

# **ADMINISTRATIVE REGULATION**

**No. 529**

## **Board of Trustees Douglas County School District**

### **PROCEDURES FOR SUSPENSION AND EXPULSION**

The Board recognizes that exclusion from the educational program of the schools, whether by suspension or expulsion, is the most severe sanction that can be imposed on a student in this District and one that cannot be imposed without due process since the exclusion may limit or deprive a child of the right to a Free Appropriate Public Education (FAPE).

Except as otherwise provided in NRS 392.466, a pupil who is under the age of 11 must not be permanently expelled from school. In extraordinary circumstances, a school may request an exception to this subsection from the Board.

"Suspension" means the disciplinary removal of a student by the school principal, or the Disciplinary Panel, from all school programs and school-sponsored activities during which time the student may receive instructional materials as submitted per the requirements in AR 504. A principal may not suspend a student for more than ten school days, while the Disciplinary Panel may suspend a student for any period of time it deems appropriate, not to exceed one school semester.

"Expulsion" shall be the disciplinary removal of a student from the schools of this District by the Disciplinary Panel for a period of time exceeding one school semester, during which period the student shall not receive instructional materials or credit for work performed. The Disciplinary Panel is comprised of members of the Board of Trustees and/or District level administrators. Each Disciplinary Panel must seat at least one Trustee. The decision of the Disciplinary Panel is a final decision with no right of appeal to the full Board of Trustees.

No student otherwise eligible for attendance at the schools of this District shall be excluded from school unless that student has materially and substantially interfered with the maintenance of good order in the schools or unless it is necessary to protect the physical and emotional safety and well-being of any student, staff, or the public. Pursuant to NRS 392.467, no student shall be suspended or expelled until the student has been given notice of the charges against him or her, an explanation of the evidence, and an opportunity to schedule a hearing, except that a student who poses a continuing danger to persons or property; is an ongoing threat of disrupting the academic process; is selling or distributing any controlled substance; or is found to be in possession of a firearm or a dangerous weapon as provided by law, may be removed from school immediately upon being given an explanation of the reasons for his or her removal and pending proceedings, to be conducted as soon as practicable after removal, for the student's suspension or expulsion.

# ADMINISTRATIVE REGULATION

No. 529

## Board of Trustees Douglas County School District

Any pupil who commits a battery which results in the bodily injury of any employee of the school or who sells or distributes any controlled substance shall be provided with In School Support by a site administrator, which could result in a disciplinary hearing. However, for a first offense, the school shall meet with his or her parent or legal guardian and provide a plan of action based on restorative justice. The parent or legal guardian of the pupil may choose for the pupil not to participate in the plan. If the parent or legal guardian of the pupil chooses for the pupil not to participate, the school shall inform the parent or legal guardian of the consequences of not participating in the plan.

The pupil may be suspended, expelled from school, or placed in another kind of school during the period of suspension/expulsion. For a second occurrence of one or more of the violations the student may be permanently expelled from that school and enroll in a program of alternative education.

Should there be substantial safety concerns stemming from the first offense, movement of a student may occur. In these instances, the receiving school would be required to implement a plan of action based on restorative justice.

### PROCEDURES FOR HOMELESS PUPILS

Upon removing a pupil from a classroom or any other premises of a public school for more than one (1) school day, the principal of the school must contact the local educational agency 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 a school, including, without limitation, a school counselor or school social worker, to make a determination of whether the pupil is a homeless pupil, as defined by law.

If the District has notice that the student is homeless or in foster care, the student may be suspended for more than five (5) days only if, following a review of all available information and a meeting with an educational decision maker, if one has been appointed pursuant to NRS 432B.462, the principal determines that the conduct of the pupil poses an ongoing threat to the pupil 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 and expulsion.

If the principal determines that the behavior that led to the suspension was caused by or had a substantial relationship to the pupil being in foster care or being homeless, the principal shall eliminate the period of suspension and provide the pupil with behavioral and academic support and assign the pupil to a temporary alternative placement for not more than 45 school days.

# ADMINISTRATIVE REGULATION

No. 529

## Board of Trustees Douglas County School District

**A student, who is age 11 or older, may be suspended or expelled for commission of one or more of the following offenses committed in school facilities, on school grounds, during lunch and break periods, at any school-sponsored activities, on a school bus, at a school bus stop, or on the way to or from school. This also includes conduct off school property that materially and substantially affects and disrupts school operations or causes school officials to reasonably believe that it will do so. Upon the second suspension the school will design a restorative justice plan for the student.**

1. Malicious damage to school property.
2. Willful disobedience to administrators, teachers, or other School District personnel.
3. Hazing in connection with any school function or social activity related to school.
4. Impairing or threatening the health, safety, or welfare of teachers, students, or other persons.
5. Failure to immediately report a situation or incident that could result in impairing or threatening the health, safety, or welfare of teachers, students, or other persons.
6. Use of profane or vulgar language.
7. Possession and/or use of tobacco or electronic nicotine-delivery devices (including but not limited to e-cigarettes, e-hookahs, vapor pens).
8. Any act constituting bullying or cyber-bullying as defined by NRS 388.122 or NRS 388.123. See DCSD Administrative Regulation 543 for specific definitions.
9. Possession, use, and/or being under the influence of alcohol or other drugs, including, but not limited to, inhalants, designer drugs\*, controlled substances (or a substance purported to be a controlled substance or mimic the effect of a controlled substance), prescription drugs, unless the student has been prescribed the prescription drug by a physician and in accordance with Board Policy 508, or inappropriate use of over-the-counter (OTC) drugs. Refer to Drug & Alcohol Board Policy No. 523.
10. Gang activity.
11. Possession and/or use of a weapon.
12. Involvement in cheating or plagiarizing assessments or assignments.

