the board of trustees of the school district.

7. As used in this section:

(c) "Firearm" includes, 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.

REGULATIONS

No relevant regulations found.

Other weapons

LAWS

NRS 202.265. Possession of dangerous weapon on property or in vehicle of school or child care facility; penalty; exceptions.

1. Except as otherwise provided in this section, a person shall not carry or possess while on the property of the Nevada System of Higher Education, a private or public school or child care facility, or while in a vehicle of a private or public school or child care facility:

- (a) An explosive or incendiary device;
- (b) A dirk, dagger or switchblade knife;
- (c) A nunchaku or trefoil;
- (d) A blackjack or billy club or metal knuckles;
- (e) A pistol, revolver or other firearm; or
- (f) Any device used to mark any part of a person with paint or any other substance.

2. Any person who violates subsection 1 is guilty of a gross misdemeanor.

3. This section does not prohibit the possession of a weapon listed in subsection 1 on the property of:

- (a) A private or public school or child care facility by a:
 - (1) Peace officer;
 - (2) School security guard; or
 - (3) Person having written permission from the president of a branch or facility of the Nevada System of Higher Education or the principal of the school or the person designated by a child care facility to give permission to carry or possess the weapon.
- (b) A child care facility which is located at or in the home of a natural person by the person who owns or operates the facility so long as the person resides in the home and the person complies with any laws governing the possession of such a weapon.

4. The provisions of this section apply to a child care facility located at or in the home of a natural person only during the normal hours of business of the facility.

5. For the purposes of this section:

(a) "Child care facility" means any child care facility that is licensed pursuant to chapter 432A of NRS or licensed by a city or county.

(b) "Firearm" includes any device from which a metallic projectile, including any ball bearing or pellet, may be expelled by means of spring, gas, air or other force.

(c) "Nunchaku" has the meaning ascribed to it in NRS 202.350.

(d) "Switchblade knife" has the meaning ascribed to it in NRS 202.350.

(e) "Trefoil" has the meaning ascribed to it in NRS 202.350.

(f) "Vehicle" has the meaning ascribed to "school bus" in NRS 484A.230.

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.

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 and:

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

(b) Enroll in a program of independent study provided pursuant 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.

The superintendent of schools of a school district may, for good cause shown in a particular case in that school district, allow a modification to the expulsion requirement of this subsection if such modification is set forth in writing.

5. This section does not prohibit a pupil from having in his or her possession a knife or firearm with the approval of the principal of the school. A principal may grant such approval only in accordance with the policies or regulations adopted by the board of trustees of the school district.

7. As used in this section:

(b) "Dangerous weapon" includes, without limitation, a blackjack, slungshot, billy, sand-club, sandbag, metal knuckles, dirk or dagger, a nunchaku, 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.

REGULATIONS

No relevant regulations found.

Students with chronic disciplinary issues

LAWS

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.

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:

- (a) Suspended from the school for a period not to exceed one school semester as determined by the seriousness of the acts which were the basis for the discipline; or
- (b) Expelled from school under extraordinary circumstances as determined by the principal of the 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 or be homeschooled; or
- (b) 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.

NRS 392.4655. Conditions under which pupil deemed habitual disciplinary problem; plan of behavior to prevent pupil from being deemed habitual disciplinary problem.

1. Except as otherwise provided in this section, a principal of a school shall 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 a 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 pursuant to subsection 5.

2. At least one teacher of a pupil who is enrolled in elementary school and at least two teachers of a pupil who is enrolled in junior high, middle school or high school may request that the principal of the school deem a pupil a habitual disciplinary problem. Upon such a request, the principal of the school shall meet with each teacher who made the request to review the pupil's record of discipline. If, after the review, the principal of the school determines that the provisions of subsection 1 do not apply to the pupil, a teacher who submitted a request pursuant to this subsection may appeal that determination to the board of trustees of the school district. Upon receipt of such a request, the board of trustees shall review the initial request and determination pursuant to the procedure established by the board of trustees for such matters.

3. If a pupil is suspended, the school in which the pupil is enrolled shall provide written notice to the parent or legal guardian of the pupil that contains:

- (a) A description of the act committed by the pupil and the date on which the act was committed;
- (b) An explanation that if the pupil receives five suspensions on his or her record during the current school year and has not entered into and participated in a plan of behavior pursuant to subsection 5, the pupil will be deemed a habitual disciplinary problem;

- (c) An explanation that, pursuant to subsection 3 of NRS 392.466, a pupil who is deemed a habitual disciplinary problem may be: (1) Suspended from school for a period not to exceed one school semester as determined by the seriousness of the acts which were the basis for the discipline; or (2) Expelled from school under extraordinary circumstances as determined by the principal of the school;
- (d) If the pupil has a disability and is participating in a program of special education pursuant to NRS 388.520, an explanation of the effect of subsection 7 of NRS 392.466, including, without limitation, that if it is determined in accordance with 20 U.S.C. § 1415 that the pupil's behavior is not a manifestation of the pupil's disability, he or she may be suspended or expelled from school in the same manner as a pupil without a disability; and
- (e) A summary of the provisions of subsection 5..

4. A school shall provide the notice required by subsection 3 for each suspension on the record of a pupil during a school year. Such notice must be provided at least 7 days before the school deems the pupil a habitual disciplinary problem.
5. If a pupil is suspended the school in which the pupil is enrolled may develop, in consultation with the pupil and the parent or legal guardian of the pupil, a plan of behavior for the pupil. Such a plan must be designed to prevent the pupil from being deemed a habitual disciplinary problem and may include, without limitation,
 - (a) A plan for graduating if the pupil is deficient in credits and not likely to graduate according to schedule.
 - (b) Information regarding schools with a mission to serve pupils who have been:
 - (1) Expelled or suspended from a public school, including, without limitation, a charter school; or
 - (2) Deemed to be a habitual disciplinary problem pursuant to this section.
 - (c) A voluntary agreement by the parent or legal guardian to attend school with his or her child.
 - (d) A voluntary agreement by the pupil and the pupil's parent or legal guardian to attend counseling, programs or services available in the school district or community.
 - (e) A voluntary agreement by the pupil and the pupil's parent or legal guardian that the pupil will attend summer school, intersession school or school on Saturday, if any of those alternatives are offered by the school district.
6. If a pupil commits the same act for which notice was provided pursuant to subsection 3 after he or she enters into a plan of behavior pursuant to subsection 5, the pupil shall be deemed to have not successfully completed the plan of behavior and may be deemed a habitual disciplinary problem.
7. A pupil may, pursuant to the provisions of this section, enter into one plan of behavior per school year.
8. The parent or legal guardian of a pupil who has entered into a plan of behavior with a school pursuant to this section may appeal to the board of trustees of the school district a determination made by the school concerning the contents of the plan of behavior or action taken by the school pursuant to the plan of behavior. Upon receipt of such a request, the board of trustees of the school district shall review the determination in accordance with the procedure established by the board of trustees for such matters.

REGULATIONS

No relevant regulations found.

Attendance and truancy

LAWS

NRS 392.040. Attendance required for child between 7 and 18 years of age; minimum age required for kindergarten and first grade; waiver from attendance available for child 6 years of age; developmental screening test required to determine placement; effect of military transfer of parent of child.

1. Except as otherwise provided by law, each parent, custodial parent, guardian or other person in the State of Nevada having control or charge of any child between the ages of 7 and 18 years shall send the child to a public school during all the time the public school is in session in the school district in which the child resides unless the child has graduated from high school.

2. A child who is 5 years of age on or before September 30 of a school year may be admitted to kindergarten at the beginning of that school year, and the child's enrollment must be counted for purposes of apportionment. If a child is not 5 years of age on or before September 30 of a school year, the child must not be admitted to kindergarten.

3. Except as otherwise provided in subsection 4, a child who is 6 years of age on or before September 30 of a school year must:

(a) If the child has not completed kindergarten, be admitted to kindergarten at the beginning of that school year; or

(b) If the child has completed kindergarten, be admitted to the first grade at the beginning of that school year,

and the child's enrollment must be counted for purposes of apportionment. If a child is not 6 years of age on or before September 30 of a school year, the child must not be admitted to the first grade until the beginning of the school year following the child's sixth birthday.

4. The parents, custodial parent, guardian or other person within the State of Nevada having control or charge of a child who is 6 years of age on or before September 30 of a school year may elect for the child not to attend kindergarten or the first grade during that year. The parents, custodial parent, guardian or other person who makes such an election shall file with the board of trustees of the appropriate school district a waiver in a form prescribed by the board.

5. Whenever a child who is 6 years of age is enrolled in a public school, each parent, custodial parent, guardian or other person in the State of Nevada having control or charge of the child shall send the child to the public school during all the time the school is in session. If the board of trustees of a school district has adopted a policy prescribing a minimum number of days of attendance for pupils enrolled in kindergarten or first grade pursuant to NRS 392.122, the school district shall provide to each parent and legal guardian of a pupil who elects to enroll his or her child in kindergarten or first grade a written document containing a copy of that policy and a copy of the policy of the school district concerning the withdrawal of pupils from kindergarten or first grade. Before the child's first day of attendance at a school, the parent or legal guardian shall sign a statement on a form provided by the school district acknowledging that he or she has read and understands the policy concerning attendance and the policy concerning withdrawal of pupils from kindergarten or first grade. The parent or legal guardian shall comply with the applicable requirements for attendance. This requirement for attendance does not apply to any child under the age of 7 years who has not yet been enrolled or has been formally withdrawn from enrollment in public school.

6. A child who is 7 years of age on or before September 30 of a school year must:

(a) If the child has completed kindergarten and the first grade, be admitted to the second grade.

- (b) If the child has completed kindergarten, be admitted to the first grade.
- (c) If the parents, custodial parent, guardian or other person in the State of Nevada having control or charge of the child waived the child's attendance from kindergarten pursuant to subsection 4, undergo an assessment by the district pursuant to subsection 7 to determine whether the child is prepared developmentally to be admitted to the first grade. If the district determines that the child is prepared developmentally, the child must be admitted to the first grade. If the district determines that the child is not so prepared, he or she must be admitted to kindergarten.

The enrollment of any child pursuant to this subsection must be counted for apportionment purposes.

7. Each school district shall prepare and administer before the beginning of each school year a developmental screening test to a child:

- (a) Who is 7 years of age on or before September 30 of the next school year; and
- (b) Whose parents waived the child's attendance from kindergarten pursuant to subsection 4,

to determine whether the child is prepared developmentally to be admitted to the first grade. The results of the test must be made available to the parents, custodial parent, guardian or other person within the State of Nevada having control or charge of the child.

8. Except as otherwise provided in subsection 9, a child who becomes a resident of this State after completing kindergarten or beginning first grade in another state in accordance with the laws of that state may be admitted to the grade the child was attending or would be attending had he or she remained a resident of the other state regardless of his or her age, unless the board of trustees of the school district determines that the requirements of this section are being deliberately circumvented.

9. Pursuant to the provisions of NRS 392C.010, a child who transfers to a school in this State from a school outside this State because of the military transfer of the parent or legal guardian of the child must be admitted to:

- (a) The grade, other than kindergarten, the child was attending or would be attending had he or she remained a resident of the other state, regardless of the child's age.
- (b) Kindergarten, if the child was enrolled in kindergarten in another state in accordance with the laws of that state, regardless of the child's age.

10. As used in this section, "kindergarten" includes:

- (a) A kindergarten established by the board of trustees of a school district pursuant to NRS 388.060;
- (b) A kindergarten established by the governing body of a charter school; and
- (c) An authorized program of instruction for kindergarten offered in a child's home pursuant to NRS 388.060.

NRS 392.140. Conditions under which pupil declared habitual truant; applicability.

1. Any child who has been declared a truant three or more times within one school year must be declared a habitual truant.

2. Any child who has once been declared a habitual truant and who in an immediately succeeding year is absent from school without the written:

- (a) Approval of the child's teacher or the principal of the school pursuant to subsection 1 of NRS 392.130; or
- (b) Notice of his or her parent or legal guardian or other person who has control or charge over the pupil pursuant to subsection 3 of NRS 392.130,

may again be declared a habitual truant.

3. The provisions of this section apply to all pupils who are required to attend school pursuant to NRS 392.040.

NRS 392.144. Duties of school if pupil is truant; habitual truant must be reported to attendance officer or law enforcement, referred to advisory board or referred for imposition of administrative sanctions.

1. If a pupil has one or more unapproved absences from school, the school in which the pupil is enrolled shall take reasonable actions designed, as applicable, to encourage, enable or convince the pupil to attend school.
2. If a pupil is a habitual truant pursuant to NRS 392.140, or if a pupil who is a habitual truant pursuant to NRS 392.140 is again declared truant pursuant to NRS 392.130 in the same school year after being declared a habitual truant, the principal of the school shall:
 - (a) Report the pupil to an attendance officer, a school police officer or the local law enforcement agency for investigation and issuance of a citation, if warranted, in accordance with NRS 392.149;
 - (b) If the parent or legal guardian of a pupil has signed a written consent pursuant to subsection 4, submit a written referral of the pupil to the advisory board to review school attendance in the county in accordance with NRS 392.146; or
 - (c) Refer the pupil for the imposition of administrative sanctions in accordance with NRS 392.148.
3. The board of trustees of each school district shall adopt criteria to determine whether the principal of a school shall:
 - (a) Report a pupil to an attendance officer, a school police officer or the law enforcement agency pursuant to paragraph (a) of subsection 2;
 - (b) Refer a pupil to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2; or
 - (c) Refer a pupil for the imposition of administrative sanctions pursuant to paragraph (c) of subsection 2.
4. If the principal of a school makes an initial determination to submit a written referral of a pupil to the advisory board to review school attendance, the principal shall notify the parent or legal guardian of the pupil and request the parent or legal guardian to sign a written consent that authorizes the school and, if applicable, the school district to release the records of the pupil to the advisory board to the extent that such release is necessary for the advisory board to carry out its duties pursuant to NRS 392.146 and 392.147. The written consent must comply with the applicable requirements of 20 U.S.C. § 1232g(b) and 34 C.F.R. Part 99. If the parent or legal guardian refuses to sign the consent, the principal shall:
 - (a) Report the pupil to an attendance officer, a school police officer or the local law enforcement agency pursuant to paragraph (a) of subsection 2; or
 - (b) Refer the pupil for the imposition of administrative sanctions pursuant to paragraph (c) of subsection 2.

NRS 392.146. Contents of written referral to advisory board; notice to parents or guardian.

A written referral of a pupil to an advisory board to review school attendance must include the dates on which the pupil was truant from school and all action taken by the school to assist the pupil to attend school. The advisory board may request clarification of any information contained in the written referral or any additional information that the advisory board considers necessary. The school shall provide written notice of the referral to the parents or legal guardian of the pupil. The written notice must include, without limitation:

1. The name and address of the pupil referred;
2. A written explanation of the reason for the referral;

3. A summary of the provisions of NRS 392.147; and
4. The address and telephone number of the advisory board to review school attendance.

NRS 392.147. Hearing by advisory board; written agreement for participation of pupil in certain programs; reporting of pupil to attendance officer or law enforcement agency or referral for administrative sanctions under certain circumstances; appeal by parent; confidentiality of information.

1. If an advisory board to review school attendance receives a written referral of a pupil pursuant to NRS 392.146, the advisory board shall set a date, time and place for a hearing. The pupil and the pupil's parents or legal guardian shall attend the hearing held by the advisory board. The hearing must be closed to the public. The chair of an advisory board to review school attendance may request that subpoenas for a hearing conducted pursuant to this section be issued to:

- (a) The parent or legal guardian of a pupil who has been referred to the advisory board or any other person that the advisory board considers necessary to the hearing.
- (b) A pupil who has been referred to the advisory board.

2. If a pupil and the pupil's parents or legal guardian do not attend the hearing, the chair of the advisory board shall:

- (a) Report the pupil to an attendance officer, a school police officer or the appropriate local law enforcement agency for investigation and issuance of a citation, if warranted in accordance with NRS 392.149; or
- (b) Refer the pupil for the imposition of administrative sanctions in accordance with NRS 392.148.

3. If an advisory board to review school attendance determines that the status of a pupil as a habitual truant can be adequately addressed through participation by the pupil in programs and services available in the community, the advisory board shall order the pupil to participate in such programs and services. If the pupil does not agree to participate in such programs and services, the chair of the advisory board shall report the pupil to an attendance officer, a school police officer or the appropriate local law enforcement agency for investigation and issuance of a citation, if warranted in accordance with NRS 392.149, or refer the pupil for the imposition of administrative sanctions in accordance with NRS 392.148. If the pupil agrees to participate in such programs and services, the advisory board, the pupil and the parents or legal guardian of the pupil shall enter into a written agreement that:

- (a) Sets forth the findings of the advisory board;
- (b) Sets forth the terms and conditions of the pupil's participation in the programs and services designated by the advisory board; and
- (c) Adequately informs the pupil and the pupil's parents or legal guardian that if the pupil or his or her parents or legal guardian do not comply with the terms of the written agreement, the chair of the advisory board is legally obligated to report the pupil to an attendance officer, a school police officer or the appropriate local law enforcement agency for investigation and issuance of a citation, if warranted in accordance with NRS 392.149, or refer the pupil for the imposition of administrative sanctions in accordance with NRS 392.148.

The parents or legal guardian of the pupil shall, upon the request of the advisory board, provide proof satisfactory to the advisory board that the pupil is participating in the programs and services set forth in the written agreement.

4. The chair of an advisory board to review school attendance shall report a pupil to an attendance officer, a school police officer or the appropriate local law enforcement agency or refer the pupil for the imposition of administrative sanctions in accordance with NRS 392.148 if:

- (a) The pupil and the pupil's parents or legal guardian fail to attend a hearing set by the advisory board pursuant to subsection 1;
 - (b) The advisory board determines that the status of a pupil as a habitual truant cannot be adequately addressed by requiring the pupil to participate in programs and services available in the community;
 - (c) The pupil does not consent to participation in programs and services pursuant to subsection 3; or
 - (d) The pupil or the pupil's parents or legal guardian violates the terms of the written agreement entered into pursuant to subsection 3.
5. If the chair of an advisory board makes a report to an attendance officer, a school police officer or the local law enforcement agency pursuant to subsection 4, the chair shall:
- (a) Submit to the attendance officer, school police officer or law enforcement agency, as applicable, written documentation of all efforts made by the advisory board to address the status of the pupil as a habitual truant; and
 - (b) Make recommendations to the attendance officer, school police officer or law enforcement agency, as applicable, regarding the appropriate disposition of the case.
6. If the chair of an advisory board refers a pupil for the imposition of administrative sanctions pursuant to subsection 4, the chair shall:
- (a) Provide written documentation of all efforts made by the advisory board to address the status of the pupil as a habitual truant; and
 - (b) Make recommendations regarding the appropriate disposition of the case.
7. If the parents or legal guardian of a pupil enter into a written agreement pursuant to this section, the parents or legal guardian may appeal to the board of trustees of the school district a determination made by the advisory board concerning the contents of the written agreement. Upon receipt of such a request, the board of trustees of the school district shall review the determination in accordance with the procedure established by the board of trustees for such matters.
8. The board of trustees of each school district shall adopt policies and rules to protect the confidentiality of the deliberations, findings and determinations made by an advisory board and information concerning a pupil and the family of a pupil. An advisory board shall not disclose information concerning the records of a pupil or services provided to a pupil or the pupil's family unless the disclosure is specifically authorized by statute or by the policies and rules of the board of trustees and is necessary for the advisory board to carry out its duties.

NRS 392.148. Administrative sanctions against habitual truant after investigation and hearing; suspension or delay in issuance of driver's license; appeal by parent or guardian.

1. Upon receipt of a report pursuant to NRS 392.144 or 392.147, a school police officer or a person designated pursuant to subsection 6 shall conduct an investigation, set a date for a hearing and provide a written notice of the hearing to the parent or legal guardian of the pupil. If it appears after investigation and a hearing that a pupil is a habitual truant, a school police officer or a person designated pursuant to subsection 6 may issue an order imposing the following administrative sanctions against a pupil:
- (a) If it is the first time that administrative sanctions have been issued pursuant to this section because the pupil is a habitual truant, and the pupil is 14 years of age or older, order the suspension of the driver's license of the pupil for at least 30 days but not more than 6 months. If the pupil does not possess a driver's license, the order must provide that the pupil is prohibited from applying for a driver's license for 30 days:
 - (1) Immediately following the date of the order if the pupil is eligible to apply for a driver's license; or

(2) After the date the pupil becomes eligible to apply for a driver's license if the pupil is not eligible to apply for a driver's license.

(b) If it is the second time or any subsequent time that administrative sanctions have been issued pursuant to this section because the pupil is a habitual truant, and the pupil is 14 years of age or older, order the suspension of the driver's license of the pupil for at least 60 days but not more than 1 year. If the pupil does not possess a driver's license, the order must provide that the pupil is prohibited from applying for a driver's license for 60 days immediately following:

(1) The date of the order if the pupil is eligible to apply for a driver's license; or

(2) The date the pupil becomes eligible to apply for a driver's license if the pupil is not eligible to apply for a driver's license.

2. If a pupil applies for a driver's license, the Department of Motor Vehicles shall:

(a) Notify the pupil of the provisions of this section that authorize the suspension of the driver's license of the pupil; and

(b) Require the pupil to sign an affidavit acknowledging that the pupil is aware that his or her driver's license may be suspended pursuant to this section.

3. If an order is issued pursuant to this section delaying the ability of the pupil to receive a driver's license, a copy of the order must be forwarded to the Department of Motor Vehicles not later than 5 days after the order is issued.

4. If an order is issued pursuant to this section suspending the driver's license of a pupil:

(a) The pupil shall surrender his or her driver's license to the school police officer or the person designated pursuant to subsection 6.

(b) Not later than 5 days after issuing the order, the school police officer or the designated person shall forward to the Department of Motor Vehicles a copy of the order and the driver's license of the pupil.

