

## CLARK COUNTY SCHOOL DISTRICT REGULATION

R-5141.1

### DISCIPLINE: CONTROL OF DANGEROUS AND ANTISOCIAL BEHAVIOR

- I. The law charges every teacher and principal with maintaining order and discipline among students and provides that students who do not comply with reasonable rules may be recommended for disciplinary action.
- II. 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 receiving, and students who have been identified as 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.

- III. Violation of Nevada Revised Statutes (NRS) 392.466 or the commission of any dangerous or antisocial behaviors defined in the *Clark County School District K-12 Student Code of Conduct* may result in the student being suspended, recommended for behavior school placement, or recommended for expulsion, unless otherwise provided for in this regulation, or other disciplinary action when occurring:
  - A. At any time on school grounds, whether or not school is in session, at the student's assigned school.
  - B. At any time on school grounds other than the student's assigned school, whether or not school is in session, or upon District controlled properties.
  - C. Off school grounds at a school activity, function, event, or on the way to and from school or a school activity, function, or event.
  - D. Off school grounds but within sufficient proximity to school 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, and safety of students or school employees.
  - E. 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 upon the health, welfare, and safety of students or school employees.
  - F. At any time on or off the school grounds when the conduct has a direct impact on the health, welfare, and safety of students or school employees.

- IV. It is the principal's responsibility to take actions as necessary to protect students and school personnel from dangerous or socially detrimental actions of students.
- A. Any student who is considered a danger to persons or property may be suspended and removed from school following the *Clark County School District K-12 Student Code of Conduct* established guidelines, subject to the following conditions:
1. The student is given an explanation of the reasons for his/her suspension and removal;
  2. The student is afforded an opportunity to explain his/her conduct;
  3. The recommendation for suspension or expulsion of the student is initiated immediately;
  4. A hearing is conducted as soon as practicable thereafter, but in no case more than three (3) school days after the student 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;
  5. The student is at least eleven (11) years of age for a recommendation for expulsion, excluding a recommendation for expulsion for the offense of possession of a firearm or dangerous weapon;
  6. The school shall provide a restorative plan of action to the parent/guardian of the pupil, if recommending expulsion; and
  7. No student participating in a program of special education 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 students, or five (5) days for any pupil who is participating in a program of special education for children who are impaired, either emotionally or mentally in growth or development, are not effective until the Clark County School District Board of Trustees, or its designee, reviews the circumstances involving the violation and approves the recommendation. The assistant superintendent, Education Services Division, is authorized to act for the Board of School Trustees and shall consider the nature of the offense and the student's disciplinary history for one calendar year prior to the recommendation for expulsion. If recommended for expulsion, the parent/guardian may request a hearing with the Board of School Trustees Expulsion Review Board.

## V. Mandatory Expulsion Recommendations

A general education student who is found to have committed the following offense must be recommended for expulsion (a student participating in a program of special education 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):

1. Possession of a firearm, including a weapon defined by the Gun-Free Schools Act of 1994 as set forth below, or a dangerous weapon, which includes without limitation, blackjack, slungshot, 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 air soft gun, bb gun, paint ball gun, and pellet gun are all considered weapons. Principals 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.
- B. In addition, when a violation of law is believed to have occurred, the student may be referred to the appropriate law enforcement agency.
- C. In accordance with the Federal Gun-Free Schools Act of 1994, if an expulsion recommendation results from a student's possession of a firearm (any weapon which will or is designed 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 of Schools 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 of Schools or designee, the assistant superintendent for the Education Services Division.

The Federal Gun-Free Schools Act of 1994 does not affect the requirement that discipline of students with disabilities, who violate school regulations or policies regarding firearms or destructive devices, must still comply with Part B of the IDEA and Section 504 of the Rehabilitation Act of 1973.

