

## 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.

- III. Violation of Nevada Revised Statute (NRS) 392.466 or the commission of any dangerous or antisocial behaviors defined in the Behavior Guidelines for Secondary Students (PUB-776) or Behaving Positively at School (PUB-777) 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 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 immediately, subject to the following conditions:
    - 1. The student is given an explanation of the reasons for his suspension and removal,
    - 2. The student is afforded an opportunity to explain his conduct,
    - 3. A recommendation for suspension or expulsion of the student is initiated immediately, and
    - 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.
  - B. Suspensions in excess of 10 days or expulsions from school of pupils in Grades 1 to 6, inclusive, or 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 Board of School 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 and shall consider the nature of the offense, the student's disciplinary history for one calendar year prior to the recommendation for expulsion. If recommended for expulsion, the parent(s) or legal guardian(s) may request a hearing with the Expulsion Review Board.
- V. Mandatory Expulsion Recommendations
  - A. A student who is found to have committed any of the following offenses must be recommended for expulsion from school:
    - 1. Battery on a school employee;
    - 2. Battery to a student with significant injury, where a clear imbalance of power has been established;
    - 3. Possession of a firearm, including a weapon defined by the Gun-Free Schools Act as set forth below, or a Dangerous Weapon, which includes, without limitation, a blackjack, slungshot, billy, sand-club, sandbag, metal knuckles, dirk or dagger, a nunchaku, switchblade knife or trefoil, a butterfly knife or any other knife described in NRS 202.350, 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, 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; or

4. Drugs, Alcoholic Beverages, Use, Possession, and Distribution as follows:
    - a. Any sale, distribution, sharing or possession with intent to distribute, any form or amount of drugs or alcoholic beverages.
    - b. Any possession of drugs or alcohol, except that the principal, or designee, will, for the first such incident, take appropriate disciplinary action other than recommending expulsion, and may also establish other conditions such as counseling and/or drug testing; however, the student and a parent or guardian must attend and complete the District's Substance Abuse Awareness Program.
- B. In addition, when a violation of law is believed to have occurred, the student will 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 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. Such a modification must be made by the superintendent or his designee, the Assistant Superintendent for 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 Individuals with Disabilities Act (IDEA) and Section 504 of the Rehabilitation Act.
- D. In accordance with NRS 392.466, a student in possession of any weapon as described in NRS must be expelled from 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. Such a modification must be made by the Superintendent or his designee, the Assistant Superintendent for Education Services Division.

- 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. 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 Behavior Guidelines for Secondary Students (PUB-776) and Behaving Positively at School (PUB-777).
- 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 plan of behavior 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 Trustees of the school district. Upon receipt of such a request, the Board of Trustees shall review the initial request and determination pursuant to the procedure established by the Board of 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 or legal 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 or her record during the current school year and has not entered into and participated in a plan of behavior pursuant to Section E, the pupil will be deemed a habitual disciplinary problem;
    - 3. An explanation that, pursuant to subsection 3 of NRS 392.466, a pupil who is deemed a habitual disciplinary problem 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 388.520, an explanation of the effect of subsection 7 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 may develop, in consultation with the pupil and the parent or legal guardian of the pupil, a plan of behavior for the pupil. Such a plan must be designed to prevent the pupil from being deemed a habitual disciplinary problem and may include, without limitation:
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 this section.
  3. A voluntary agreement by the parent or legal guardian to attend school with his or her child.
  4. A voluntary agreement by the pupil and the pupil's parent or legal 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 or legal guardian that the pupil will attend summer school.
- F. If a pupil commits the same act for which notice was provided pursuant Section C after he or she enters into a plan of behavior pursuant to

Section E, the pupil shall be deemed to have not successfully completed the plan of behavior and may be deemed a habitual disciplinary problem.

- G. A pupil may, pursuant to the provisions of this section, enter into one plan of behavior per school year.
- H. The parent or legal guardian of a pupil who has entered into a plan of behavior with a school pursuant to this section may appeal to the Expulsion Review Board (ERB) concerning the contents of the plan of behavior or action taken by the school pursuant to the plan of behavior. Upon receipt of such a request, the ERB 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, 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 school.

Cross References: Regulation 5114, Discipline: Student Exemption and Exclusion  
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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