(c) The Department of Motor Vehicles:

(1) Shall report the suspension of the driver's license of the pupil to an insurance company or its agent inquiring about the pupil's driving record, but such a suspension must not be considered for the purpose of rating or underwriting.

(2) Shall not treat the suspension in the manner statutorily required for moving traffic violations.

(3) Shall not require the pupil to submit to the tests and other requirements which are adopted by regulation pursuant to subsection 1 of NRS 483.495 as a condition of reinstatement or reissuance after the suspension of a driver's license.

5. The parent or legal guardian of a pupil may request a hearing before a person designated by the board of trustees of the school district in which the pupil is enrolled to appeal the imposition of any administrative sanctions pursuant to this section. The person designated by the board of trustees shall, not later than 30 days after receipt of the request, hold a hearing to review the reason for the imposition of any administrative sanctions. Not later than 30 days after the hearing, the person designated by the board of trustees shall issue a written decision affirming, denying or modifying the decision to impose administrative sanctions and mail a copy of the decision to the parent or legal guardian of the pupil.

6. If a public school does not have a school police officer assigned to it, the principal of the school may designate a qualified person to carry out the requirements of this section.

NRS 392.149. Issuance of citation to habitual truant; applicability.

1. Upon receipt of a report pursuant to NRS 392.144; or 392.147, if it appears after investigation that a pupil is a habitual truant, the attendance officer, school police officer or law enforcement agency to whom

the report is made shall prepare manually or electronically a citation directing the pupil to appear in the proper juvenile court.

2. A copy of the citation must be delivered to the pupil and to the parent, guardian or any other person who has control or charge of the pupil by:

- (a) The local law enforcement agency;
- (b) A school police officer employed by the board of trustees of the school district; or
- (c) An attendance officer appointed by the board of trustees of the school district.

3. The citation must be in the form prescribed for misdemeanor citations in NRS 171.1773.

4. The provisions of this section apply to all pupils who are required to attend school pursuant to NRS 392.040.

NRS 392.150. Appointment of attendance officer authorized; procedures to monitor attendance and truancy; consideration of employment of attendance clerk.

1. The board of trustees of a school district may appoint an attendance officer for the school district, who need not be a licensed employee of the school district, except that in any school district where a system of classified employment is in effect, attendance officers must be classified employees of the school district. If the board of trustees appoints an attendance officer for the school district, the board of trustees may:

- (a) Fix the compensation of the attendance officer;
- (b) Prescribe the duties of the attendance officer; and
- (c) Adopt regulations not inconsistent with law for the performance of the duties of the attendance officer.

2. The board of trustees of each school district shall:

- (a) Establish procedures to monitor the attendance and truancy of pupils, including, without limitation, a standard method for reporting the truancy of pupils and a standard method for reporting excessive absences of pupils throughout the school district;
- (b) Coordinate efforts to refer pupils who are truant to appropriate providers of community services; and
- (c) Determine, based on the attendance and truancy of pupils at each school within the school district, whether to employ an attendance clerk for a particular school or group of schools whose primary responsibility is to monitor the attendance and truancy of pupils.

NRS 392.160. Taking into custody child reported absent from school; persons or counseling agency to whom child may be delivered.

1. Any peace officer, the attendance officer or any other school officer shall, during school hours, take into custody without warrant:

- (a) Any child between the ages of 7 and 18 years; and
- (b) Any child who has arrived at the age of 6 years but not at the age of 7 years and is enrolled in a public school,

who has been reported to the officer by the teacher, superintendent of schools or other school officer as an absentee from instruction upon which the child is lawfully required to attend.

2. Except as otherwise provided in subsection 3:

- (a) During school hours, the officer having custody shall forthwith deliver the child to the superintendent of schools, principal or other school officer at the child's school of attendance.

(b) After school hours, the officer having custody shall deliver the child to the parent, guardian or other person having control or charge of the child.

3. The board of trustees of a school district or the governing body of a charter school may enter into an agreement with a counseling agency to permit delivery of the child to the agency. For the purposes of this subsection, "counseling agency" means an agency designated by the school district in which the child is enrolled to provide counseling for the child and the parent, guardian or other person having control or charge of the child.

NRS 392.467. Suspension or expulsion of pupil: Procedure; limitation.

4. The board of trustees of a school district shall not authorize the expulsion, suspension or removal of any pupil from the public school system solely because the pupil is declared a truant or habitual truant in accordance with NRS 392.130 or 392.140.

NRS 392.900. Interference with pupil attending school; penalty.

1. It is unlawful for any person, against the will of a pupil attending any public school, to beat, whip, detain or otherwise interfere with the pupil while the pupil is on his or her way to and from school.

2. Any person who violates any of the provisions of this section shall be guilty of a misdemeanor.

REGULATIONS

No relevant regulations found.

Substance use

LAWS

NRS 392.463. Adoption of plan to ensure public schools are safe and free of controlled substances; written rules of behavior and punishments; distribution of plan and rules to pupils; availability for inspection.

1. Each school district shall adopt a plan to ensure that the public schools within the school district are safe and free of controlled substances. The plan must comply with the Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101 et seq.

2. Each school district shall prescribe written rules of behavior required of and prohibited for pupils attending school within their district and shall prescribe appropriate punishments for violations of the rules. If suspension or expulsion is used as a punishment for a violation of the rules, the school district shall follow the procedures in NRS 392.467.

NRS 392.464. Adoption and enforcement by trustees of disciplinary measures for pupil in possession of alcoholic beverage or controlled substance on premises of school.

1. The board of trustees of each school district shall adopt and enforce measures for disciplining any pupil who is found in possession of an alcoholic beverage or a controlled substance, while on the premises of any public school in its district.

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 or expelled 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 and:

- (a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or
- (b) 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.

NRS 453.3345. Additional penalty for commission of certain violations at or near school, school bus stop, recreational facilities for minors or public park.

1. Unless a greater penalty is provided in NRS 453.333 or 453.334, and except as otherwise provided in NRS 193.169, any person who violates NRS 453.321 or 453.322:

- (a) On the grounds of a public or private school, a playground, public park, public swimming pool, recreational center for youths or a video arcade;
- (b) On a campus of the Nevada System of Higher Education;
- (c) Within 1,000 feet of the perimeter of such a school ground or campus, playground, park, pool, recreational center or arcade; or
- (d) Within 1,000 feet of a school bus stop from 1 hour before school begins until 1 hour after school ends during scheduled school days,

must be punished by imprisonment in the state prison for a term equal to and in addition to the term of imprisonment prescribed by statute for the crime. The sentence prescribed by this section runs consecutively with the sentence prescribed by statute for the crime.

2. This section does not create a separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

3. For the purposes of this section:

- (a) "Playground" means any outdoor facility, intended for recreation, open to the public and in any portion thereof containing one or more apparatus intended for the recreation of children, such as a sliding board, teeterboard, sandbox or swingset.
- (b) "Recreational center for youths" means a recreational facility or gymnasium which regularly provides athletic, civic or cultural activities for persons under 18 years of age.
- (c) "School bus" has the meaning ascribed to it in NRS 483.160.
- (d) "Video arcade" means a facility legally accessible to persons under 18 years of age, intended primarily for the use of pinball and video machines for amusement and which contains a minimum of 10 such machines.

REGULATIONS

No relevant regulations found.

Bullying, harassment, or hazing

LAWS

NRS 200.605. Penalties; definition.

1. A person who engages in hazing is guilty of:

- (a) A misdemeanor, if no substantial bodily harm results.
 - (b) A gross misdemeanor, if substantial bodily harm results.
2. Consent of a victim of hazing is not a valid defense to a prosecution conducted pursuant to this section.
 3. For the purposes of this section, an activity shall be deemed to be “forced” if initiation into or affiliation with a student organization, academic association or athletic team is directly or indirectly conditioned upon participation in the activity.
 4. As used in this section, “hazing” means an activity in which a person intentionally or recklessly endangers the physical health of another person for the purpose of initiation into or affiliation with a student organization, academic association or athletic team at a high school, college or university in this state. The term:
 - (a) Includes, without limitation, any physical brutality or brutal treatment, including, without limitation, whipping, beating, branding, forced calisthenics, exposure to the elements or forced consumption of food, liquor, drugs or other substances.
 - (b) Does not include any athletic, curricular, extracurricular or quasi-military practice, conditioning or competition that is sponsored or approved by the high school, college or university.

NRS 388.077. Right of pupils to constitutional expression; limitation; resolution of complaint by pupil of violation of right.

1. Each pupil of a public school, including, without limitation, each pupil of a university school for profoundly gifted pupils, is entitled to express himself or herself in a manner consistent with the rights guaranteed by the First and Fourteenth Amendments to the United States Constitution.
2. Any expression described in subsection 1 must not be disruptive of instruction at a public school, including, without limitation, a university school for profoundly gifted pupils, must not be used to engage in bullying or cyber-bullying or intimidate any person and must not be organized, broadcast or endorsed by a public school, including, without limitation, a university school for profoundly gifted pupils.
3. The board of trustees of each school district, the governing body of each charter school and the governing body of each university school for profoundly gifted pupils shall adopt a written policy for pupil publications which:
 - (a) Establishes reasonable provisions governing the time, place and manner for the distribution of pupil publications;
 - (b) Protects the right of expression described in subsection 1 for pupils working on pupil publications as journalists in their determination of the news, opinions, feature content, advertising content and other content of the pupil publications;
 - (c) Prohibits, without limitation, the following:
 - (1) Restricting the publication of any content in pupil publications unless the content would substantially disrupt the ability of the public school to perform its educational mission;
 - (2) Dismissing, suspending, disciplining or retaliating against an employee or other person acting as an adviser for a pupil publication or as an adviser for pupils working as journalists on a pupil publication for acting within the scope of that position, including, without limitation, taking responsible and appropriate action to protect a pupil engaged in conduct protected pursuant to the written policy or refusing to perform an action which violates the written policy; and
 - (3) Expelling, suspending or otherwise disciplining a pupil for engaging in conduct in accordance with the policy, unless such conduct substantially disrupts the ability of the public school to perform its educational mission and the disruption was intentional; and

(d) Includes a disclaimer indicating that any content published in a pupil publication is not endorsed by the public school.

4. The board of trustees of each school district, the governing body of each charter school and the governing body of each university school for profoundly gifted pupils shall adopt a policy prescribing procedures for the resolution of a complaint by a pupil of the school district, charter school or university school for profoundly gifted pupils that the rights of the pupil described in subsection 1 or 3 have been violated. The policy required by this subsection may be part of a comprehensive discrimination grievance policy of the school district, charter school or university school for profoundly gifted pupils or may be a separate policy.

5. As used in this section:

(a) "Bullying" has the meaning ascribed to it in NRS 388.122.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

NRS 388.121. Definitions.

As used in NRS 388.121 to 388.1395, inclusive, unless the context otherwise requires, the words and terms defined in NRS 388.1215 to 388.127, inclusive, have the meanings ascribed to them in those sections.

NRS 388.122. "Bullying" defined.

1. "Bullying" means written, verbal or electronic expressions or physical acts or gestures, or any combination thereof, that are directed at a person or group of persons, or a single severe and willful act or expression that is directed at a person or group of persons, and:

(a) Have the effect of:

(1) Physically harming a person or damaging the property of a person; or

(2) Placing a person in reasonable fear of physical harm to the person or damage to the property of the person;

(b) Interfere with the rights of a person by:

(1) Creating an intimidating or hostile educational environment for the person; or

(2) Substantially interfering with the academic performance of a pupil or the ability of the person to participate in or benefit from services, activities or privileges provided by a school; or

(c) Are acts or conduct described in paragraph (a) or (b) and are based upon the:

(1) 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; or

(2) Association of a person with another person having one or more of those actual or perceived characteristics.

2. The term includes, without limitation:

(a) Repeated or pervasive taunting, name-calling, belittling, mocking or use of put-downs or demeaning humor regarding the 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;

(b) Behavior that is intended to harm another person by damaging or manipulating his or her relationships with others by conduct that includes, without limitation, spreading false rumors;

(c) Repeated or pervasive nonverbal threats or intimidation such as the use of aggressive, menacing or disrespectful gestures;

- (d) Threats of harm to a person, to his or her possessions or to other persons, whether such threats are transmitted verbally, electronically or in writing;
- (e) Blackmail, extortion or demands for protection money or involuntary loans or donations;
- (f) Blocking access to any property or facility of a school;
- (g) Stalking; and
- (h) Physically harmful contact with or injury to another person or his or her property.

NRS 388.123. “Cyber-bullying” defined.

“Cyber-bullying” means bullying through the use of electronic communication. The term includes the use of electronic communication to transmit or distribute a sexual image of a minor. As used in this section, “sexual image” has the meaning ascribed to it in NRS 200.737.

NRS 388.124. “Electronic communication” defined.

“Electronic communication” means the communication of any written, verbal or pictorial information through the use of an electronic device, including, without limitation, a telephone, a cellular phone, a computer or any similar means of communication.

NRS 388.132. Legislative declaration concerning safe and respectful learning environment.

The Legislature declares that:

1. Pupils are the most vital resource to the future of this State;
2. A learning environment that is safe and respectful is essential for the pupils enrolled in the schools in this State and is necessary for those pupils to achieve academic success and meet this State’s high academic standards;
3. Every classroom, hallway, locker room, cafeteria, restroom, gymnasium, playground, athletic field, school bus, parking lot and other areas on the premises of a school in this State must be maintained as a safe and respectful learning environment, and no form of bullying or cyber-bullying will be tolerated within the system of public education in this State;
4. Any form of bullying or cyber-bullying seriously interferes with the ability of teachers to teach in the classroom and the ability of pupils to learn;
5. The use of the Internet by pupils in a manner that is ethical, safe and secure is essential to a safe and respectful learning environment and is essential for the successful use of technology;
6. It will ensure that:
 - (a) The schools in this State provide a safe and respectful learning environment in which persons of differing beliefs, races, colors, national origins, ancestries, religions, gender identities or expressions, sexual orientations, physical or mental disabilities, sexes or any other distinguishing characteristics or backgrounds can realize their full academic and personal potential;
 - (b) All administrators, teachers and other personnel of the school districts and schools in this State demonstrate appropriate and professional behavior on the premises of any school by treating other persons, including, without limitation, pupils, with civility and respect, by refusing to tolerate bullying and cyber-bullying, and by taking immediate action to protect a victim or target of bullying or cyber-bullying when witnessing, overhearing or being notified that bullying or cyber-bullying is occurring or has occurred;
 - (c) The quality of instruction is not negatively impacted by poor attitudes or interactions among administrators, teachers, coaches or other personnel of a school district or school;
 - (d) All persons in a school are entitled to maintain their own beliefs and to respectfully disagree without resorting to bullying, cyber-bullying or violence; and

(e) Any teacher, administrator, coach or other staff member or pupil who tolerates or engages in an act of bullying or cyber-bullying or violates a provision of NRS 388.121 to 388.1395, inclusive, regarding a response to bullying or cyber-bullying against a pupil will be held accountable; and

7. By declaring this mandate that the schools in this State provide a safe and respectful learning environment, the Legislature is not advocating or requiring the acceptance of differing beliefs in a manner that would inhibit the freedom of expression, but is requiring that pupils be free from physical, emotional or mental abuse while at school and that pupils be provided with an environment that allows them to learn.

NRS 388.1321. Legislative declaration concerning duty of board of trustees, administrators and teachers to create and provide safe and respectful learning environment; authority of parent or guardian of pupil to petition court to compel performance of duty; remedy not exclusive.

1. The Legislature hereby declares that the members of a governing body and all administrators and teachers have a duty to create and provide a safe and respectful learning environment for all pupils that is free of bullying and cyber-bullying.

2. A parent or guardian of a pupil may petition a court of competent jurisdiction for a writ of mandamus to compel the performance of any duty imposed by the provisions of NRS 388.121 to 388.1395, inclusive.

3. Nothing in this section shall be deemed to preclude a parent or guardian of a pupil from seeking any remedy available at law or in equity.

NRS 388.1323. Office for a Safe and Respectful Learning Environment: Creation; appointment and duties of Director.

1. The Office for a Safe and Respectful Learning Environment is hereby created within the Department.

2. The Superintendent of Public Instruction shall appoint a Director of the Office, who shall serve at the pleasure of the Superintendent.

3. The Director of the Office shall ensure that the Office:

(a) Maintains a 24-hour, toll-free statewide hotline and Internet website by which any person can report a violation of the provisions of NRS 388.121 to 388.1395, inclusive, and obtain information about anti-bullying efforts and organizations; and

(b) Provides outreach and anti-bullying education and training for pupils, parents and guardians, teachers, administrators, coaches and other staff members and the members of a governing body. The outreach and training must include, without limitation:

(1) Training regarding methods, procedures and practice for recognizing bullying and cyber-bullying behaviors;

(2) Training regarding effective intervention and remediation strategies regarding bullying and cyber-bullying;

(3) Training regarding methods for reporting violations of NRS 388.135; and

(4) Information on and referral to available resources regarding suicide prevention and the relationship between bullying or cyber-bullying and suicide.

4. The Director of the Office shall establish procedures by which the Office may receive reports of bullying and cyber-bullying and complaints regarding violations of the provisions of NRS 388.121 to 388.1395, inclusive.

5. The Director of the Office or his or her designee shall investigate any complaint that a teacher, administrator, coach or other staff member or member of a governing body has violated a provision of NRS 388.121 to 388.1395, inclusive. If a complaint alleges criminal conduct or an investigation leads the

Director of the Office or his or her designee to suspect criminal conduct, the Director of the Office may request assistance from the Investigation Division of the Department of Public Safety.

NRS 388.1325. Bullying Prevention Account: Creation; acceptance of gifts and grants; credit of interest and income; authorized uses by school district that receives grant.

1. The Bullying Prevention Account is hereby created in the State General Fund, to be administered by the Director of the Office for a Safe and Respectful Learning Environment appointed pursuant to section 4 of this act. The Director of the Office may accept gifts and grants from any source for deposit into the Account. The interest and income earned on the money in the Account must be credited to the Account.

2. In accordance with the regulations adopted by the State Board pursuant to NRS 388.1327, a school district that applies for and receives a grant of money from the Bullying Prevention Account shall use the money for one or more of the following purposes:

- (a) The establishment of programs to create a school environment that is free from bullying and cyber-bullying;
- (b) The provision of training on the policies adopted by the school district pursuant to NRS 388.134 and the provisions of NRS 388.121 to 388.145, inclusive, and sections 2, 3 and 4 of this act; or
- (c) The development and implementation of procedures by which the public schools of the school district and the pupils enrolled in those schools can discuss the policies adopted pursuant to NRS 388.134 and the provisions of NRS 388.121 to 388.145, inclusive, and sections 2, 3 and 4 of this act.

NRS 388.1327. Regulations.

The State Board shall adopt regulations:

- 1. Establishing the process whereby school districts may apply to the Department for a grant of money from the Bullying Prevention Account pursuant to NRS 388.1325.
- 2. As are necessary to carry out the provisions of NRS 388.121 to 388.1395, inclusive.

NRS 388.133. Policy by Department concerning safe and respectful learning environment.

1. The Department shall, in consultation with the governing bodies, educational personnel, local associations and organizations of parents whose children are enrolled in schools throughout this State, and individual parents and legal guardians whose children are enrolled in schools throughout this State, prescribe by regulation a policy for all school districts and schools to provide a safe and respectful learning environment that is free of bullying and cyber-bullying.

2. The policy must include, without limitation:

- (a) Requirements and methods for reporting violations of NRS 388.135, including, without limitation, violations among teachers and violations between teachers and administrators, coaches and other personnel of a school district or school;
- (b) Requirements and methods for addressing the rights and needs of persons with diverse gender identities or expressions; and
- (c) A policy for use by school districts and schools to train members of the governing body and all administrators, teachers and all other personnel employed by the governing body. The policy must include, without limitation:
 - (1) Training in the appropriate methods to facilitate positive human relations among pupils by eliminating the use of bullying and cyber-bullying so that pupils may realize their full academic and personal potential;
 - (2) Training in methods to prevent, identify and report incidents of bullying and cyber-bullying;
 - (3) Training concerning the needs of persons with diverse gender identities or expressions;

- (4) Training concerning the needs of pupils with disabilities and pupils with autism spectrum disorder;
- (5) Methods to promote a positive learning environment;
- (6) Methods to improve the school environment in a manner that will facilitate positive human relations among pupils; and
- (7) Methods to teach skills to pupils so that the pupils are able to replace inappropriate behavior with positive behavior.

NRS 388.134. Policy by school districts for provision of safe and respectful learning environment and policy for ethical, safe and secure use of computers; provision of training to board of trustees and school personnel; posting of policies on Internet website; annual review and update of policies.

Each governing body shall:

1. Adopt the policy prescribed pursuant to NRS 388.133 and the policy prescribed pursuant to subsection 2 of NRS 389.520. The governing body may adopt an expanded policy for one or both of the policies if each expanded policy complies with the policy prescribed pursuant to NRS 388.133 or pursuant to subsection 2 of NRS 389.520, as applicable.
2. Provide for the appropriate training of members of the governing body and all administrators, teachers and all other personnel employed by the governing body in accordance with the policies prescribed pursuant to NRS 388.133 and pursuant to subsection 2 of NRS 389.520. For members of the governing body who have not previously served on the governing body or for employees of the school district or school who have not previously been employed by the district or school, the training required by this subsection must be provided within 180 days after the member begins his or her service or after the employee begins his or her employment, as applicable.
3. Post the policies adopted pursuant to subsection 1 on the Internet website maintained by the school district or school.
4. Ensure that the parents and legal guardians of pupils enrolled in the school district or school have sufficient information concerning the availability of the policies, including, without limitation, information that describes how to access the policies on the Internet website maintained by the school district or school. Upon the request of a parent or legal guardian, the school district or school shall provide the parent or legal guardian with a written copy of the policies.
5. Review the policies adopted pursuant to subsection 1 on an annual basis and update the policies if necessary. If the governing body updates the policies, the governing body must submit a copy of the updated policies to the Department within 30 days after the update.

