



DISCIPLINE POLICY

CONTROL OF DANGEROUS AND ANTISOCIAL BEHAVIOR

The law charges every teacher and principal with maintaining order and discipline among pupils and provides that pupils who do not comply with reasonable rules may be recommended for disciplinary action. Action taken to control and correct undesirable pupil behavior should take individual circumstances into account. Concern for the safety and educational welfare of all pupils must be the major priority. Pupils receiving, and pupils who have been identified as disabled or qualifying for special education and/or 504 services, shall be disciplined in accordance with the provisions of Part B of the Individuals with Disabilities Act (IDEA) and Section 504 of the Rehabilitation Act of 1973.

Violation of Rules: Violation of the rules listed, or the commission of any act defined as dangerous or antisocial pupil behavior, may result in the pupil being suspended, or recommended for expulsion, unless otherwise provided for in this policy, or other disciplinary action when occurring:

- A. At any time on school grounds, whether or not school is in session.
- B. Off school grounds at a school activity, function, event, or on the way to and from school or a school activity, function or event.
- C. Off school grounds but within sufficient proximity to the school that the conduct may have a direct impact on the school, a school sponsored activity, function or event, or upon the health, welfare and safety of pupils or school employees.
- D. Off school grounds by a pupil who is truant and whose conduct may impact the school, a school sponsored activity, function or event, or the health, welfare, and safety of pupils or school employees.
- E. At any time on or off school grounds when the conduct has a direct impact on the health, welfare, and safety of pupils or school employees.

SCHOOL RULES/POLICIES

What to Bring to School: Items required for school work; lunch; all other items require special approval from the teacher. Inappropriate/Nuisance/Unapproved items may be confiscated by an EKA staff member. Confiscated items must be picked up by a parent/guardian. A pupil may not reclaim confiscated items.

Closed Campus/Leaving School Property: No pupils will be released to walk home or go to another destination during the school day unless they are picked up in person by an adult who is listed in the pupil management system. This includes pupils who are 18 years old or older. Adults coming to pick up pupils will be asked to provide identification before signing for the release of the pupil.

No Smoking: Explore Knowledge Academy recognizes the health problems related to both active smoking and exposure to secondary smoke. In order to protect the air quality, health, peace, safety, and general welfare of individuals at school or at any school activity, the using, smoking, or carrying lit tobacco products, "vapor" or "e-cigarettes," tobacco devices, or smokeless tobacco products is prohibited at any time on school property and at any school event per NRS 202.249(5).



Use of Telephone/Parent/Guardian Messages for Pupils: The office telephone is a business phone. During the school day, the office phone can be used only in emergency situations as determined by a school administrator. Pupils will not be called out of class or given a direct message unless it is an emergency as determined by a school administrator.

Electronic Device/Cell Phone Policy: Pupils are permitted to carry Electronic Communication Devices (ECD) but are required to keep them on silent/vibrate during school hours. They may request to use them from their teacher, teacher assistant, or administrator, but must have approval before engaging in a conversation or texting with anyone. Possession of an ECD by a pupil is a privilege, which may be forfeited by any pupil who fails to abide by the terms of this policy, or otherwise engages in misuse of this privilege. Violations of this policy may result in disciplinary action against the pupil which may result in confiscation of the ECD. Confiscated items must be picked up by a parent/guardian, unless the pupil is an unaccompanied pupil. A pupil may not reclaim confiscated items. The pupil who possesses an ECD shall assume responsibility for its care. At no time shall EKA be responsible for preventing or reimbursing the owner due to theft, loss, or damage to ECD's brought onto its property.

Care of School Provided Items: EKA furnishes materials of instruction. It is necessary that pupils take good care of all school provided items. Pupils who lose or damage school provided items must pay the replacement cost of that item.

Backpacks with Rolling Wheels: Backpacks that have wheels may not be used with the wheels while in the school buildings to prevent a tripping hazard to other pupil and staff. Wheeled backpacks must be carried like a standard backpack while on campus or on campus grounds.

Wheels at School: All bicycles/scooters are to be parked in a designated area. Bicycles are to be ridden in a controlled and safe manner while traveling to and from school. All bikes on the grounds should be locked and not be left overnight. EKA, nor its employees, will be held responsible for damage to or theft of bicycles/scooters etc. Pupils are not permitted to bring shoes with wheels to school unless they are for a specified school sponsored activity. There will be no riding of bicycles, scooters, roller blades, skateboards or shoes with wheels on the school grounds.

Animals in School: Due to the unpredictable behavior of animals in unfamiliar environments/situations, the school prohibits animals and pets in school buildings or on school property without prior approval from the pupil's teacher and administrator, unless the animal is a service animal as defined by NRS 426.097. Animals may only receive approval if it is for a project presentation or class presentation. Approval will depend mainly upon the type of animal, reason for bringing the animal, how the animal is going to be transported and where the animal will be kept if it is to stay in school. Poisonous animals will not be permitted on school grounds. A Parent or Guardian must remain with the animal at all times.

Public Display of Affection: Pupils are to refrain from any public display of affection. The following actions are unacceptable:

- Kissing
- Licking
- Sitting on another's lap
- Prolonged Hugging/Holding

Public Display of Affection are not limited to the above list and will be under the discretion of administration. Consequences may range from a parent/guardian contact to suspension.



Nondiscrimination and Accessibility Notice: Explore Knowledge Academy does not knowingly discriminate against any person on the basis of race, creed/religion, color, national or ethnic origin, sex, gender identity or expression, sexual orientation, disability, marital status or age, in admission or access to, treatment or employment in, or participation in its programs and activities pursuant to federal and state laws including, but not limited to, Title VI and VII of the Civil Rights Act, Title IX of the Education Amendment of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, and the Individuals with Disabilities Education Improvement Act.

Complaints: The school takes all concerns or complaints by pupils, staff, or other persons seriously. If a pupil or family member has a concern about something or someone, their first step should be to talk to a teacher or other staff member. The staff member who receives the complaint is responsible to refer it to the responsible team (administrator, business office, special education facilitator, board of trustees). Depending on the nature or seriousness of the complaint, the responsible persons will determine the nature and scope of the investigation and follow-up procedures. The responsible persons shall respond to the complaining party concerning the investigation and the follow-up, including any corrective measure taken unless it is a confidential personnel matter.

Pupils, parents, guardians and other program participants who feel discriminated against may initiate a complaint by contacting the Principal of the school. Explore Knowledge Academy is committed to nondiscrimination in its programs, activities and services, and to providing facility accessibility. If parents or guardians or members of the public have additional concerns or complaints after contacting the principal, they also may initiate a formal review by completing a Public Concern Form which can be obtained at any school office.

Plagiarism / Cheating: All pupils must follow EKA's Code of Honor regarding plagiarism and cheating. Pupils believed to be in violation of this code will be disciplined on a case by case basis depending on severity, type, and frequency.

Searching Students or Student Lockers: Pupils have a limited right of use of lockers which are subject to search at any time. Searches of a pupil's person or possessions while at school must be reasonable.

For a detailed copy of any of the above summarized policies, please see the EKA website at www.ekacademy.org.

Harassment/Bullying/Discrimination Based on Race: It is the policy of Explore Knowledge Academy to maintain a learning and working environment that is free from harassment or violence. Per NRS 388.122 – 388.125, NRS 388.129, and NRS 388.132 – NRS.388.135, and AB 371 (2021) Bullying, Cyber-Bullying, Discrimination Based on Race, Harassment and Intimidation are prohibited in public schools. This includes but is not limited to those of a religious, racial, or sexual nature. Harassment is any action that makes another person uncomfortable or creates an intimidating, hostile, or offensive school atmosphere, and can be verbal, visual, cyber, electronic, written, pictorial or physical. Common types of conduct, but not limited to, that may show evidence of harassment are: unwanted touching, blocking a person's normal movements, threats, slurs, epithets, verbal abuse, derogatory comments, profanity, drawings, pictures, or gestures, unwelcome jokes, teasing or propositions, graphic comments about an individual's body, spreading rumors about a person, displaying sexually suggestive objects, or any act of retaliation against an individual who reports a violation of the school's policy or who participates in the investigation of a sexual harassment complaint. Cyber-bullying means bullying through the use of electronic communication with the use of electronic devices, including, without limitation, a telephone, a cellular phone, a computer, or any similar means of communication.



Retaliatory behavior against any complainant or participant in the complaint process is prohibited and is considered to be a type of harassment itself. Harassment, whether it is by pupils, staff, or third parties in the community, is strictly prohibited and will subject the perpetrator to disciplinary action. Harassment, regardless of its basis, is strictly prohibited.

The school will act to investigate all complaints, formal or informal, verbal or written, of harassment and will discipline any pupil or staff member who harasses a pupil or staff member. The pupil or staff member will be warned to discontinue behaviors that cause discomfort for others; if they choose to continue, they may face suspension. Intentional or vagrant harassment may result in immediate suspension, pending expulsion or loss of employment.

