

## STUDENT DISCIPLINE

The Lyon County School District Board of Trustees (“Board of Trustees”) 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 exclusion deprives a child of the right to an education.

No student shall be deprived of the right to an education in the public schools of this District without notice of the charges against them, an explanation of the evidence and an opportunity for hearing, which will be informal or formal, depending upon the length of exclusion being imposed or proposed. Suspensions, expulsions, or permanent expulsions of students in this District will be imposed only in compliance with all state and federal laws and regulations, including compliance with the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973, as applicable.

For purposes of this policy, “short-term suspension” shall be the temporary exclusion of the student by the school principal from the school, all school programs, and school-sponsored activities for up to ten school days. A “long-term suspension” shall be the exclusion of the student from the school by a panel of three school administrators (“Discipline Panel”) for any period of time beyond ten school days, but no more than one semester. An “expulsion” shall be the exclusion of the student from the school by the Discipline Panel for more than one semester, but not permanently. A “permanent expulsion” shall be the exclusion of the student from the school by the Discipline Panel, without the possibility of returning to any regular school campus. A suspension, expulsion, or permanent expulsion may be appealed in accordance with the procedures outlined in Administrative Guidelines for Suspension and Expulsion. See Board Policy JFCC for right of appeal to the Superintendent of a disciplinary decision imposed for violation of the prohibition on bullying, cyber-bullying, and discrimination based on race.

School administrators shall maintain safe and secure learning and working environments. School administrators and teachers will communicate in writing to all students and parents the expectations of appropriate school conduct. All student behavior will be guided based on these principles. School administrators, teachers, and other staff members will not subject themselves to abuse, annoyance or interruptions of their normal functions by violations of the stated standards. Staff members will hold students to strict account for their conduct on or in close proximity to school grounds, and at such other times and places as the law allows (e.g., at school-sponsored events). Disruption of the delivery of instruction will not be tolerated.

It shall be the policy of the Board of Trustees that the Superintendent shall cause to be formulated administrative regulations and procedures to provide a basic discipline procedure for all schools in the District.

Reference: NRS 392.461-4675

Policy #JG

Revised 10/22/24 8/26/25

***STUDENT DISCIPLINE – ADMINISTRATIVE REGULATIONS***  
**SUSPENSION AND EXPULSION**

**I. General Statement**

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.

These regulations establish the procedures for implementation of Policy JG in the school district.

Throughout these regulations, the term “school administrator” generally refers to the school principal or designee. The term “parent” generally refers to the student’s parents or legal guardians.

These Administrative Regulations incorporate 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:

- 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.

**II. Definitions**

**Suspension**

“Suspend” or “suspension” means the disciplinary removal of a student from the school in which the student is currently enrolled for not more than one school semester.

**Expulsion**

“Expel” 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.

**III. 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 is a priority.

**IV. 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 with disabilities at any age, may be suspended from school for not more than ten (10) days for each occurrence of misconduct, expelled, or permanently expelled from school only after a designee of the Board of Trustees has reviewed the circumstances and determined that the action is in compliance with the IDEA. In Lyon County School District, the Executive Director of Special Services 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 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.

Before any school administrator suspends a student with a disability for any portion of a day, up to a maximum of ten (10) days per occurrence of misconduct, or conducts a hearing regarding a proposed expulsion or permanent expulsion, the administrator must contact the

Executive Director of Special Services who will determine whether the procedural requirements, if any, under the IDEA have been satisfied. This determination must be made before implementation of the 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 ten (10) cumulative days.

**V. Administrative Responsibility**

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

**VI. Prohibited Conduct and Consequences**

Consequences for misconduct vary and will be imposed or recommended by school administrators (including, as applicable, the assistant principal or principal) 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 city, state or federal laws are alleged to have been violated, referral will also be made to the proper legal authorities. Any offense deemed serious by a school administrator may result in a long-term suspension or expulsion. Under certain circumstances, suspension or expulsion is mandatory under state law. See Section VII.

1. Damage to school property, vandalism, theft
2. Receiving or possessing stolen property, under circumstances that would cause a reasonable person to know the property was stolen from another
3. Presence in an unauthorized area; leaving school buildings or grounds during school hours without proper clearance
4. Engaging in threatening or intimidating behavior
5. Willful disobedience, insolence, or insubordination to administrators, teachers, or other school personnel, including but not limited to behavior which defies instructions of district personnel, and the use of impertinent language toward administrators, teachers, or other school personnel
6. Assault, battery, fighting, or inciting others to engage in fighting
7. Possession of or being under the influence of any controlled or mind altering substance, (e.g. Kratom), alcoholic beverage, or intoxicants unless verified by a valid prescription; sale of any controlled substance or its counterfeit; possession, sale, or use of drug paraphernalia
8. Possession, sale, purchase or use of controlled substance paraphernalia
9. Sale or purchase of any controlled or mind altering substance (e.g. Kratom or its counterfeit)
10. Possession of firearm or dangerous weapon as defined under NRS 392.466 see Section VII for mandatory suspension or expulsion under certain circumstances
11. Possession of knives or weapons that are not defined as dangerous under NRS 392.466, including but not limited to pocketknives
12. Bullying, cyberbullying, or discrimination based on race in violation of Board of Trustees Policy JFCC
13. Slander or libel, by spreading false information in writing or verbally about a person

