Code: JFC-AR
Adopted: December 18, 2024

Student Conduct and Discipline

This regulation establishes the guidelines and procedures of Board Policy JFC in the Mineral County School District.

The law charges every teacher and school administrator with maintaining order and discipline among students and provides that students who do not comply with reasonable rules may be subject to disciplinary action.

Throughout this administrative regulation, the term "school administrator" generally refers to the school principal or designee, including an assistant principal. The term "parent" generally refers to the student's parents or legal guardians.

This Administrative Regulation incorporates amendments to NRS Chapter 392 enacted by the 2019 Legislature under Assembly Bill 168, by the 2021 Legislature under Assembly Bill 67, and by the 2023 Legislature under Assembly Bills 285 and 330. These changes generally prohibit the suspension or expulsion of students under the age of 11, with exceptions for misconduct in the following seven categories of behavior (NRS 392.466):

A. Student who sells or distributes a controlled substance;
B. Student who commits a battery against a school employee;
C. Student who commits a battery against a school employee with intent to result in bodily injury;
D. Student who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process;
E. Student in possession of a dangerous weapon other than a firearm;
F. Student in possession of a firearm; and
G. Student deemed a habitual discipline problem.

NRS 392 also requires the development of progressive discipline plans based on restorative justice in certain circumstances for students who are being suspended or expelled. "Restorative justice" means nonpunitive intervention and support provided by the school to a student to improve the behavior of the student and remedy any harm caused by the student.

DEFINITIONS

Suspension

"Short-term suspension" means the disciplinary removal of a student from the school in which the student is currently enrolled, to include all school sponsored activities, for up to 10 school days.

"Long-term suspension" means the disciplinary removal of a student from the school in which the student is currently enrolled for any period of time beyond 10 school days, but not more than one school semester.

Expulsion

"Expelled" or "expulsion" means the disciplinary removal of a student from the school in which the student is currently enrolled for more than one school semester with the possibility of:

1. Except as otherwise provided in subsection 2, returning to the school in which the

student is currently reenrolled or another public school within the school district after the expulsion; and

2. Enrolling in a program or public school for alternative education for students who are expelled or permanently expelled during the period of expulsion.

Permanent Expulsion

"Permanently expelled" means the disciplinary removal of a student from the school in which the student is currently enrolled:

1. Except as otherwise provided in subparagraph (2), without the possibility of returning to the school in which the student is currently enrolled or another public school within the school district; and
2. With the possibility of enrolling in a program or public school for alternative education for students who are expelled or permanently expelled after being permanently expelled.

INDIVIDUAL CIRCUMSTANCES

Actions taken to control and correct undesirable student behavior should take individual circumstances into account. Concern for the safety and educational welfare of all students must be the major priority.

STUDENTS WITH DISABILITIES

Students with disabilities must be disciplined in accordance with applicable provisions of Part B of the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act, state law, and these regulations.

Students with disabilities receiving IEP services who are at least 11 years of age, or younger in the event that the student engages in misconduct in one of the seven categories where state law provides for the suspension, expulsion, and/or permanent expulsion of students at any age, may be suspended from school for not more than five days for each occurrence of misconduct, expelled, or permanently expelled from school only after the Board of Trustees or a designee has reviewed the circumstances and determined that the action is in compliance with the IDEA. In Mineral County School District, the Superintendent is the designee responsible for making this determination. Nevada law allows for the suspension of a student with a disability who is under the age of eleven (11) in the following areas of misconduct: 1) student who poses a continuing danger to person or property or an ongoing threat of disrupting the academic process, 2) Student in possession of a dangerous weapon other than a firearm, or 3) Student in possession of a firearm.

Before any school administrator suspends a student with a disability for any portion of a day, up to a maximum of ten days per occurrence of misconduct, or conducts a hearing regarding a proposed expulsion or permanent expulsion, the administrator must contact the Superintendent who will determine whether the procedural requirements, if any apply, under the IDEA have been satisfied. This determination must be made before implementation of any short-term suspension, or before a hearing is conducted regarding a proposed expulsion or permanent expulsion.

In addition, pursuant to state and federal law, a student with a disability who has been suspended or expelled must be provided with a free appropriate public education in compliance with the IDEA for each school day the student is suspended or expelled after the student has been removed for 10 cumulative days.

ADMINISTRATIVE RESPONSIBILITIES

School administrators are responsible for taking actions as necessary to protect students and school personnel from dangerous or socially detrimental actions of students.

PROHIBITED CONDUCT AND CONSEQUENCES

Students may be disciplined for violating the rules listed in this section. This list is not exhaustive. Only the most frequent infractions of school rules are listed. See student handbooks for schools in the Mineral County School District for additional information concerning prohibited conduct.