DISCRIMINATION BASED ON RACE, BULLYING AND CYBERBULLYING IS PROHIBITED IN PUBLIC SCHOOLS

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 388.122, 388.123 and 388.124 have the meanings ascribed to them in those sections.

(Added to NRS by 2001, 1928; A 2005, 705; 2009, 687; 2011, 2244; 2013, 1654, 2137; 2015, 411)

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.



(Added to NRS by 2009, 687; A 2011, 2245; 2013, 1655, 2138; 2015, 411)

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.

(Added to NRS by 2009, 687; A 2011, 1062)

AB 371 (2021) Section 4 “Discrimination based on race” defined. “Discrimination based on race” means any single or repeated or pervasive act or acts, whether targeted to a specific person or targeted in general to any demographic identified in subsection 1 of AB 371 (2021):

1. Regarding the race, color, culture, religion, language, ethnicity or national origin of a person that causes harm or creates a hostile work or learning environment, which may include, without limitation, jokes, threats, physical altercations or intimidation; and
2. That occurs in person, online or in any other setting including, without limitation, in a course of distance education.

AB 371 (2021) Section 5

1. A pupil or the parent or legal guardian of a pupil, unless the pupil is an unaccompanied pupil or a pupil in foster care, who witnesses an incident of discrimination based on race may report the incident to an administrator or designee.
2. A governing body shall categorize an incident of discrimination based on race as a racially motivated or hate incident on the appropriate system to track pupil information used by the school.

AB 371 (2021) Section 6

1. A governing body shall develop restorative practices in accordance with the provisions of NRS 388.133 for both victims and perpetrators of discrimination based on race.

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.

(Added to NRS by 2009, 687)

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 public 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 public school in this State must be maintained as a safe and respectful learning environment, and no form of discrimination based on race, bullying or cyber-bullying will be tolerated within the system of public education in this State;
4. Any form of discrimination based on race, 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 public 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, principals, teachers and other personnel of the school districts and public schools in this State demonstrate appropriate and professional behavior on the premises of any public school by treating other persons, including, without limitation, pupils, with civility and respect, by refusing to tolerate discrimination based on race, bullying and cyber-bullying, and by taking immediate action to protect a victim or target of discrimination based on race, bullying or cyber-bullying when witnessing, overhearing or being notified that discrimination based on race, 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, principals, teachers, coaches or other personnel of a school district;

(d) All persons in public schools are entitled to maintain their own beliefs and to respectfully disagree without resorting to discrimination based on race, bullying, cyber-bullying or violence; and

(e) Any teacher, administrator, principal, coach or other staff member or pupil who tolerates or engages in an act of discrimination based on race, bullying or cyber-bullying or violates a provision of NRS 388.121 to 388.1395, inclusive, and sections 4, 5 and 6 of AB 371 (2021) regarding a response to discrimination based on race, bullying or cyber-bullying will be held accountable; and

7. By declaring this mandate that the public 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 in the care of the State and that pupils be provided with an environment that allows them to learn.

(Added to NRS by 2001, 1929; A 2005, 705; 2009, 687; 2013, 1655; 2015, 412, 881)

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 board of trustees and all administrators and teachers of a school district have a duty to create and provide a safe and respectful learning environment for all pupils that is free of discrimination based on race, bullying and cyber-bullying.

2. A parent or guardian of a pupil of the public school system of this State 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 and sections 4, 5 and 6 of AB 371 (2021).

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

(Added to NRS by 2015, 410)

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 sections 4, 5 and 6 of AB 371 (2021) and obtain information about anti-discrimination and anti-bullying efforts and organizations; and

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

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

(2) Training regarding effective intervention and remediation strategies regarding discrimination based on race, 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 discrimination based on race, bullying or cyber-bullying and suicide.



4. The Director of the Office shall establish procedures by which the Office may receive reports of discrimination based on race, bullying and cyber-bullying and complaints regarding violations of the provisions of NRS 388.121 to 388.1395, inclusive and sections 4, 5 and 6 of AB 371 (2021).

5. The Director of the Office or his or her designee shall investigate any complaint that a teacher, administrator, principal, coach or other staff member or member of a board of trustees of a school district has violated a provision of NRS 388.121 to 388.1395, inclusive and sections 4, 5 and 6 of AB 371 (2021). 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.

(Added to NRS by 2015, 410)

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

1. The Discrimination and 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 NRS 388.1323. 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 Discrimination and 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 discrimination based on race, 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 388.1395, inclusive and sections 4, 5 and 6 of AB 371 (2021); 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 388.1395, inclusive and sections 4, 5 and 6 of AB 371 (2021).

(Added to NRS by 2011, 2242; A 2013, 1655, 2755; 2015, 413)

NRS 388.1327 Regulations. The State Board shall adopt regulations:

1. Establishing the process whereby school districts may apply to the State Board for a grant of money from the Discrimination and 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 and sections 4, 5 and 6 of AB 371 (2021).

(Added to NRS by 2011, 2244; A 2013, 2755; 2015, 413)

POLICIES; INFORMATIONAL PAMPHLET; PROGRAM OF TRAINING

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

1. The Department shall, in consultation with the boards of trustees of school districts, educational personnel, local associations and organizations of parents whose children are enrolled in public schools throughout this State, and individual parents and legal guardians whose children are enrolled in public schools throughout this State, prescribe by regulation a policy for all school districts and public schools to provide a safe and respectful learning environment that is free of discrimination based on race, 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, principals, coaches and other personnel of a school district; and

(b) A policy for use by school districts to train members of the board of trustees and all administrators, principals, teachers and all other personnel employed by the board of trustees of a school district. The policy must include, without limitation:

(1) Training in the appropriate methods to facilitate positive human relations among pupils by eliminating the use of discrimination based on race, 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 discrimination based on race, bullying and cyber-bullying;



(3) Methods to promote a positive learning environment;

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

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

(Added to NRS by 2005, 704; A 2009, 687; 2013, 1656, 2138; 2015, 881)

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. The board of trustees of each school district shall:

1. Adopt the policy prescribed pursuant to NRS 388.133 and the policy prescribed pursuant to subsection 2 of NRS 389.520. The board of trustees 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 board of trustees and all administrators, principals, teachers and all other personnel employed by the board of trustees in accordance with the policies prescribed pursuant to NRS 388.133 and pursuant to subsection 2 of NRS 389.520. For members of the board of trustees who have not previously been elected or appointed to the board of trustees or for employees of the school district who have not previously been employed by the district, the training required by this subsection must be provided within 180 days after the member begins his or her term of office 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.

4. Ensure that the parents and legal guardians of pupils enrolled in the school district 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. Upon the request of a parent or legal guardian, the school district 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 board of trustees of a school district updates the policies, the board of trustees must submit a copy of the updated policies to the Department within 30 days after the update.

(Added to NRS by 2005, 705; A 2009, 688; 2011, 2245; 2013, 2138)

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 discrimination based on race, 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 the public schools in this State in resolving incidents of discrimination based on race, 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 and sections 4, 5 and 6 of AB 371 (2021);

(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 discrimination based on race, 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 the board of trustees of the school district.

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.

(Added to NRS by 2011, 2241; A 2013, 1656; 2015, 414)

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 and appropriate responses to violence and suicide; annual review and update.

1. The Department, in consultation with persons who possess knowledge and expertise in discrimination based on race, bullying and cyber-bullying, shall:

(a) Establish a program of training on methods to prevent, identify and report incidents of discrimination based on race, bullying and cyber-bullying for members of the State Board.

(b) Establish a program of training on methods to prevent, identify and report incidents of discrimination based on race, bullying and cyber-bullying for members of the boards of trustees of school districts.

(c) Establish a program of training for school district and charter school personnel to assist those persons with carrying out their powers and duties pursuant to NRS 388.121 to 388.1395, inclusive and sections 4, 5 and 6 of AB 371 (2021).

(d) Establish a program of training for administrators in the prevention of violence and suicide associated with discrimination based on race, bullying and cyber-bullying and appropriate methods to respond to incidents of violence or suicide.

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 discrimination based on race, 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 board of trustees of a school district shall, within 1 year after the member is elected or appointed to the board of trustees, complete the program of training on discrimination based on race, 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 board of trustees.

4. Each administrator of a public school shall complete the program of training established pursuant to paragraph (d) 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 board of trustees of a school district may allow school district personnel to attend the program established pursuant to paragraph (c) or (d) 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. (Added to NRS by 2011, 2242; A 2013, 1657, 2139; 2015, 414)

SCHOOL SAFETY TEAM

NRS 388.1343 Establishment by principal of each school; duties of principal. The principal of each public school or his or her designee shall:

1. Establish a school safety team to develop, foster and maintain a school environment which is free from discrimination based on race, bullying and cyber-bullying;

2. Conduct investigations of violations of NRS 388.135 occurring at the school; and

3. Collaborate with the board of trustees of the school district and the school safety team to prevent, identify and address reported violations of NRS 388.135 at the school.