NRS 388.1341. Development of informational pamphlet by Department; annual review and update; posting on Internet website; development of tutorial.

1. The Department, in consultation with persons who possess knowledge and expertise in bullying and cyber-bullying, shall, to the extent money is available, develop an informational pamphlet to assist pupils and the parents or legal guardians of pupils enrolled in schools in this State in resolving incidents of bullying or cyber-bullying. If developed, the pamphlet must include, without limitation:
 - (a) A summary of the policy prescribed by the Department pursuant to NRS 388.133 and the provisions of NRS 388.121 to 388.1395, inclusive;
 - (b) A description of practices which have proven effective in preventing and resolving violations of NRS 388.135 in schools, which must include, without limitation, methods to identify and assist pupils who are at risk for bullying and cyber-bullying; and

- (c) An explanation that the parent or legal guardian of a pupil who is involved in a reported violation of NRS 388.135 may request an appeal of a disciplinary decision made against the pupil as a result of the violation, in accordance with the policy governing disciplinary action adopted by a governing body.
2. If the Department develops a pamphlet pursuant to subsection 1, the Department shall review the pamphlet on an annual basis and make such revisions to the pamphlet as the Department determines are necessary to ensure the pamphlet contains current information.
 3. If the Department develops a pamphlet pursuant to subsection 1, the Department shall post a copy of the pamphlet on the Internet website maintained by the Department.
 4. To the extent the money is available, the Department shall develop a tutorial which must be made available on the Internet website maintained by the Department that includes, without limitation, the information contained in the pamphlet developed pursuant to subsection 1, if such a pamphlet is developed by the Department.

NRS 388.135. Bullying and cyber-bullying prohibited.

A member of a governing body, any employee of a governing body, including, without limitation, an administrator, teacher or other staff member, a member of a club or organization which uses the facilities of any school, regardless of whether the club or organization has any connection to the school, or any pupil shall not engage in bullying or cyber-bullying on the premises of any school, at an activity sponsored by a school or on any school bus.

NRS 388.1351. Staff member required to report violation to administrator; required actions and investigation; notification to parent or guardian; written report of findings and conclusions of investigation; follow-up with victim; list of resources to be provided to parent or guardian; appeal of disciplinary action; reassignment of pupil who is victim of bullying or cyber-bullying; reports.

1. Except as otherwise provided in NRS 388.13535, a teacher, administrator, coach or other staff member who witnesses a violation of NRS 388.135 or receives information that a violation of NRS 388.135 has occurred shall report the violation to the administrator or his or her designee as soon as practicable, but not later than a time during the same day on which the teacher, administrator, coach or other staff member witnessed the violation or received information regarding the occurrence of a violation.
2. Except as otherwise provided in this subsection, upon receiving a report required by subsection 1, the administrator or designee shall immediately take any necessary action to stop the bullying or cyber-bullying and ensure the safety and well-being of the reported victim or victims of the bullying or cyber-bullying and shall begin an investigation into the report. If the administrator or designee does not have access to the reported victim of the alleged violation of NRS 388.135, the administrator or designee may wait until the next school day when he or she has such access to take the action required by this subsection.
3. The investigation conducted pursuant to subsection 2 must include, without limitation:
 - (a) Except as otherwise provided in subsection 4, notification provided by telephone, electronic mail or other electronic means or provided in person, of the parents or guardians of all pupils directly involved in the reported bullying or cyber-bullying, as applicable, either as a reported aggressor or a reported victim of the bullying or cyber-bullying. The notification must be provided:
 - (1) If the bullying or cyber-bullying is reported before the end of school hours on a school day, before the school's administrative office closes on the day on which the bullying or cyber-bullying is reported; or
 - (2) If the bullying or cyber-bullying was reported on a day that is not a school day, or after school hours on a school day, before the school's administrative office closes on the school day following the day on which the bullying or cyber-bullying is reported.

- (b) Interviews with all pupils whose parents or guardians must be notified pursuant to paragraph (a) and with all such parents and guardians.
4. If the contact information for the parent or guardian of a pupil in the records of the school is not correct, a good faith effort to notify the parent or guardian shall be deemed sufficient to meet the requirement for notification pursuant to paragraph (a) of subsection 3.
 5. Except as otherwise provided in this subsection, an investigation required by this section must be completed not later than 2 school days after the administrator or designee receives a report required by subsection 1. If extenuating circumstances prevent the administrator or designee from completing the investigation required by this section within 2 school days after making a good faith effort, 1 additional school day may be used to complete the investigation.
 6. An administrator or designee who conducts an investigation required by this section shall complete a written report of the findings and conclusions of the investigation. If a violation is found to have occurred, the report must include recommendations concerning the imposition of disciplinary action or other measures to be imposed as a result of the violation, in accordance with the policy governing disciplinary action adopted by the governing body. Subject to the provisions of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, the report must be made available, not later than 24 hours after the completion of the written report, to all parents or guardians who must be notified pursuant to paragraph (a) of subsection 3 as part of the investigation.
 7. If a violation is found not to have occurred, information concerning the incident must not be included in the record of the reported aggressor.
 8. Not later than 10 school days after receiving a report required by subsection 1, the administrator or designee shall meet with each reported victim of the bullying or cyber-bullying to inquire about the well-being of the reported victim and to ensure that the reported bullying or cyber-bullying, as applicable, is not continuing.
 9. To the extent that information is available, the administrator or his or her designee shall provide a list of any resources that may be available in the community to assist a pupil to each parent or guardian of a pupil to whom notice was provided pursuant to this section as soon as practicable. Such a list may include, without limitation, resources available at no charge or at a reduced cost and may be provided in person or by electronic or regular mail. If such a list is provided, the administrator, his or her designee, or any employee of the school or the school district is not responsible for providing such resources to the pupil or ensuring the pupil receives such resources.
 10. The parent or guardian of a pupil involved in the reported violation of NRS 388.135 may appeal a disciplinary decision of the administrator or his or her designee, made against the pupil as a result of the violation, in accordance with the policy governing disciplinary action adopted by the governing body. Not later than 30 days after receiving a response provided in accordance with such a policy, the parent or guardian may submit a complaint to the Department. The Department shall consider and respond to the complaint pursuant to procedures and standards prescribed in regulations adopted by the Department.
 11. If a violation of NRS 388.135 is found to have occurred, the parent or guardian of a pupil who is a victim of bullying or cyber-bullying may request that the board of trustees of the school district in which the pupil is enrolled to assign the pupil to a different school in the school district. Upon receiving such a request, the board of trustees shall, in consultation with the parent or guardian of the pupil, assign the pupil to a different school.
 12. A principal or his or her designee shall submit a monthly report to the direct supervisor of the principal that includes for the school the number of:
 - (a) Reports received pursuant to subsection 1;
 - (b) Times in which a violation of NRS 388.135 is found to have occurred; and

(c) Times in which no violation of NRS 388.135 is found to have occurred.

13. A direct supervisor who receives a monthly report pursuant to subsection 12 shall, each calendar quarter, submit a report to the Office for a Safe and Respectful Learning Environment that includes, for the schools for which the direct supervisor has received a monthly report in the calendar quarter, the:

(a) Total number of reports received pursuant to subsection 1;

(b) Number of times in which a violation of NRS 388.135 is found to have occurred; and

(c) Number of times in which no violation of NRS 388.135 is found to have occurred.

14. School hours and school days are determined for the purposes of this section by the schedule established by the governing body for the school.

NRS 388.1352. Establishment of policy by school districts for employees to report violations to law enforcement.

A governing body, in conjunction with the school police officers of the school district, if any, and the local law enforcement agencies that have jurisdiction over the school district or school, shall establish a policy for the procedures which must be followed by an employee of the school district or school when reporting a violation of NRS 388.135 to a school police officer or local law enforcement agency.

NRS 388.136. School officials prohibited from interfering with disclosure of violations.

1. A school official shall not directly or indirectly interfere with or prevent the disclosure of information concerning a violation of NRS 388.135.

2. As used in this section, "school official" means:

(a) A member of a governing body; or

(b) A licensed or unlicensed employee of a school district or school.

NRS 388.137. Immunity for reporting of violations; exceptions; recommendation for disciplinary action if person who made report acted with malice, intentional misconduct, gross negligence or violation of law.

1. No cause of action may be brought against a pupil or an employee or volunteer of a school who reports a violation of NRS 388.135 unless the person who made the report acted with malice, intentional misconduct, gross negligence, or intentional or knowing violation of the law.

2. If an administrator determines that a report of a violation of NRS 388.135 is false and that the person who made the report acted with malice, intentional misconduct, gross negligence, or intentional or knowing violation of the law, the administrator may recommend the imposition of disciplinary action or other measures against the person in accordance with the policy governing disciplinary action adopted by the governing body.

NRS 388.139. Text of certain provisions required to be included in rules of behavior.

Each school district shall include the text of the provisions of NRS 388.121 to 388.145, inclusive, and sections 2, 3 and 4 of this act and the policies adopted by the board of trustees of the school district pursuant to NRS 388.134 under the heading "Bullying and Cyber-Bullying Is Prohibited in Public Schools," within each copy of the rules of behavior for pupils that the school district provides to pupils pursuant to NRS 392.463.

NRS 388.1395. Requirements for delivery of information during annual "Week of Respect."

The governing body of each school shall determine the most effective manner for the delivery of information to the pupils of the school during the "Week of Respect" proclaimed by the Governor each year pursuant to NRS 236.073. The information delivered during the "Week of Respect" must focus on:

1. Methods to prevent, identify and report incidents of bullying and cyber-bullying;
2. Methods to improve the school environment in a manner that will facilitate positive human relations among pupils; and
3. Methods to facilitate positive human relations among pupils by eliminating the use of bullying and cyber-bullying.

NRS 389.520. Council to Establish Academic Standards: Establishment of standards; periodic review of standards; adoption of standards by State Board; establishment of policy for ethical, safe and secure use of computers.

2. The standards for computer education and technology must include a policy for the ethical, safe and secure use of computers and other electronic devices. The policy must include, without limitation:
 - (a) The ethical use of computers and other electronic devices, including, without limitation:
 - (1) Rules of conduct for the acceptable use of the Internet and other electronic devices; and
 - (2) Methods to ensure the prevention of:
 - (I) Cyber-bullying;
 - (II) Plagiarism; and
 - (III) The theft of information or data in an electronic form;
 - (b) The safe use of computers and other electronic devices, including, without limitation, methods to:
 - (1) Avoid cyber-bullying and other unwanted electronic communication, including, without limitation, communication with on-line predators;
 - (2) Recognize when an on-line electronic communication is dangerous or potentially dangerous; and
 - (3) Report a dangerous or potentially dangerous on-line electronic communication to the appropriate school personnel;
 - (c) The secure use of computers and other electronic devices, including, without limitation:
 - (1) Methods to maintain the security of personal identifying information and financial information, including, without limitation, identifying unsolicited electronic communication which is sent for the purpose of obtaining such personal and financial information for an unlawful purpose;
 - (2) The necessity for secure passwords or other unique identifiers;
 - (3) The effects of a computer contaminant;
 - (4) Methods to identify unsolicited commercial material; and
 - (5) The dangers associated with social networking Internet sites; and
 - (d) A designation of the level of detail of instruction as appropriate for the grade level of pupils who receive the instruction.
7. As used in this section:
 - (a) "Computer contaminant" has the meaning ascribed to it in NRS 205.4737.
 - (b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.
 - (c) "Electronic communication" has the meaning ascribed to it in NRS 388.124.

NRS 392.915. Threatening to cause bodily harm or death to pupil or school employee by means of oral, written or electronic communication; penalties.

1. A person shall not, through the use of any means of oral, written or electronic communication, including, without limitation, through the use of cyber-bullying, knowingly threaten to cause bodily harm or death to a pupil or employee of a school district or charter school with the intent to:

- (a) Intimidate, harass, frighten, alarm or distress a pupil or employee of a school district or charter school;
 - (b) Cause panic or civil unrest; or
 - (c) Interfere with the operation of a public school, including, without limitation, a charter school.
2. Unless a greater penalty is provided by specific statute, a person who violates the provisions of subsection 1 is guilty of:
- (a) A misdemeanor, unless the provisions of paragraph (b) apply to the circumstances.
 - (b) A gross misdemeanor, if the threat causes:
 - (1) Any pupil or employee of a school district or charter school who is the subject of the threat to be intimidated, harassed, frightened, alarmed or distressed;
 - (2) Panic or civil unrest; or
 - (3) Interference with the operation of a public school, including, without limitation, a charter school.

REGULATIONS

No relevant regulations found.

Other special infractions or conditions

LAWS

NRS 392.900. Interference with pupil attending school; penalty.

1. It is unlawful for any person, against the will of a pupil attending any public school, to beat, whip, detain or otherwise interfere with the pupil while the pupil is on his or her way to and from school.
2. Any person who violates any of the provisions of this section shall be guilty of a misdemeanor.

NRS 392.910. Disturbance of school; assaulting pupil or school employee; interference with persons peaceably assembled within school; penalties.

1. It is unlawful for any person to assault any pupil or school employee:
 - (a) Within the building or grounds of the school;
 - (b) On a bus, van or any other motor vehicle owned, leased or chartered by a school district to transport pupils or school employees; or
 - (c) At a location where the pupil or school employee is involved in an activity sponsored by a public school. Except under circumstances described in paragraph (c) or (d) of subsection 2 of NRS 200.471 with respect to school employees or in NRS 200.571, any person who violates this subsection is guilty of a misdemeanor.
2. It is unlawful for any person maliciously in any manner to interfere with or disturb any persons peaceably assembled within a building of a public school for school district purposes. Any person who violates this subsection is guilty of a misdemeanor.
3. For the purposes of this section
 - (a) "Assault" has the meaning ascribed to it in NRS 200.471.
 - (b) "Maliciously" has the meaning ascribed to it in NRS 193.0175.
 - (c) "School employee" means any licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100.

NRS 392.4635. Policy for prohibition of activities of criminal gangs on school property.

1. The board of trustees of each school district shall establish a policy that prohibits the activities of criminal gangs on school property.
2. The policy established pursuant to subsection 1 may include, without limitation:
 - (a) The provision of training for the prevention of the activities of criminal gangs on school property.
 - (b) If the policy includes training:
 - (1) A designation of the grade levels of the pupils who must receive the training.
 - (2) A designation of the personnel who must receive the training, including, without limitation, personnel who are employed in schools at the grade levels designated pursuant to subparagraph (1).The board of trustees of each school district shall ensure that the training is provided to the pupils and personnel designated in the policy.
 - (c) Provisions which prohibit:
 - (1) A pupil from wearing any clothing or carrying any symbol on school property that denotes membership in or an affiliation with a criminal gang; and
 - (2) Any activity that encourages participation in a criminal gang or facilitates illegal acts of a criminal gang.
 - (d) Provisions which provide for the suspension or expulsion of pupils who violate the policy.
3. The board of trustees of each school district may develop the policy required pursuant to subsection 1 in consultation with:
 - (a) Local law enforcement agencies;
 - (b) School police officers, if any;
 - (c) Persons who have experience regarding the actions and activities of criminal gangs;
 - (d) Organizations which are dedicated to alleviating criminal gangs or assisting members of criminal gangs who wish to disassociate from the gang; and
 - (e) Any other person deemed necessary by the board of trustees.
4. As used in this section, "criminal gang" has the meaning ascribed to it in NRS 213.1263.

NRS 392.4637. Policy concerning use and possession of pagers, cellular telephones and other electronic devices.

1. The board of trustees of each school district shall adopt a policy concerning the use and possession by pupils of a pager, cellular telephone or any other similar electronic device used for communication while on the premises of a public school or while at an activity sponsored by a public school.
2. The policy adopted pursuant to subsection 1 must:
 - (a) Prescribe appropriate measures for disciplining a pupil who violates the policy.
 - (b) Be included within each copy of the rules of behavior for pupils that the school district provides to pupils pursuant to NRS 392.463.

REGULATIONS

No relevant regulations found.

Prevention and Behavioral Interventions (Non-Punitive)

Prevention

LAWS

NRS 236.073. Week of respect.

1. The Governor shall annually proclaim the first week in October to be “Week of Respect.”
2. The proclamation may call upon:
 - (a) News media, educators and appropriate government offices to bring to the attention of the residents of Nevada factual information regarding bullying and cyber-bullying, including, without limitation:
 - (1) Statistical information regarding the number of pupils who are bullied or cyber-bullied each year;
 - (2) The methods to identify and assist pupils who are at risk of bullying or cyber-bullying; and
 - (3) The methods to prevent bullying and cyber-bullying; and
 - (b) Governing bodies to provide instruction on the ways in which pupils can prevent bullying and cyber-bullying during the Week of Respect and throughout the school year that is appropriate for the grade level of pupils who receive the instruction.
3. As used in this section:
 - (a) “Bullying” has the meaning ascribed to it in NRS 388.122.
 - (b) “Cyber-bullying” has the meaning ascribed to it in NRS 388.123.
 - (c) “Governing body” has the meaning ascribed to it in NRS 388.126.

NRS 388.133. Policy by Department concerning safe and respectful learning environment.

1. The Department shall, in consultation with the governing bodies, educational personnel, local associations and organizations of parents whose children are enrolled in schools throughout this State, and individual parents and legal guardians whose children are enrolled in schools throughout this State, prescribe by regulation a policy for all school districts and schools to provide a safe and respectful learning environment that is free of bullying and cyber-bullying.
2. The policy must include, without limitation:
 - (a) Requirements and methods for reporting violations of NRS 388.135, including, without limitation, violations among teachers and violations between teachers and administrators, coaches and other personnel of a school district or school;
 - (b) Requirements and methods for addressing the rights and needs of persons with diverse gender identities or expressions; and
 - (c) A policy for use by school districts and schools to train members of the governing body and all administrators, teachers and all other personnel employed by the governing body. The policy must include, without limitation:
 - (1) Training in the appropriate methods to facilitate positive human relations among pupils by eliminating the use of bullying and cyber-bullying so that pupils may realize their full academic and personal potential;
 - (2) Training in methods to prevent, identify and report incidents of bullying and cyber-bullying;
 - (3) Training concerning the needs of persons with diverse gender identities or expressions;
 - (4) Training concerning the needs of pupils with disabilities and pupils with autism spectrum disorder;
 - (5) Methods to promote a positive learning environment;

(6) Methods to improve the school environment in a manner that will facilitate positive human relations among pupils; and

(7) Methods to teach skills to pupils so that the pupils are able to replace inappropriate behavior with positive behavior.

NRS 388.1325. Bullying Prevention Account: Creation; acceptance of gifts and grants; credit of interest and income; authorized uses by school district that receives grant.

1. The Bullying Prevention Account is hereby created in the State General Fund, to be administered by the Director of the Office for a Safe and Respectful Learning Environment appointed pursuant to section 4 of this act. The Director of the Office may accept gifts and grants from any source for deposit into the Account. The interest and income earned on the money in the Account must be credited to the Account.

2. In accordance with the regulations adopted by the State Board pursuant to NRS 388.1327, a school district that applies for and receives a grant of money from the Bullying Prevention Account shall use the money for one or more of the following purposes:

(a) The establishment of programs to create a school environment that is free from bullying and cyber-bullying;

(b) The provision of training on the policies adopted by the school district pursuant to NRS 388.134 and the provisions of NRS 388.121 to 388.145, inclusive, and sections 2, 3 and 4 of this act; or

(c) The development and implementation of procedures by which the public schools of the school district and the pupils enrolled in those schools can discuss the policies adopted pursuant to NRS 388.134 and the provisions of NRS 388.121 to 388.145, inclusive, and sections 2, 3 and 4 of this act.

NRS 388.1341. Development of informational pamphlet by Department; annual review and update; posting on Internet website; development of tutorial.

1. The Department, in consultation with persons who possess knowledge and expertise in bullying and cyber-bullying, shall, to the extent money is available, develop an informational pamphlet to assist pupils and the parents or legal guardians of pupils enrolled in schools in this State in resolving incidents of bullying or cyber-bullying. If developed, the pamphlet must include, without limitation:

(a) A summary of the policy prescribed by the Department pursuant to NRS 388.133 and the provisions of NRS 388.121 to 388.1395, inclusive;

(b) A description of practices which have proven effective in preventing and resolving violations of NRS 388.135 in schools, which must include, without limitation, methods to identify and assist pupils who are at risk for bullying and cyber-bullying; and

(c) An explanation that the parent or legal guardian of a pupil who is involved in a reported violation of NRS 388.135 may request an appeal of a disciplinary decision made against the pupil as a result of the violation, in accordance with the policy governing disciplinary action adopted by a governing body.

2. If the Department develops a pamphlet pursuant to subsection 1, the Department shall review the pamphlet on an annual basis and make such revisions to the pamphlet as the Department determines are necessary to ensure the pamphlet contains current information.

3. If the Department develops a pamphlet pursuant to subsection 1, the Department shall post a copy of the pamphlet on the Internet website maintained by the Department.

4. To the extent the money is available, the Department shall develop a tutorial which must be made available on the Internet website maintained by the Department that includes, without limitation, the information contained in the pamphlet developed pursuant to subsection 1, if such a pamphlet is developed by the Department.

NRS 388.1342. Establishment of programs of training by Department; completion of program by members of State Board of Education and boards of trustees; completion of program by administrators in prevention of violence and suicide; annual review and update.