Consequences for misconduct vary and will be imposed or recommended by a school administrator at his or her discretion depending upon individual circumstances. Consequences may include a verbal reprimand, referral to the school counselor, in-school suspension or other in- school procedures, out-of-school suspension, or expulsion. When appropriate, progressive discipline will be imposed.

When it is alleged that city, state, or federal laws have been violated, a referral will also be made to the proper legal authorities and to the Superintendent or designee. Under certain circumstances, suspension or expulsion is mandatory under state law. See Suspension, Expulsion or Permanent Expulsion in Seven Categories of Misconduct.

1. Defiance of authority of school personnel (refusal to comply with reasonable requests of school personnel)
2. Disorderly conduct, profanity, obscene behavior (conduct and/or behavior which is disruptive to the orderly educational procedure of the school)
3. Fighting (engaging in or threatening any act which might cause harm to another person, including “play-fighting”)
4. Threats/verbal abuse (statements which intimidate or injure another person)
5. Destruction of property/vandalism (defacing, damaging, or destroying property or materials belonging to the school, school personnel, or other persons)
6. Theft (taking or attempting to take property that belongs to others)
7. Bus conduct (not following bus rules)
8. Smoking/chewing/vaping (the possession or use of tobacco on school property)
9. Forgery (writing and using the signature or initials of another person, or altering school documents)
10. Gambling (participating in games of chance for the purpose of exchanging money or something of value)
11. Drugs/alcohol (the use, possession, or sale of drugs, narcotics or alcoholic substances, or consumption of such substances)
12. Weapons (the illegitimate possession of any object which might be used to inflict injury to another person)
13. Extortion (the solicitation of money or something of value from another person in return for protection, or in connection with a threat to inflict harm)
14. Explosive/incendiary devices (the use, possession, or sale of explosive devices)
15. Bomb threats (any false report that a bomb or other explosive device has been placed)

DISCIPLINE CONSIDERATIONS

Discipline imposed for a violation of the rules of behavior by the student will be the appropriate discipline in light of all of the circumstances, including, without limitation:

1. The seriousness of the offense;
2. Prior violations of that or other rules of behavior;
3. Any statutorily required discipline;
4. Any impairment or risk of impairment to the health, safety or welfare of school employees or students; and
5. Any actual, threatened or likely disruption to school operations.

RANGE OF DISCIPLINE

The range of appropriate discipline includes:

1. Immediate informal discipline by staff;
2. Informal administrative discipline;
3. Detention;
4. In-school suspension/temporary removal from the classroom;
5. Short-term suspension (10 school days or less);
6. Long-term suspension (more than 10 school days up to and including one school semester);
7. Transfer;
8. Expulsion (more than one school semester); and
9. Permanent expulsion.

CORPORAL PUNISHMENT PROHIBITED

Corporal punishment may not be administered in any school in the Mineral County School District.

SUSPENSION, EXPULSION OR PERMANENT EXPULSION

General Provisions

With the exception of the authority given to MCSD if a student engages in any of the seven categories of misconduct described below; students must be at least 11 years old to be subjected to a suspension, expulsion or permanent expulsion for violations of the MCSD code of conduct.

In extraordinary circumstances, a school official may request an exception from the Board of Trustees to expel or permanently expel a student under 11 years of age.

If a student is suspended for one school semester or expelled, the student must:

1. Enroll in a private school pursuant to Chapter 394 of NRS or be homeschooled;
2. Enroll in a program of independent study provided pursuant to NRS 389.155 for students who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the student qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program; or

3. Enroll in a program of alternative education provided by the school district. MCSD shall, alone or through a partnership with another school district, provide a program of alternative education in an in-person setting that allows each student enrolled in the program to receive educational services in the least restrictive environment.

A homeless student or a student in foster care may be suspended from school for not more than 5 days if, following a review of all available information, the principal determines that the conduct of the student poses an ongoing threat to the student or other persons at the school, and if a determination is made that homelessness or being in foster care was not a factor in the behavior that led to the consideration for suspension or expulsion. The person responsible for making a determination of whether or not homelessness or being in foster care was a factor in the behavior shall presume that homelessness or being in foster care was not a factor in the behavior unless the person determines otherwise A determination that homelessness was not a factor in the behavior must be made in consultation with the MCSD liaison for homeless students in accordance with the McKinney-Vento Homeless Assistance Act of 1987, or a contact person at a school, including, without limitation, a school counselor or school social worker. A determination that being in foster care was not a factor in the behavior must be made in consultation with an advocate for students in foster care at the school in which the student is enrolled or the school counselor of the student.

For any proposed suspension of 10 days or less, see Procedures for Short-Term Suspensions.

For any proposed suspension of more than 10 days or an expulsion see Procedures for Long- Term Suspensions or Expulsions.