(Added to NRS by 2011, 2243; A 2013, 1658)

NRS 388.1344 Membership; chair; duties.

1. Each school safety team established pursuant to NRS 388.1343 must consist of the principal or his or her designee and the following persons appointed by the principal:



- (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 principal.
2. The principal 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 discrimination based on race, 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 discrimination based on race, bullying and cyber-bullying; and
 - (e) To the extent money is available, participate in any training conducted by the school district regarding bullying and cyber-bullying.
 4. To the extent practicable, the school safety team must consist of members who are representative of the demographic groups identified in subsection 1 of section 4 of AB 371 (2021).
(Added to NRS by 2011, 2243; A 2013, 1658)

PROHIBITION OF BULLYING AND CYBER-BULLYING; REPORTING AND INVESTIGATION OF VIOLATIONS

NRS 388.135 Bullying and cyber-bullying prohibited. A member of the board of trustees of a school district, any employee of the board of trustees, including, without limitation, an administrator, principal, teacher or other staff member, a member of a club or organization which uses the facilities of any public school, regardless of whether the club or organization has any connection to the school, or any pupil shall not engage in discrimination based on race, bullying or cyber-bullying on the premises of any public school, at an activity sponsored by a public school or on any school bus.

(Added to NRS by 2001, 1929; A 2009, 688; 2013, 1658)

NRS 388.1351 Staff member required to report violation to principal; 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.

1. A teacher, administrator, principal, 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 principal or his or her designee as soon as practicable, but not later than a time during the same day on which the teacher, administrator, principal, coach or other staff member witnessed the violation or received information regarding the occurrence of a violation.

2. Upon receiving a report required by subsection 1, the principal or designee shall immediately take any necessary action to stop the discrimination based on race, bullying or cyber-bullying and ensure the safety and well-being of the reported victim or victims of the discrimination based on race, bullying or cyber-bullying and shall begin an investigation into the report. The investigation must include, without limitation:

(a) Except as otherwise provided in subsection 3, 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 discrimination based on race, bullying or cyber-bullying, as applicable, either as a reported aggressor or a reported victim of the discrimination based on race, bullying or cyber-bullying. The notification must be provided not later than:

(1) If the discrimination based on race, bullying or cyber-bullying is reported before the end of school hours on a school day, 6 p.m. on the day on which the discrimination based on race, bullying or cyber-bullying is reported; or

(2) If the discrimination based on race, bullying or cyber-bullying was reported on a day that is not a school day, or after school hours on a school day, 6 p.m. on the school day following the day on which the discrimination based on race, 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.

3. 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 2.



4. Except as otherwise provided in this subsection, an investigation required by this section must be completed not later than 2 school days after the principal or designee receives a report required by subsection 1. If the principal or designee is not able to complete the interviews required by paragraph (b) of subsection 2 within 2 school days after making a good faith effort because any of the persons to be interviewed is not available, 1 additional school day may be used to complete the investigation.

5. A principal 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 board of trustees of the school district. 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 2 as part of the investigation.

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

7. To the extent that information is available, the principal 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. If such a list is provided, the principal, 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.

8. The parent or guardian of a pupil involved in the reported violation of NRS 388.135 may appeal a disciplinary decision of the principal 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 board of trustees of the school district. 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.

(Added to NRS by 2011, 2244; A 2013, 2140; 2015, 415, 2069)

NRS 388.1352 Establishment of policy by school districts for employees to report violations to law enforcement. 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 an employee of the school district when reporting a violation of NRS 388.135 to a school police officer or local law enforcement agency.

(Added to NRS by 2011, 2244)

NRS 388.1354 Disciplinary action against administrator or principal or designee thereof who fails to comply with certain provisions. If an administrator, principal or the designee of an administrator or principal of a school knowingly and willfully fails to comply with the provisions of NRS 388.1351, the superintendent of the school district:

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 board of trustees of the school district that the board submit a recommendation to the State Board for the suspension or revocation of the license.

(Added to NRS by 2015, 410)

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 the board of trustees of a school district; or
- (b) A licensed or unlicensed employee of a school district.



(Added to NRS by 2005, 705)

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 a principal 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 principal may recommend the imposition of disciplinary action or other measures against the person in accordance with the policy governing disciplinary action adopted by the board of trustees of the school district.

(Added to NRS by 2005, 705; A 2013, 2140)

RULES OF BEHAVIOR; WEEK OF RESPECT

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 388.1395, inclusive, and the policies adopted by the board of trustees of the school district pursuant to NRS 388.134 under the heading "Discrimination Based on Race, 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.

(Added to NRS by 2001, 1929; A 2005, 706; 2009, 688; 2011, 2246; 2013, 1659; 2015, 417)

NRS 388.1395 Requirements for delivery of information during annual "Week of Respect." The board of trustees of each school district and the governing body of each charter school shall determine the most effective manner for the delivery of information to the pupils of each public 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 discrimination based on race, 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 discrimination based on race, bullying and cyber-bullying.

DISCIPLINE PROCEDURES

If a pupil is suspended or expelled from EKA, the charter school will provide appropriate education in the least restrictive environment possible. Every attempt will be made to deal with inappropriate behavior or problems through the use of Restorative Justice measures (NRS 392.466, 392.467 and 392.472, and through pupil and parent/guardian conferences, unless the pupil is an unaccompanied pupil or a pupil in foster care. A parent/guardian may appeal the suspension or expulsion in accordance with AB 194 (2021), unless the pupil is an unaccompanied pupil or a pupil in foster care. However, state law requires the following procedures be taken for certain actions or behaviors by pupils.

Immediate removal of the pupil from the school, upon explanation of reasons and pending procedures, for the following situations:

- ☐ Poses a danger to persons or property
- ☐ Is an ongoing threat for the disruption of the academic process.
- ☐ Is in possession, selling or distributing any controlled substance, or alcohol.
- ☐ Is in possession of a dangerous weapon (as defined in NRS 392.466)

PUPIL DISCIPLINE



Classroom/Teacher Discipline

- a. If a pupil requires disciplinary action in the classroom, it should, in most instances, be handled by the teacher, which may suspend a pupil for a period length of one day, if they deem it to be in the best interest of the pupil or other pupils. The parent/guardian, unless the pupil is an unaccompanied pupil or a pupil in foster care, will be notified within 1 business day after the conclusion of the incident investigation.
- b. If the teacher is confronted with a serious situation or is confronted with a situation specified in EKA's guidelines as unacceptable behavior, the teacher should immediately notify administration.
- c. A written report describing the incident or infraction must be created and submitted regardless of severity. If the teacher desires a pupil-teacher-administrator conference, the teacher should so indicate on the report. Every effort should be made to hold the conference in a timely fashion to determine the appropriate action.
- d. Disciplinary action should be taken as soon as possible. When appropriate the pupil shall be returned to the classroom, or the behavior may warrant a future conference.
- e. Judgment and discretion are to be used in all punishment/consequence determinations.
- f. A Behavior Contract between a pupil, parents/guardians, unless the pupil is an unaccompanied pupil or a pupil in foster care, teacher(s) and administration may be used to promote positive behaviors.

Corporal Punishment: Corporal punishment is prohibited (NRS 392.465) - which is defined as the intentional infliction of physical pain or the physical restraint of a pupil for disciplinary purposes. The term does not include the use of reasonable and necessary force:

Exceptions:

- Attempt to quell disturbance which is threatening physical injury to any person or destruction of property;
- Attempt to obtain possession of a weapon or other dangerous object within a pupil's control;
- Self-defense or defense of others; or
- Escorting a disruptive pupil who refuses to go voluntarily with proper authorities.

Detaining Pupils: Pupils are not to be deprived of 20 minutes to eat lunch, either for punishments or for special help. When it is necessary for pupils to make up time or receive special help, the teacher may request them to report before school in the morning or detain them after school for not more than one hour.

Anticipating the natural concerns of parents/guardians for immediate pupil return to home, no K-5th grade pupil will be detained without prior notification. All pupils regardless of grade level, shall have the privilege of going home the first day to inform parents/guardians that they will be detained the following day or days if the pupil is to be detained more than 15 minutes.

SUSPENSION AND EXPULSION (reference: NRS 392.466)

Suspension is the temporary removal of a pupil from school for any of the reasons outlined in EKA's discipline policy for not more than one semester. Pupils may be suspended, expelled, exempted, or excluded from school in accordance with EKA regulations. Pupils receiving, and pupils who have been identified as disabled or qualifying for special education and/or 504 services, shall be disciplined in



accordance with the provisions of Part B of the Individuals with Disabilities Act (IDEA) and Section 504 of the Rehabilitation Act of 1973.

Suspensions may be "significant" which means the school in which the pupil is enrolled:

- A. Prohibits the pupil from attending school for 3 or more consecutive days; and
- B. Requires a conference or some other form of communication with the parent(s)/guardian(s) of the pupil before the pupil is allowed to return to school.