1. The Department, in consultation with persons who possess knowledge and expertise in bullying and cyber-bullying, shall establish a program of training:
 - (a) On methods to prevent, identify and report incidents of bullying and cyber-bullying for members of the State Board.
 - (b) On methods to prevent, identify and report incidents of bullying and cyber-bullying for the members of a governing body.
 - (c) For school district and school personnel to assist those persons with carrying out their powers and duties pursuant to NRS 388.121 to 388.1395, inclusive.
 - (d) For administrators in the prevention of violence and suicide associated with bullying and cyber-bullying and appropriate methods to respond to incidents of violence or suicide.
 - (e) For school district and school personnel concerning the needs of persons with diverse gender identities or expressions.
 - (f) For school district and school personnel concerning the needs of pupils with disabilities and pupils with autism spectrum disorder.
2. Each member of the State Board shall, within 1 year after the member is elected or appointed to the State Board, complete the program of training on bullying and cyber-bullying established pursuant to paragraph (a) of subsection 1 and undergo the training at least one additional time while the person is a member of the State Board.
3. Except as otherwise provided in NRS 388.134, each member of a governing body shall, within 1 year after the member begins his or her service on the governing body, complete the program of training on bullying and cyber-bullying established pursuant to paragraph (b) of subsection 1 and undergo the training at least one additional time while the person is a member of the governing body.
4. Each administrator of a school shall complete the program of training established pursuant to paragraphs (d), (e) and (f) of subsection 1:
 - (a) Within 90 days after becoming an administrator;
 - (b) Except as otherwise provided in paragraph (c), at least once every 3 years thereafter; and
 - (c) At least once during any school year within which the program of training is revised or updated.
5. Each program of training established pursuant to subsection 1 must, to the extent money is available, be made available on the Internet website maintained by the Department or through another provider on the Internet.
6. The governing body may allow school personnel to attend the program established pursuant to paragraph (c), (d), (e) or (f) of subsection 1 during regular school hours.
7. The Department shall review each program of training established pursuant to subsection 1 on an annual basis to ensure that the program contains current information.

NRS 388.1343. Establishment by principal of each school; duties of principal.

1. Establish a school safety team to develop, foster and maintain a school environment which is free from bullying and cyber-bullying;
2. Conduct investigations of violations of NRS 388.135 occurring at the school; and
3. Collaborate with the governing body and the school safety team to prevent, identify and address reported violations of NRS 388.135 at the school.

NRS 388.1344. Membership; chair; duties.

1. Each school safety team established pursuant to NRS 388.1343 must consist of the administrator of the school or his or her designee and the following persons appointed by the administrator:
 - (a) A school counselor;
 - (b) At least one teacher who teaches at the school;
 - (c) At least one parent or legal guardian of a pupil enrolled in the school; and
 - (d) Any other persons appointed by the administrator.
2. The administrator of the school or his or her designee shall serve as the chair of the school safety team.
3. The school safety team shall:
 - (a) Meet at least two times each year;
 - (b) Identify and address patterns of bullying or cyber-bullying;
 - (c) Review and strengthen school policies to prevent and address bullying or cyber-bullying;
 - (d) Provide information to school personnel, pupils enrolled in the school and parents and legal guardians of pupils enrolled in the school on methods to address bullying and cyber-bullying; and
 - (e) To the extent money is available, participate in any training conducted by the school district or school regarding bullying and cyber-bullying.

NRS 388.1395. Requirements for delivery of information during annual “Week of Respect.”

The governing body of each school shall determine the most effective manner for the delivery of information to the pupils of the school during the “Week of Respect” proclaimed by the Governor each year pursuant to NRS 236.073. The information delivered during the “Week of Respect” must focus on:

1. Methods to prevent, identify and report incidents of bullying and cyber-bullying;
2. Methods to improve the school environment in a manner that will facilitate positive human relations among pupils; and
3. Methods to facilitate positive human relations among pupils by eliminating the use of bullying and cyber-bullying.

NRS 392.4635. Policy for prohibition of activities of criminal gangs on school property.

1. The board of trustees of each school district shall establish a policy that prohibits the activities of criminal gangs on school property.
2. The policy established pursuant to subsection 1 may include, without limitation:
 - (a) The provision of training for the prevention of the activities of criminal gangs on school property.

REGULATIONS

No relevant regulations found.

Behavioral interventions and student support services

LAWS

NRS 388.532 Development of programs.

1. The State Board in cooperation with the board of trustees of the various county school districts shall develop for pupils in the first through eighth grades:

- (a) Programs designed to reduce the number of pupils who drop out of school; and
- (b) Programs for the prevention of the abuse of alcohol and controlled substances.

2. The State Board in cooperation with the board of trustees of the various county school districts may seek the cooperation of private industry in developing for pupils in all grades programs and activities designed to reduce the number of pupils who participate in the activities of criminal gangs, as defined in NRS 213.1263.

NRS 388.537. Alternative programs for pupils at risk of dropping out of school.

1. The board of trustees of a school district may, subject to the approval of the Superintendent of Public Instruction, operate an alternative program for the education of pupils at risk of dropping out of school, including pupils who are enrolled in kindergarten or grades 1 to 12, inclusive.
2. The board of trustees of a school district may submit to the Department, in the form prescribed by the Department, a plan to operate an alternative program.
3. The Superintendent of Public Instruction shall review each plan to operate an alternative program submitted to the Department and approve or deny the plan. Approval by the Superintendent constitutes approval of each component of the plan for the alternative program.
4. If a plan for an alternative program is denied by the Superintendent of Public Instruction, the board of trustees of a school district may appeal the decision of the Superintendent to the State Board. The State Board may approve or deny the plan for the alternative program upon appeal.
5. An alternative program may include:
 - (a) A shorter school day or an opportunity for pupils to attend a longer school day than that regularly provided in the school district. The alternative program must provide for a number of minutes of instruction that is equal to or greater than that which would be provided under a program consisting of 180 school days.
 - (b) An opportunity for pupils to attend classes of instruction during any part of the calendar year.
 - (c) A comprehensive curriculum that includes elective classes of instruction and career and technical education.
 - (d) An opportunity for pupils to obtain academic credit through experience gained at work or while engaged in other activities.
 - (e) An opportunity for pupils to satisfy either:
 - (1) The requirements for a regular high school diploma; or
 - (2) The requirements for an adult standard diploma.
 - (f) The provision of child care for the children of pupils.
 - (g) The transportation of pupils to and from classes of instruction.
 - (h) The placement of pupils for independent study pursuant to NRS 389.155, if the board of trustees of the school district determines that the pupil would benefit from such placement.
6. The board of trustees of a school district may operate an alternative program pursuant to this section through a program of distance education pursuant to NRS 388.820 to 388.874, inclusive.

NRS 392.150. Appointment of attendance officer authorized; procedures to monitor attendance and truancy; consideration of employment of attendance clerk.

2. The board of trustees of each school district shall: [...]
 - (b) Coordinate efforts to refer pupils who are truant to appropriate providers of community services; and

(c) Determine, based on the attendance and truancy of pupils at each school within the school district, whether to employ an attendance clerk for a particular school or group of schools whose primary responsibility is to monitor the attendance and truancy of pupils.

NRS 392.160. Taking into custody child reported absent from school; persons or counseling agency to whom child may be delivered.

3. The board of trustees of a school district or the governing body of a charter school may enter into an agreement with a counseling agency to permit delivery of the child to the agency. For the purposes of this subsection, "counseling agency" means an agency designated by the school district in which the child is enrolled to provide counseling for the child and the parent, guardian or other person having control or charge of the child.

REGULATIONS

No relevant regulations found.

Professional development

LAWS

NRS 388.1323. Office for a Safe and Respectful Learning Environment: Creation; appointment and duties of Director.

1. The Office for a Safe and Respectful Learning Environment is hereby created within the Department.
2. The Superintendent of Public Instruction shall appoint a Director of the Office, who shall serve at the pleasure of the Superintendent.
3. The Director of the Office shall ensure that the Office:
 - (a) Maintains a 24-hour, toll-free statewide hotline and Internet website by which any person can report a violation of the provisions of NRS 388.121 to 388.1395, inclusive, and obtain information about anti-bullying efforts and organizations; and
 - (b) Provides outreach and anti-bullying education and training for pupils, parents and guardians, teachers, administrators, coaches and other staff members and the members of a governing body. The outreach and training must include, without limitation:
 - (1) Training regarding methods, procedures and practice for recognizing bullying and cyber-bullying behaviors;
 - (2) Training regarding effective intervention and remediation strategies regarding bullying and cyber-bullying;
 - (3) Training regarding methods for reporting violations of NRS 388.135; and
 - (4) Information on and referral to available resources regarding suicide prevention and the relationship between bullying or cyber-bullying and suicide.
4. The Director of the Office shall establish procedures by which the Office may receive reports of bullying and cyber-bullying and complaints regarding violations of the provisions of NRS 388.121 to 388.1395, inclusive.
5. The Director of the Office or his or her designee shall investigate any complaint that a teacher, administrator, coach or other staff member or member of a governing body has violated a provision of NRS 388.121 to 388.1395, inclusive. If a complaint alleges criminal conduct or an investigation leads the Director of the Office or his or her designee to suspect criminal conduct, the Director of the Office may request assistance from the Investigation Division of the Department of Public Safety.

NRS 388.133. Policy by Department concerning safe and respectful learning environment.

1. The Department shall, in consultation with the governing bodies, educational personnel, local associations and organizations of parents whose children are enrolled in schools throughout this State, and individual parents and legal guardians whose children are enrolled in schools throughout this State, prescribe by regulation a policy for all school districts and schools to provide a safe and respectful learning environment that is free of bullying and cyber-bullying.

2. The policy must include, without limitation:

(a) Requirements and methods for reporting violations of NRS 388.135, including, without limitation, violations among teachers and violations between teachers and administrators, coaches and other personnel of a school district or school;

(b) Requirements and methods for addressing the rights and needs of persons with diverse gender identities or expressions; and

(c) A policy for use by school districts and schools to train members of the governing body and all administrators, teachers and all other personnel employed by the governing body. The policy must include, without limitation:

(1) Training in the appropriate methods to facilitate positive human relations among pupils by eliminating the use of bullying and cyber-bullying so that pupils may realize their full academic and personal potential;

(2) Training in methods to prevent, identify and report incidents of bullying and cyber-bullying;

(3) Training concerning the needs of persons with diverse gender identities or expressions;

(4) Training concerning the needs of pupils with disabilities and pupils with autism spectrum disorder;

(5) Methods to promote a positive learning environment;

(6) Methods to improve the school environment in a manner that will facilitate positive human relations among pupils; and

(7) Methods to teach skills to pupils so that the pupils are able to replace inappropriate behavior with positive behavior.

NRS 388.134. Policy by school districts for provision of safe and respectful learning environment and policy for ethical, safe and secure use of computers; provision of training to board of trustees and school personnel; posting of policies on Internet website; annual review and update of policies.

Each governing body shall:

2. Provide for the appropriate training of members of the governing body and all administrators, teachers and all other personnel employed by the governing body in accordance with the policies prescribed pursuant to NRS 388.133 and pursuant to subsection 2 of NRS 389.520. For members of the governing body who have not previously served on the governing body or for employees of the school district or school who have not previously been employed by the district or school, the training required by this subsection must be provided within 180 days after the member begins his or her service or after the employee begins his or her employment, as applicable.

NRS 388.1342. Establishment of programs of training by Department; completion of program by members of State Board of Education and boards of trustees; completion of program by administrators in prevention of violence and suicide; annual review and update.

1. The Department, in consultation with persons who possess knowledge and expertise in bullying and cyber-bullying, shall establish a program of training:

- (a) On methods to prevent, identify and report incidents of bullying and cyber-bullying for members of the State Board.
- (b) On methods to prevent, identify and report incidents of bullying and cyber-bullying for the members of a governing body.
- (c) For school district and school personnel to assist those persons with carrying out their powers and duties pursuant to NRS 388.121 to 388.1395, inclusive.
- (d) For administrators in the prevention of violence and suicide associated with bullying and cyber-bullying and appropriate methods to respond to incidents of violence or suicide.
- (e) For school district and school personnel concerning the needs of persons with diverse gender identities or expressions.
- (f) For school district and school personnel concerning the needs of pupils with disabilities and pupils with autism spectrum disorder.

2. Each member of the State Board shall, within 1 year after the member is elected or appointed to the State Board, complete the program of training on bullying and cyber-bullying established pursuant to paragraph (a) of subsection 1 and undergo the training at least one additional time while the person is a member of the State Board.

3. Except as otherwise provided in NRS 388.134, each member of a governing body shall, within 1 year after the member begins his or her service on the governing body, complete the program of training on bullying and cyber-bullying established pursuant to paragraph (b) of subsection 1 and undergo the training at least one additional time while the person is a member of the governing body.

4. Each administrator of a school shall complete the program of training established pursuant to paragraphs (d), (e) and (f) of subsection 1:

- (a) Within 90 days after becoming an administrator;
- (b) Except as otherwise provided in paragraph (c), at least once every 3 years thereafter; and
- (c) At least once during any school year within which the program of training is revised or updated.

5. Each program of training established pursuant to subsection 1 must, to the extent money is available, be made available on the Internet website maintained by the Department or through another provider on the Internet.

6. The governing body may allow school personnel to attend the program established pursuant to paragraph (c), (d), (e) or (f) of subsection 1 during regular school hours.

7. The Department shall review each program of training established pursuant to subsection 1 on an annual basis to ensure that the program contains current information.

NRS 388.505. Mandatory education and training for staff.

1. The Department shall develop a model program of education for use by the school districts to train the members of the staff of the schools within the school districts who are identified in the individualized education programs of pupils with disabilities to provide services to those pupils. The model program of education must provide instruction in positive behavioral interventions and positive behavioral supports that:

- (a) Includes positive methods to modify the environment of pupils with disabilities to promote adaptive behavior and reduce the occurrence of inappropriate behavior;
- (b) Includes methods to teach skills to pupils with disabilities so that the pupils can replace inappropriate behavior with adaptive behavior;
- (c) Includes methods to enhance the independence and quality of life for pupils with disabilities;

(d) Includes the use of the least intrusive methods to respond to and reinforce the behavior of pupils with disabilities; and

(e) Offers a process for designing interventions based upon the pupil that are focused on promoting appropriate changes in behavior as well as enhancing the overall quality of life for the pupil.

2. The board of trustees of each school district shall provide for appropriate training for the members of the staff of the schools within the school district who are authorized to carry out and monitor physical restraint and mechanical restraint to ensure that those members of the staff are qualified to carry out the procedures in accordance with NRS 388.471 to 388.515, inclusive.

(Added to NRS by 1999, 3239) — (Substituted in revision for NRS 388.5285)

NRS 392.4635. Policy for prohibition of activities of criminal gangs on school property.

1. The board of trustees of each school district shall establish a policy that prohibits the activities of criminal gangs on school property.

2. The policy established pursuant to subsection 1 may include, without limitation:

(a) The provision of training for the prevention of the activities of criminal gangs on school property.

(b) If the policy includes training:

(1) A designation of the grade levels of the pupils who must receive the training.

(2) A designation of the personnel who must receive the training, including, without limitation, personnel who are employed in schools at the grade levels designated pursuant to subparagraph (1).

The board of trustees of each school district shall ensure that the training is provided to the pupils and personnel designated in the policy.

(c) Provisions which prohibit:

(1) A pupil from wearing any clothing or carrying any symbol on school property that denotes membership in or an affiliation with a criminal gang; and

(2) Any activity that encourages participation in a criminal gang or facilitates illegal acts of a criminal gang.

(d) Provisions which provide for the suspension or expulsion of pupils who violate the policy.

REGULATIONS

No relevant regulations found.

Monitoring and Accountability

Formal incident reporting of conduct violations

LAWS

NRS 388.1351. Staff member required to report violation to administrator; required actions and investigation; notification to parent or guardian; written report of findings and conclusions of investigation; follow-up with victim; list of resources to be provided to parent or guardian; appeal of disciplinary action; reassignment of pupil who is victim of bullying or cyber-bullying; reports.

1. Except as otherwise provided in NRS 388.13535, a teacher, administrator, coach or other staff member who witnesses a violation of NRS 388.135 or receives information that a violation of NRS 388.135 has occurred shall report the violation to the administrator or his or her designee as soon as practicable, but not later than a time during the same day on which the teacher, administrator, coach or other staff member witnessed the violation or received information regarding the occurrence of a violation.

2. Except as otherwise provided in this subsection, upon receiving a report required by subsection 1, the administrator or designee shall immediately take any necessary action to stop the bullying or cyber-bullying and ensure the safety and well-being of the reported victim or victims of the bullying or cyber-bullying and shall begin an investigation into the report. If the administrator or designee does not have access to the reported victim of the alleged violation of NRS 388.135, the administrator or designee may wait until the next school day when he or she has such access to take the action required by this subsection.

3. The investigation conducted pursuant to subsection 2 must include, without limitation:

(a) Except as otherwise provided in subsection 4, notification provided by telephone, electronic mail or other electronic means or provided in person, of the parents or guardians of all pupils directly involved in the reported bullying or cyber-bullying, as applicable, either as a reported aggressor or a reported victim of the bullying or cyber-bullying. The notification must be provided:

(1) If the bullying or cyber-bullying is reported before the end of school hours on a school day, before the school's administrative office closes on the day on which the bullying or cyber-bullying is reported; or

(2) If the bullying or cyber-bullying was reported on a day that is not a school day, or after school hours on a school day, before the school's administrative office closes on the school day following the day on which the bullying or cyber-bullying is reported.

(b) Interviews with all pupils whose parents or guardians must be notified pursuant to paragraph (a) and with all such parents and guardians.

4. If the contact information for the parent or guardian of a pupil in the records of the school is not correct, a good faith effort to notify the parent or guardian shall be deemed sufficient to meet the requirement for notification pursuant to paragraph (a) of subsection 3.

5. Except as otherwise provided in this subsection, an investigation required by this section must be completed not later than 2 school days after the administrator or designee receives a report required by subsection 1. If extenuating circumstances prevent the administrator or designee from completing the investigation required by this section within 2 school days after making a good faith effort, 1 additional school day may be used to complete the investigation.

6. An administrator or designee who conducts an investigation required by this section shall complete a written report of the findings and conclusions of the investigation. If a violation is found to have occurred, the report must include recommendations concerning the imposition of disciplinary action or other

measures to be imposed as a result of the violation, in accordance with the policy governing disciplinary action adopted by the governing body. Subject to the provisions of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, the report must be made available, not later than 24 hours after the completion of the written report, to all parents or guardians who must be notified pursuant to paragraph (a) of subsection 3 as part of the investigation.

7. If a violation is found not to have occurred, information concerning the incident must not be included in the record of the reported aggressor.

8. Not later than 10 school days after receiving a report required by subsection 1, the administrator or designee shall meet with each reported victim of the bullying or cyber-bullying to inquire about the well-being of the reported victim and to ensure that the reported bullying or cyber-bullying, as applicable, is not continuing.

9. To the extent that information is available, the administrator or his or her designee shall provide a list of any resources that may be available in the community to assist a pupil to each parent or guardian of a pupil to whom notice was provided pursuant to this section as soon as practicable. Such a list may include, without limitation, resources available at no charge or at a reduced cost and may be provided in person or by electronic or regular mail. If such a list is provided, the administrator, his or her designee, or any employee of the school or the school district is not responsible for providing such resources to the pupil or ensuring the pupil receives such resources.

10. The parent or guardian of a pupil involved in the reported violation of NRS 388.135 may appeal a disciplinary decision of the administrator or his or her designee, made against the pupil as a result of the violation, in accordance with the policy governing disciplinary action adopted by the governing body. Not later than 30 days after receiving a response provided in accordance with such a policy, the parent or guardian may submit a complaint to the Department. The Department shall consider and respond to the complaint pursuant to procedures and standards prescribed in regulations adopted by the Department.

11. If a violation of NRS 388.135 is found to have occurred, the parent or guardian of a pupil who is a victim of bullying or cyber-bullying may request that the board of trustees of the school district in which the pupil is enrolled to assign the pupil to a different school in the school district. Upon receiving such a request, the board of trustees shall, in consultation with the parent or guardian of the pupil, assign the pupil to a different school.

12. A principal or his or her designee shall submit a monthly report to the direct supervisor of the principal that includes for the school the number of:

- (a) Reports received pursuant to subsection 1;
- (b) Times in which a violation of NRS 388.135 is found to have occurred; and
- (c) Times in which no violation of NRS 388.135 is found to have occurred.

13. A direct supervisor who receives a monthly report pursuant to subsection 12 shall, each calendar quarter, submit a report to the Office for a Safe and Respectful Learning Environment that includes, for the schools for which the direct supervisor has received a monthly report in the calendar quarter, the:

- (a) Total number of reports received pursuant to subsection 1;
- (b) Number of times in which a violation of NRS 388.135 is found to have occurred; and
- (c) Number of times in which no violation of NRS 388.135 is found to have occurred.

14. School hours and school days are determined for the purposes of this section by the schedule established by the governing body for the school.

NRS 388.1354. Disciplinary action against administrator or designee who fails to comply with certain provisions.

If an administrator or his or her designee knowingly and willfully fails to comply with the provisions of NRS 388.1351, the superintendent of the school district or governing body, as applicable, or the designee of either:

1. Shall take disciplinary action against the employee by written admonishment, demotion, suspension, dismissal or refusal to reemploy; and
2. If the employee is the holder of a license issued pursuant to chapter 391 of NRS, may recommend to the governing body that the governing body submit a recommendation to the State Board for the suspension or revocation of the license.

REGULATIONS

No relevant regulations found.

Parental notification

LAWS

NRS 388.1341. Development of informational pamphlet by Department; annual review and update; posting on Internet website; development of tutorial.

1. The Department, in consultation with persons who possess knowledge and expertise in bullying and cyber-bullying, shall, to the extent money is available, develop an informational pamphlet to assist pupils and the parents or legal guardians of pupils enrolled in schools in this State in resolving incidents of bullying or cyber-bullying. If developed, the pamphlet must include, without limitation:
 - (a) A summary of the policy prescribed by the Department pursuant to NRS 388.133 and the provisions of NRS 388.121 to 388.1395, inclusive;
 - (b) A description of practices which have proven effective in preventing and resolving violations of NRS 388.135 in schools, which must include, without limitation, methods to identify and assist pupils who are at risk for bullying and cyber-bullying; and
 - (c) An explanation that the parent or legal guardian of a pupil who is involved in a reported violation of NRS 388.135 may request an appeal of a disciplinary decision made against the pupil as a result of the violation, in accordance with the policy governing disciplinary action adopted by a governing body.
2. If the Department develops a pamphlet pursuant to subsection 1, the Department shall review the pamphlet on an annual basis and make such revisions to the pamphlet as the Department determines are necessary to ensure the pamphlet contains current information.
3. If the Department develops a pamphlet pursuant to subsection 1, the Department shall post a copy of the pamphlet on the Internet website maintained by the Department.
4. To the extent the money is available, the Department shall develop a tutorial which must be made available on the Internet website maintained by the Department that includes, without limitation, the information contained in the pamphlet developed pursuant to subsection 1, if such a pamphlet is developed by the Department.