Suspension, Expulsion or Permanent Expulsion in Seven Categories of Misconduct

Nevada law contains specific discipline authority and rules for seven categories of misconduct (NRS 392.466):

A. Student who sells or distributes a controlled substance;
B. Student who commits a battery against a school employee;
C. Student who commits a battery against a school employee with intent to result in bodily injury;
D. Student who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process;
E. Student in possession of a dangerous weapon other than a firearm;
F. Student in possession of a firearm; and
G. Student deemed a habitual discipline problem.

The specific discipline rules for these seven categories of misconduct are described below.

The Superintendent may, for good cause shown in a particular case, allow a modification to the suspension or expulsion provisions for these seven categories of misconduct, if such modification is set forth in writing. The Superintendent shall allow such a modification if the Superintendent determines that a progressive discipline plan based on restorative justice may be used successfully.

A. Student who Sells or Distributes Controlled Substances

State law authorizes the MCSD to impose the following discipline for a student who sells or distributes any controlled substance while on the premises of any public school, at an activity sponsored by a public school or on any school bus:

- Students ages 8 or older **may** be suspended, expelled, or permanently expelled.
- Students ages 6 or 7 **may** be suspended, but not expelled or permanently expelled.
- Students ages 5 or less **may** be suspended, but not expelled or permanently expelled. Any suspension must be reviewed and approved by the Superintendent or designee.

Nevada does not allow the suspension of a student with a disability who is under the age of eleven (11) for this category of misconduct.

The student must meet with the school and the student's parent/legal guardian. The school will provide the parent/legal guardian a progressive discipline plan based on restorative justice.

The principal of the school may reduce the period of suspension or convert an expulsion to a suspension for a student who distributes a controlled substance while on the premises of a public school, at an activity sponsored by a public school or on a school bus if:

1. The student is less than 11 years of age;
2. The student has not engaged in such proscribed conduct before; and
3. After a thorough review of the facts and circumstances, the principal determines that the student did not know that the substance being distributed was a controlled substance.

B. Student who Commits a Battery Against a School Employee

State law authorizes the MCSD to impose the following discipline for a student who commits a battery against an employee of the school while on the premises of any public school, at an activity sponsored by a public school or on any school bus:

- Students ages 8 or older **may** be suspended, expelled, or permanently expelled.
- Students ages 6 or 7 **may** be suspended, but not expelled or permanently expelled.
- Students ages 5 or less **may** be suspended, but not expelled or permanently expelled. Any suspension must be reviewed and approved by the Superintendent or designee.

Nevada does not allow the suspension of a student with a disability who is under the age of eleven (11) for this category of misconduct.

The student must meet with the school and the student's parent/legal guardian. The school will provide the parent/legal guardian a progressive discipline plan based on restorative justice.

"Battery" means any willful and unlawful use of force or violence upon the person of another. (NRS 200.481.1(a))

C. Student who Commits a Battery Against a School Employee with Intent to Result in Bodily Injury

State law authorizes the MCSD to impose the following discipline for a student who commits a battery which is intended to result in the bodily injury of an employee of the school while on the premises of any public school, at an activity sponsored by a public school or on any school bus:

- Students ages 8 or older **must** be suspended, expelled, or permanently expelled.
- Students ages 6 or 7 **must** be suspended, but not expelled or permanently expelled.
- Students ages 5 or less **may** be suspended, but not expelled or permanently expelled. Any suspension must be reviewed and approved by the Superintendent or designee.

"Bodily injury" means any actual damage or injury to a person that interferes with or is detrimental to the health of the person and is more than merely accidental, transient or trifling in nature.

Nevada does not allow the suspension of a student with a disability who is under the age of eleven (11) for this category of misconduct.

The student must meet with the school and the student's parent/legal guardian. The school will provide the parent/legal guardian a progressive discipline plan based on restorative justice.

The principal of a public school may, at his or her discretion, reduce or eliminate the period of suspension, convert an expulsion to a suspension or otherwise reduce, eliminate or alter a disciplinary action imposed upon a student who commits a battery which results in the bodily injury of an employee of the school.

D. Student who Poses a Continuing Danger to Persons or Property or an Ongoing Threat of Disrupting the Academic Process

State law authorizes the MCSD to impose the following discipline for a student who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process while on the premises of any public school, at an activity sponsored by a public school or on any school bus:

- Students ages 11 or older **may** be suspended, expelled, or permanently expelled.
- Students ages 6 through 10 **may** be suspended, but not expelled or permanently expelled.
- Students ages 5 or less **may** be suspended, but not expelled or permanently expelled. Any suspension must be reviewed and approved by the Superintendent or designee.

The student may be removed from the public school immediately upon being given an explanation of the reasons for the removal and pending proceedings, which must be conducted as soon as practicable after removal.

