

**Lander County School District**  
**District Restorative Discipline Plan**  
**2020-2021**

The Lander County School District utilizes the Multi-Tiered Systems of Supports (MTSS) as a preventative, supportive, consistent instructional and motivational model to deter negative student behaviors. If student behavior falls below expectations, as listed in the school handbook, school teams can develop behavioral guidelines and a matrix to determine appropriate consequences and/or interventions for student behavior violations appropriate for their grade levels at each site. In all instances, these guidelines may be modified contingent upon the level of severity of the incident, aligned with the age, developmental level and other extenuating circumstances. The guidelines are applicable to incidents that occur at school, travel to and from school, during lunch, and while involved in all school-sponsored activities.

As part of the school's MTSS matrix, site teams will develop restorative practices to include intervention strategies and logical consequences in addition to or as an alternative to the negative consequences for inappropriate behavior that may not lead to changes in behavior. Examples could include strategies such as: Re-teaching, social skills groups, anger management, conflict resolution, focused detention to include drug/alcohol counseling, counselor, support groups, parent/student conferences, reverse suspensions, and SEL curriculum.

**Student Responsibilities:**

It is the belief of Lander County School District that students are expected to follow their school's classroom and school rules. In order to do so, each school must establish school wide behavioral guidelines to include expectations within the classroom, playground, lunchroom, passing periods, as well as expectations away at school sponsored activities. At each school site, students will be provided a handbook that includes established school and district rules. In addition, students will receive instruction on the expected school behavior, and be held to those expectations consistently.

**Teacher Responsibilities:**

Lander County School District teachers will implement individualized classroom management systems, ensuring that it is taught to all students and communicated to parents. Each classroom plan should include both positive reinforcement for students demonstrating appropriate behaviors as well as progressive steps of discipline for students who demonstrate actions not meeting classroom expectations. Minor classroom offenses should be handled by the teacher at the lowest level deemed appropriate. Students referred to the office should have already gone through the defined steps in a teacher's progressive discipline plan, unless the behavior is deemed beyond classroom intervention.

**Parent/Guardian Responsibilities:**

If a child is experiencing difficulty with behavior or is unclear about classroom or school expectations, the first step in the process is to work with the child's teacher directly to ensure the

right supports and/or interventions are in place. Intervening and communicating early is vital to your child's success in school. Parents will be contacted by the school (teacher and/or administrator) when their child's behavior has warranted that level of intervention which could include repeated minor offenses and/or a major incident.

**Administrator Responsibilities:**

The administrators of each site will be responsible to ensure that teachers are following their classroom management plans for expected behavior. Administrators will support staff in implementing their plans and will address student disciplinary referrals as expediently as possible, and in accordance with district policy as well as state and federal laws. Administrators will provide necessary information regarding the outcome of an incident in accordance with established procedures. Administrators will ensure that consistent log entries are made in Infinite Campus as well as documenting and sharing behavior plans, safety plans, and restorative practice plans as needed.

**Lander County School District and Board of Trustees Responsibilities:**

District staff and the Lander County School District Board of Trustees will ensure policies are updated as mandates change, while ensuring the appropriate level of training and support is provided to staff, students and parents as necessary to provide staff and students with a safe and respectful teaching and learning environment.

**Updated Changes in State Law During the 2019 Legislative Session (AB168) and updated guidance from Nevada Department of Education #19-08 March 12, 2020**

**Statutory Requirements**

The major components of the changes under AB 168 can be understood as a set of *Student-level Changes* and *Systems Changes*:

***Student-level Changes:***

- 1) Changes to discipline laws for all students, including restrictions on suspending and expelling students who are not more than 10 years of age; and
- 2) Changes to discipline laws for students in a program receiving special education services under an Individualized Education Program (IEP), including some additional restrictions on suspending and expelling such students.

***Systems Changes:***

- 3) Shift from progressive discipline school-wide plans to restorative discipline district-wide plans; and
- 4) Changes to data collection and reporting regarding student discipline and attendance.