- D. In accordance with NRS 392.466, a general education student in possession of a dangerous weapon as described in NRS 392.466 must be expelled from school unless the Superintendent of Schools 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 of Schools or designee, the assistant superintendent for the Education Services Division. A student participating in a program of special education 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.
  - E. Expulsion recommendations may be appealed in accordance with District Regulation 5114.2 Discipline: Expulsion Procedures.
  - F. A student who is deemed to be a habitual disciplinary problem, as defined in Section VII, and is at least eleven (11) years of age, may be expelled from school for a period not to exceed one school semester.
- VI. Definitions for what constitutes dangerous or antisocial student behavior can be found in the *Clark County School District K-12 Student Code of Conduct*.
- VII. Habitual Disciplinary Status
- A. Except as otherwise provided in this section, a principal of a school shall deem a pupil enrolled in the school a habitual disciplinary problem if the school has written evidence which documents that in one (1) school year:
    - 1. 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
    - 2. The pupil has not entered into and participated in a restorative plan of action pursuant to Section E.
  - B. At least one teacher of a pupil who is enrolled in elementary school and at least two teachers of a pupil who is enrolled in junior high, middle school, or high school may request that the principal of the school deem a pupil a habitual disciplinary problem. Upon such a request, the principal of the school shall meet with each teacher who made the request to review the pupil's record of discipline. If, after the review, the principal of the school determines that the provisions of subsection 1 do not apply to the pupil, a teacher who submitted a request pursuant to this subsection may appeal that determination to the Board of School Trustees.

Upon receipt of such a request, the Board of School Trustees shall review the initial request and determination pursuant to the procedure established by the Board of School Trustees for such matters.

- C. If a pupil is suspended, the school in which the pupil is enrolled shall provide written notice to the parent/guardian of the 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 his/her record during the current school year and has not entered into and participated in a restorative plan of action pursuant to Section E, 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, he or she may be suspended or expelled from school in the same manner as a pupil without a disability; and
  5. A summary of the provisions of Section E.
- D. A school shall provide the notice required by Section C for each suspension on the record of a pupil during a school year. Such notice must be provided at least seven (7) days before the school deems the pupil a habitual disciplinary problem.
- E. If a pupil is suspended, the school in which the pupil is enrolled shall develop, in consultation with the pupil and the parent/guardian of the pupil, a restorative plan of action for the pupil. The parent/guardian may choose for the pupil not to participate in the restorative plan of action. Such a plan must be designed to prevent the pupil from being deemed a habitual disciplinary problem and may include without limitation:

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1. A plan for graduating if the pupil is deficient in credits and not likely to graduate according to schedule.
  2. Information regarding schools with a mission to serve pupils who have been:
    - a. Expelled or suspended from a public school, including without limitation, a charter school; or
    - b. Deemed to be a habitual disciplinary problem pursuant to the section.
  3. A voluntary agreement by the parent/guardian to attend school with his/her child.
  4. A voluntary agreement by the pupil and the pupil's parent/guardian to attend counseling, programs, or services available in the school district or community.
  5. A voluntary agreement by the pupil and the pupil's parent/guardian that the pupil will attend summer school.
- F. If a pupil commits the same act for which notice was provided pursuant to Section C after he or she enters into a restorative plan of action pursuant to Section E, the pupil shall be deemed to have not successfully completed the restorative plan of action and may be deemed a habitual disciplinary problem.
- G. A pupil may, pursuant to the provisions of this section, enter into one restorative plan of action per school year.
- H. The parent/guardian of a pupil who has entered into a restorative plan of action with a school pursuant to this section may appeal to the Board of School Trustees Expulsion Review Board concerning 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 Board of School Trustees Expulsion Review Board shall review the situation and render a decision, which will be final and binding.
- I. 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:
1. Suspended from the school for a period not to exceed one school semester as determined by the seriousness of the acts which were the basis for the discipline; or
  2. Expelled from 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; or
  - b. Enroll in a program of study provided for pupils who have been suspended or expelled from public schools.

Cross References:	Regulation 5114, Discipline: Student Exemption and Exclusion (Voluntary and Involuntary) Regulation 5114.1, Discipline: Suspension Procedures Regulation 5114.2, Discipline: Expulsion Procedures Regulation 5134, Care of School Property
Legal References:	NRS Chapter 388 System of Public Instruction NRS Chapter 391 Personnel NRS Chapter 392 Pupils NRS Chapter 393 School Property Review NRS Chapter 202 Crimes Against Public Health and Safety NRS 200.571 Nevada AB376 (1997) 20 U.S.C. 8001 et. seq. 18 U.S.C. 921
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