E. Students in Possession of a Dangerous Weapon Other than a Firearm

State law authorizes the MCSD to impose the following discipline for a student found in possession of a dangerous weapon other than a firearm while on the premises of any public school, at an activity sponsored by a public school or on any school bus:

- Students ages 11 or older **may** be suspended, expelled, or permanently expelled.
- Students ages 6 through 10 **may** be suspended, but not expelled or permanently expelled.

- Students ages 5 or less **may** be suspended, but not expelled or permanently expelled. Any suspension must be reviewed and approved by the Superintendent or designee.

The student may be removed from the public school immediately upon being given an explanation of the reasons for the removal and pending proceedings, which must be conducted as soon as practicable after removal.

"Dangerous weapon" is defined in NRS 392.466. The definitions in NRS 393.410 are not determinative of whether a knife or other item is a dangerous weapon for purposes of NRS

392.466 as described in the following chart:

Reference	Type of Weapon/Knife
NRS 392.466, 202.350	Blackjack, slungshot, billy, sand-club, sandbag, metal knuckles, dirk, dagger, machete, nunchaku, switchblade knife , trefoil, butterfly knife, or any other object which is used or threatened to be used to pose a threat of or cause bodily injury to a person.
NRS 392.466, 202.350, 393.410	NRS 393.410(4)(b)(2) defines a "dangerous weapon" including a "dangerous knife." NRS 393.410(4)(a) defines a "dangerous knife" as "a knife having a blade that is 2 inches or more in length when measured from the tip of the knife which is customarily sharpened to the unsharpened extension of the blade which forms the hinge connecting the blade to the handle." However, a "dangerous knife" as defined by 393.410(4)(a) is not necessarily a "dangerous weapon" requiring expulsion under 392.466. For example, a paring knife with a 2 ½ inch blade is a dangerous knife under 393.410(4)(a) but not a dangerous weapon requiring expulsion under 392.466 unless it is used as a dangerous weapon.

[3] For purposes of NRS 392.466, "switchblade knife" means a spring-blade knife, snap-blade knife or any other knife having the appearance of a pocketknife, any blade of which is 2 or more inches long and which can be released automatically by the flick of a button, pressure on the handle or other mechanical devise, or is released by any type of mechanism. The term does not include a knife which has a blade that is held in place by a spring if the blade does not have any type of automatic release. NRS 202.265(5)(d).

F. Student in Possession of a Firearm

State law authorizes the MCSD to impose the following discipline for a student found in possession of a firearm while on the premises of any public school, at an activity sponsored by a public school or on any school bus:

- Students ages 11 or older **must** be suspended, expelled, or permanently expelled.
- Students ages 8 through 10 **must** be suspended or expelled, but not permanently expelled.
- Students ages 6 or 7 **may** be suspended, but not expelled or permanently expelled.
- Students ages 5 or less **may** be suspended, but not expelled or permanently expelled. Any suspension must be reviewed and approved by the Superintendent or designee.

The student **must** be removed from the public school immediately upon being given an explanation of the reasons for the removal and pending proceedings, which must be conducted as soon as practicable after removal.

"Firearm" is defined in NRS 392.466 as including, without limitation, any pistol, revolver, shotgun, explosive substance or device, and any other item included within the definition of a "firearm" in 18 U.S.C. § 921, as that section existed on July 1, 1995.

G. Student Deemed a Habitual Discipline Problem

A school administrator shall deem a student enrolled in the school a habitual disciplinary problem if the school has written evidence which documents that in one year the student has:

1. Threatened or extorted, or attempted to threaten or extort, another student or a teacher or other personnel employed by the school two or more times; or the student has a record of five significant suspensions from the school of three days or more for any reason; and

2. The school has made reasonable efforts to develop a plan of behavior and the student has not made efforts to enter into or participate in such a plan of behavior.

If a student is suspended, a school official shall develop, in consultation with the student and the parent or legal guardian of the student, a plan of behavior for the student. The parent or legal guardian may choose for the student not to participate in the plan of behavior. If the parent or legal guardian chooses for the student not to participate, the school official shall inform the parent or legal guardian of the consequences of not participating in the plan of behavior.

State law authorizes the MCSD to impose the following discipline for a student deemed a habitual discipline problem:

- Students at any age **may** be suspended.
- Students at any age **may** be expelled under extraordinary circumstances as determined by the principal.
- Students **may not** be permanently expelled.

Nevada does not allow the suspension of a student with a disability who is under the age of eleven (11) for this category of misconduct.

The school must make a reasonable effort to complete a progressive discipline plan based on restorative justice, based on the seriousness of the acts which were the basis for the discipline.

CONDUCT ON AND OFF CAMPUS

Violations of the rules listed in this regulation or the violation of any other regulation, policy, or law may result in the student being suspended or expelled when the misconduct occurs:

1. At any time on school grounds, whether or not school is in session, at the student's assigned school.

2. At any time on school grounds other than the student's assigned school, whether or not school is in session, or upon any properties controlled by the District.