NRS 388.1351. Staff member required to report violation to administrator; required actions and investigation; notification to parent or guardian; written report of findings and conclusions of

investigation; follow-up with victim; list of resources to be provided to parent or guardian; appeal of disciplinary action; reassignment of pupil who is victim of bullying or cyber-bullying; reports.

3. The investigation conducted pursuant to subsection 2 must include, without limitation:

(a) Except as otherwise provided in subsection 4, notification provided by telephone, electronic mail or other electronic means or provided in person, of the parents or guardians of all pupils directly involved in the reported bullying or cyber-bullying, as applicable, either as a reported aggressor or a reported victim of the bullying or cyber-bullying. The notification must be provided:

(1) If the bullying or cyber-bullying is reported before the end of school hours on a school day, before the school's administrative office closes on the day on which the bullying or cyber-bullying is reported; or

(2) If the bullying or cyber-bullying was reported on a day that is not a school day, or after school hours on a school day, before the school's administrative office closes on the school day following the day on which the bullying or cyber-bullying is reported.

(b) Interviews with all pupils whose parents or guardians must be notified pursuant to paragraph (a) and with all such parents and guardians.

4. If the contact information for the parent or guardian of a pupil in the records of the school is not correct, a good faith effort to notify the parent or guardian shall be deemed sufficient to meet the requirement for notification pursuant to paragraph (a) of subsection 3.

5. Except as otherwise provided in this subsection, an investigation required by this section must be completed not later than 2 school days after the administrator or designee receives a report required by subsection 1. If extenuating circumstances prevent the administrator or designee from completing the investigation required by this section within 2 school days after making a good faith effort, 1 additional school day may be used to complete the investigation.

6. An administrator or designee who conducts an investigation required by this section shall complete a written report of the findings and conclusions of the investigation. If a violation is found to have occurred, the report must include recommendations concerning the imposition of disciplinary action or other measures to be imposed as a result of the violation, in accordance with the policy governing disciplinary action adopted by the governing body. Subject to the provisions of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, the report must be made available, not later than 24 hours after the completion of the written report, to all parents or guardians who must be notified pursuant to paragraph (a) of subsection 3 as part of the investigation.

7. If a violation is found not to have occurred, information concerning the incident must not be included in the record of the reported aggressor.

8. Not later than 10 school days after receiving a report required by subsection 1, the administrator or designee shall meet with each reported victim of the bullying or cyber-bullying to inquire about the well-being of the reported victim and to ensure that the reported bullying or cyber-bullying, as applicable, is not continuing.

9. To the extent that information is available, the administrator or his or her designee shall provide a list of any resources that may be available in the community to assist a pupil to each parent or guardian of a pupil to whom notice was provided pursuant to this section as soon as practicable. Such a list may include, without limitation, resources available at no charge or at a reduced cost and may be provided in person or by electronic or regular mail. If such a list is provided, the administrator, his or her designee, or any employee of the school or the school district is not responsible for providing such resources to the pupil or ensuring the pupil receives such resources.

NRS 388.501. Conditions under which physical restraint may be used; report required; requirements if pupil has three or five reports of use of restraint in 1 school year.

3. If physical restraint is used on a pupil with a disability in an emergency, the use of the procedure must be reported in the pupil's cumulative record and a confidential file maintained for the pupil not later than 1 working day after the procedure is used. A copy of the report must be provided to the board of trustees of the school district or its designee, the pupil's individualized education program team and the parent or guardian of the pupil. If the board of trustees or its designee determines that a denial of the pupil's rights has occurred, the board of trustees or its designee shall submit a report to the Department in accordance with NRS 388.513.

NRS 392.140. Conditions under which pupil declared habitual truant; applicability.

1. Any child who has been declared a truant three or more times within one school year must be declared a habitual truant.

2. Any child who has once been declared a habitual truant and who in an immediately succeeding year is absent from school without the written:

(a) Approval of the child's teacher or the principal of the school pursuant to subsection 1 of NRS 392.130; or

(b) Notice of his or her parent or legal guardian or other person who has control or charge over the pupil pursuant to subsection 3 of NRS 392.130,

NRS 392.144. Duties of school if pupil is truant; habitual truant must be reported to attendance officer or law enforcement, referred to advisory board or referred for imposition of administrative sanctions.

1. If a pupil has one or more unapproved absences from school, the school in which the pupil is enrolled shall take reasonable actions designed, as applicable, to encourage, enable or convince the pupil to attend school.

4. If the principal of a school makes an initial determination to submit a written referral of a pupil to the advisory board to review school attendance, the principal shall notify the parent or legal guardian of the pupil and request the parent or legal guardian to sign a written consent that authorizes the school and, if applicable, the school district to release the records of the pupil to the advisory board to the extent that such release is necessary for the advisory board to carry out its duties pursuant to NRS 392.146 and 392.147. The written consent must comply with the applicable requirements of 20 U.S.C. § 1232g(b) and 34 C.F.R. Part 99. If the parent or legal guardian refuses to sign the consent, the principal shall:

(a) Report the pupil to an attendance officer, a school police officer or the local law enforcement agency pursuant to paragraph (a) of subsection 2; or

(b) Refer the pupil for the imposition of administrative sanctions pursuant to paragraph (c) of subsection 2.

NRS 392.146. Contents of written referral to advisory board; notice to parents or guardian.

A written referral of a pupil to an advisory board to review school attendance must include the dates on which the pupil was truant from school and all action taken by the school to assist the pupil to attend school. The advisory board may request clarification of any information contained in the written referral or any additional information that the advisory board considers necessary. The school shall provide written notice of the referral to the parents or legal guardian of the pupil. The written notice must include, without limitation:

1. The name and address of the pupil referred;

2. A written explanation of the reason for the referral;

3. A summary of the provisions of NRS 392.147; and
4. The address and telephone number of the advisory board to review school attendance.

NRS 392.149. Issuance of citation to habitual truant; applicability.

1. Upon receipt of a report pursuant to NRS 392.144 or 392.147, if it appears after investigation that a pupil is a habitual truant, the attendance officer, school police officer or law enforcement agency to whom the report is made shall prepare manually or electronically a citation directing the pupil to appear in the proper juvenile court.
2. A copy of the citation must be delivered to the pupil and to the parent, guardian or any other person who has control or charge of the pupil by:
 - (a) The local law enforcement agency;
 - (b) A school police officer employed by the board of trustees of the school district; or
 - (c) An attendance officer appointed by the board of trustees of the school district.
3. The citation must be in the form prescribed for misdemeanor citations in NRS 171.1773.
4. The provisions of this section apply to all pupils who are required to attend school pursuant to NRS 392.040.

NRS 392.4645. Removal of pupil: Notice; assignment to temporary alternative placement; exceptions.

1. The plan established pursuant to NRS 392.4644 must provide for the temporary removal of a pupil from a classroom or other premises of a public school if, in the judgment of the teacher or other staff member responsible for the classroom or other premises, as applicable, the 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 or with the ability of the staff member to discharge his or her duties. The plan must provide that, upon the removal of a pupil from a classroom or any other premises of a public school pursuant to this section, the principal of the school shall provide an explanation of the reason for the removal of the pupil to the pupil and offer the pupil an opportunity to respond to the explanation. Within 24 hours after the removal of a pupil pursuant to this section, the principal of the school shall notify the parent or legal guardian of the pupil of the removal.
2. Except as otherwise provided in subsection 3, a pupil who is removed from a classroom or any other premises of a public school pursuant to this section must be assigned to a temporary alternative placement pursuant to which the pupil:
 - (a) Is separated, to the extent practicable, from pupils who are not assigned to a temporary alternative placement;
 - (b) Studies or remains under the supervision of appropriate personnel of the school district; and
 - (c) Is prohibited from engaging in any extracurricular activity sponsored by the school.
3. The principal shall not assign a pupil to a temporary alternative placement if the suspension or expulsion of a pupil who is removed from the classroom pursuant to this section is:
 - (a) Required by NRS 392.466; or
 - (b) Authorized by NRS 392.467 and the principal decides to proceed in accordance with that section. If the principal proceeds in accordance with NRS 392.466 or 392.467, the pupil must be removed from school in accordance with those sections and the provisions of NRS 392.4642 to 392.4648, inclusive, do not apply to the pupil.

NRS 392.4657. Conditions under which pupil deemed suspended.

A pupil shall be deemed suspended from school if the school in which the pupil is enrolled:

1. Prohibits the pupil from attending school for 3 or more consecutive 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.

NRS 392.4655. Conditions under which pupil deemed habitual disciplinary problem; plan of behavior to prevent pupil from being deemed habitual disciplinary problem.

1. Except as otherwise provided in this section, a principal of a school shall deem a pupil enrolled in the school a habitual disciplinary problem if the school has written evidence which documents that in 1 school year: [...]
3. If a pupil is suspended, the school in which the pupil is enrolled shall provide written notice to the parent or legal guardian of the pupil that contains:
 - (a) A description of the act committed by the pupil and the date on which the act was committed;
 - (b) An explanation that if the pupil receives five suspensions on his or her record during the current school year and has not entered into and participated in a plan of behavior pursuant to subsection 5, the pupil will be deemed a habitual disciplinary problem;
 - (c) An explanation that, pursuant to subsection 3 of NRS 392.466, a pupil who is deemed a habitual disciplinary problem may be: (1) Suspended from school for a period not to exceed one school semester as determined by the seriousness of the acts which were the basis for the discipline; or (2) Expelled from school under extraordinary circumstances as determined by the principal of the school;
 - (d) If the pupil has a disability and is participating in a program of special education pursuant to NRS 388.520, an explanation of the effect of subsection 7 of NRS 392.466, including, without limitation, that if it is determined in accordance with 20 U.S.C. § 1415 that the pupil's behavior is not a manifestation of the pupil's disability, he or she may be suspended or expelled from school in the same manner as a pupil without a disability; and
 - (e) A summary of the provisions of subsection 5..
4. A school shall provide the notice required by subsection 3 for each suspension on the record of a pupil during a school year. Such notice must be provided at least 7 days before the school deems the pupil a habitual disciplinary problem.
5. If a pupil is suspended the school in which the pupil is enrolled may develop, in consultation with the pupil and the parent or legal guardian of the pupil, a plan of behavior for the pupil. Such a plan must be designed to prevent the pupil from being deemed a habitual disciplinary problem and may include, without limitation,
 - (a) A plan for graduating if the pupil is deficient in credits and not likely to graduate according to schedule.
 - (b) Information regarding schools with a mission to serve pupils who have been:
 - (1) Expelled or suspended from a public school, including, without limitation, a charter school; or
 - (2) Deemed to be a habitual disciplinary problem pursuant to this section.
 - (c) A voluntary agreement by the parent or legal guardian to attend school with his or her child.
 - (d) A voluntary agreement by the pupil and the pupil's parent or legal guardian to attend counseling, programs or services available in the school district or community.
 - (e) A voluntary agreement by the pupil and the pupil's parent or legal guardian that the pupil will attend summer school, intersession school or school on Saturday, if any of those alternatives are offered by the school district.

6. If a pupil commits the same act for which notice was provided pursuant to subsection 3 after he or she enters into a plan of behavior pursuant to subsection 5, the pupil shall be deemed to have not successfully completed the plan of behavior and may be deemed a habitual disciplinary problem.

7. A pupil may, pursuant to the provisions of this section, enter into one plan of behavior per school year.

8. The parent or legal guardian of a pupil who has entered into a plan of behavior with a school pursuant to this section may appeal to the board of trustees of the school district a determination made by the school concerning the contents of the plan of behavior or action taken by the school pursuant to the plan of behavior. Upon receipt of such a request, the board of trustees of the school district shall review the determination in accordance with the procedure established by the board of trustees for such matters.

REGULATIONS

No relevant regulations found.

Reporting and referrals between schools and law enforcement

LAWS

NRS 62E.030. Court to provide certain information to school district concerning certain offenses.

1. If a court determines that a child who is currently enrolled in school unlawfully caused or attempted to cause serious bodily injury to another person, the court shall provide the information specified in subsection 2 to the school district in which the child is currently enrolled.

2. The information required to be provided pursuant to subsection 1 must include:

- (a) The name of the child;
- (b) A description of any injury sustained by the other person;
- (c) A description of any weapon used by the child; and
- (d) A description of any threats made by the child against the other person before, during or after the incident in which the child injured or attempted to injure the person.

3. If a court determines that a child who is currently enrolled in school unlawfully engaged in bullying or cyber-bullying, the court shall provide the information specified in subsection 4 to the school district in which the child is currently enrolled.

4. The information required to be provided pursuant to subsection 3 must include:

- (a) The name of the child;
- (b) The name of the person who was the subject of the bullying or cyber-bullying; and
- (c) A description of any bullying or cyber-bullying committed by the child against the other person.

5. As used in this section:

- (a) "Bullying" has the meaning ascribed to it in NRS 388.122.
- (b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

NRS 388.1352. Establishment of policy by school districts for employees to report violations to law enforcement.

A governing body, in conjunction with the school police officers of the school district, if any, and the local law enforcement agencies that have jurisdiction over the school district or school, shall establish a policy for the procedures which must be followed by an employee of the school district or school when reporting a violation of NRS 388.135 to a school police officer or local law enforcement agency.

NRS 388.880. Immunity from civil liability for reporting threat of violence against school official, school employee or pupil; exceptions.

1. Except as otherwise provided in subsection 2, if any person who knows or has reasonable cause to believe that another person has made a threat of violence against a school official, school employee or pupil reports in good faith that threat of violence to a school official, teacher, school police officer, local law enforcement agency or potential victim of the violence that is threatened, the person who makes the report is immune from civil liability for any act or omission relating to that report. Such a person is not immune from civil liability for any other act or omission committed by the person as a part of, in connection with or as a principal, accessory or conspirator to the violence, regardless of the nature of the other act or omission.

NRS 391.281. Fingerprinting and investigation into the background of applicant for employment or appointment as school police officer and certain non-licensed employees; use of certain information; disqualification of certain applicants, employees and volunteers; acceptance of gifts, grants and donations; immunity from liability; employment of school police officers; contract for police services.

1. Each applicant for employment or appointment pursuant to this section or employee, except a teacher or other person licensed by the Superintendent of Public Instruction, must, before beginning his or her employment or appointment and at least once every 5 years thereafter, submit to the school district:

(a) A full set of the applicant's or employee's fingerprints and written permission authorizing the school district to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant or employee and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant or employee.

(b) Written authorization for the board of trustees of the school district to obtain any information concerning the applicant or employee that may be available from the Statewide Central Registry and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant or employee has resided within the immediately preceding 5 years.

2. In conducting an investigation into the background of an applicant or employee, a school district may cooperate with any appropriate law enforcement agency to obtain information relating to the criminal history of the applicant or employee, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant or employee.

3. The board of trustees of a school district may use a substantiated report of the abuse or neglect of a child, as defined in NRS 392.281, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) In making determinations concerning assignments, requiring retraining, imposing discipline, hiring or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

4. The board of trustees of a school district:

(a) May accept any gifts, grants and donations to carry out the provisions of subsections 1 and 2.

(b) May not be held liable for damages resulting from any action of the board of trustees authorized by subsection 2 or 3.

NRS 391.282. Jurisdiction of school police officers; law enforcement agency to respond to request for assistance by school district which does not have school police according to agency protocols.

1. The jurisdiction of each school police officer of a school district extends to all school property, buildings and facilities within the school district and, if the board of trustees has entered into a contract with a charter school for the provision of school police officers pursuant to NRS 388A.384, all property, buildings and facilities in which the charter school is located, for the purpose of:

- (a) Protecting school district personnel, pupils, or real or personal property; or
- (b) Cooperating with local law enforcement agencies in matters relating to personnel, pupils or real or personal property of the school district.

2. In addition to the jurisdiction set forth in subsection 1, a school police officer of a school district has jurisdiction:

- (a) Beyond the school property, buildings and facilities when in hot pursuit of a person believed to have committed a crime;
- (b) At activities or events sponsored by the school district that are in a location other than the school property, buildings or facilities within the school district; and
- (c) When authorized by the superintendent of schools of the school district, on the streets that are adjacent to the school property, buildings and facilities within the school district for the purpose of issuing traffic citations for violations of traffic laws and ordinances during the times that the school is in session or school-related activities are in progress.

3. A law enforcement agency that is contacted for assistance by a public school or private school which does not have school police shall respond according to the protocol of the law enforcement agency established for responding to calls for assistance from the general public.

NRS 391.283. Policy for procedures to be followed by peace officers in arresting pupil on school grounds during school hours.

1. The board of trustees of each school district, in conjunction with the school police officers of the school district, if any, and the local law enforcement agencies that have jurisdiction over the school district, shall establish a policy for the procedures which must be followed by a peace officer in arresting a pupil on school grounds during school hours. The policy must include the circumstances under which the chief administrative officer of a school must be notified of the arrest of a pupil.

2. Each law enforcement agency that has jurisdiction over any part of a school district shall adopt the policy which is established pursuant to subsection 1.

NRS 392.850. Provision of information to certain employees regarding unlawful conduct of pupil; immunity from liability under certain circumstances; confidentiality of information.

1. The board of trustees of a county school district, or its designee, shall inform each employee of the district, including teachers, other licensed employees, drivers of school buses, instructional aides and office managers, who may have consistent contact with a pupil if that pupil has, within the preceding 3 years, unlawfully caused or attempted to cause serious bodily injury to any person. The district shall provide this information based upon any written records that the district maintains or which it receives from a law enforcement agency or a court. The district need not initiate a request for such information from any source. [...]

NRS 392.4633. Corporal punishment prohibited.

1. Corporal punishment must not be administered upon a pupil in any public school.

2. Subsection 1 does not prohibit any person from defending himself or herself if attacked by a pupil.

3. As used in this section, "corporal punishment" means the intentional infliction of physical pain upon or the physical restraint of a pupil for disciplinary purposes. The term does not include the use of reasonable and necessary force:

- (a) To quell a disturbance that threatens physical injury to any person or the destruction of property;
- (b) To obtain possession of a weapon or other dangerous object within a pupil's control;
- (c) For the purpose of self-defense or the defense of another person; or
- (d) To escort a disruptive pupil who refuses to go voluntarily with the proper authorities.

NRS 392.4638. Board of trustees authorized to adopt policy for pupils to report unlawful activity being conducted on school property, activity sponsored by public school or on school bus.

1. The board of trustees of each school district may adopt a policy that allows a pupil enrolled in a public school within the school district to report, anonymously if the pupil chooses, any unlawful activity which is being conducted on school property, at an activity sponsored by a public school or on a school bus. The policy may include, without limitation:

- (a) The types of unlawful activities which a pupil may report; and
- (b) The manner in which a pupil may report the unlawful activities.

2. The board of trustees of a school district may work in consultation with a local law enforcement agency or other governmental entity, corporation, business, organization or other entity to assist the board of trustees in the implementation of a policy adopted pursuant to subsection 1. [...]

REGULATIONS

No relevant regulations found.

Disclosure of school records

LAWS

NRS 388.267. Department to establish, review and update policies and procedures to ensure privacy of data concerning pupils.

1. The Department shall adopt any policies and procedures necessary to ensure the privacy of data concerning pupils which are consistent with relevant state and federal privacy laws, including, without limitation, the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto.

2. At least once each biennium, the Department shall review and revise as necessary the policies and procedures described in subsection 1.

NRS 388.268. Department to establish, publish and make available on its Internet website index of data elements for automated system of accountability information for Nevada; biennial update.

1. The Department shall establish, publish and make publicly available on its Internet website:

- (a) An index of the data elements that the Department maintains or proposes to include in the automated system of accountability information for Nevada established pursuant to NRS 385A.800, including, without limitation:

- (1) Data concerning individual pupils; and
- (2) Aggregated data concerning pupils within a defined group.

(b) An explanation of the index of data elements established pursuant to paragraph (a), which must include, without limitation:

- (1) A description of each data element concerning each individual pupil;
- (2) The reason for collecting or proposing to collect each data element concerning each individual pupil; and
- (3) The third-party service providers, organizations and agencies that have access to the data concerning individual pupils maintained by the Department in the automated system of accountability information for Nevada established pursuant to NRS 385A.800.

2. At least once each biennium, the Department shall update the information described in subsection 1.

NRS 388.269. Board of trustees and governing body required to establish, publish and make publicly available certain information concerning data transferred to automated system of accountability for Nevada.

The board of trustees of each school district, the governing body of a charter school and the governing body of a university school for profoundly gifted pupils shall establish, publish and make publicly available:

1. An index of categories of data, including, without limitation, data concerning individual pupils and aggregated data concerning pupils within a defined group transferred to the automated system of accountability information for Nevada established pursuant to NRS 385A.800; and
2. A list of the third-party service providers, organizations and agencies that have access to data concerning individual pupils maintained by the Department in the automated system of accountability information for Nevada established pursuant to NRS 385A.800.

NRS 388.271. Board of trustees and governing body to adopt policies and procedures governing use of certain software and manner in which data concerning pupils may be provided in certain circumstances.

The board of trustees of each school district, the governing body of a charter school and the governing body of a university school for profoundly gifted pupils shall adopt policies and procedures governing:

1. The use by teachers and other educational personnel of software offered to users free of charge for basic services, but that requires users to pay for any additional or premium proprietary features, functionality or virtual goods; and
2. The manner in which data concerning pupils may be provided to a person when the provision of such data is not expressly authorized by the board of trustees or governing body, as applicable.

NRS 388.272. Required provisions for contracts that provide for disclosure of data that includes personally identifiable information of pupil.

