

CLARK COUNTY SCHOOL DISTRICT REGULATION

5114.2

EXPULSION PROCEDURE

I. Expulsion is the removal of a student from school for any of the reasons provided for in Clark County School District Regulation 5141.1, Discipline: Control of Dangerous and Antisocial Behavior, or Regulation 5141.2, Discipline: Harassment. The procedure for determining whether a student should be recommended for expulsion is set forth below:

- A. The principal shall report any violation of the law to the appropriate law enforcement agency.
- B. The principal shall suspend the student by use of a "Notice of Suspension" (Form CCF-806) pending further investigation by administration and review of the facts which may lead to a recommendation for expulsion.
- C. Within three (3) school days of the suspension, the principal must conduct a hearing with the student and the student's parent(s) or legal guardian(s), to discuss the investigation of the incident, the violation of school rules and/or District regulations, and the student's prior discipline history, as well as any information submitted that the parent(s) or legal guardian(s) would like the principal to consider as it relates to the suspension and the possible recommendation for expulsion.

At the conclusion of the hearing, the principal shall make a decision regarding the disciplinary action, which may include a recommendation for expulsion. The principal must recommend expulsion if it is determined at the hearing the student has or is believed to have committed any of the offenses listed in Regulation 5141.1(VII)(A) as offenses which require a mandatory recommendation for expulsion.

- D. If the student is to be recommended for expulsion, the parent(s) or legal guardian(s) must be informed of the due process procedures available. The parent(s) or legal guardian(s) must decide whether to contest or not contest the expulsion and sign a statement to that effect. If the parent does not sign the statement, the expulsion will be treated as a contested expulsion. The parent(s) or legal guardian(s) will be provided in writing with the due process procedures available. These procedures will be provided during the hearing with the principal or with the written decision.
- II. The following levels of due process are available to the parent(s) or legal guardian(s) of a student who is being recommended for expulsion:

- A. A hearing will be conducted by the school principal. 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 student's prior disciplinary record, will be reviewed with the student and the parent(s) or legal guardian(s). The parent(s) or legal guardian(s) must be allowed to present any information to the principal that the parent(s) or legal guardian(s) would like the principal to consider. The student must also be allowed to be heard regarding the incident resulting in the recommendation for expulsion.
- B. At the conclusion of the hearing, the principal shall inform the parent(s) or legal guardian(s) of the decision and must within two (2) school days following the hearing provide written notice of the decision regarding the recommended expulsion.
- C. If the decision to recommend expulsion is upheld by the principal, the principal will forward the required documentation (as listed on Form CCF-571) to the Associate Superintendent, Education Services Division, or designee, within two (2) school days.
- D. Within three (3) school days of receiving the principal's recommendation, the Associate Superintendent, Education Services Division, or designee will review the recommendation to assure compliance with due process procedures and evaluate the appropriateness of the discipline recommended. The Associate Superintendent, Education Services Division, or designee, will determine whether the recommended expulsion should be limited or permanent as defined in Section III(D)(4), or modified.
- E. Within two (2) school days after a determination has been made, the Associate Superintendent, Education Services Division, or designee, will notify the parent(s) or legal guardian(s) of the recommendation and determination.
- F. If the decision to recommend expulsion is upheld and the parent(s) or legal guardian(s) decides to contest the expulsion recommendation, the parent(s) or legal guardian(s) must notify the Associate Superintendent, Education Services Division, of the intent to contest the recommendation for expulsion within fourteen (14) days of receiving notice of the recommendation for expulsion. Within fourteen (14) days after receipt of the notice contesting the expulsion, a hearing will then be held by an Education Services Division Hearing Panel.

III. EXPULSION HEARING PANEL

- A. The Education Services Division Hearing Panel, selected by the Associate Superintendent, Education Services Division, will consist of three members as follows:
 - 1. A secondary education administrator
 - 2. A secondary education teacher, and
 - 3. A secondary education support staff employee
- B. The members of the Hearing Panel may not be selected from the school from which the student was recommended for expulsion.
- C. Deans and Police Officers may not serve as members of the Panel.
- D. The Education Services Division Hearing Panel will make the following determinations:
 - 1. What disciplinary offense, if any, has been committed by the student; and
 - 2. If the student has committed a disciplinary offense, what is the appropriate consequence and educational placement; and
 - 3. The Panel must consider the nature of the offense, the student's disciplinary history for one calendar year prior to the recommendation for expulsion, the student's academic record and academic concerns as well as any district regulations, and state or federal laws.
 - 4. If the Education Services Division Hearing Panel determines that the student has committed the offense with which the student has been charged, the Panel may decide on:
 - a. Permanent expulsion - Permanent expulsion means permanent removal of a student from a regular school campus and contemplates no trial enrollment except for alternative school placement.
 - b. Limited expulsion – Limited expulsion allows a student to return to a regular school campus, other than the campus from which the student was expelled, on a trial enrollment following a successful period of alternative school placement.
 - c. A modified plan for school placement.