***Student-level Changes***

- 1) **Changes to Discipline Laws for All Students**  
**Suspension or Expulsion**

- Only students who are at least 11 years old may be removed from a school, suspended, or expelled, with the following exceptions:
  - A general education student in possession of a firearm or dangerous weapon (NRS 392.466.3), or
  - Under extraordinary circumstances, in which case a school may request an exception to this prohibition from the district Board of Trustees (NRS 392.466.9, NRS 392.467.1).

*District Superintendent Modification of Suspension or Expulsion*

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

*Removal Solely Based on Attendance Not Permitted*

- A student may not be expelled, suspended, or removed *solely* for offenses related to attendance or if the student has been deemed a truant or habitual truant (NRS 392.467.5).

Plan of Action Based on Restorative Justice **PRIOR** to Removal of a Student

- A school must provide a plan of action based on restorative justice prior to the expulsion of any student (NRS 392, new section).
  - A school must provide a plan of action based on restorative justice prior to the removal of a student for (1) committing a battery that results in bodily injury of an employee or (2) sale/distribution of controlled substances (NRS 392.466.1).
  - A school must make a reasonable effort to complete a plan of action based on restorative justice prior to the suspension or expulsion of a student deemed a habitual disciplinary problem (NRS 392.466.5).

*See attached sample plan of action based on restorative justice.*

Battery or Sale/Distribution of Controlled Substances (NRS 392.466.1)

- If a student (1) commits battery that results in bodily injury of an employee, or (2) sells or distributes any controlled substance on school grounds, a school bus, or at a school sponsored activity **AND is at least 11 years old**:
  - The student must meet with the school and the parents/guardians; and

- The school must provide a plan of action based on restorative justice to the parents/guardians; and
- The student **may** (but no longer “*must*”) be expelled (NRS 392.466.1).
- Existing requirements for enrollment elsewhere remain if the student is expelled (NRS 392.466.1).
- If a student has committed battery of an employee of a school, the employee may appeal the plan of action based on restorative justice if (1) the employee feels that any actions taken pursuant to that plan are inappropriate; and (2) for a special education student, the Board of Trustees has reviewed the circumstances and determined that the appeal is in compliance with Individuals with Disabilities Education Act (IDEA) (NRS 392.466.2).

#### Possession of a Firearm or Dangerous Weapon (NRS 392.466.3)

- A student who is found to be in possession of a firearm or a dangerous weapon may be removed from the school immediately upon being given an explanation of the reasons for the removal and pending proceedings (NRS 392.467.2).
- The first occurrence of possession of a firearm or a dangerous weapon (as defined in NRS 392.466.11(b) and (c)) still requires a mandatory one-year minimum expulsion OR placement in another kind of school for a period not to exceed the period of the expulsion; a second occurrence still requires permanent expulsion from the school (NRS 392.466.3). Existing requirements for enrollment elsewhere remain if the student is expelled (NRS 392.466.3).

#### Removal to Another School (NRS 392.466.4)

- If a school is unable to retain a student due to safety concerns OR if it is not in the best interest of the student, the student may be suspended, expelled, or (now under AB 168) placed in another school for offenses outlined in NRS 392.466.
  - If placement in another school is made, the current school of the student shall explain what services will be provided to the student at the new school that the current school is unable to provide to address the specific needs and behaviors of the student.
  - The district of the originating school must coordinate with the receiving school and/or district to create a plan of action based on restorative justice and to ensure that the receiving school has the resources required to execute that plan of action.

### Habitual Disciplinary Problem (NRS 392.466.5)

- If a student is suspended, the school shall develop a plan of behavior for the student in consultation with the student and the parents/guardians of the student. The plan must be designed to prevent the student from being deemed a habitual disciplinary problem (NRS 392.4655.5).
  - Parents/guardians may choose to have their student not participate in the behavior plan that must be developed. (NRS 392.4655.5)
  - If the parents/guardians opt their student out of participating in the behavior plan, the school must inform them of the consequences of not participating (e.g., that the student may be deemed to be a habitual disciplinary problem) (NRS 392.4655.5).
- If a student is deemed to be a habitual disciplinary problem **AND is at least 11 years old**, the student may be suspended (for a period not to exceed one semester) *OR* may be expelled under extraordinary circumstances as determined by the principal, **if and only if the school has made a reasonable effort to complete a plan of action based on restorative justice** (NRS 392.466.1).
  - Existing requirements for enrollment elsewhere remain if the student is expelled (NRS 392.466.1).