3. Off school grounds at a school activity, function, event, or on the way to and from school or a school activity, function, or event.

4. Off school grounds but within sufficient proximity to district property that the conduct may have a direct impact on a school campus, a school sponsored activity, function, or event, or upon the health, welfare, or safety of students or school employees.

5. Off school grounds by a student who is truant and whose conduct may impact a school campus, a school sponsored activity, function or event, or the health, welfare, or safety of students or school employees.

6. At any time on or off the school grounds when the conduct has a direct impact on the health, welfare, or safety of students or school employees. This includes conduct off the school grounds that materially and substantially disrupts school activities, or causes school officials to reasonably believe that it will do so.

PROCEDURES FOR SHORT-TERM SUSPENSIONS (UP TO 10 SCHOOL DAYS)

Students who have been subjected to a short-term (up to 10 school days) out-of-school suspension will be allowed to make up work assigned during that period. It is recognized, however, that no assignments adequately substitute for being present for classroom instructional activities and that many activities by their nature may be impossible to make up. The student is responsible for initiating the request for any available makeup work.

Students who have been subjected to a short-term out-of-school suspension may not attend, practice, or participate in any extra-curricular activities during the suspension. Students who have been subjected to a short-term out-of-school suspension will not be allowed on school premises unless prearranged with a school official.

The following procedures will be implemented for short-term suspensions from school for ten consecutive school days or less. Except for the seven categories of misconduct described in the seven categories of misconduct (NRS 392.466), students must be at least 11 years old to be subjected to a short- term suspension. Suspensions of special education students are limited to a maximum of ten days per occurrence of misconduct.

1. The school administrator tells the student that the school administrator is meeting with the student to investigate allegations that the student has violated laws, and/or rules, policies, or regulations of the school district.

2. The school administrator tells the student the specific laws, rules, policies, and/or regulations that are alleged to have been violated and that if the evidence supports the allegations, there will be consequences up to and including short-term or long-term suspension from school, and expulsion. The school administrator asks the student if the student understands the allegations.

3. The school administrator explains to the student the evidence the school administrator has regarding the alleged violation(s).

4. The school administrator asks the student to explain his or her conduct and gives the student an opportunity to present the student's side of the story.

5. After hearing the student's explanation and evidence, the school administrator determines if he/she needs more information and, if so, obtains it before making a decision. If no additional information is needed, the school administrator determines what, if any, violations exist and assigns appropriate consequences.

6. Before any school administrator suspends a student with a disability receiving IEP services for any portion of a day (up to a maximum of ten days per occurrence of misconduct), the administrator must contact the Superintendent who will determine whether procedural requirements, if any, under the IDEA have been satisfied. **This determination must be made before implementation of the suspension.**

7. If suspension is appropriate (for up to ten consecutive school days or less), the administrator notifies the student that the student will be suspended for (number of days) commencing (starting date). **A special education student receiving IEP services may be suspended for up to ten days maximum per occurrence of misconduct.**

8. On the same day that the suspension is issued, the school administrator notifies the student and, if the student is under 18 years of age, the student's parent or legal guardian that the student has been suspended for (number of days) commencing (starting date). The notice of the terms of the suspension and the current process including timelines to exercise the right to appeal the suspension shall be provided in writing in correspondence from the school administrator to the student and, if the student is under 18 years of age, the student's parent or legal guardian. A copy of this Administrative Regulation shall be included with the notice. If a student and/or parent require that the notice and/or this Administrative Regulation be translated into a language other than English, prompt translation services will be provided.

   Only suspensions of three (3) or more days may be appealed.

   If the suspension is for 3-10 days, the written notice must also include:

   1. An explanation that if the student receives five significant suspensions of three or more days on his or her record during the current school year and has not entered into and participated in a plan of behavior, the student will be deemed a habitual disciplinary problem;

   2. An explanation that a student who is deemed a habitual disciplinary problem may be suspended from school; or expelled from school under extraordinary circumstances as determined by the principal of the school;

   3. If the student has a disability and is receiving IEP services, an explanation of the effect of NRS 392.466, including that if it is determined that the student's behavior is not a manifestation of the student's disability, he or she may be suspended or expelled from school in the same manner as a student without a disability;

   4. A summary of the provisions in NRS 392.4655 concerning the development of a behavior plan.

9. The student or, if the student is under 18 years of age, the parent or legal guardian of a student suspended for up to 10 school days may appeal the decision of the school administrator by contacting the Superintendent in writing within five (5) days of the issuance of the suspension. Only suspensions of three (3) or more days may be appealed.