1. Any contract entered into by the Department, a school district, a sponsor of a charter school, the governing body of a university school for profoundly gifted pupils or any public school that provides for the disclosure of data that includes any personally identifiable information of a pupil must include, without limitation:

- (a) Provisions specifically to protect the privacy and security of the personally identifiable information; and
- (b) A penalty for intentional or grossly negligent noncompliance with the terms of the contract, including, without limitation, provisions for termination of the contract and for the payment of monetary damages for any breach of the terms of the contract.

2. As used in this section, “personally identifiable information” has the meaning ascribed to it in 34 C.F.R. § 99.3.

NRS 388.273. Department to adopt data security plan; compliance with plan; school district, sponsor of charter school and university school for profoundly gifted pupils to submit annual report concerning changes to manner in which each collects, maintains or transfers data concerning pupils.

1. The Department, in consultation with each school district, the sponsor of each charter school and the governing body of a university school for profoundly gifted pupils shall adopt a detailed plan to provide for the security of any data concerning pupils that is collected, maintained and transferred by the Department.
2. The board of trustees of each school district, the governing body of a charter school and the governing body of a university school for profoundly gifted pupils shall comply with and carry out the data security plan adopted by the Department pursuant to subsection 1.
3. Each school district, sponsor of a charter school and university school for profoundly gifted pupils shall prepare and submit to the Department an annual report concerning any significant changes to the manner in which the school district, charter school or university school for profoundly gifted pupils collects, maintains or transfers data concerning pupils for inclusion in the annual report prepared by the Department pursuant to NRS 385.230.

NRS 392.850. Provision of information to certain employees regarding unlawful conduct of pupil; immunity from liability under certain circumstances; confidentiality of information.

1. The board of trustees of a county school district, or its designee, shall inform each employee of the district, including teachers, other licensed employees, drivers of school buses, instructional aides and office managers, who may have consistent contact with a pupil if that pupil has, within the preceding 3 years, unlawfully caused or attempted to cause serious bodily injury to any person. The district shall provide this information based upon any written records that the district maintains or which it receives from a law enforcement agency or a court. The district need not initiate a request for such information from any source.
2. A school district and the members of its board of trustees are not liable for failure strictly to comply with this section if a good faith effort to comply is made.
3. Except as otherwise provided in NRS 239.0115, any information received by an employee pursuant to this section is confidential and must not be further disseminated by the employee.

REGULATIONS

No relevant regulations found.

Data collection, review, and reporting of disciplinary policies and actions

LAWS

NRS 385A.090. Notice of availability of annual report of accountability on Internet; public dissemination of report; availability of copies of report.

1. On or before September 30 of each year:
 - (a) The board of trustees of each school district, the State Public Charter School Authority, the Achievement School District and each college or university within the Nevada System of Higher

Education that sponsors a charter school shall provide written notice that the report required pursuant to NRS 385A.070 is available on the Internet website maintained by the school district, State Public Charter School Authority, Achievement School District or institution, if any, or otherwise provide written notice of the availability of the report. The written notice must be provided to the:

- (1) Governor;
- (2) State Board;
- (3) Department;
- (4) Committee;
- (5) Bureau; and
- (6) The Attorney General, with a specific reference to the information that is reported pursuant to paragraph (e) of subsection 1 of NRS 385A.250.

(b) The board of trustees of each school district, the State Public Charter School Authority, the Achievement School District and each college or university within the Nevada System of Higher Education that sponsors a charter school shall provide for public dissemination of the annual report of accountability prepared pursuant to NRS 385A.070 by posting a copy of the report on the Internet website maintained by the school district, the State Public Charter School Authority, the Achievement School District or the institution, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the annual report by providing a copy of the report to the schools in the school district, including, without limitation, each charter school sponsored by the district, the residents of the district, and the parents and guardians of pupils enrolled in schools in the district, including, without limitation, each charter school sponsored by the district. If the State Public Charter School Authority, the Achievement School District or the institution does not maintain a website, the State Public Charter School Authority, the Achievement School District or the institution, as applicable, shall otherwise provide for public dissemination of the annual report by providing a copy of the report to each charter school it sponsors and the parents and guardians of pupils enrolled in each charter school it sponsors.

2. Upon the request of the Governor, the Attorney General, an entity described in paragraph (a) of subsection 1 or a member of the general public, the board of trustees of a school district, the State Public Charter School Authority, the Achievement School District or a college or university within the Nevada System of Higher Education that sponsors a charter school, as applicable, shall provide a portion or portions of the report required pursuant to NRS 385A.070.

NRS 385A.240. Attendance, truancy and transiency of pupils.

1. The annual report of accountability prepared pursuant to NRS 385A.070 must include information on the attendance, truancy and transiency of pupils, including, without limitation:

- (a) Records of the attendance and truancy of pupils in all grades, including, without limitation:
 - (1) The average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.
 - (2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school sponsored by the district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(b) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033, 392.125 or 392.760, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(c) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. For the purposes of this paragraph, a pupil is not transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(d) The number of habitual truants reported for each school in the district and for the district as a whole, including, without limitation, the number who are:

(1) Reported to an attendance officer, a school police officer or a local law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144;

(2) Referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144; and

(3) Referred for the imposition of administrative sanctions pursuant to paragraph (c) of subsection 2 of NRS 392.144.

2. On or before September 30 of each year:

(a) The board of trustees of each school district shall submit to each advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required by paragraph (a) of subsection 1.

(b) The State Public Charter School Authority, the Achievement School District and each college or university within the Nevada System of Higher Education that sponsors a charter school shall submit to each advisory board to review school attendance created in a county pursuant to NRS 392.126 the information regarding the records of the attendance and truancy of pupils enrolled in the charter school located in that county, if any, in accordance with the regulations prescribed by the Department pursuant to subsection 3 of NRS 385A.070.

NRS 385A.250. Discipline of pupils.

1. The annual report of accountability prepared pursuant to NRS 385A.070 must include information on the discipline of pupils, including, without limitation:

(a) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school sponsored by the district.

(b) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school sponsored by the district.

(c) Records of the suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467.

(d) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(e) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district:

(1) The number of reported violations of NRS 388.135 occurring at a school or otherwise involving a pupil enrolled at a school, regardless of the outcome of the investigation conducted pursuant to NRS 388.1351;

(2) The number of incidents determined to be bullying or cyber-bullying after an investigation is conducted pursuant to NRS 388.1351;

(3) The number of incidents resulting in suspension or expulsion for bullying or cyber-bullying; and

(4) Any actions taken to reduce the number of incidents of bullying or cyber-bullying including, without limitation, training that was offered or other policies, practices and programs that were implemented.

(f) For each high school in the district, including, without limitation, each charter school sponsored by the district that operates as a high school, and for high schools in the district as a whole:

(1) The number and percentage of pupils whose violations of the code of honor relating to cheating prescribed pursuant to NRS 392.461 or any other code of honor applicable to pupils enrolled in high school were reported to the principal of the high school, reported by the type of violation;

(2) The consequences, if any, to the pupil whose violation is reported pursuant to subparagraph (1), reported by the type of consequence;

(3) The number of any such violations of a code of honor in a previous school year by a pupil whose violation is reported pursuant to subparagraph (1), reported by the type of violation; and

(4) The process used by the high school to address violations of a code of honor which are reported to the principal.

2. As used in this section:

(a) "Bullying" has the meaning ascribed to it in NRS 388.122.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

NRS 385A.320. District communication; parental involvement.

The annual report of accountability prepared pursuant to NRS 385A.070 must include information on district communication efforts and parental involvement, including, without limitation, efforts made by the school district and by each school in the district, including, without limitation, each charter school sponsored by the district, to increase:

1. Communication with the parents of pupils enrolled in the district;

2. The participation of parents in the educational process and activities relating to the school district and each school, including, without limitation, the existence of parent organizations and school advisory committees; and

3. The involvement of parents and the engagement of families of pupils enrolled in the district in the education of their children.

NRS 385A.400. Requirements for report; public dissemination of report.

1. The State Board shall, on or before January 15 of each year, prepare for the immediately preceding school year a single annual report of accountability that includes, without limitation the information prescribed by NRS 385A.400 to 385A.520, inclusive.

2. A separate reporting for a group of pupils must not be made pursuant to NRS 385A.400 to 385A.520, inclusive, if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The Department shall use the mechanism approved by the United States Department of Education for the statewide system of accountability for public schools for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

3 The annual report of accountability must:

(a) Be prepared in a concise manner; and

(b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

4. On or before January 15 of each year, the State Board shall provide for public dissemination of the annual report of accountability by posting a copy of the report on the Internet website maintained by the Department.

5. Upon the request of the Governor, the Attorney General, the Committee, the Bureau, the Board of Regents of the University of Nevada, the board of trustees of a school district, the governing body of a charter school, the Executive Director of the Achievement School District or a member of the general public, the State Board shall provide a portion or portions of the annual report of accountability.

NRS 385A.450. Attendance, truancy and transiency of pupils.

The annual report of accountability prepared by the State Board pursuant to NRS 385A.400 must include information on the attendance, truancy and transiency of pupils, including, without limitation:

1. For all elementary schools, junior high schools and middle schools, the rate of attendance, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

2. The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033, 392.125 or 392.760, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

3. The transiency rate of pupils, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. For the purposes of this subsection, a pupil is not a transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

4. The number of habitual truants reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, including, without limitation, the number who are:

(a) Reported to an attendance officer, a school police officer or a local law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144;

(b) Referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144; and

(c) Referred for the imposition of administrative sanctions pursuant to paragraph (c) of subsection 2 of NRS 392.144.

NRS 385A.460. Discipline of pupils.

1. The annual report of accountability prepared by the State Board pursuant to NRS 385A.400 must include information on the discipline of pupils, including, without limitation:

(a) Incidents involving weapons or violence, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(b) Incidents involving the use or possession of alcoholic beverages or controlled substances, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(c) The suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(d) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(e) For each school district, including, without limitation, each charter school in the district, and for this State as a whole:

(1) The number of reported violations of NRS 388.135 occurring at a school or otherwise involving a pupil enrolled at a school, regardless of the outcome of the investigation conducted pursuant to NRS 388.1351;

(2) The number of incidents determined to be bullying or cyber-bullying after an investigation is conducted pursuant to NRS 388.1351;

(3) The number of incidents resulting in suspension or expulsion for bullying or cyber-bullying; and

(4) Any actions taken to reduce the number of incidents of bullying or cyber-bullying, including, without limitation, training that was offered or other policies, practices and programs that were implemented.

(f) For each high school in each school district, including, without limitation, each charter school that operates as a high school, and for the high schools in this State as a whole:

(1) The number and percentage of pupils whose violations of the code of honor relating to cheating prescribed pursuant to NRS 392.461 or any other code of honor applicable to pupils enrolled in high school were reported to the principal of the high school, reported by the type of violation;

(2) The consequences, if any, to the pupil whose violation is reported pursuant to subparagraph (1), reported by the type of consequence;

(3) The number of any such violations of a code of honor in a previous school year by a pupil whose violation is reported pursuant to subparagraph (1), reported by the type of violation; and

(4) The process used by the high school to address violations of a code of honor which are reported to the principal.

2. As used in this section:

(a) "Bullying" has the meaning ascribed to it in NRS 388.122.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

NRS 385A.620. Regulations governing inclusion of pupils enrolled in certain alternative programs within statewide system.

1. The State Board shall adopt regulations that prescribe, consistent with 20 U.S.C. §§ 6301 et seq., and the regulations adopted pursuant thereto, the manner in which pupils enrolled in:

(a) A program of distance education pursuant to NRS 388.820 to 388.874, inclusive;

(b) An alternative program for the education of pupils at risk of dropping out of school pursuant to NRS 388.537; or

(c) A program of education that:

(1) Primarily serves pupils with disabilities; or

(2) Is operated within a:

(I) Local, regional or state facility for the detention of children;

(II) Juvenile forestry camp;

(III) Child welfare agency; or

(IV) Correctional institution, Ê will be included within the statewide system of accountability set forth in this chapter.

2. The regulations adopted pursuant to subsection 1 must also set forth the manner in which:
 - (a) The progress of pupils enrolled in a program of distance education, an alternative program or a program of education described in subsection 1 will be accounted for within the statewide system of accountability; and
 - (b) The results of pupils enrolled in a program of distance education, an alternative program or a program of education described in subsection 1 on the examinations administered pursuant to NRS 390.105 and, if applicable for the grade levels of the pupils enrolled, the college and career readiness assessment administered pursuant to NRS 390.610 will be reported.

NRS 385A.730. Regulations governing alternative performance framework.

1. The State Board shall adopt regulations that prescribe an alternative performance framework to evaluate public schools that are approved pursuant to NRS 385A.740. Such regulations must include, without limitation, an alternative manner in which to evaluate such a school and the manner in which the school will be included within the statewide system of accountability set forth in this chapter.
2. The regulations adopted pursuant to subsection 1 must also set forth the manner in which:
 - (a) The progress of pupils enrolled in a public school for which an alternative performance framework has been approved pursuant to NRS 385A.740 will be accounted for within the statewide system of accountability; and
 - (b) To report the results of pupils enrolled in such a public school on the examinations administered pursuant to NRS 390.105 and, if applicable for the grade levels of the pupils enrolled, the college and career readiness assessment administered pursuant to NRS 390.610.

NRS 385A.740. Application for approval to be rated using alternative performance framework; eligibility.

1. A public school, including, without limitation, a charter school, that wishes to be rated using the alternative performance framework prescribed by the State Board pursuant to NRS 385A.730 must request the board of trustees of the school district or sponsor of the charter school, as applicable, to apply to the State Board on behalf of the school for approval to be rated using the alternative performance framework.
2. The board of trustees of a school district or the sponsor of a charter school, as applicable, may apply to the State Board on behalf of a school for the school to be rated using the alternative performance framework by submitting a form prescribed by the Department.
3. A public school is eligible to be rated using the alternative performance framework if:
 - (a) The school specifies that the mission of the school is to serve pupils who:
 - (1) Have been expelled or suspended from a public school, including, without limitation, a charter school;
 - (2) Have been deemed to be a habitual disciplinary problem pursuant to NRS 392.4655;
 - (3) Are academically disadvantaged;
 - (4) Have been adjudicated delinquent;
 - (5) Have been adjudicated to be in need of supervision for a reason set forth in NRS 62B.320; or
 - (6) Have an individualized education program; and
 - (b) At least 75 percent of the pupils enrolled at the school fall within one or more of the categories listed in paragraph (a).
4. In addition to the provisions of subsection 3, a charter school is eligible to be rated using the alternative performance framework if the charter school:

- (a) Specifies in its written charter or charter contract that:
 - (1) The mission of the charter school is to serve primarily pupils who are described in subparagraphs (1) to (6), inclusive, of paragraph (a) of subsection 3; and
 - (2) The admissions policy of the charter school only allows the pupils identified in its mission statement to newly enroll in the charter school;
- (b) At the time of its application to be rated using the alternative performance framework, has an enrollment of at least 75 percent of pupils who are pupils identified in its mission statement; and
- (c) Completes any requirements to transition to the alternative performance framework required by the proposed sponsor of the charter school pursuant to NRS 388A.274.

5. As used in this section, “academically disadvantaged” includes, without limitation, being retained in the same grade level two or more times or having a deficiency in the credits required to graduate on time.

NRS 385A.800. Establishment and maintenance of system; access to data within system.

1. The Department shall establish and maintain an automated system of accountability information for Nevada. The system must:

- (a) Have the capacity to provide and report information, including, without limitation, the results of the achievement of pupils:
 - (1) In the manner required by 20 U.S.C. §§ 6301 et seq., and the regulations adopted pursuant thereto, and NRS 385A.070 and 385A.400; and
 - (2) In a separate reporting for each group of pupils identified in the statewide system of accountability for public schools;
- (b) Include a system of unique identification for each pupil:
 - (1) To ensure that individual pupils may be tracked over time throughout this State;
 - (2) That, to the extent practicable, may be used for purposes of identifying a pupil for both the public schools and the Nevada System of Higher Education, if that pupil enrolls in the System after graduation from high school; and
 - (3) Which must, to the extent money is available for this purpose, include, without limitation, a unique identifier for each pupil whose parent or guardian is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard in a manner that will allow for the disaggregation of each category;
- (c) Have the capacity to provide longitudinal comparisons of the academic achievement, rate of attendance and rate of graduation of pupils over time throughout this State;
- (d) Have the capacity to perform a variety of longitudinal analyses of the results of individual pupils on assessments, including, without limitation, the results of pupils by classroom and by school;
- (e) Have the capacity to identify which teachers are assigned to individual pupils;
- (f) Have the capacity to provide other information concerning schools and school districts that is not linked to individual pupils, including, without limitation, the ratings of schools and, if available, school districts pursuant to the statewide system of accountability for public schools and an identification of which schools, if any, are persistently dangerous;
- (g) Have the capacity to access financial accountability information for each public school, including, without limitation, each charter school, for each school district and for this State as a whole; and
- (h) Be designed to improve the ability of the Department, the sponsors of charter schools, the school districts and the public schools in this State, including, without limitation, charter schools, to account for the pupils who are enrolled in the public schools, including, without limitation, charter schools.

The information maintained pursuant to paragraphs (c), (d) and (e) must be used for the purpose of improving the achievement of pupils and improving classroom instruction.

2. The Department shall establish, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, a mechanism by which persons or entities, including, without limitation, state officers who are members of the Executive or Legislative Branch, administrators of public schools and school districts, teachers and other educational personnel, and parents and guardians, will have different types of access to the accountability information contained within the automated system to the extent that such information is necessary for the performance of a duty or to the extent that such information may be made available to the general public without posing a threat to the confidentiality of an individual pupil.

3. On or before December 31 of each year, the Department shall share with the Interagency Council on Veterans Affairs aggregate data collected pursuant to subsection 1 concerning each pupil whose parent or guardian is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard.

4. The Department may, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, enter into an agreement with the Nevada System of Higher Education to provide access to data contained within the automated system for research purposes.

NRS 385A.810. Adoption of uniform program for school districts to collect, maintain and transfer data to system.

The board of trustees of each school district shall:

1. Adopt and maintain the program prescribed by the Superintendent of Public Instruction pursuant to NRS 385A.820 for the collection, maintenance and transfer of data from the records of individual pupils to the automated system of information, including, without limitation, the development of plans for the educational technology which is necessary to adopt and maintain the program;
2. Provide to the Department electronic data concerning pupils as required by the Superintendent of Public Instruction pursuant to NRS 385A.820; and
3. Ensure that an electronic record is maintained in accordance with subsection 3 of NRS 385A.830.

NRS 385A.820. Duties of Superintendent of Public Instruction regarding uniform program for collection, maintenance and transfer of data to system.

The Superintendent of Public Instruction shall:

1. Prescribe a uniform program throughout this State for the collection, maintenance and transfer of data that each school district must adopt, which must include standardized software;
2. Prescribe the data to be collected and reported to the Department by each school district and each sponsor of a charter school pursuant to NRS 385A.810 and by each university school for profoundly gifted pupils;
3. Prescribe the format for the data;
4. Prescribe the date by which each school district shall report the data to the Department;
5. Prescribe the date by which each charter school shall report the data to the sponsor of the charter school;
6. Prescribe the date by which each university school for profoundly gifted pupils shall report the data to the Department;
7. Prescribe standardized codes for all data elements used within the automated system and all exchanges of data within the automated system, including, without limitation, data concerning:

- (a) Individual pupils;
- (b) Individual teachers;
- (c) Individual schools and school districts; and
- (d) Programs and financial information;

8. Provide technical assistance to each school district to ensure that the data from each public school in the school district, including, without limitation, each charter school and university school for profoundly gifted pupils located within the school district, is compatible with the automated system of information and comparable to the data reported by other school districts; and

9. Provide for the analysis and reporting of the data in the automated system of information.

NRS 385A.830. Operation of system in compliance with federal laws governing release and confidentiality of records.

1. The Department, the school districts and the public schools, including, without limitation, charter schools, shall, in operating the automated system of information established pursuant to NRS 385A.800, comply with the provisions of:

- (a) For all pupils, the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto; and
- (b) For pupils with disabilities who are enrolled in programs of special education, the provisions governing access to education records and confidentiality of information prescribed in the Individuals with Disabilities Education Act, 20 U.S.C. § 1417(c), and the regulations adopted pursuant thereto.

2. Except as otherwise provided in 20 U.S.C. § 1232g(b) and any other applicable federal law, a public school, including, without limitation, a charter school, shall not release the education records of a pupil to a person or an agency of a federal, state or local government without the written consent of the parent or legal guardian of the pupil.

3. In addition to the record required pursuant to 20 U.S.C. § 1232g(b)(4)(A), each school district and each sponsor of a charter school shall maintain within the automated system of information an electronic record of all persons and agencies who have requested the education record of a pupil or obtained access to the education record of a pupil, or both, pursuant to 20 U.S.C. § 1232g. The electronic record must be maintained and may only be disclosed in accordance with the provisions of 20 U.S.C. § 1232g. A charter school shall provide to the sponsor of the charter school such information as is necessary for the sponsor to carry out the provisions of this subsection.

4. The right accorded to a parent or legal guardian of a pupil pursuant to subsection 2 devolves upon the pupil on the date on which the pupil attains the age of 18 years.

5. As used in this section, unless the context otherwise requires, "education records" has the meaning ascribed to it in 20 U.S.C. § 1232g(a)(4).

NRS 388.134. Policy by school districts for provision of safe and respectful learning environment and policy for ethical, safe and secure use of computers; provision of training to board of trustees and school personnel; posting of policies on Internet website; annual review and update of policies.

Each governing body shall:

- 5. Review the policies adopted pursuant to subsection 1 on an annual basis and update the policies if necessary. If the governing body updates the policies, the governing body must submit a copy of the updated policies to the Department within 30 days after the update.

NRS 388.508. Report of violation; corrective plan required; appointment of administrator to oversee school under certain circumstances.