Exemption is the release from the legal obligation to attend school.

Exclusion is the temporary interruption of enrollment due to medical reasons or other conditions such that the pupil's continued enrollment would be detrimental to the pupil, to other pupils, or to the educational program.

Expulsion is the disciplinary removal of a pupil from school in which the pupil is currently enrolled for more than one semester for any of the applicable offenses outlined in this policy. Expulsion may be permanent or limited.

Permanent Expulsion - Permanent expulsion means permanent removal of a pupil from the EKA campus with no option to return to EKA or another public school within the school district. The pupil may enroll in a program or public school for alternative education for pupils who are expelled or permanently expelled after being permanently expelled.

Limited Expulsion - Limited expulsion allows a pupil to return to EKA, on a trial enrollment following a successful period of alternative school placement.

Limitations:

- A. Suspensions, Exemptions, and Exclusions - Pupils may only be suspended, exempted or excluded from school in accordance with provisions of Nevada Revised Statutes and EKA's policies and regulations.
- B. Expulsion - Only the EKA Board of Trustees or its designee has the authority to expel a pupil from school.

Elementary and middle school pupils are only subject to a limited expulsion recommendation. In extraordinary circumstances, EKA may request a permanent expulsion exception from the EKA Board of Trustees for a pupil under eleven (11) years of age.

General Disciplinary Actions: It is the principal's responsibility to take actions as necessary to protect pupils and school personnel from dangerous or socially detrimental actions of pupils.

- A. Any pupil who is considered a danger to persons or property may be suspended and removed from school subject to the following conditions:
 - a. The pupil is given an explanation of the reasons for their suspension and removal;
 - b. The pupil is afforded an opportunity to explain their conduct;
 - c. The recommendation for suspension or expulsion of the pupil is initiated immediately;
 - d. A hearing is conducted as soon as practicable thereafter, but in no case more than three (3) school days after the pupil has been suspended and removed and a written decision if the decision is to recommend expulsion, is issued within two (2) school days after the hearing is conducted;



- e. The pupil is at least (11) year of age for a recommendation for expulsion, excluding a recommendation for expulsion for the offense of possession of a firearm or dangerous weapon;
 - f. EKA shall provide a restorative plan of action to the parent(s)/guardian(s), unless the pupil is an unaccompanied pupil or a pupil in foster care, of the pupil, if recommending expulsion; and
 - g. No pupil with disabilities or receiving services pursuant to Section 504 of the Rehabilitation Act of 1973 is to be placed on suspension for more than five (5) school days per occurrence.
- B. Suspensions in excess of ten (10) days for general education pupils, or five (5) days for any pupil with disabilities or for children who are imparied, either emotionally or mentally in growth or development, are not effective until the EKA Board of Trustees or its designee, reviews the circumstances involving the violation and approves the recommendation. The Superintendent is authorized to act for the EKA Board of Trustees and shall consider the nature of the offense and the pupil's disciplinary history for one calendar year prior to the recommendation for expulsion. If recommended for expulsion, the parent(s)/guardian(s), unless the pupil is an unaccompanied pupil or a pupil in foster care, may request a hearing with the EKA Board of Trustees Expulsion Review Board.
- C. Any pupil that is removed from a classroom for more than 2 school days will be offered:
- 1. Education services to prevent the pupil from losing academic credit or becoming disengaged from school during the period the pupil is removed from a classroom or any other premises of the school; and
 - 2. Appropriate positive behavioral interventions and support, trauma-informed support and a referral to a school counselor.

When circumstances permit, pupils who must be removed from an classroom or a playground should remain at school, when possible, to engage in restorative practices and participate in as much of the educational program. The parent(s)/guardian(s), unless the pupil is an unaccompanied pupil or a pupil in foster care, must be notified in writing of each suspension. Reasonable effort will be made to contact the parent(s)/guardian(s), unless the pupil is an unaccompanied pupil or a pupil in foster care, regarding the impending suspension before the end of the current school day.

Suspensions: Duration and conditions of suspensions are as follows:

- A. Since the time and actions needed to resolve problems depend on individual circumstances, the duration of suspension shall in all cases be related to a course of action designed to resolve the problem. The duration shall be specified in advance only when known factors preclude immediate resolution. The pupil shall be readmitted as soon as the school has reasonable assurance that the problem has been resolved or significantly improved.
- B. The school may impose appropriate requirements relating to parent/guardian contacts, unless the pupil is an unaccompanied pupil or a pupil in foster care, the pupil's future behavior at a school, and school work to be done during suspension.
- C. A Notice of Suspension is to be generated by the administrator or administrative designee in cases of a more serious nature or when circumstances may warrant further action, such as an expulsion recommendation or removal. The principal or superintendent are the responsible administrators to review and approve the Notice of Suspension. Within three (3) school days of suspension, a conference with the pupil, parent/guardian, unless the pupil is an unaccompanied



pupil or a pupil in foster care, teacher and/or other appropriate personnel is to be held. No pupil is to be on suspension more than ten (10) school days before a decision or recommendation is made. If a recommendation for expulsion is made, the suspension will remain in effect until the final disposition of the expulsion recommendation. No pupil with disabilities or receiving services pursuant to Section 504 of the Rehabilitation Act of 1973 shall be placed on suspension for more than five (5) school days per occurrence. Pupils receiving, and pupils who have been identified as disabled or qualifying for special education and/or 504 services shall be disciplined in accordance with the provisions of Part B of the Individuals with Disabilities Act (IDEA) and Section 504 of the Rehabilitation Act of 1973.

- D. In accordance with this policy, pupils on suspension are not permitted on school property or at any school sponsored activity for any reason without the express prior permission of the principal.

When a pupil is placed on a suspension for any offense, an administrator will read the following statement to the pupil and will verify that act by making a notation on the Notice of Suspension.

"As the duly appointed representative of the owner of the EKA property, I hereby warn you that should you come on this property during the term of this suspension without the express prior permission of the principal or superintendent, you will be trespassing upon this property as defined by the Nevada Revised Statutes (NRS) 207.200 and will be subject to arrest for a misdemeanor."

- E. Pupils suspended for assault or battery to a school employee using, selling or attempting to sell alcohol or a controlled substance, arson, possession of a weapon as prohibited by NRS 392.466 or Gun Free Schools Act, or immoral conduct as it pertains to sexual behavior between individuals, are not allowed on a school campus or at any school sponsored activity for any reason without the express prior permission of the administrator.

Appeals: Per NRS 3881.495, if suspension or expulsion of a pupil is used as a punishment for a violation of the rules, the charter school shall ensure that before the suspension or expulsion, the pupil, and, if the pupil is under 18 years of age, the parent or guardian of the pupil, unless the pupil is an unaccompanied pupil or a pupil in foster care, has been given notice of the charges against him or her, an explanation of the evidence and an opportunity for a hearing. If a pupil is suspended or expelled, the pupil or, if the pupil is under 18 years of age, the parent or guardian of the pupil, unless the pupil is an unaccompanied pupil or a pupil in foster care, may appeal the suspension or expulsion in accordance with the provisions of section 5 of AB 194 (2021). The charter school shall ensure that a pupil who is suspended or expelled and is appealing the suspension or expulsion or a pupil who is being considered for suspension or expulsion continues to attend school and receives an appropriate education in the least restrictive environment possible as required by section 6 of AB 194 (2021).

Homeless/Foster Care Pupils: Before removing a pupil from a classroom or any other premises of a school for more than 1 school day, the principal must contact the liaison for homeless pupils designated in accordance with the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq., or a contact person at the school, including, without limitation, a school counselor to make a determination of whether the pupil is a homeless pupil. "Homeless Pupil" has the meaning ascribed to the term "homeless children and youths" in 42 U.S.C. § 11434a(2). If the pupil is a homeless pupil, the conference with the parent/guardian, unless the pupil is an unaccompanied pupil, must include consideration of and interventions to mitigate the impact of homelessness on the behavior of the pupil.

A homeless pupil or a pupil in foster care who is at least 11 years of age may be suspended or expelled



from school only if a determination is made that the behavior that led to the consideration for suspension or expulsion was not caused by homelessness or being in foster care. The person responsible for making a determination of whether or not the behavior was caused by homelessness or being in foster care shall presume that the behavior was caused by homelessness or being in foster care unless the person determines that the behavior was not caused by homelessness or being in foster care. A determination that the behavior was not caused by homelessness must be made in consultation with the liaison for homeless pupils designated in accordance with the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq., or a contact person at the school, including, without limitation, a school counselor. A determination that the behavior was not caused by being in foster care must be made in consultation with an advocate for pupils in foster care or the school counselor.

The school will notify the pupil, and if the pupil is under 18 years of age, the parent/guardian of the pupil, unless the pupil is an unaccompanied pupil or a pupil in foster care, who is suspended or expelled of:

1. The suspension or expulsion;
2. The right to appeal the suspension or expulsion; and
3. Information on the appeal policy adopted by the Board of trustees.