The Superintendent will schedule a hearing on an appeal of a suspension within five (5) days of receipt of the written request for an appeal. The appeal of a suspension for up to 10 school days will be conducted in an in-person or virtual meeting chaired by a Mineral County School District school administrator from another school that educates students at the same grade level. The student or, if the student is under 18 years of age, the parent or legal guardian be invited to the appeal meeting. During the meeting, the student or, if the student is under 18 years of age, the parent or legal guardian shall present any relevant information concerning the incident and alleged misconduct which formed the basis of the disciplinary action, as well as present any concerns regarding the student's initial meeting with the school administrator who issued the suspension. The school administrator assigned to hear the appeal shall then determine whether the disciplinary action taken by the school administrator who issued the suspension will be upheld or overturned. The Superintendent will notify the student or, if the student is under 18 years of age, the parent or legal guardian of the appeal decision of the within two school days of the appeal meeting. The appeal decision is final.

A student who is suspended for up to 10 school days or is being considered for suspension for up to 10 school days:

(a) May be considered for temporary alternative placement pursuant to NRS 392.4645 if, in the judgment of the principal after consideration of the seriousness of the acts which were the basis for the discipline of the student:

(1) The temporary alternative placement will serve as the least restrictive environment possible, pursuant to NRS 392.4647; and

(2) The student does not pose a serious threat to the safety of the school.

(b) Must be provided education services to prevent the pupil from losing academic credit or becoming disengaged from school during the period of suspension.

PROCEDURES FOR LONG-TERM SUSPENSIONS (UP TO ONE SEMESTER) OR EXPULSIONS (MORE THAN ONE SEMESTER)

Students who have been subjected to a **long-term suspension, expulsion, or permanent expulsion** may not attend, practice, or participate in any extra-curricular activities during the suspension. Students who have been subjected to a long-term suspension, expulsion, or permanent expulsion will not be allowed on school premises unless prearranged with a school official.

The following procedures will be implemented for **long-term suspensions** (more than ten consecutive school days, up to one semester), **expulsions** (more than one semester), and **permanent expulsions**. These sanctions are collectively referred to in this section as "long- term suspension(s)" and/or "expulsion(s)." Except for the seven categories of misconduct described in (NRS 392.466), students must be at least 11 years old to be subjected to a long-term suspension or expulsion.

Unless otherwise mandated by statute, the timelines are general guidelines, subject to modification under individual circumstances.

1. If the school administrator determines that a **long-term suspension** or an **expulsion** is an appropriate consequence for a violation of laws, rules, policies, and/or regulations, the school administrator must notify the Superintendent within two days, or as soon as practicable, of imposing a short-term suspension.

2. Students with disabilities receiving IEP services may not be suspended for more than ten days per occurrence of misconduct. Students with disabilities receiving IEP services may be expelled or permanently expelled. Before any hearing is scheduled to propose the expulsion or permanent expulsion of a student with a disability, the administrator must contact the Superintendent who will determine whether procedural requirements, if any, under the IDEA have been satisfied. This

   determination must be made before scheduling any hearing.

3. The Superintendent will designate a committee of three impartial school district employees, one of whom will be a school administrator who will chair the committee, to conduct a hearing on the proposed long-term suspension or expulsion.

4. The hearing will generally be scheduled no later than the conclusion of the short-term suspension, unless individual circumstances require an extended timeline.

5. Five calendar days in advance of the scheduled hearing, the school administrator will send or hand-deliver to the student and, if the student is under 18 years of age, the student's parent or legal guardian a written notice that includes the following:

   a. A statement of the laws, rules, policies, and/or regulations allegedly violated by the student and the disciplinary action proposed by the school administrator;

   b. Notification that the school district will convene a hearing before imposing any additional suspension (beyond any short-term suspension already imposed) or expulsion and that the school district will be providing notification of the date, time, and location for the scheduled hearing;

   c. Notification of the student's right to be represented at the hearing by an advocate of his or her choosing, including legal counsel;

   d. Notification of the student's right to present evidence and witnesses in his or her own behalf and to cross-examine witnesses against the student who are available and present at the hearing;

   e. Notification of witnesses the school intends to present;

   f. Notification of written evidence the school intends to present and copies of any such evidence;

   g. Notification of the current process including timelines to exercise the right to appeal the long- term suspension or expulsion; and

   h. A copy of this administrative regulation.

   If the student and/or parent require that the notice or this administrative regulation be translated into a language other than English, prompt translation services will be provided.

6. The committee will not be required to observe the strict rules of evidence observed by the courts, and shall be allowed to take such evidence, including oral and written evidence, as the committee deems appropriate.

7. Neither the school administrators nor the student or his parents shall discuss the merits of the case with any member of the committee prior or subsequent to the hearing.

8. The District will tape record the hearing, and the District's tape recording is the official recording of the proceeding. The parent may obtain a copy upon request.