# ADMINISTRATIVE REGULATION

No. 529

## Board of Trustees Douglas County School District

13. Violation of established school or District regulations or Board policies not already covered by this policy, but as may be outlined in school or District handbooks and to be specifically noted in the suspension or expulsion letters and documents sent home to parents.

14. Behavior in a manner that substantially disrupts learning by pupils at the school; causes bodily harm to another person; or places another person in reasonable fear of bodily harm.

### **Mandatory Expellable Offense**

Pursuant to subsections 5 and 6 of NRS 392.466, a student found in possession of a firearm or a dangerous weapon as defined by NRS 202.265 **must**, for a first occurrence, be expelled for a period of not less than one year. A student who is found to have possessed a dangerous weapon may, however, be placed in another kind of school during the period of the expulsion. A student who is found to have possessed a firearm is precluded from attending any Douglas County School District school for a period of not less than one year.

For a second occurrence of possession of a firearm or a dangerous weapon, the student **must** be permanently expelled from that school and receive equivalent instruction authorized by the state board.

### **Habitual Disciplinary Problem**

Pursuant to NRS 392.4655, a principal of a school shall deem a student enrolled in the school a habitual disciplinary problem if the school has written evidence, which documents that in one school year the student has:

- (a) 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 significant suspensions from the school for any reason; and
- (b) not entered into and participated in a plan of behavior pursuant to subsection 5 of NRS 392.4655.

If a student who is deemed a habitual disciplinary problem is under the age of 11 and the school has made a reasonable effort to complete a plan of action based on restorative justice the student may, be suspended or expelled from school for a period equal to at least one school semester, provided that no student may be deemed a habitual disciplinary problem unless DCSD has written evidence which documents that the homelessness of the student was not a factor in his or her behavior, as determined after conducting a meeting

# ADMINISTRATIVE REGULATION

No. 529

## Board of Trustees Douglas County School District

with the local educational agency liaison for homeless pupils designated in accordance with the McKinney-Vento Homeless Assistance Act of 1987, or a contact person at the school, including, without limitation, a school counselor or school social worker.

Prior to deeming a student a habitual disciplinary problem, if a student is suspended, the school shall provide written notice to the parent or legal guardian, which includes an explanation that a student who is deemed a habitual disciplinary problem may be:

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

Such notice must be provided at least 7 days before the school deems the pupil a habitual disciplinary problem.

The superintendent, at the Board of Trustees' direction, may, for good cause shown in a particular case, allow a modification to the expulsion requirement as applicable for the violations above if he/she determines that a plan of action based on restorative justice may be used successfully.

### **Students who have an Individual Education Plan**

As with general education students, a student with an IEP who is younger than 11 years old must not be permanently expelled except under extraordinary circumstances, in which case a school may request an exception to this prohibition from the district Board of Trustees (See NRS 392.467.1).

A student with an IEP who is at least 11 years old may be removed from a school, suspended, or expelled only after the district Board of Trustees or its designee has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act (IDEA) (NRS 392.466.12; NRS 392.467.6), except in the case of possession of a firearm or dangerous weapon by a student.

Suspension of a student with an IEP is limited to 1-5 days for each occurrence of misconduct (NRS 392.466.12; NRS 392.467.6).

# ADMINISTRATIVE REGULATION

No. 529

## Board of Trustees Douglas County School District

The school official that assumes the responsibility for suspension of a student shall also assume the primary responsibility for the initiation of the rehabilitative process of the student. This shall include a satisfactory parent conference at the school and the use of such other special services as may be deemed helpful.

\*Designer Drugs – Drugs synthesized in an attempt to create an analogue of a better-known, illegal or legal chemical.

### **PROCEDURES FOR TEMPORARY SUSPENSION OF TEN DAYS OR LESS**

1. Tell the student you are meeting with him/her to investigate the allegations that the student has violated rule(s), policies, or regulations of the District.
2. Tell the student the specific rules, policies, or procedures that are alleged to have been violated and that if the evidence supports the allegations, there will be consequences up to and including suspension from school. Ask if he/she understands the allegation(s).
3. Explain to the student the evidence you have regarding the alleged violation(s).
4. Ask the student if he/she admits or denies the allegation(s). If the student admits to violation(s), assign appropriate consequences. If the student denies the allegation(s), give him/her the chance to explain and present his/her side of the story. The Administrator will consider his/her explanation, and if the Administrator deems it appropriate, may investigate the matter further. (This does not mean that the student can secure counsel, confront and cross-examine witnesses, or call witnesses on his/her behalf to present his/her case).
5. After hearing the student's explanation and evidence, the Administrator should determine if she/he needs more information, and, if so, obtain it before making a decision. If not, the Administrator should determine what, if any, violations exist and assign appropriate consequences.
6. If the student has a behavior plan, the administrator should review the plan with the student. If the student does not have a behavior plan and the student is subject to the habitual discipline statute, then a behavior plan may be written.
7. If suspension is appropriate, the Administrator shall notify the student that he/she will be suspended for (number of days) commencing (starting date).

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