### Student Charged With a Crime (NRS 392.467.3)

- If a student has been charged with a crime, the district Board of Trustees may authorize the expulsion, suspension, or removal of a student regardless of the outcome of criminal or delinquency proceedings **ONLY** if the school (1) conducts an independent investigation of the student's conduct, **AND** (2) gives notice to the student of the charges brought by the school against the student (Attorney General Opinion 97-21).
  - Though the statute indicates that the board "may authorize" the suspension or expulsion of a student, it should not be interpreted to require board action for each suspension and/or expulsion, unless the board policy so requires.

## **2) Changes to discipline laws for students who receive special education services in accordance with an Individualized Education Program (IEP)**

### Suspension or Expulsion

- A student with an IEP **who is at least 11 years old** may be removed from a school, suspended, or expelled only after the

district Board of Trustees or designee has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act (IDEA) (NRS 392.466.10; NRS 392.467.6), except in the case of possession of a firearm or dangerous weapon by a student, which is described below.

- Suspension of a student with an IEP is limited to 1-5 days for each occurrence of misconduct (NRS 392.466.10; NRS 392.467.6).
- As with general education students, a student with an IEP who is younger than 11 years old must not be permanently expelled except under extraordinary circumstances, in which case a school may request an exception to this prohibition from the District Board of Trustees (NRS 392.466.9, NRS 392.467.1).

Battery or Sale/Distribution of Controlled Substances (NRS 392.466.1)

- If a student with an IEP has committed battery of an employee of a school, the employee may appeal the plan of action based on restorative justice if (1) the employee feels that any actions taken pursuant to that plan are inappropriate; and  
(2) the Board of Trustees or designee has reviewed the circumstances and determined that the appeal is in compliance with Individuals with Disabilities Education Act (IDEA) (NRS 392.466.2).

Possession of a Firearm or Dangerous Weapon (NRS 392.466.3)

- A student with an IEP who is at least 11 years old who is found to be in possession of a firearm or a dangerous weapon may be removed from the school immediately upon being given an explanation of the reasons for their removal and pending proceedings.
  - A student with an IEP who is 10 years old or younger cannot be removed from school immediately; this age limitation does not apply to general education students.

Schools are required to use restorative justice in all disciplinary actions in lieu of out of school suspension. Restorative Justice is defined as a non-punitive intervention and support provided by school to pupil to improve behavior and remedy any harm caused by pupil. School shall provide a “plan of action based on restorative justice” before expelling a pupil except as provided in NRS 392.466.

**Transportation (NRS 392.4636):**

The Board recognizes that parents of pupils who are transported to school by Lander County School District buses are responsible for the supervision of such pupils until such time as the pupil boards the bus in the morning and after the pupil leaves the bus at the end of the school day. The responsibility of the Lander County School School District commences when the pupil boards the bus and ends when the pupil is delivered to the regular bus stop at the close of the

school day. The Board shall require pupils to conduct themselves in the bus in a manner consistent with established standards for classroom behavior. In cases when a pupil does not conduct themselves properly on a bus, the Supervisor or Transportation shall so inform the building principal, who will inform the parents immediately of the misconduct and request their cooperation in checking the pupil's behavior. Pupils who become a serious disciplinary problem on the school bus may have their riding privileges suspended. In such cases, the parents of the pupils involved become responsible for seeing that their children get to and from school safely.

**AB 521 Temporary Removal of a Student: (NRS 392.4645)**

Implementation of NRS 392.4645, Removal of pupil from classroom or other school premise: Notice; assignment to temporary alternative placement; exceptions.