9. All hearings shall be closed to the public. (NRS 392.467)

10. At the conclusion of the hearing, the committee shall issue a written decision stating its findings with respect to the alleged violation(s) of laws, rules, policies, and/or regulations and the disciplinary consequences, if any, to be imposed. Generally, the written decision of the long-term suspension or expulsion hearing panel will be provided to the student and, if the student is under 18 years of age, the parent or legal guardian prior to the conclusion of any short-term suspension that has been imposed pending the long-term suspension or expulsion hearing.

11. The decision of the hearing committee may be appealed by the student or, if the student is under 18 years of age, the parent or legal guardian of a student suspended for more than 10 school days or expelled.

    The student or, if the student is under 18 years of age, the parent or legal guardian may appeal the decision of the hearing committee by contacting the Superintendent in writing within five (5) days of the issuance of the decision of the hearing committee. The Superintendent will schedule a hearing on the appeal of a long-term suspension or expulsion within five (5) days of receipt of the written request for an appeal.

    The appeal of a long-term suspension or an expulsion will be conducted by the Superintendent or designee in an in-person or virtual meeting within five (5) days of receipt of the request for an appeal. During the meeting, the student or, if the student is under 18 years of age, the parent or legal guardian shall present any relevant information concerning the incident and alleged misconduct which formed the basis of the disciplinary action, as well as present any concerns regarding the impartial hearing proceedings. Following the hearing, the Superintendent will review the tape recording of the hearing and the final decision of the hearing committee. The Superintendent will review adherence to the requirements for procedural safeguards listed above. The Superintendent will review the evidentiary basis for the decision of the hearing committee. After reviewing the evidentiary basis for the decision and the extent to which the hearing procedures were adhered to, the Superintendent shall then determine whether the disciplinary decision of the hearing committee will be upheld or overturned. The Superintendent will notify the student or, if the student is under 18 years of age, the parent or legal guardian of the decision of the Superintendent or designee within two school days of the appeal meeting. The decision of the Superintendent is final.

A student who is suspended for more than 10 school days, expelled, or permanently expelled, or is being considered for suspension for more than 10 school days, expelled, or permanently expelled:

(a) May be considered for temporary alternative placement pursuant to NRS 392.4645 if, in the judgment of the principal after consideration of the seriousness of the acts which were the basis for the discipline of the student:

(1) The temporary alternative placement will serve as the least restrictive environment possible, pursuant to NRS 392.4647; and

(2) The student does not pose a serious threat to the safety of the school.

(b) Must be provided education services to prevent the pupil from losing academic credit or becoming disengaged from school during the period of suspension, expulsion, or permanent expulsion.

STUDENTS UNDER SUSPENSION OR EXPULSION FROM OTHER SCHOOLS

Except as otherwise provided in NRS 392.4675 schools in the Mineral County School District will not accept students who are under suspension or expulsion from other schools until such suspension or expulsion has been completed.

TRANSPORTATION (NRS 392.4636)

The Board recognizes that parents of pupils who are transported to school by District buses are responsible for the supervision of such pupils until such time as the pupil boards the bus in the morning and after the pupil leaves the bus at the end of the school day. The responsibility of the School District commences when the pupil boards the bus and ends when the pupil is delivered to the regular bus stop at the close of the school day. The Board shall require pupils to conduct themselves in the bus in a manner consistent with established standards for classroom behavior. In cases when a pupil does not conduct themselves properly on a bus, the Transportation Supervisor or designee shall inform the building principal, who will inform the parents immediately of the misconduct and request their cooperation in changing the pupil's behavior.

Pupils who become a serious disciplinary problem on the school bus may have their riding privileges suspended. In such cases, the parents of the pupils involved become responsible for seeing that their children get to and from school safely, except as provided in IDEA for a student with a disability whose IEP includes transportation as a related service.

Specific Authority to Suspend, Expel or Permanently Expel (NRS 392.466)

AUGUST 2024

	AGE	SUSPENSION	EXPULSION	PERMANENT EXPULSION	CONDITIONS FOR IMPLEMENTATION
SALE OR DISTRIBUTION OF CONTROLLED SUBSTANCE	11+	Yes	Yes	Yes	Pupil **may** be removed from the public school immediately upon being given an explanation of the reasons for the removal of the pupil and pending proceedings, which must be conducted as soon as practicable after removal.
	6-10	Yes	No	No	Pupil **may** be removed from the public school immediately upon being given an explanation of the reasons for the removal of the pupil and pending proceedings, which must be conducted as soon as practicable after removal.