1. A school where a violation of NRS 388.471 to 388.515, inclusive, occurs shall report the violation to the board of trustees of the school district not later than 24 hours after the violation occurred, or as soon thereafter as the violation is discovered.
2. The board of trustees of the school district where the violation occurred shall develop, in cooperation with the superintendent of schools of the school district, a corrective plan to ensure that within 30 calendar days after the violation occurred, appropriate action is taken by the school and the board of trustees to prevent future violations.
3. The superintendent of schools of the school district shall submit the plan to the Department. The Department shall review the plan to ensure that it complies with applicable federal law and the statutes and regulations of this state. The Department may require appropriate revision of the plan to ensure compliance.
4. If the school where the violation occurred does not meet the requirements of the plan to the satisfaction of the Department, the Department may appoint a licensed administrator to oversee the school to ensure that the school meets the requirements of the plan. An administrator serves at the pleasure of the Superintendent of Public Instruction and is entitled to receive such compensation as may be set by the superintendent. A school district that contains a school for which an administrator is appointed pursuant to this subsection shall reimburse the Department for any expenses incurred by the Department pursuant to this subsection.

NRS 388.513. Reporting of denial of rights; investigation and resolution of disputes by Department.

1. A denial of rights of a pupil with a disability pursuant to NRS 388.471 to 388.515, inclusive, must be entered in the pupil's cumulative record and a confidential file maintained for that pupil. Notice of the denial must be provided to the board of trustees of the school district or its designee.
2. If the board of trustees of a school district or its designee receives notice of a denial of rights pursuant to subsection 1, the board of trustees or its designee shall cause a full report to be prepared which must set forth in detail the factual circumstances surrounding the denial. A copy of the report must be provided to the Department.
3. The Department:
 - (a) Shall receive reports made pursuant to subsection 2;
 - (b) May investigate apparent violations of the rights of pupils with disabilities; and
 - (c) May act to resolve disputes relating to apparent violations.

NRS 388.515. Annual report by school districts on use of restraint and violations; compilation of reports by Department; submission of compilation to Legislature.

1. The board of trustees of each school district shall, on or before August 1 of each year, prepare a report in the form prescribed by the Department that includes, without limitation, for each school within the school district:
 - (a) The number of instances in which physical restraint was used at the school during the immediately preceding school year, which must indicate the number of instances per teacher employed at the school and per pupil enrolled at the school without disclosing personally identifiable information about the teacher or the pupil;
 - (b) The number of instances in which mechanical restraint was used at the school during the immediately preceding school year, which must indicate the number of instances per teacher employed

at the school and per pupil enrolled at the school without disclosing personally identifiable information about the teacher or the pupil; and

(c) The number of violations of NRS 388.471 to 388.515, inclusive, by type of violation, which must indicate the number of violations per teacher employed at the school and per pupil enrolled at the school without disclosing personally identifiable information about the teacher or the pupil.

2. The board of trustees of each school district shall prescribe a form for each school within the school district to report the information set forth in subsection 1 to the school district and the time by which those reports must be submitted to the school district.

3. On or before August 15 of each year, the board of trustees of each school district shall submit to the Department the written report prepared by the board of trustees pursuant to subsection 1.

4. The Department shall compile the data received by each school district pursuant to subsection 3 and prepare a written report of the compilation, disaggregated by school district. On or before October 1 of each year, the Department shall submit the written compilation:

(a) In even-numbered years, to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature.

(b) In odd-numbered years, to the Legislative Committee on Education.

5. If a particular item in a report required pursuant to this section would reveal personally identifiable information about an individual pupil or teacher, that item must not be included in the report.

NRS 392.461. Code of honor relating to cheating; contents; distribution.

3. On or before July 1 of each year, the Department shall:

(a) Provide a copy of the code of honor to the board of trustees of each school district and the governing body of each charter school.

(b) Review and amend the code of honor as necessary.

NRS 392.4644. Plan for progressive discipline and on-site review of disciplinary decisions; annual review and revision of plan; posting and distribution of plan; submission of plan to superintendent of schools of school district; written reports by superintendent of schools and board of trustees concerning compliance with section.

1. The principal of each public school 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 and other educational personnel and support personnel who are employed at the school, and the parents and guardians of pupils who are enrolled in the school.

(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 school.

(d) Provide for the temporary removal of a pupil from a classroom or other premises of a public school in accordance with NRS 392.4645.

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

2. On or before September 15 of each year, the principal of each public school shall:

(a) Review the plan in consultation with the teachers and other educational personnel and support personnel who are employed at the school;

- (b) Based upon the review, make revisions to the plan, as recommended by the teachers and other educational personnel and support personnel, if necessary;
 - (c) Post a copy of the plan or the revised plan, as applicable, on the Internet website maintained by the school or school district;
 - (d) Distribute to each teacher and all educational support personnel who are employed at or assigned to the school a written or electronic copy of the plan or the revised plan, as applicable; and
 - (e) Submit a copy of the plan or the revised plan, as applicable, to the superintendent of schools of the school district.
3. On or before October 15 of each year, the superintendent of schools of each school district shall submit a report to the board of trustees of the school district that includes:
- (a) A compilation of the plans submitted pursuant to this subsection by each school within the school district.
 - (b) The name of each principal, if any, who has not complied with the requirements of this section.
4. On or before November 15 of each year, the board of trustees of each school district shall:
- (a) Submit a written report to the Superintendent of Public Instruction based upon the compilation submitted pursuant to subsection 3 that reports the progress of each school within the district in complying with the requirements of this section; and
 - (b) Post a copy of the report on the Internet website maintained by the school district.

REGULATIONS

No relevant regulations found.

School Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers

Authority and power to implement school arrest

LAWS

NRS 391.283. Policy for procedures to be followed by peace officers in arresting pupil on school grounds during school hours.

1. The board of trustees of each school district, in conjunction with the school police officers of the school district, if any, and the local law enforcement agencies that have jurisdiction over the school district, shall establish a policy for the procedures which must be followed by a peace officer in arresting a pupil on school grounds during school hours. The policy must include the circumstances under which the chief administrative officer of a school must be notified of the arrest of a pupil.
2. Each law enforcement agency that has jurisdiction over any part of a school district shall adopt the policy which is established pursuant to subsection 1.

NRS 392.160. Taking into custody child reported absent from school; persons or counseling agency to whom child may be delivered.

1. Any peace officer, the attendance officer or any other school officer shall, during school hours, take into custody without warrant:
 - (a) Any child between the ages of 7 and 18 years; and
 - (b) Any child who has arrived at the age of 6 years but not at the age of 7 years and is enrolled in a public school,who has been reported to the officer by the teacher, superintendent of schools or other school officer as an absentee from instruction upon which the child is lawfully required to attend.
2. Except as otherwise provided in subsection 3:
 - (a) During school hours, the officer having custody shall forthwith deliver the child to the superintendent of schools, principal or other school officer at the child's school of attendance.
 - (b) After school hours, the officer having custody shall deliver the child to the parent, guardian or other person having control or charge of the child.

REGULATIONS

No relevant regulations found.

Certification or training

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

MOUs, authorization, and/or funding

LAWS

NRS 280.287. Contract for provision and supervision of police services in public schools; qualifications and training for officers assigned to school police unit.

1. The department may enter into a contract with the board of trustees of the school district located in the county served by the department for the provision and supervision of police services in the public schools within the school district and any charter school with which the board of trustees has entered into a contract for the provision of school police officers pursuant to section 1.2 of this act, and on property owned by the school district and, if applicable, on property owned or operated by a charter school. If the department enters into a contract pursuant to this section, the department shall create a separate unit designated as the school police unit for this purpose.
2. The department may establish different qualifications and training requirements for officers assigned to the school police unit than those generally applicable to officers of the department.

NRS 392.150. Appointment of attendance officer authorized; procedures to monitor attendance and truancy; consideration of employment of attendance clerk.

1. The board of trustees of a school district may appoint an attendance officer for the school district, who need not be a licensed employee of the school district, except that in any school district where a system of classified employment is in effect, attendance officers must be classified employees of the school district. If the board of trustees appoints an attendance officer for the school district, the board of trustees may:
 - (a) Fix the compensation of the attendance officer;
 - (b) Prescribe the duties of the attendance officer; and
 - (c) Adopt regulations not inconsistent with law for the performance of the duties of the attendance officer.

NRS 391.281. Fingerprinting and investigation into the background of applicant for employment or appointment as school police officer and certain non-licensed employees; use of certain information; disqualification of certain applicants, employees and volunteers; acceptance of gifts, grants and donations; immunity from liability; employment of school police officers; contract for police services.

1. Each applicant for employment or appointment pursuant to this section or employee, except a teacher or other person licensed by the Superintendent of Public Instruction, must, before beginning his or her employment or appointment and at least once every 5 years thereafter, submit to the school district:
 - (a) A full set of the applicant's or employee's fingerprints and written permission authorizing the school district to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant or employee and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant or employee.
 - (b) Written authorization for the board of trustees of the school district to obtain any information concerning the applicant or employee that may be available from the Statewide Central Registry and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant or employee has resided within the immediately preceding 5 years.
2. In conducting an investigation into the background of an applicant or employee, a school district may cooperate with any appropriate law enforcement agency to obtain information relating to the criminal

history of the applicant or employee, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant or employee.

3. The board of trustees of a school district may use a substantiated report of the abuse or neglect of a child, as defined in NRS 392.281, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) In making determinations concerning assignments, requiring retraining, imposing discipline, hiring or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

4. The board of trustees of a school district:

(a) May accept any gifts, grants and donations to carry out the provisions of subsections 1 and 2.

(b) May not be held liable for damages resulting from any action of the board of trustees authorized by subsection 2 or 3.

5. The board of trustees of a school district may employ or appoint persons to serve as school police officers. If the board of trustees of a school district employs or appoints persons to serve as school police officers, the board of trustees shall employ a law enforcement officer to serve as the chief of school police who is supervised by the superintendent of schools of the school district. The chief of school police shall supervise each person appointed or employed by the board of trustees as a school police officer, including any school police officer that provides services to a charter school pursuant to a contract entered into with the board of trustees pursuant to NRS 388A.384. In addition, persons who provide police services pursuant to subsection 6 or 7 shall be deemed school police officers.

6. The board of trustees of a school district in a county that has a metropolitan police department created pursuant to chapter 280 of NRS may contract with the metropolitan police department for the provision and supervision of police services in the public schools within the jurisdiction of the metropolitan police department and on property therein that is owned by the school district and on property therein that is owned or occupied by a charter school if the board of trustees has entered into a contract with the charter school for the provision of school police officers pursuant to NRS 388A.384. If a contract is entered into pursuant to this subsection, the contract must make provision for the transfer of each school police officer employed by the board of trustees to the metropolitan police department. If the board of trustees of a school district contracts with a metropolitan police department pursuant to this subsection, the board of trustees shall, if applicable, cooperate with appropriate local law enforcement agencies within the school district for the provision and supervision of police services in the public schools within the school district, including, without limitation, any charter school with which the school district has entered into a contract for the provision of school police officers pursuant to NRS 388A.384, and on property owned by the school district and, if applicable, the property owned or occupied by the charter school, but outside the jurisdiction of the metropolitan police department.

7. The board of trustees of a school district in a county that does not have a metropolitan police department created pursuant to chapter 280 of NRS may contract with the sheriff of that county for the provision of police services in the public schools within the school district, including, without limitation, in any charter school with which the board of trustees has entered into a contract for the provision of school police officers pursuant to NRS 388A.384, and on property therein that is owned by the school district and, if applicable, the property owned or occupied by the charter school.

NRS 391.282. Jurisdiction of school police officers; law enforcement agency to respond to request for assistance by school district which does not have school police according to agency protocols.

1. The jurisdiction of each school police officer of a school district extends to all school property, buildings and facilities within the school district and, if the board of trustees has entered into a contract with a charter school for the provision of school police officers pursuant to NRS 388A.384, all property, buildings and facilities in which the charter school is located, for the purpose of:

- (a) Protecting school district personnel, pupils, or real or personal property; or
- (b) Cooperating with local law enforcement agencies in matters relating to personnel, pupils or real or personal property of the school district.

2. In addition to the jurisdiction set forth in subsection 1, a school police officer of a school district has jurisdiction:

- (a) Beyond the school property, buildings and facilities when in hot pursuit of a person believed to have committed a crime;
- (b) At activities or events sponsored by the school district that are in a location other than the school property, buildings or facilities within the school district; and
- (c) When authorized by the superintendent of schools of the school district, on the streets that are adjacent to the school property, buildings and facilities within the school district for the purpose of issuing traffic citations for violations of traffic laws and ordinances during the times that the school is in session or school-related activities are in progress.

3. A law enforcement agency that is contacted for assistance by a public school or private school which does not have school police shall respond according to the protocol of the law enforcement agency established for responding to calls for assistance from the general public.

REGULATIONS

No relevant regulations found.

State Education Agency Support

State model policies and implementation support

LAWS

NRS 388.1341. Development of informational pamphlet by Department; annual review and update; posting on Internet website; development of tutorial.

1. The Department, in consultation with persons who possess knowledge and expertise in bullying and cyber-bullying, shall, to the extent money is available, develop an informational pamphlet to assist pupils and the parents or legal guardians of pupils enrolled in schools in this State in resolving incidents of bullying or cyber-bullying. If developed, the pamphlet must include, without limitation:
 - (a) A summary of the policy prescribed by the Department pursuant to NRS 388.133 and the provisions of NRS 388.121 to 388.1395, inclusive;
 - (b) A description of practices which have proven effective in preventing and resolving violations of NRS 388.135 in schools, which must include, without limitation, methods to identify and assist pupils who are at risk for bullying and cyber-bullying; and
 - (c) An explanation that the parent or legal guardian of a pupil who is involved in a reported violation of NRS 388.135 may request an appeal of a disciplinary decision made against the pupil as a result of the violation, in accordance with the policy governing disciplinary action adopted by a governing body.
2. If the Department develops a pamphlet pursuant to subsection 1, the Department shall review the pamphlet on an annual basis and make such revisions to the pamphlet as the Department determines are necessary to ensure the pamphlet contains current information.
3. If the Department develops a pamphlet pursuant to subsection 1, the Department shall post a copy of the pamphlet on the Internet website maintained by the Department.
4. To the extent the money is available, the Department shall develop a tutorial which must be made available on the Internet website maintained by the Department that includes, without limitation, the information contained in the pamphlet developed pursuant to subsection 1, if such a pamphlet is developed by the Department.

NRS 388.505. Mandatory education and training for staff.

1. The Department shall develop a model program of education for use by the school districts to train the members of the staff of the schools within the school districts who are identified in the individualized education programs of pupils with disabilities to provide services to those pupils. The model program of education must provide instruction in positive behavioral interventions and positive behavioral supports that:
 - (a) Includes positive methods to modify the environment of pupils with disabilities to promote adaptive behavior and reduce the occurrence of inappropriate behavior;
 - (b) Includes methods to teach skills to pupils with disabilities so that the pupils can replace inappropriate behavior with adaptive behavior;
 - (c) Includes methods to enhance the independence and quality of life for pupils with disabilities;
 - (d) Includes the use of the least intrusive methods to respond to and reinforce the behavior of pupils with disabilities; and
 - (e) Offers a process for designing interventions based upon the pupil that are focused on promoting appropriate changes in behavior as well as enhancing the overall quality of life for the pupil.

2. The board of trustees of each school district shall provide for appropriate training for the members of the staff of the schools within the school district who are authorized to carry out and monitor physical restraint and mechanical restraint to ensure that those members of the staff are qualified to carry out the procedures in accordance with NRS 388.471 to 388.515, inclusive.

(Added to NRS by 1999, 3239) — (Substituted in revision for NRS 388.5285)

NRS 388.532. Development of programs.

1. The State Board in cooperation with the board of trustees of the various county school districts shall develop for pupils in the first through eighth grades:

- (a) Programs designed to reduce the number of pupils who drop out of school; and
- (b) Programs for the prevention of the abuse of alcohol and controlled substances.

2. The State Board in cooperation with the board of trustees of the various county school districts may seek the cooperation of private industry in developing for pupils in all grades programs and activities designed to reduce the number of pupils who participate in the activities of criminal gangs, as defined in NRS 213.1263.

NRS 388.537. Alternative programs for pupils at risk of dropping out of school.

1. The board of trustees of a school district may, subject to the approval of the Superintendent of Public Instruction, operate an alternative program for the education of pupils at risk of dropping out of school, including pupils who are enrolled in kindergarten or grades 1 to 12, inclusive.

2. The board of trustees of a school district may submit to the Department, in the form prescribed by the Department, a plan to operate an alternative program.

3. The Superintendent of Public Instruction shall review each plan to operate an alternative program submitted to the Department and approve or deny the plan. Approval by the Superintendent constitutes approval of each component of the plan for the alternative program.

4. If a plan for an alternative program is denied by the Superintendent of Public Instruction, the board of trustees of a school district may appeal the decision of the Superintendent to the State Board. The State Board may approve or deny the plan for the alternative program upon appeal.

REGULATIONS

No relevant regulations found.

Funding appropriations

LAWS

NRS 388.1325. Bullying Prevention Account: Creation; acceptance of gifts and grants; credit of interest and income; authorized uses by school district that receives grant.

1. The Bullying Prevention Account is hereby created in the State General Fund, to be administered by the Director of the Office for a Safe and Respectful Learning Environment appointed pursuant to section 4 of this act. The Director of the Office may accept gifts and grants from any source for deposit into the Account. The interest and income earned on the money in the Account must be credited to the Account.

2. In accordance with the regulations adopted by the State Board pursuant to NRS 388.1327, a school district that applies for and receives a grant of money from the Bullying Prevention Account shall use the money for one or more of the following purposes:

- (a) The establishment of programs to create a school environment that is free from bullying and cyber-bullying;
- (b) The provision of training on the policies adopted by the school district pursuant to NRS 388.134 and the provisions of NRS 388.121 to 388.145, inclusive, and sections 2, 3 and 4 of this act; or
- (c) The development and implementation of procedures by which the public schools of the school district and the pupils enrolled in those schools can discuss the policies adopted pursuant to NRS 388.134 and the provisions of NRS 388.121 to 388.145, inclusive, and sections 2, 3 and 4 of this act.

NRS 388.1327. Regulations.

The State Board shall adopt regulations:

1. Establishing the process whereby school districts may apply to the Department for a grant of money from the Bullying Prevention Account pursuant to NRS 388.1325.
2. As are necessary to carry out the provisions of NRS 388.121 to 388.1395, inclusive.

REGULATIONS

No relevant regulations found.

Other or Uncategorized

Professional immunity or liability

LAWS

NRS 388.137. Immunity for reporting of violations; exceptions; recommendation for disciplinary action if person who made report acted with malice, intentional misconduct, gross negligence or violation of law.

1. No cause of action may be brought against a pupil or an employee or volunteer of a school who reports a violation of NRS 388.135 unless the person who made the report acted with malice, intentional misconduct, gross negligence, or intentional or knowing violation of the law.
2. If an administrator determines that a report of a violation of NRS 388.135 is false and that the person who made the report acted with malice, intentional misconduct, gross negligence, or intentional or knowing violation of the law, the administrator may recommend the imposition of disciplinary action or other measures against the person in accordance with the policy governing disciplinary action adopted by the governing body.

NRS 388.880. Immunity from civil liability for reporting threat of violence against school official, school employee or pupil; exceptions.

1. Except as otherwise provided in subsection 2, if any person who knows or has reasonable cause to believe that another person has made a threat of violence against a school official, school employee or pupil reports in good faith that threat of violence to a school official, teacher, school police officer, local law enforcement agency or potential victim of the violence that is threatened, the person who makes the report is immune from civil liability for any act or omission relating to that report. Such a person is not immune from civil liability for any other act or omission committed by the person as a part of, in connection with or as a principal, accessory or conspirator to the violence, regardless of the nature of the other act or omission.
2. The provisions of this section do not apply to a person who:
 - (a) Is acting in his or her professional or occupational capacity and is required to make a report pursuant to NRS 200.5093, 200.50935, 392.303 or 432B.220.
 - (b) Is required to make a report concerning the commission of a violent or sexual offense against a child pursuant to NRS 202.882.
3. As used in this section:
 - (a) "Reasonable cause to believe" means, in light of all the surrounding facts and circumstances which are known, a reasonable person would believe, under those facts and circumstances, that an act, transaction, event, situation or condition exists, is occurring or has occurred.
 - (b) "School employee" means a licensed or unlicensed person who is employed by:
 - (1) A board of trustees of a school district pursuant to NRS 391.100 or 391.281;
 - (2) The governing body of a charter school; or
 - (3) The Achievement School District.
 - (c) "School official" means:
 - (1) A member of the board of trustees of a school district.
 - (2) A member of the governing body of a charter school.

(3) An administrator employed by the board of trustees of a school district or the governing body of a charter school.

(4) The Executive Director of the Achievement School District.

(d) "Teacher" means a person employed by the:

(1) Board of trustees of a school district to provide instruction or other educational services to pupils enrolled in public schools of the school district.

(2) Governing body of a charter school to provide instruction or other educational services to pupils enrolled in the charter school.

NRS 391.330. Grounds for suspension or revocation of license.

The State Board may suspend or revoke the license of any teacher, administrator or other licensed employee, after notice and an opportunity for hearing have been provided pursuant to NRS 391.322 and 391.323, for:

1. Immoral or unprofessional conduct.
2. Evident unfitness for service.
3. Physical or mental incapacity which renders the teacher, administrator or other licensed employee unfit for service.
4. Conviction of a felony or crime involving moral turpitude.
5. Conviction of a sex offense under NRS 200.366, 200.368, 201.190, 201.220, 201.230, 201.540 or 201.560 in which a pupil enrolled in a school of a county school district was the victim.
6. Knowingly advocating the overthrow of the Federal Government or of the State of Nevada by force, violence or unlawful means.
7. Persistent defiance of or refusal to obey the regulations of the State Board, the Commission or the Superintendent of Public Instruction, defining and governing the duties of teachers, administrators and other licensed employees.
8. Breaches in the security or confidentiality of the questions and answers of the examinations that are administered pursuant to NRS 390.105 and the college and career readiness assessment administered pursuant to NRS 390.610.
9. Intentional failure to observe and carry out the requirements of a plan to ensure the security of examinations and assessments adopted pursuant to NRS 390.270 or 390.275.
10. An intentional violation of NRS 388.497 or 388.499.
11. Knowingly and willfully failing to comply with the provisions of NRS 388.1351.