The pupil, or, if the pupil is under 18 years of age, the parent/guardian, unless the pupil is an unaccompanied pupil or a pupil in foster care, who is suspended or expelled may file an appeal with the board of trustees of EKA within the timelines determined by the Nevada Department of Education.

The EKA Board of Trustees will schedule a hearing on an appeal of a suspension or expulsion of a pupil within the timeline established by the Nevada Department of Education. After conducting the hearing, the Board of Trustees may not increase the initial suspension or expulsion of the pupil. Open meeting laws do not apply to this hearing as such hearings must be closed to the public.

EXPULSION

Mandatory Expulsion Recommendations

A general education pupil who is found to have committed the following offenses must be recommended for expulsion (a pupil with disabilities or receiving services pursuant to Section 504 of the Rehabilitation Act of 1973 must be eleven (11) years of age or older to be recommended for expulsion);

- A. **Battery on a school employee.** A pupil shall not threaten or intentionally cause or attempt to cause physical injury or intentionally behave in such a way, as could reasonably cause physical injury to a school employee, which would cause a reasonable person to feel apprehension of immediate bodily harm.;
- B. **Possession of a firearm,** including a weapon defined by the Gun-Free Schools Act of 1994, or a dangerous weapon, which includes, without limitation, blackjack, slingshot, billy, sand-club, sandbag, metal knuckles, dirk or dagger, nunchaku, switchblade knife or trefoil, butterfly knife or any other knife described in NRS 202.350 and 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. Under NRS 202.350, while on school grounds, an airsoft gun, BB gun, paintball gun, and pellet gun are all considered weapons. The principal may, in their discretion, take appropriate disciplinary action other than recommending expulsion for possession of prohibited weapons, except those listed above, such as pen knives which are not used under dangerous circumstances or in a threatening manner.



In accordance with the Federal Gun-Free Schools Act of 1994, if an expulsion recommendation results from a pupil's possession of a firearm (any weapon which will or is designated to or may readily be converted to expel a projectile by the action of an explosive or other propellant as defined by the Act, the frame or receiver of any such weapon, or any firearm muffler or firearm silencer) or destructive device, explosive, incendiary, or poison gas, said expulsion from a regular school program shall be for a period of not less than one year unless the superintendent has determined that for good cause whom in a particular case a modification to expulsion may be allowed if such modification is made in writing and it is determined that a restorative plan of action may be used successfully.

Any general education pupil found in possession of a firearm or dangerous weapon, as defined by NRS 392.466, while on the premises of the school, at an activity sponsored by the school, or on a bus for a school event, is subject to expulsion. A pupil with disabilities or receiving services pursuant to Section 504 of the Rehabilitation Act Of 1973 must be eleven (11) years of age or older to be recommended for expulsion for possession of a firearm or dangerous weapon. The EKA Board of Trustees may authorize the expulsion of a pupil who is at least eleven (11) years of age.

In accordance with NRS 392.466, a general education pupil in possession of a dangerous weapon as described in NRS 392.466 must be expelled from the school unless the Superintendent has determined that for good cause shown in a particular case a modification to expulsion may be allowed if such modification is made in writing and it is determined that a restorative plan of action may be used successfully. Such a modification must be made by the Superintendent in writing. A pupil with disabilities or receiving services pursuant to Section 504 of the Rehabilitation Act of 1973 must be at least eleven (11) years of age to be recommended for expulsion for possession of a firearm or dangerous weapon.

- C. **Immoral Conduct** - Immoral conduct includes inappropriate, suggestive, or explicit sexual behavior; conduct inconsistent with rectitude, or indicative of corruption, indecency, depravity, dissoluteness; or as willful, flagrant, or shameless conduct showing moral indifference to the opinions of respectable members of the community.
- D. **Alcoholic Beverages** - Distribution or Sale - Any sale or distribution or the possession with the intent to distribute any form or amount of alcoholic beverages;
- E. **Drugs** - Distribution or Sale - Any sale or the possession with the intent to distribute drugs unless if for the first incident, the principal or designee take appropriate disciplinary action other than recommending expulsion and may also establish other conditions such as counseling and/or drug testing or;
- F. **Arson** with regard to any school property.
- G. **Habitual Disciplinary Problem** a pupil who is deemed to be a habitual disciplinary problem and is at least (11) years of age, may be expelled from school for a period not to exceed one school semester.

In addition, when a violation of law is believed to have occurred, the pupil may be referred to the appropriate law enforcement agency.



Expulsion Procedures: Expulsion is the removal of a pupil from school for any of the applicable offenses outlined in this policy. Pupils receiving, and pupils who have been identified as disabled or qualifying for special education and/or 504 services, shall be disciplined in accordance with the provision of Part B of the Individuals with Disabilities Act (IDEA) and Section 504 of the Rehabilitation Act of 1973. The procedures for determining whether a pupil should be recommended for expulsion are:

- A. The principal or designee shall report any violation of the law to the appropriate law enforcement agency.
- B. The principal shall suspend the pupil by use of a Notice of Suspension pending further investigation by administration and review the facts, which may lead to a recommendation for expulsion.
- C. Within three (3) school days of the suspension, the principal or designee must conduct a hearing or proceeding with the pupil and the pupil's parent(s)/guardian(s), unless the pupil is an unaccompanied pupil or a pupil in foster care, to discuss the investigation of the incident, the violation of school rules and or school regulations, and the pupil's prior discipline history, as well as any information submitted that the parent(s)/guardian(s), unless the pupil is an unaccompanied pupil or a pupil in foster care, would like the principal or designee to consider as it relates to the suspension and the possible recommendation for expulsion.

At the conclusion of the hearing or proceeding, the principal or designee shall make a decision regarding the disciplinary action, which may include a recommendation for expulsion. The principal or designee must recommend expulsion if it is determined at the hearing or proceeding that the pupil has or is believed to have committed the offense of possession of a firearm or dangerous weapons, as defined by Nevada Revised Statutes (NRS) 392.466 while on the premises of any public school, or at an activity sponsored by the public school, which requires a mandatory recommendation for expulsion.

- D. If the pupil is to be recommended for expulsion, the parent(s)/guardian(s), unless the pupil is an unaccompanied pupil or a pupil in foster care, must be informed of the due process procedures available. The parent(s)/guardian(s), unless the pupil is an unaccompanied pupil or a pupil in foster care, must decide whether to contest or not contest the expulsion and sign a statement to that effect. If the parent(s)/guardian(s), unless the pupil is an unaccompanied pupil or a pupil in foster care, does not sign the statement, the expulsion will be treated as a contested expulsion. The parent(s)/guardian(s), unless the pupil is an unaccompanied pupil or a pupil in foster care, will be provided in writing with the available due process procedures. These procedures will be provided during the hearing or proceeding with the principal or designee, or with the written decision.
- E. The pupil is at least eleven (11) years of age (no age limitation for general education pupils) for possession of a firearm or dangerous weapon, as defined by NRS 392.466, while on the premises of any public school, or at an activity sponsored by the public school.

The following levels of due process are available to the parent(s)/guardian(s), unless the pupil is an unaccompanied pupil or a pupil in foster care, of a pupil who is being recommended for expulsion:

- A. A hearing or proceeding will be conducted by the principal, or designee. The principal will disclose



information obtained during the investigation of the incident which resulted in the recommendation for expulsion. This information, as well as the pupil's prior disciplinary record, will be reviewed with the pupil and the parent(s)/guardian(s), unless the pupil is an unaccompanied pupil or a pupil in foster care. The parent(s)/guardian(s), unless the pupil is an unaccompanied pupil or a pupil in foster care, must be allowed to present any information to the principal or designee that the parent(s)/guardian(s), unless the pupil is an unaccompanied pupil or a pupil in foster care, would like the principal or designee to consider. The pupil must also be allowed to be heard regarding the incident resulting in the recommendation for expulsion.

- B. At the conclusion of the hearing or proceeding, the principal or designee shall inform the parent(s)/guardian(s), unless the pupil is an unaccompanied pupil or a pupil in foster care, of the decision and must within two (2) school days following the hearing or proceeding provide written notice to the parent(s)/guardian(s), unless the pupil is an unaccompanied pupil or a pupil in foster care, of the decision regarding the recommended expulsion.
- C. If the decision to recommend expulsion is upheld and the parent(s)/guardian(s), unless the pupil is an unaccompanied pupil or a pupil in foster care, decides to contest the expulsion recommendation, the parent(s)/guardian(s), unless the pupil is an unaccompanied pupil or a pupil in foster care, must notify the school of the intent to contest the recommendation for expulsion within fourteen (14) days of receiving notice of the recommendation for expulsion. Within the fourteen (14) days after receipt of the notice contesting the expulsion, a hearing or proceeding will then be scheduled for an Educational Hearing Panel.