	5 or less	Yes	No	No	Pupil **may** be removed from the public school immediately upon being given an explanation of the reasons for the removal of the pupil and pending proceedings, which must be conducted as soon as practicable after removal. Suspension must be reviewed and approved by Superintendent or designee.
BATTERY AGAINST EMPLOYEE	8+	Yes	Yes	Yes	
	6-7	Yes	No	No	
	5 or less	Yes	No	No	Suspension must be reviewed and approved by Superintendent or designee.
BATTERY AGAINST EMPLOYEE **WITH INTENT TO RESULT IN BODILY INJURY** *New category	8+	Yes	Yes	Yes	Pupil **must** be suspended, expelled, or permanently expelled.
	6-7	Yes	No	No	Pupil **must** be suspended.
	5 or less	Yes	No	No	Suspension must be reviewed and approved by Superintendent or designee.
PUPIL WHO POSES A CONTINUING DANGER TO PERSONS OR PROPERTY OR AN ONGOING THREAT OF DISRUPTING THE ACADEMIC PROCESS *New category	11+	Yes	Yes	Yes	Pupil **may** be removed from the public school immediately upon being given an explanation of the reasons for the removal of the pupil and pending proceedings, which must be conducted as soon as practicable after removal.
	6-10	Yes	No	No	Pupil **may** be removed from the public school immediately upon being given an explanation of the reasons for the removal of the pupil and pending proceedings, which must be conducted as soon as practicable after removal.
	5 or less	Yes	No	No	Pupil **may** be removed from the public school immediately upon being given an explanation of the reasons for the removal of the pupil and pending proceedings, which must be conducted as soon as practicable after removal. Pupil may be suspended **only after** the suspension is reviewed and approved by Superintendent or designee.
POSSESSION OF DANGEROUS WEAPON OTHER THAN FIREARM	11+	Yes	Yes	Yes	Pupil **may** be removed from the public school immediately upon being given an explanation of the reasons for the removal of the pupil and pending proceedings, which must be conducted as soon as practicable after removal.

	6-10	Yes	No	No	Pupil **may** be removed from the public school immediately upon being given an explanation of the reasons for the removal of the pupil and pending proceedings, which must be conducted as soon as practicable after removal.
	5 or less	Yes	No	No	Pupil **may** be removed from the public school immediately upon being given an explanation of the reasons for the removal of the pupil and pending proceedings, which must be conducted as soon as practicable after removal. Pupil may be suspended **only after** the suspension is reviewed and approved by Superintendent or designee.
POSSESSION OF FIREARM	11+	Yes	Yes	Yes	Pupil **must** be removed from the public school immediately upon being given an explanation of the reasons for the removal of the pupil and pending proceedings, which must be conducted as soon as practicable after removal. Pupil **must** be suspended, expelled, or permanently expelled. (lengths of removals no longer in statute)
	8-10	Yes	Yes	No	Pupil **must** be removed from the public school immediately upon being given an explanation of the reasons for the removal of the pupil and pending proceedings, which must be conducted as soon as practicable after removal. Pupil **must** be suspended or expelled.
	6-7	Yes	No	No	Pupil **must** be removed from the public school immediately upon being given an explanation of the reasons for the removal of the pupil and pending proceedings, which must be conducted as soon as practicable after removal. Pupil **may** be suspended.
	5 or less	Yes	No	No	Pupil **must** be removed from the public school immediately upon being given an explanation of the reasons for the removal of the pupil and pending proceedings, which must be conducted as soon as practicable after removal. Pupil **may** be suspended. Pupil may be suspended **only after** the suspension is reviewed and approved by Superintendent or designee.
HABITUAL DISCIPLINE PROBLEM	No Age Limit	Yes	Yes Under extraordinary circumstances as determined by the principal	No	School must make a reasonable effort to complete a progressive discipline plan based on restorative justice, based on the seriousness of the acts which were the basis for the discipline.

ADDITIONAL PROVISIONS THAT APPLY TO ALL SUSPENSIONS, EXPULSIONS, AND PERMANENT EXPULSIONS

Nevada law allows for the suspension of a student with a disability who is under the age of eleven (11) in the following areas of misconduct: 1) Student who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, 2) Student in possession of a dangerous weapon other than a firearm, or 3) Student in possession of a firearm. Suspensions are limited to no more than 10 days per occurrence of misconduct.

A pupil with a disability who has been suspended or expelled must be provided a free appropriate public education in compliance with IDEA for each school day the pupil is suspended or expelled after the pupil has been removed for 10 cumulative days. (This has been federal law for many years.)
The Superintendent of a school district may, for good cause shown in a particular case, allow a modification to a suspension or expulsion if such modification is set forth in writing. The Superintendent of a school district must allow such a modification if he or she determines that a progressive discipline plan based on restorative justice may be used successfully.
If a pupil is expelled or the period of the pupil's suspension is for one school semester, the pupil must (a) enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; (b) enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 or 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program; or (c) enroll in a program of alternative education provided by the school district in which the pupil resides. Each school district shall, alone or through a partnership with another school district, provide a program of alternative education pursuant to this paragraph in an in-person setting that allows each pupil enrolled in the program to receive educational services in the least restrictive environment.

LEGAL REFERENCE: NRS 392.4601-392.472 *et seq.* (Behavior and Discipline)