- E. If appropriate, the Associate Superintendent, Education Services Division, may process an appeal directly to the Expulsion Review Board.
- F. If the panel upholds the decision to expel the student and the parent(s) or legal guardian(s) does not agree with the decision of the Panel, the parent(s), or legal guardian(s) may appeal the decision to the Board of School Trustees Expulsion Review Board.
- G. An appeal to the Expulsion Review Board must be requested in writing and submitted to the Associate Superintendent, Education Services Division, or designee no later than fourteen (14) days after receipt of the decision of the Education Services Division Hearing Panel.

IV. EXPULSION REVIEW BOARD

- A. The Expulsion Review Board will consist of a panel composed of three members, with no more than two members of the Board of School Trustees selected on a rotating basis and an individual selected from a pool of individuals to be identified by the superintendent or his designee. A trustee may not, however, serve as a member of the Review Board to hear any appeal from a student's parent(s) or legal guardian(s) within the Board District represented by the trustee.
- B. The Expulsion Review Board will meet the first Tuesday of each month at 8:30, 9:30, and 10:30 a.m. and the third Tuesday of each month at 3:00, 4:00, and 5:00 p.m. If necessary, the days and times may be altered or additional meetings may be scheduled.

Trustees who would like to participate will schedule the dates of their participation three months in advance. A trustee who is scheduled to participate is responsible for finding a replacement member of the panel if the trustee is unable to attend.

- C. The identified pool of persons eligible to serve as members of the panel of the Expulsion Review Board will consist of former trustees, retired educational administrators, retired school counselors and retired school psychologists. A person selected to serve as a member of the Expulsion Review Board will serve a term of one year as a member of the Expulsion Review Board.
- D. Two members of the Expulsion Review Board panel will constitute a quorum. A quorum does not have to include a trustee. A decision of the Expulsion Review Board shall be by majority vote and two votes are required to constitute a majority.

- E. The Expulsion Review Board will conduct an evidentiary hearing at which both, a school administrator(s) and the student, parent(s) or legal guardian(s), may present evidence, testimony, and argument related to the student'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 student; such evidence may not include testimony or other evidence regarding the school disciplinary status of other students who may have been involved in the incident.
- F. The student may be represented by legal counsel at the Expulsion Review Board hearing, if the parent(s) or legal guardian(s) so desires, at no expense to the District. The school shall be represented by the Office of the General Counsel. The Expulsion Review Board will be represented by counsel from the Clark County Office of the District Attorney.
- G. The Expulsion Review Board must make the following determinations:
 - 1. What disciplinary offense, if any, has been committed by the student; and
 - 2. If the student has committed a disciplinary offense, what is the appropriate consequence and educational placement considering the nature of the offense, the student's disciplinary history for one calendar year prior to the date of the subject offense, as well as the student's overall academic record or any other academic concerns.
- H. The Board of School Trustees will be informed by the Associate Superintendent, Education Services Division, or designee of the decision of the Expulsion Review Board.
- I. The Board of School Trustees will not conduct a formal hearing regarding the decision of the Expulsion Review Board, having designated the 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.
- J. The decision of the Expulsion Review Board is final and binding.

Cross References: Policy 5114, Student Dismissal
Regulation 5114, Student Dismissal
Regulation 5114.1, Suspension
Regulation 5141.1, Discipline: Control of Dangerous and Antisocial Behavior
Regulation 5141.2, Discipline: Harassment

Regulation 5140, Student Discipline and Cooperation with
Law Enforcement Agencies
Policy 1213, Public Concerns
Regulation 1213.1, Public Concerns

Legal References:

NRS Chapter 392 Pupils

Review Responsibility:

Education Services Division

Adopted:

10/8/98

Pol Gov Rev:

9/5/01

Revised:

5/13/04