If a student's behavior severely and consistently interferes with teaching and learning, he/she may be removed from class (or other school premise) temporarily in accordance with NRS 392.4645.

The student who interferes with the teacher's teaching or the students learning may be removed from class temporarily. While out of class, the student must be supervised and working on schoolwork in another classroom. The principal (or designee) will meet with the student and notify parents within 24 hours of the student's removal from class. Within three days, there will be a conference including the administrator, student, parents, teacher, counselor and Case Manager (if applicable). After the conference, the principal will decide whether the student should return to class. If the recommendation is that the student returns to class, and the referring teacher disagrees with that decision, the principal will call a meeting of the Progressive Discipline Committee (consisting of two elected teachers and an elected staff member; if the referring teacher or staff member is a member of the committee, the elected alternates should take their place at the review meeting) and inform the parents that the committee will be meeting to discuss the student's placement. The Committee will review the circumstances for the student's removal and assess the best placement. The committee shall direct that the student be: (1) returned to the classroom (or other premise) from which he/she was removed; (2) assigned to another classroom (or other premise); (3) assigned to an alternative educational program; or (4) suspended or expelled. The committee may take other appropriate disciplinary action against the student should it deem necessary.

***The Individuals with Disabilities Education Act, the Americans with Disabilities Act of 1990, Title V of the Rehabilitation Act of 1973, any other federal law applicable to children with disabilities, and the procedures adopted by the HCSD board of trustees will be reviewed for students with disabilities and/or participating in special education pursuant to NRS 388.440 to 388.520 to be removed under AB 521.***

**NOTICE OF NONDISCRIMINATION ON THE BASIS OF SEX UNDER TITLE IX**

Lander County School District (“the school district”) does not discriminate on the basis of sex in the education program and activity it operates. The school district is required by Title IX not to discriminate in such a manner. The requirement not to discriminate in the school district’s program or activity extends to employment.

The school district’s Title IX Coordinator is:

Scott Shakespeare, Program Administrator  
Lander County School District  
450 E 6th Street  
Battle Mountain, NV 89820  
sshakespeare@landernv.net

Inquiries about the application of Title IX to the school district may be referred to the school district’s Title IX Coordinator, or to the Assistant Secretary for Civil Rights of the U.S. Department of Education, 400 Maryland Ave., S.W., Washington, D.C. 20202, or both.



# Appendix

Supports for sites as they learn and develop ideas as a team around restorative practices in schools as outlined by AB168.

*(Taken from Restorative Justice and School Safety PD shared by NDE)*

Schools are required to use restorative justice in all disciplinary actions in lieu of out of school suspension. ***Restorative Justice*** is defined as a ***non-punitive intervention and support provided by school to pupil to improve behavior and remedy any harm caused by pupil.***

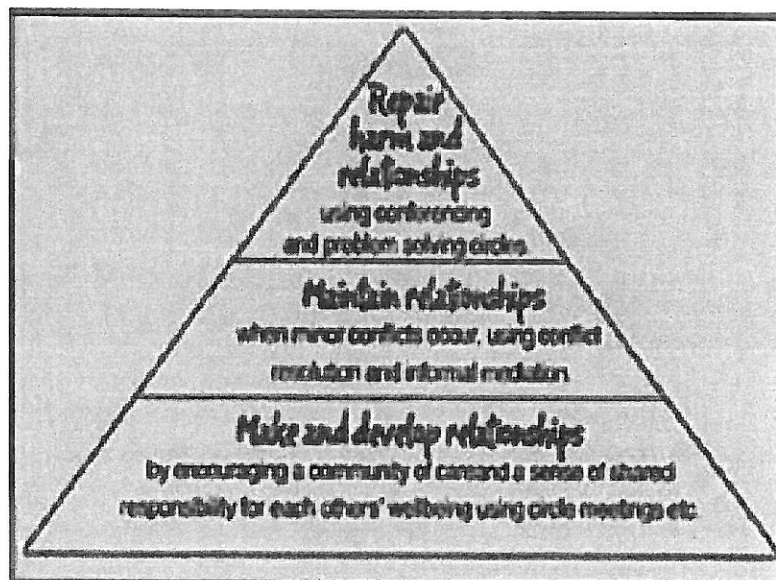
What is the intent of Restorative Justice Practices in Schools?