Expulsion Hearing Panel

- A. The EKA Educational Hearing Panel will consist of three (3) members as follows:
 - a. An administrator
 - b. A professional licensed staff
 - c. A support staff professional
- B. The EKA Educational Hearing Panel will make the following determinations:
 - a. What disciplinary offense, if any, has been committed by the pupil;
 - b. If the pupil has committed a disciplinary offense, what is the appropriate consequence and educational placement;
- C. The EKA Educational Hearing Panel must consider the nature of the offense; the pupil's disciplinary history for one calendar year prior to the recommendation for expulsion; the pupil's academic record and academic concerns; as well as any EKA regulations, and state or federal laws.
- D. If the EKA Educational Hearing Panel determines that the pupil committed the offense for which the pupil has been charged, the Panel may decide on:
 - a. Permanent expulsion - Permanent expulsion means permanent removal of a pupil from the EKA school campus and contemplates no EKA re-enrollment.
 - b. Limited expulsion - Limited expulsion allows a pupil to return to EKA, on a trial enrollment following a successful period of alternative school enrollment.
- E. If the disciplinary offense falls under NRS 392.466, mandatory expulsion, and the EKA Educational Hearing Panel determines that the pupil did commit the disciplinary offense, the Panel



has the authority to modify the expulsion recommendation, if such modification is made in writing and the Panel determines that a restorative plan of action may be used successfully.

- F. If appropriate, the Superintendent may process an appeal directly to the EKA Board of Trustees Expulsion Review Board.
- G. If the EKA Educational Hearing Panel upholds the decision to expel the pupil and the parent(s)/guardian(s), unless the pupil is an unaccompanied pupil or a pupil in foster care, does not agree with the decision, the parent(s)/guardian(s), unless the pupil is an unaccompanied pupil or a pupil in foster care, may appeal the decision to the EKA Board of Trustees Expulsion Review Board.
- H. An appeal to the EKA Board of Trustees Expulsion Review Board must be requested in writing and submitted to the Superintendent no later than fourteen (14) days after the receipt of the EKA Educational Hearing Panel.

Expulsion Review Board

- A. The EKA Board of Trustees Expulsion Review Board will consist of a panel composed of three (3) members, with no more than two (2) members of the EKA Board of Trustees selected and an individual selected by the Superintendent. The individual selected by the Superintendent shall not be a current or former teacher or relation to the pupil involved in the review.
- B. The EKA Board of Trustees Expulsion Review Board will meet as necessary.
- C. Two (2) members of the EKA Board of Trustees Expulsion Review Board will constitute a quorum. A decision of the EKA Board of Trustees Expulsion Review Board shall be by a majority vote and two (2) votes are required to constitute a majority.
- D. The EKA Board of Trustees Expulsion Review Board will conduct an evidentiary hearing at which both, a school administrator(s) and the pupil and parent(s)/guardian(s), unless the pupil is an unaccompanied pupil or a pupil in foster care, may present evidence, testimony, and argument related to the pupil's alleged misconduct and the appropriate discipline in view of all the circumstances, including any prior disciplinary intervention(s) by the school. The evidence and testimony may be directed to the incident itself and/or to the character of the pupil, including, for example, no more than three (3) other persons familiar with the character or background of the pupil. Such evidence may not include testimony or other evidence regarding the school disciplinary status of other pupils who may have been involved in the incident.
- E. The pupil may be represented by legal counsel at the EKA Board of Trustees Expulsion Review Board hearing, if the parent(s)/guardian(s), unless the pupil is an unaccompanied pupil or a pupil in foster care, so desires, at no expense to EKA. EKA shall be represented by their own legal counsel.
- F. The EKA Board of Trustees Expulsion Review Board must make the following determinations:
 - a. What disciplinary offense, if any, has been committed by the pupil; and
 - b. If the pupil has committed a disciplinary offense, what is the appropriate consequence and educational placement considering the nature of the offense, the pupil's disciplinary history for one (1) calendar year prior to the date of the subject offense, as well as the pupil's



overall academic record or any other academic concerns.

- G. The EKA Board of Trustees will not conduct a formal hearing regarding the decision of the EKA Board of Trustees Expulsion Review Board, having designated the EKA Board of Trustees Expulsion Review Board as the final level of due process for the review of an expulsion recommendation, including expulsion recommendations which result from conduct that is in violation of the Federal Gun-Free Schools Act of 1994. If the disciplinary offense falls under NRS 392.466, mandatory expulsion, and it is determined that the pupil did commit the disciplinary offense, the EKA Board of Trustees Expulsion Board has the authority to modify the expulsion, if such modification is made in writing and the EKA Board of Trustees determines that a restorative plan of action may be used successfully.
- H. The decision of the EKA Board of Trustees Expulsion Board is final and binding.

HABITUAL DISCIPLINARY PROBLEM (NRS 392.4655)

The school administrator shall deem a pupil a habitual disciplinary problem if a school has written evidence that in one school year a pupil has:

- 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 restorative plan of action (see below).

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 middle school or high school may request that the principal deem a pupil a habitual disciplinary problem. Upon such a request, the principal shall meet with each teacher who made the request to review the pupil's record of discipline. If, after the review, the principal determines that the above provisions do not apply to the pupil, a teacher who submitted the request may appeal that determination to the EKA Board of Trustees. Upon receipt of such a request, the EKA Board of Trustees shall review the initial request and make a final binding determination.

If a pupil is suspended, EKA shall provide written notice to the parent(s)/guardian(s), unless the pupil is an unaccompanied pupil or a pupil in foster care, of that pupil that contains:

1. A description of the act committed by the pupil and the date on which the act was committed;
2. An explanation that if the pupil receives five suspensions on their record during the current school year and has not entered into and participated in a restorative plan of action, the pupil will be deemed a habitual disciplinary problem;
3. An explanation that, pursuant to subsection 5 of NRS 392.466, a pupil who is deemed a habitual disciplinary problem and is at least eleven (11) years of age may be;
 - a. 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
 - b. Expelled from school under extraordinary circumstances as determined by the principal of the school.
4. If the pupil has a disability and is participating in a program of special education pursuant to NRS 388.419, an explanation of the effect of subsection 10 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, they may be suspended or expelled from school in the same manner as a pupil without a disability.



EKA will provide the notice for each suspension on the record of a pupil during a school year. Such notice shall be provided at least seven (7) days before the school deems the pupil a habitual disciplinary problem.

If a pupil is suspended, the school may develop, in consultation with the pupil and the parent(s)/guardian(s) of the pupil, unless the pupil is an unaccompanied pupil or a pupil in foster care, a plan of behavior for the pupil. If the pupil is considered a "homeless pupil" the principal shall presume that the behavior of the pupil was caused by homelessness unless the principal determines that the behavior was not caused by homelessness. 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:
 - a. (1) Expelled or suspended from a public school, including, without limitation, a charter school; or
 - b. Deemed to be a habitual disciplinary problem pursuant to this section.
- C. A voluntary agreement by the pupil and the pupil's parent/guardian, unless the pupil is an unaccompanied pupil or a pupil in foster care, to attend counseling, programs or services available in the community.

If a pupil commits the same act for which notice was provided after they enter into a restorative plan of action, the pupil shall be deemed to have not successfully completed the restorative plan of action and may be deemed a habitual disciplinary problem.

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

The parent(s)/guardian(s) of a pupil, unless the pupil is an unaccompanied pupil or a pupil in foster care, who has entered into a restorative plan of action may appeal to the EKA Board of Trustees Expulsion Review Board the contents of the restorative plan of action or measures taken by the school pursuant to the restorative plan of action. Upon receipt of such a request, the EKA Board of Trustees Expulsion Review Board shall review the situation and render a decision, which will be final and binding.

The administrator must provide written notice of this action to the parent(s)/guardian(s), unless the pupil is an unaccompanied pupil or a pupil in foster care, which includes an explanation or reason for action. A pupil determined to be a habitual disciplinary problem will be suspended pending recommendation for expulsion to the EKA Board of Trustees.

Except as otherwise provided in this section, if a pupil is deemed a habitual disciplinary problem pursuant to NRS 392.4655, and is at least eleven (11) years old, the pupil may be per NRS 392.4675:

1. Suspended from EKA 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 the school under extraordinary circumstances as determined by the principal of the school.



3. 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 or be homeschooled;
 - b. Enroll in a program of study provided for pupils who have been suspended or expelled from public schools.