NRS 391.340. Revocation or forfeiture for falsely reporting pupils' attendance.

Any teacher, principal or superintendent who knowingly reports, causes to be reported, or permits the report of the presence of any pupil at school when the pupil is absent, or when school is not in session, forfeits his or her license or subjects it to revocation. The license may not be restored or a new one granted within 1 year after the forfeiture or revocation.

NRS 391.750. Grounds for suspension, demotion, dismissal and refusal to reemploy teachers and administrators; consideration of evaluations and standards of performance.

1. A teacher may be suspended, dismissed or not reemployed and an administrator may be demoted, suspended, dismissed or not reemployed for the following reasons:

- (a) Inefficiency;
- (b) Immorality;

- (c) Unprofessional conduct;
- (d) Insubordination;
- (e) Neglect of duty;
- (f) Physical or mental incapacity;
- (g) A justifiable decrease in the number of positions due to decreased enrollment or district reorganization;
- (h) Conviction of a felony or of a crime involving moral turpitude;
- (i) Inadequate performance;
- (j) Evident unfitness for service;
- (k) Failure to comply with such reasonable requirements as a board may prescribe;
- (l) Failure to show normal improvement and evidence of professional training and growth;
- (m) Advocating overthrow of the Government of the United States or of the State of Nevada by force, violence or other unlawful means, or the advocating or teaching of communism with the intent to indoctrinate pupils to subscribe to communistic philosophy;
- (n) Any cause which constitutes grounds for the revocation of a teacher's license;
- (o) Willful neglect or failure to observe and carry out the requirements of this title;
- (p) Dishonesty;
- (q) Intentional failure to observe and carry out the requirements of a plan to ensure the security of examinations and assessments adopted pursuant to NRS 390.270 or 390.275;
- (r) An intentional violation of NRS 388.497 or 388.499;
- (s) Knowingly and willfully failing to comply with the provisions of NRS 388.1351;
- (t) Knowingly and willfully violating any provision of NRS 391.850 to 391.930, inclusive;
- (u) Gross misconduct; or
- (v) An intentional failure to report a violation of NRS 388.135 if the teacher or administrator witnessed the violation.

2. If a teacher or administrator is found, through an investigation of a testing irregularity, to have willfully breached the security or confidentiality of the questions and answers of the examinations that are administered pursuant to NRS 390.105 or the college and career readiness assessment administered pursuant to NRS 390.610, the board of trustees of a school district, governing body of a charter school or governing body of a university school for profoundly gifted pupils, as applicable, shall:

- (a) Suspend, dismiss or fail to reemploy the teacher; or
- (b) Demote, suspend, dismiss or fail to reemploy the administrator.

3. In determining whether the professional performance of a licensed employee is inadequate, consideration must be given to the regular and special evaluation reports prepared in accordance with the policy of the employing school district and to any written standards of performance which may have been adopted by the board.

4. As used in this section, "gross misconduct" includes any act or omission that is in wanton, willful, reckless or deliberate disregard of the interests of a school or school district or a pupil thereof.

NRS 392.850. Provision of information to certain employees regarding unlawful conduct of pupil; immunity from liability under certain circumstances; confidentiality of information.

1. The board of trustees of a county school district, or its designee, shall inform each employee of the district, including teachers, other licensed employees, drivers of school buses, instructional aides and

office managers, who may have consistent contact with a pupil if that pupil has, within the preceding 3 years, unlawfully caused or attempted to cause serious bodily injury to any person. The district shall provide this information based upon any written records that the district maintains or which it receives from a law enforcement agency or a court. The district need not initiate a request for such information from any source.

2. A school district and the members of its board of trustees are not liable for failure strictly to comply with this section if a good faith effort to comply is made.

3. Except as otherwise provided in NRS 239.0115, any information received by an employee pursuant to this section is confidential and must not be further disseminated by the employee.

REGULATIONS

No relevant regulations found.

Community input or involvement

LAWS

NRS 388.133. Policy by Department concerning safe and respectful learning environment.

1. The Department shall, in consultation with the governing bodies, educational personnel, local associations and organizations of parents whose children are enrolled in schools throughout this State, and individual parents and legal guardians whose children are enrolled in schools throughout this State, prescribe by regulation a policy for all school districts and schools to provide a safe and respectful learning environment that is free of bullying and cyber-bullying.

NRS 388.1343. Establishment by principal of each school; duties of principal.

1. Establish a school safety team to develop, foster and maintain a school environment which is free from bullying and cyber-bullying;
2. Conduct investigations of violations of NRS 388.135 occurring at the school; and
3. Collaborate with the governing body and the school safety team to prevent, identify and address reported violations of NRS 388.135 at the school.

NRS 388.1344. Membership; chair; duties.

1. Each school safety team established pursuant to NRS 388.1343 must consist of the administrator of the school or his or her designee and the following persons appointed by the administrator:
 - (a) A school counselor;
 - (b) At least one teacher who teaches at the school;
 - (c) At least one parent or legal guardian of a pupil enrolled in the school; and
 - (d) Any other persons appointed by the administrator.
2. The administrator of the school or his or her designee shall serve as the chair of the school safety team.
3. The school safety team shall:
 - (a) Meet at least two times each year;
 - (b) Identify and address patterns of bullying or cyber-bullying;
 - (c) Review and strengthen school policies to prevent and address bullying or cyber-bullying;

- (d) Provide information to school personnel, pupils enrolled in the school and parents and legal guardians of pupils enrolled in the school on methods to address bullying and cyber-bullying; and
- (e) To the extent money is available, participate in any training conducted by the school district or school regarding bullying and cyber-bullying.

NRS 392.150. Appointment of attendance officer authorized; procedures to monitor attendance and truancy; consideration of employment of attendance clerk.

2. The board of trustees of each school district shall:

- (b) Coordinate efforts to refer pupils who are truant to appropriate providers of community services; and

NRS 392.4635. Policy for prohibition of activities of criminal gangs on school property.

1. The board of trustees of each school district shall establish a policy that prohibits the activities of criminal gangs on school property.

3. The board of trustees of each school district may develop the policy required pursuant to subsection 1 in consultation with:

- (a) Local law enforcement agencies;
- (b) School police officers, if any;
- (c) Persons who have experience regarding the actions and activities of criminal gangs;
- (d) Organizations which are dedicated to alleviating criminal gangs or assisting members of criminal gangs who wish to disassociate from the gang; and
- (e) Any other person deemed necessary by the board of trustees.

NRS 388.532. Development of programs.

1. The State Board in cooperation with the board of trustees of the various county school districts shall develop for pupils in the first through eighth grades:

- (a) Programs designed to reduce the number of pupils who drop out of school; and
- (b) Programs for the prevention of the abuse of alcohol and controlled substances.

2. The State Board in cooperation with the board of trustees of the various county school districts may seek the cooperation of private industry in developing for pupils in all grades programs and activities designed to reduce the number of pupils who participate in the activities of criminal gangs, as defined in NRS 213.1263.

REGULATIONS

No relevant regulations found.

Other or Uncategorized

LAWS

NRS 200.725. Preparing, advertising or distributing materials depicting pornography involving minor unlawful; penalty.

A person who knowingly prepares, advertises or distributes any item or material that depicts a minor engaging in, or simulating, or assisting others to engage in or simulate, sexual conduct is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 15 years, or by a fine of not more than \$15,000, or by both fine and imprisonment.

NRS 200.737. Use of electronic communication device by minor to possess, transmit or distribute sexual images of minor; penalties.

1. A minor shall not knowingly and willfully use an electronic communication device to transmit or distribute a sexual image of himself or herself to another person.
2. A minor shall not knowingly and willfully use an electronic communication device to transmit or distribute a sexual image of another minor who is older than, the same age as or not more than 4 years younger than the minor transmitting the sexual image.
3. A minor shall not knowingly and willfully possess a sexual image that was transmitted or distributed as described in subsection 1 or 2 if the minor who is the subject of the sexual image is older than, the same age as or not more than 4 years younger than the minor who possesses the sexual image. It is an affirmative defense to a violation charged pursuant to this subsection if the minor who possesses a sexual image:
 - (a) Did not knowingly purchase, procure, solicit or request the sexual image or take any other action to cause the sexual image to come into his or her possession; and
 - (b) Promptly and in good faith, and without retaining or allowing any person, other than a law enforcement agency or a school official, to access any sexual image:
 - (1) Took reasonable steps to destroy each image; or
 - (2) Reported the matter to a law enforcement agency or a school official and gave the law enforcement agency or school official access to each image.
4. A minor who violates subsection 1:
 - (a) For the first violation:
 - (1) Is a child in need of supervision, as that term is used in title 5 of NRS, and is not a delinquent child; and
 - (2) Is not considered a sex offender or juvenile sex offender and is not subject to registration or community notification as a juvenile sex offender pursuant to title 5 of NRS, or as a sex offender pursuant to NRS 179D.010 to 179D.550, inclusive.
 - (b) For the second or a subsequent violation:
 - (1) Commits a delinquent act, and the court may order the detention of the minor in the same manner as if the minor had committed an act that would have been a misdemeanor if committed by an adult; and
 - (2) Is not considered a sex offender or juvenile sex offender and is not subject to registration or community notification as a juvenile sex offender pursuant to title 5 of NRS, or as a sex offender pursuant to NRS 179D.010 to 179D.550, inclusive.
5. A minor who violates subsection 2:
 - (a) Commits a delinquent act, and the court may order the detention of the minor in the same manner as if the minor had committed an act that would have been a misdemeanor if committed by an adult; and
 - (b) Is not considered a sex offender or juvenile sex offender and is not subject to registration or community notification as a juvenile sex offender pursuant to title 5 of NRS, or as a sex offender pursuant to NRS 179D.010 to 179D.550, inclusive.
6. A minor who violates subsection 3:
 - (a) Is a child in need of supervision, as that term is used in title 5 of NRS, and is not a delinquent child; and

(b) Is not considered a sex offender or juvenile sex offender and is not subject to registration or community notification as a juvenile sex offender pursuant to title 5 of NRS, or as a sex offender pursuant to NRS 179D.010 to 179D.550, inclusive.

7. As used in this section:

(a) "Electronic communication device" means any electronic device that is capable of transmitting or distributing a sexual image, including, without limitation, a cellular phone, personal digital assistant, computer, computer network and computer system.

(b) "Minor" means a person who is under 18 years of age.

(c) "School official" means a principal, vice principal, school counselor or school police officer.

(d) "Sexual conduct" has the meaning ascribed to it in NRS 200.700.

(e) "Sexual image" means any visual depiction, including, without limitation, any photograph or video, of a minor simulating or engaging in sexual conduct or of a minor as the subject of a sexual portrayal.

(f) "Sexual portrayal" has the meaning ascribed to it in NRS 200.700.

NRS 388.1451. Definitions.

As used in NRS 388.1451 to 388.1459, inclusive, unless the context otherwise requires, the words and terms defined in NRS 388.1452 to 388.14535, inclusive, have the meanings ascribed to them in those sections.

NRS 388.1452. "Director" defined.

"Director" means the Director of the Office for a Safe and Respectful Learning Environment appointed pursuant to NRS 388.1323.

NRS 388.1453. "Safe-to-Tell Program" and "Program" defined.

"Safe-to-Tell Program" or "Program" means the Safe-to-Tell Program established within the Office for a Safe and Respectful Learning Environment pursuant to NRS 388.1455.

NRS 388.1454. Legislative findings and declarations.

The Legislature hereby finds and declares that:

1. The ability to anonymously report information about dangerous, violent or unlawful activities, or the threat of such activities, conducted on school property, at an activity sponsored by a public school, or on a school bus of a public school or by a pupil enrolled at a public school is critical in preventing, responding to and recovering from such activities.
2. It is in the best interest of this State to ensure the anonymity of a person who reports such an activity, or the threat of such an activity, and who wishes to remain anonymous and to ensure the confidentiality of any record or information associated with such a report.
3. It is the intent of the Legislature in enacting NRS 388.1451 to 388.1459, inclusive, and sections 2 to 5, inclusive, of this act, to enable the people of this State to easily and anonymously provide to appropriate state or local public safety agencies and to school administrators information about dangerous, violent or unlawful activities, or the threat of such activities, conducted on school property, at an activity sponsored by a public school, or on a school bus of a public school. or by a pupil enrolled at a public school.

NRS 388.1455. Establishment of Program; requirements of Program; hotline or call center for initial reports; training regarding Program; duties of Director.

1. The Director shall establish the Safe-to-Tell Program within the Office for a Safe and Respectful Learning Environment. The Program must enable any person to report anonymously to the Program any dangerous, violent or unlawful activity which is being conducted, or is threatened to be conducted, on school property, at an activity sponsored by a public school or on a school bus of a public school. Any information relating to any such dangerous, violent or unlawful activity, or threat thereof, received by the Program is confidential and, except as otherwise authorized pursuant to paragraph (a) of subsection 2 and NRS 388.1458, must not be disclosed to any person.
2. The Program must include, without limitation, methods and procedures to ensure that:
 - (a) Information reported to the Program is promptly forwarded to the appropriate public safety agencies and school administrators; and
 - (b) The identity of a person who reports information to the Program:
 - (1) Is not known by any person designated by the Director to operate the Program;
 - (2) Is not known by any person employed by, contracting with, serving as a volunteer with or otherwise assisting an organization with whom the Director enters into an agreement pursuant to subsection 3; and
 - (3) Is not disclosed to any person.
3. On behalf of the Program, the Director may enter into agreements with any organization that the Director determines is appropriately qualified and experienced, pursuant to which the organization will operate a hotline or call center that will receive initial reports made to the Program and forward the information contained in the reports in the manner required by subsection 2.
4. The Director shall provide training regarding the Program to employees and volunteers of each public safety agency, public safety answering point, board of trustees of a school district, governing body of a charter school and any other entity whose employees and volunteers the Director determines should receive training regarding the Program.
5. The Director shall:
 - (a) Post information concerning the Program on an Internet website maintained by the Director; and
 - (b) Provide to each public school educational materials regarding the Program, including, without limitation, the telephone number and any other methods by which a report may be made.
6. As used in this section:
 - (a) "Public safety agency" has the meaning ascribed to it in NRS 239B.020.
 - (b) "Public safety answering point" has the meaning ascribed to it in NRS 707.500.

NRS 388.1457. Safe-to-Tell Program Account: Creation; use of money in Account; administration; acceptance of gifts, grants, donations and other sources of money; Director to post list of sources of money on Internet and transmit list to Legislature.

1. The Safe-to-Tell Program Account is hereby created in the State General Fund.
2. Except as otherwise provided in subsection 4, the money in the Account may be used only to implement and operate the Safe-to-Tell Program.
3. The Account must be administered by the Director, who may:
 - (a) Apply for and accept any gift, donation, bequest, grant or other source of money for deposit in the Account; and
 - (b) Expend any money received pursuant to paragraph (a) in accordance with subsection 2.

4. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.
5. The money in the Account does not revert to the State General Fund at the end of any fiscal year.
6. The Director shall:
 - (a) Post on the Internet website maintained by the Department a list of each gift, donation, bequest, grant or other source of money, if any, received pursuant to subsection 3 for deposit in the Account and the name of the donor of each gift, donation, bequest, grant or other source of money;
 - (b) Update the list annually; and
 - (c) On or before February 1 of each year, transmit the list prepared for the immediately preceding year:
 - (1) In odd-numbered years, to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature; and
 - (2) In even-numbered years, to the Legislative Committee on Education.

NRS 388.1458. Confidentiality of information provided to Program; motion to compel production or disclosure of record or information; records and information made available to appellate court.

1. Except as otherwise provided in this section or as otherwise authorized pursuant to paragraph (a) of subsection 2 of NRS 388.1455, a person must not be compelled to produce or disclose any record or information provided to the Safe-to-Tell Program.
2. A defendant in a criminal action may file a motion to compel a person to produce or disclose any record or information provided to the Program. A defendant in a criminal action who files such a motion shall serve a copy of the motion upon the prosecuting attorney and upon the Director, either or both of whom may file a response to the motion not later than a date determined by the court.
3. If the court grants a motion filed by a defendant in a criminal action pursuant to subsection 2, the court may conduct an in camera review of the record or information or make any other order which justice requires. Counsel for all parties shall be permitted to be present at every stage at which any counsel is permitted to be present. If the court determines that the record or information includes evidence that could be offered by the defendant to exculpate the defendant or to impeach the testimony of a witness, the court shall order the record or information to be provided to the defendant. The identity of any person who reported information to the Safe-to-Tell Program must be redacted from any record or information provided pursuant to this subsection, and the record or information may be subject to a protective order further redacting the record or information or otherwise limiting the use of the record or information.
4. The record of any information redacted pursuant to subsection 3 must be sealed and preserved to be made available to the appellate court in the event of an appeal. If the time for appeal expires without an appeal, the court shall provide the record to the Safe-to-Tell Program.

NRS 388.1459. Willful disclosure of record or information of Program or willful neglect or refusal to obey court order punishable as criminal contempt.

Except as otherwise provided in NRS 388.1458 or as otherwise authorized pursuant to paragraph (a) of subsection 2 of NRS 388.1455, the willful disclosure of a record or information of the Safe-to-Tell Program, including, without limitation, the identity of a person who reported information to the Program, or the willful neglect or refusal to obey any court order made pursuant to NRS 388.1458, is punishable as criminal contempt.

NRS 392.264. Offender prohibited from attending school victim attends without court approval; duty of superintendent of school district to negotiate agreement for attendance in another school district; termination of agreement.

1. If a superintendent of a school district receives notification and a victim identified in the notification is a pupil in the school district, the superintendent shall not permit an offender who is subject to the provisions of NRS 62F.100 to 62F.150, inclusive, to attend a public school that a victim is attending unless:

- (a) An alternative plan of supervision is approved by the court pursuant to NRS 62F.130; or
- (b) An alternative plan of attendance is approved by the court pursuant to NRS 62F.140.

2. If the court does not approve an alternative plan of supervision or an alternative plan of attendance for the offender and the school district in which the offender resides does not have another public school in the district for the offender to attend, the superintendent of the school district shall negotiate an agreement with:

- (a) The superintendent of an adjoining school district within this state for the offender to attend a public school in that adjoining school district; or
- (b) The superintendent, or another appropriate administrator, of an adjoining school district in an adjoining state for the offender to attend a public school in that adjoining school district.

3. The superintendent of the school district in which the offender resides shall inform the person with whom the superintendent is negotiating that the offender has been adjudicated delinquent for a sexual offense or a sexually motivated act, but the superintendent shall not disclose the name of a victim.

4. An agreement which is made pursuant to this section and which is presented to a board of trustees for approval:

- (a) Must not contain the name of a victim;
- (b) Must comply with the provisions of subsections 2 and 3 of NRS 392.010; and
- (c) Must be approved by the Superintendent of Public Instruction.

5. A board of trustees may terminate an agreement entered into pursuant to this section if, because of a change in circumstances, the offender is able to attend a public school in the school district in which the offender resides without violating subsection 1.

For definitions pertaining to this statute see §392.521, §392.254, §392.258, §392.2583, §392.2587, and §392.261.

REGULATIONS

No relevant regulations found.

State-Sponsored, Publicly Available Websites or Other Resources on School Discipline

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by Nevada provide additional context to state policy and regulations and, in some cases, may support the readers' efforts to provide a positive disciplinary school climate.

Title	Description	Website address (if applicable)
<i>Website</i>		
Nevada Department of Education, Bully Free Zone	Provides an overview of the Bully Free Zone web site and its design to assist students, parents and school staff with bully prevention methods, including lesson plans, training, and tips.	http://bullyfreezone.nv.gov
Nevada Department of Education, Bully Information by District	Provides links to state and federal laws regarding bullying policies, training, school safety team and Safe-to-Tell program.	http://bullyfreezone.nv.gov/About/Legal/
Nevada Department of Education, Bully Information by District	Provides external links to bullying information by school district.	http://bullyfreezone.nv.gov/About/School_Districts/
<i>Documents</i>		
Model Policy Safe and Respectful Learning (January 2017), Nevada Department of Education	Model policy addressing prohibition of bullying, cyberbullying, harassment, and intimidation in Nevada schools.	http://bullyfreezone.nv.gov/About/Model_Policy/
<i>Other Resources</i>		
Annual Reports of Accountability, Nevada Department of Education	Reports on student attendance, discipline, bullying and cyberbullying incidents, disaggregated by school year, school, district, or state, and incident type.	http://www.nevadareportcard.com/di/
Nevada School Climate/Social Emotional Learning (NV-SCSEL) Survey School Reports. Nevada Department of Education	Reports of annual administrations of the Nevada School Climate/Social Emotional Learning Survey, disaggregated by subgroups about school climate and social emotional skills, which could be used to inform decisions about how to adjust support services for students and can be used to evaluate the services and supports provided to students in Nevada schools.	http://reports.nevadaschoolclimate.org/

Title	Description	Website address (if applicable)
SafeVoice Nevada, Nevada Department of Education	Anonymous reporting system used by students, parents and faculty to report threats to the safety or well-being of students.	http://safevoicenv.org/
Nevada's Anti-Bullying Laws, Nevada Department of Education	PowerPoint presentation presents information on bullying and includes bullying data from 2014 to 2017, summary incident reporting process, definition of bullying, reporting procedures for staff, actions upon receiving a report, and contact information to the Office for a Safe and Respectful Learning Environment.	http://www.doe.nv.gov/uploadedFiles/ndedoenvgov/content/Boards_Commissions_Councils/State_Board_of_Education/2017/December/Item11NevadasAnti-BullyingLaws2017.pdf