- Center the needs and experiences of those harmed
- Hold those who do harm accountable by building empathy and repairing harm
- Create a path forward through ***changing behavior*** and building relationships

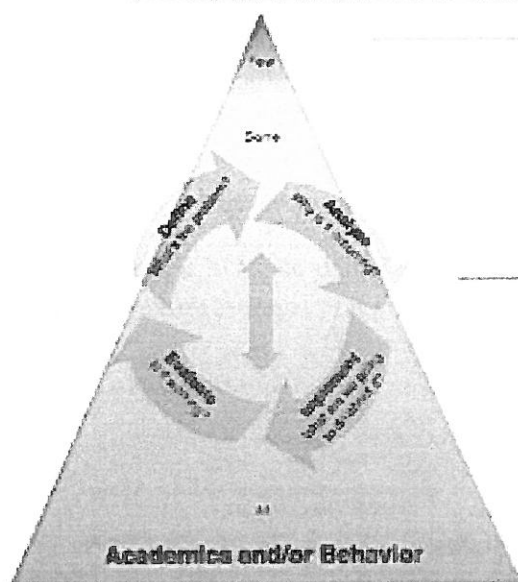
## **Two Different Restorative Strategies**

**Whole School approach** uses restorative justice to build culture and climate based on restorative values of respect, trust, inclusion, tolerance, understanding, and more. Building a restorative culture results in few incidents of harm overall.

**Incident Driven approach** uses restorative justice to respond to specific events on a school campus - such as fighting, bullying, teacher disrespect, insubordination or other disciplinary violations.



# MULTI-TIER SYSTEMS OF SUPPORT



## Tier 3

*Repairing the Restorative Environment:* Formal restorative conferences, school accountability boards, peacemaking circles.

## Tier 2

*Maintaining the Restorative Environment:* Informal individual and/or classroom conferences to identify and address harm; reaffirmation of norms and values.

## Tier 1

*Creating the Restorative Environment:* Affective restorative statements; student-led guidelines; daily classroom check-in circles; classroom and school norming; restorative culture & climate setting activities.

## 3 DIFFERENT QUESTIONS

### TRADITIONAL:

- XWhat law/rule was broken?
- XWho's fault is it? (who did it and who do we blame?)
- XWhat do they deserve? (How should we punish them?)

### RESTORATIVE:

- ✓Who has been hurt and what harm was done?
- ✓What are their needs?
- ✓Who's obligation is this? (What repair is needed and who is responsible?)

## Definitions

- **Battery** (NRS 392.466.11(a), NRS 200.481.1(a)): means any willful and unlawful use of force or violence upon the person of another.
- **Dangerous weapon** (NRS 392.466.11(b)): 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, a switchblade knife, 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.
- **Firearm** (NRS 392.466.11(c)): 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.
- **Habitual disciplinary problem** (NRS 392.4655): a principal of a school shall deem a pupil a habitual disciplinary problem if the school has written evidence which documents in one school year that:
  - 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
  - The pupil has not entered into and participated in a plan of behavior pursuant to subsection 5 of NRS 392.4655.
- **Restorative justice** (AB 168): non-punitive intervention and support provided by the school to a pupil to improve the behavior of the pupil and remedy any harm caused by the pupil.
- **Restorative disciplinary practices** (SB 89): the Restorative Discipline Plan required by NRS 392.4644 must provide restorative disciplinary practices which include, without limitation:
  - (1) Holding a pupil accountable for his or her behavior;
  - (2) Restoration or remedies related to the behavior of the pupil;
  - (3) Relief for any victim of the pupil; and
  - (4) Changing the behavior of the pupil.