SPECIFIC DISCIPLINARY INCIDENTS

Suspension or expulsion may be exercised for any of the following pupil behaviors:

- **Verbal Abuse or Intimidation-** A pupil shall not direct harassing, vulgar, or derogatory remarks toward any person. A pupil shall not willfully or maliciously engage in a course of conduct that would cause a reasonable person to feel terrorized, frightened, intimidated or harassed.
- **Racial or Sexual Harassment** – A pupil shall not willfully or maliciously engage in either verbal or physical conduct that would cause a reasonable person to feel racially or sexually harassed. Any hostile or offensive action against people because of their skin color, gender, sexual orientation, cultural or religious background or ethnic origin is prohibited.
- **Physical Abuse on Any Person-** A pupil shall not intentionally cause physical injury to any person, nor intentionally behave in such a way, as could reasonably cause physical injury to any person. Neither reasonable self-defense, nor action undertaken on the reasonable belief that it was necessary to protect some other person, is to be considered an intentional act under this rule.
- **Violations of Authority and Behavioral Guidelines-** A pupil shall not fail to comply with directions of EKA staff member, student teacher, substitute teacher, instructional assistants, hall monitors, administrative personnel or other authorized school personnel during any period of time when the pupil is properly under the authority of school personnel. Pupils shall comply with the behavioral guidelines that are adopted by EKA in conjunction with the spirit and intent of this regulation. These guidelines must be adhered to on any EKA campus, not limited to bathrooms, field, playground, etc., for any event before or after school, or at any school sponsored event. Employees shall ensure that directions given are reasonable.
- **Discrimination based on race, bullying, cyber-bullying, harassment and intimidation** – Pupils shall not commit an act of discrimination based on race, bullying, cyber-bullying, harassment and/or intimidation against another pupil. This is any negative action which is not authorized by law and which exposes a person to negative actions which are highly offensive to a reasonable person and is intended to cause harm, serious emotional distress, and/or fear, and creates an environment which is hostile, thus interfering with the education of the pupil.
- **Immoral Conduct-** Any pupil who commits or attempts to induce another pupil to commit an act or acts of immoral conduct shall be suspended. Immoral conduct includes inappropriate, suggestive, or explicit sexual behavior; conduct inconsistent with rectitude, or indicative of corruption, indecency, depravity, dissoluteness; or as willful, flagrant, or shameless conduct showing moral indifference to the opinions of respectable members of the community. If it appears that the law may have been violated, the pupil shall be referred to the proper law enforcement agency.
- **Theft, Loss, or Destruction of School and/or Private Property-** A pupil shall not intentionally cause or attempt to cause, or intentionally commit any act that may reasonably be foreseen to cause substantial damage, in any manner, to school property or to private property located on school property or take or attempt to take the property of another. The school is not responsible for pupil's personal property that they have brought with them to school. The school is limited in its ability to search for missing items.



- **Arson-** A pupil shall not intentionally set fire, or attempt to set fire, or intentionally engage in conduct which may reasonably be foreseen to set fire to school property, nor the property of another, nor shall a pupil participate in or encourage another person to participate in such conduct.
- **Weapons (NRS 202.350)**
 - No person may carry, use, possess, conceal or transmit a weapon, as defined herein below, on school property except a person having written permission from the administrator of the school to carry or possess the weapon.
 - Implements manufactured, used, or intended for use as weapons may not be carried, used, possessed, concealed, or transmitted at school on school property, on the way to or from school, or at or on the way to or from a school activity, function, or event. Pupils found in possession of a weapon shall immediately be referred to the appropriate law enforcement agency and suspended from school until a thorough investigation is conducted.
 - Weapons are defined per NRS 202.350
 - The use of any normally non-dangerous implement such as a stone, table fork, board, stick, or baseball bat as a weapon, shall come under the provisions of this section.
- **Simulated Weapons**
 - No person may carry, use, possess, conceal or transmit a simulated weapon on school property unless they have received written permission from a school administrator, or designee, to carry or possess such a simulated weapon.
 - Simulated weapons include, but are not limited to, any "toy" or nonfunctional implement which bears a substantial visual resemblance to any item defined by this regulation as a weapon,
- **Drugs, Alcoholic Beverages, Use or Possession**
 - Any pupil , who is found in possession, is under the influence on school property, has sold or has in any way encouraged the possession, use, sale by another of any controlled substance including narcotic drugs, prescription or over the counter drugs, drug paraphernalia, or alcoholic beverage shall be suspended until an investigation is conducted.
 - If it is believed that an illegal act has been committed, the pupil shall be referred to the proper law enforcement agency.
 - The suspension shall be in effect until it has been determined whether the pupil is believed to have committed any of the acts listed above.
 - Pupils who possess, use on campus, sell or encourage others to possess, use or sell drugs or alcoholic beverages are considered a threat to the safety and welfare of other pupils.
- **Smoking** – EKA prohibits the pupil use or possession of the following items on campus (inside or outside) and at off-campus, school-sponsored events:
 - tobacco products and tobacco-related devices,
 - imitation tobacco products,
 - smokeless tobacco products
 - oral smoking devices
 - lighters, and
 - vapor or electronic cigarettes "e-cigarettes"



- **Robbery/Extortion-** A pupil shall not take or obtain property of another person by means or reason of violence, force, threat of force, coercion, intimidation, fear, passive resistance, or any other conduct.
- **Disruption of School-**
 - A pupil shall not, by use of violence, force, noise, coercion, threat, intimidation, fear, passive resistance, or any other conduct, intentionally cause the substantial and material disruption or obstruction of any lawful mission, process, or function of the school.
 - Neither shall a pupil engage in, nor urge, other pupils to engage in such conduct for the purpose of causing the substantial and material disruption or obstruction of any lawful mission, process or function of the school if such a disruption or obstruction is reasonably certain to result from the pupil's actions.
 - While this list is not intended to be all inclusive, the following acts, when done for the purpose of causing a substantial and material disruption or obstruction of any lawful mission, process, or function of the school or when such result is a foreseeable consequence of said conduct, illustrate the kinds of offenses encompassed here:
 - Occupying any school building, school property, or part thereof with intent to deprive others of its use.
 - Blocking the entrance or exit of any school building or corridor or room therein with intent to deprive others of lawful access to or from, or use of, the building or corridor or room.
 - Setting fire to or substantially damaging any school building or property.
 - Firing, displaying, or threatening use of firearms, explosives, or other weapons, or simulated weapons on the school premises, at a school activity, function or event, or on the way to or from school or a school activity, function, or event.
 - Preventing or attempting to prevent by physical act the convening or continued functioning of any school, class, or activity of any lawful meeting or assembly on school property.
 - Preventing pupils from attending a class or school activity.
 - Except under the direct instruction of the administrator, blocking normal pedestrian or vehicular traffic on school property.
 - Continuously and intentionally making noise or acting in any manner so as to interfere seriously with the teacher's ability to conduct class.
- **Activities of Criminal Gangs** – Pupils are prohibited from wearing any clothing or carrying any symbol on school property that denotes membership in or an affiliation with a criminal gang. Pupils are prohibited from engaging in any activity that encourages participation in a criminal gang or facilitates illegal acts of a criminal gang.
For purposes of this regulation, a criminal gang is defined as any combination of persons, organized formally or informally, so constructed that the organization will continue its operation even if individual members enter or leave the organization, which; (a) has a common or identifying symbol; (b) has particular conduct, status and customs indicative of it; and (c) has any one of its common activities engaging in criminal activity punishable as a felony.
- **Violation of Law-** Violation of any state or federal law in school buildings or on school property, at a school sponsored activity, function or event, or on the way to or from school or a school activity, function or event, whether or not a criminal citation, arrest, prosecution or conviction results from the violation.
Concurrent penalties imposed by both the school and the appropriate law enforcement agency could result from the violation of this item or any listed above.



"Personalizing Education – Challenging Minds."



"Personalizing Education – Challenging Minds."

COMMIT THESE CRIMES AND YOU WILL BE SUBJECT TO

EXPULSION

ARSON

The willful burning of school property.

ASSAULT AND/OR BATTERY ON A SCHOOL EMPLOYEE

Physical abuse and/or threats of physical abuse directed at a school employee.

DRUGS /CONTROLLED SUBSTANCES/ALCOHOL

Sale or possession with the intent to distribute a controlled and/or illicit substance or any substance represented to be such.

IMMORAL CONDUCT

Contact as it pertains to sexual behavior between individuals.

WEAPONS

Possession, use, transmittal, or concealment of ANY operable or inoperable weapon. Weapons are defined as firearms, knives, explosives, inflammable materials, or other items that may cause bodily injury or death. BB and pellet guns, pocket knives, and fireworks are weapons. The Gun Free Schools Act and NRS 392.466 specify expulsion requirements based on type of weapon, and/or circumstances surrounding the infraction.

**PUPILS FOUND IN VIOLATION OF THE ABOVE WILL
BE REFERRED FOR PROSECUTION TO THE
FULLEST EXTENT OF THE LAW**

INFRACTION	LEVEL 1	LEVEL 2	LEVEL 3
ARSON (Involve Law Enforcement [LE])	SC/PC Suspension Pending Expulsion		
ASSAULT: Threat of bodily harm on any school personnel. (Involve LE)	SC/PC Suspension Pending Expulsion		
ASSAULT: Threat of bodily harm on any pupil. (May involve LE)	SC/PC Possible Suspension	SC/PC Suspension Pending	Expulsion
BATTERY: Physical assault on any school personnel. (May involve LE)	SC/PC Suspension Pending Expulsion		
BATTERY: Physical assault on any pupil. (May involve LE)	SC/PC Possible Suspension	SC/PC Suspension Pending	Expulsion
BULLYING/CYBER-BULLYING/DISCRIMINATION BASED ON RACE: Unwanted written, verbal, pictorial, electronic or physical act(s) which are offensive to another person.	SC/ PC Possible Suspension	SC/PC Suspension	SC/PC Suspension
CAMPUS DISRUPTION (May Involve LE)	SC/PC Suspension	PC/ Suspension	SC/PC Suspension Pending Expulsion
CHRONIC ABSENTEEISM – See attendance policy	School Notification	SC/PC – Ineligible activities	RPC – Ineligible activities
CLASSROOM DISRUPTION (Minor) See next page for samples.	SC/3 or more minor Possible Suspension	SC/PC Possible Suspension	SC/PC Suspension
COMPUTER MISCONDUCT (Minor) See list of infractions for levels	SC, Possible Level 1 electronic device Restrictions	SC/PC Level 1 or 2 electronic device Restrictions	SC/PC, Suspension Level 2 or 3 electronic device Restrictions
COMPUTER MISCONDUCT (Major) See list of infractions for levels	SC/PC Suspension, Level 2 or 3 electronic device Restrictions	SC/PC Suspension, Level 3 electronic device Restrictions or Loss of electronic device	SC/PC Suspension Pending Expulsion
COMPUTER MISCONDUCT (Severe) See list of infractions for levels	SC/PC Suspension Pending Expulsion	SC/PC Suspension Pending Expulsion	SC/PC Suspension Pending Expulsion
CONTROLLED SUBSTANCE DRUGS (Possession of Paraphernalia)	Confiscate Item, SC/PC Suspension	Confiscate Item, SC/PC Suspension	Confiscate Item, SC/PC Suspension
ALCOHOL/CONTROLLED SUBSTANCE/DRUGS (Use, Possession not for sale or distribution)	Confiscate Item, SC/PC Suspension	Confiscate Item, SC/PC Suspension	
ALCOHOL (Possession with the intent for Sale and/or Distribution) (May involve LE)	Confiscate Item, SC/PC Suspension Pending Expulsion		
CONTROLLED SUBSTANCE DRUGS (Sale and/or Possession with the intent to Distribute) (May involve LE)	Confiscate Item, SC/PC Suspension Pending Expulsion		
DISREGARD RULES/REGULATIONS	SC	SC/PC Possible Suspension	SC/PC Suspension
DEFIANCE OF SCHOOL PERSONNEL INSUBORDINATION	SC – Possible Suspension	SC/PC Suspension	SC/PC Suspension

INFRACTION	LEVEL 1	LEVEL 2	LEVEL 3
DRESS CODE	SC: School provided attire may be required or Family to Provide appropriate attire	SC/PC: School provided attire may be required or Family to Provide appropriate attire	SC/PC Possible Suspension
ELECTRONIC COMMUNICATION DEVICES AND CELL PHONE ABUSE	SC, Device confiscated. Family pick up device from office or teacher	SC/PC Device confiscated. Family pick up device from office or teacher	SC/PC Suspension
EXPLOSIVE DEVICES/FIREARMS (Involve LE)	Confiscate Items, PC/Suspension Pending Expulsion		
EXTORTION	SC/PC Suspension Pending Expulsion		
FIGHTING: Physical Altercation (May involve LE)	SC/PC, Suspension	SC/PC Suspension, Counselor Referral	SC/PC Suspension Pending Expulsion
FORGERY (May involve LE)	SC/PC	SC/PC Suspension	SC/PC Suspension, Possible Suspension Pending Expulsion
GAMBLING	SC/PC Possible Suspension	SC/PC Possible Suspension	SC/PC Suspension
GANG ACTIVITY	SC/PC Suspension Pending Expulsion		
HARASSMENT/INTIMIDATION (May involve LE)	SC/PC Suspension	SC/PC Suspension	SC/PC Suspension Pending Expulsion
HITTING	SC/PC Suspension	SC/PC Suspension	SC/PC Suspension Pending Expulsion
IMMORAL CONDUCT	SC/PC Suspension Pending Expulsion		
NO SHOW DETENTIONS	Missing first detention, receives 2 detentions	SC/PC Suspension	SC/PC Suspension
PUBLIC DISPLAY OF AFFECTION	SC	SC/PC	SC/PC Suspension
PROFANITY (Non-directed)	SC	SC/PC	SC/PC Suspension
PROFANITY towards employee or pupil	SC/PC Possible Suspension	SC/PC Suspension	SC/PC Suspension
ROBBERY/EXTORTION (May involve LE)	SC/PC Suspension	SC/PC Suspension pending Expulsion	
SMOKING (Use, Possession, Distribution, or Paraphernalia) (May involve LE)	Confiscate Item, SC/PC Suspension	Confiscate Item, SC/PC Suspension	
SPRAYING PROPELLANTS	Confiscate Item, SC/PC Suspension	Confiscate Item, SC/PC Suspension Pending Expulsion	
TARDIES (K-5 th Grade)	School Notification	SC/PC – Ineligible activities	RPC – Ineligible activities
TARDIES (6 th -12 th Grade)	1 st Tardy – Verbal Warning	3 rd and each subsequent Tardy – Detention	Habitual Tardy – P/G Conference

INFRACTION	LEVEL 1	LEVEL 2	LEVEL 3
THEFT, DESTRUCTION OF SCHOOL OR PERSONAL PROPERTY (May involve LE)	SC/PC, Suspension, Compensation	SC/PC Suspension, Compensation	SC/PC Suspension Pending Expulsion, Compensation
TRUANCY (May involve LE)	SC/PC Truancy Letter	RPC – Ineligible activities	SC/PC Truancy Letter, Referral to Truancy Officer
UNACCEPTABLE SCHOOL BEHAVIOR	SC Possible PC and Suspension	SC/PC Possible Suspension	SC/PC Suspension
VANDALISM Destruction or Defacing Property (May involve LE)	SC/PC Clean-up, Cost of Repairs, Possible Suspension	SC/PC Suspension, Clean-up, Cost of Repairs	SC/PC Suspension, Possible pending Expulsion, Clean-up Cost of Repairs
VERBAL ABUSE, ALTERCATION, INTIMIDATION, THREATS to Employees or P/G (May involve LE)	SC/PC Suspension	SC/PC Suspension, possibly pending expulsion	SC/PC Suspension Pending Expulsion
VERBAL ABUSE, ALTERCATION, INTIMIDATION, THREATS to Pupil (May involve LE)	SC/PC	SC/PC Suspension	SC/PC Suspension, Possible pending Expulsion
VIOLATION OF BEHAVIORAL GUIDELINES	SC Possible PC and Suspension	SC/PC Possible Suspension	SC/PC Suspension, Possible pending Expulsion
WEAPONS DANGEROUS (NRS 202.350)	Confiscate Item, SC/PC Suspension Pending Expulsion		
WEAPONS – Non Dangerous Circumstances or Non-Threatening (Not listed under NRS 202.350)	Confiscate Item, SC/PC Suspension	Confiscate Item, SC/PC Suspension Pending Expulsion	
Minor Classroom Disruptions			
Sample minor infractions may include but are not limited to:			
Disrespectful Behavior Derogatory Comments Not following social distancing regulations Possession of a nuisance item Not following EKA staff member directions Not prepared for class Tardiness Sleeping in class		Fake fighting Annoying other pupils Off Task Running/Playing Around Talking Loudly Cell Phone use Refusal to complete work	

Computer Misconduct Sample infractions may include but are not limited to:	Category
<p>Removal or altering of EKA electronic device and/or accessory Misplaced EKA electronic device and/or accessory Private browsing / deleting search history EKA electronic device and/or accessory Unauthorized use or possession of another pupil’s EKA electronic device and/or accessory Repeated off-task use, navigation or site access using EKA electronic device and/or accessory Negligent care of EKA electronic device and/or accessory Sending inappropriate/unwanted emails to pupils/staff Initiating unauthorized/inappropriate chats/correspondence using any school educational platforms Careless/Negligent use of technology resulting in damage (will include full cost of repairs charged to parent/guardian or responsible party)</p>	<u>MINOR</u>
<p>Lost or Missing EKA electronic device and/or accessory Playing unauthorized games Intentional breaking of EKA electronic device and/or accessory Taking or sharing of photos / videos of other pupils Using social media sites Accessing inappropriate sites Password / Lock code change/alteration or creation Accessing an unauthorized internet or network connection Providing unauthorized internet or network access Three minor technology infractions Accessing other pupil accounts Sharing of passwords Deletion of classes in curricular programs or other school educational platforms</p>	<u>MAJOR</u>
<p>Renaming EKA electronic device and/or accessory Theft, or support of the theft, of an EKA electronic device and/or accessory Sexting Viewing, sharing, or transmitting of pornography Using EKA electronic device and/or accessory for illegal activities</p>	<u>SEVERE</u>