- and harming his/her reputation
14. Hazing in connection with any school or social activity relating to school
  15. Disorderly conduct, including conduct that impairs the health, safety, or welfare of teachers, students, or other persons, or interferes with the maintenance of school discipline, including but not limited to reporting a false fire alarm or bomb threat, possession or use of incendiary device, and gambling
  16. Use of firecrackers, snappers, or similar devices, including the discharging, distribution, possession, sale or use of the same
  17. Use of profane or vulgar language, oral/written obscenity, or obscene gestures; indecent exposure, including an open indecent or obscene exposure of one's person or the person of another
  18. Inappropriate dress and appearance that presents potential health or safety problems or causes school disruptions
  19. Inappropriate public displays of affection; sexual activity or misconduct
  20. Possession, use, sale, or distribution of tobacco products in violation of Board of Trustees Student Smoking Policy JFCG
  21. Harassment of other students, administrators, teachers, or other school personnel, including harassment based on sex, gender identity, race, religion, national origin, disability as defined in Board of Trustees Policy AC
  22. Truancy; excessive tardies
  23. Engaging in conduct that warrants the reasonable belief that substantial disruption of school operations will likely result
  24. Violating the district's internet and public network acceptable use policy as defined in Board of Trustees Policy EDB
  25. Violating the district's policy concerning the use of cellular telephones and other electronic devices as defined in Board of Trustees Policy EDBB
  26. Engaging in gang activity or association in violation of Board of Trustees Policy JFC
  27. Violating school bus rules or other school traffic/transportation rules
  28. Altering or attempting to alter school records such as attendance records, grade records, etc.
  29. Forging or using forged passes, excuses, or other school documents
  30. Cheating; dishonesty; plagiarizing
  31. Actions for which state law mandates discipline as set forth in Section VII of these guidelines
  32. Violating any other rules that the principal has established and has published in the school handbook
  33. Violating any prohibition on student conduct established in any Board of Trustees policy
  34. Engaging in any conduct that is prohibited by city, state or federal law

## **VII. Suspension, Expulsion or Permanent Expulsion**

### **General Provisions**

With the exception of the authority given to LCSD 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 suspension, expulsion or permanent expulsion for violations of the LCSD 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 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. LCSD 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 LCSD 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 Section IX, Procedures for Short-Term Suspensions.

For any proposed suspension of more than 10 days or an expulsion, see Section X, 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:

- 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 LCSD 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 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.

Nevada law 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.

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.

**B. Student who Commits a Battery Against a School Employee**

State law authorizes the LCSD 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 law does not allow the suspension, expulsion, or permanent expulsion 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 LCSD 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 law does not allow the suspension, expulsion, or permanent expulsion 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 LCSD 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. Student in Possession of a Dangerous Weapon Other than a Firearm**

State law authorizes the LCSD 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" includes, without limitation, a blackjack, slungshot, billy, sand-club, sandbag, metal knuckles, dirk or dagger, a nunchaku or trefoil, as defined in NRS 202.350, a

butterfly knife or any other knife described in NRS 202.350, a switchblade knife as defined in 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.

**F. Student in Possession of a Firearm**

State law authorizes the LCSD 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 LCSD 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 law does not allow the suspension or expulsion 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.

**VIII. 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:

- A. At any time on school grounds, at the student's assigned school or at any other school, or upon any properties controlled by the District, whether or not school is in session.
- B. Off school grounds at a school activity, function, event, or on the way to and from school or a school activity, function, or event.
- C. 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.
- D. 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.
- E. 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.

**IX. 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 used to suspend a student from school for up to 10 school days. Except for the seven categories of misconduct described in Section VII, students must be at least 11 years old to be subjected to a short-term suspension.

The term “school administrator” refers to a dean/assistant principal or principal.

- A. The school administrator tells the student that he/she is meeting with the student to investigate allegations that the student has violated laws, and/or rules, policies, or regulations of the school district.
- B. 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.
- C. The school administrator explains to the student the evidence the school administrator has regarding the alleged violation(s).
- D. 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.
- E. After hearing the student's explanation and evidence, the school administrator determines whether 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.
- F. Before any school official suspends a student with a disability receiving IEP services for any portion of a day (up to a maximum of ten (10) days per occurrence of misconduct), the administrator must contact the Executive Director of Special Services who will determine whether procedural requirements, if any, under the IDEA have been satisfied. This determination must be made before implementation of the suspension.
- G. If suspension is appropriate (for ten consecutive school days or less), the administrator notifies the student that the student will be suspended for (number of days) commencing (startingdate). A special education student receiving IEP services may be suspended for up to ten (10) days maximum per occurrence of misconduct.
- H. 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 via telephone call that the student has been suspended, including the terms (a description of the act committed by the student and the date on which the act was committed), effective date, and duration of the suspension. The terms of the suspension and the

current process to exercise the right to appeal the suspension shall be confirmed in writing through 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. Only suspensions of three (3) or more days may be appealed.

If the suspension is for 3-10 days, the correspondence 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.

- I. 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 Deputy 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 request for an appeal may be filed based on one or more of the following grounds:

1. A procedural error that significantly impacted the outcome of the investigation.  
The request for an appeal must include a statement of the alleged procedural error.
2. New evidence which was unknown or unavailable during the original investigation and that could substantially impact the original findings or sanction.  
The request for an appeal must include a summary of new evidence, why it was unavailable at the time of the investigation and its potential impact.

The Deputy 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 hearing chaired by a Lyon County School District school administrator who did not issue the original suspension. The student or, if the student is under 18 years of age, the parent or legal guardian and a Lyon County School District school counselor shall be invited to the appeal hearing. During the hearing, 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 meeting with the school administrator who issued the suspension. The school

administrator chairing the appeal hearing, in consultation with the school counselor, shall then determine whether the disciplinary action taken by the school administrator who issued the suspension will be upheld or overturned. The Deputy Superintendent will notify the student or, if the student is under 18 years of age, the parent or legal guardian of the appeal decision within two school days of the appeal hearing. The appeal decision is final.

X. **Procedures for Long-Term Suspensions (more than 10 school days, up to one semester), Expulsions (more than one semester), and Permanent Expulsions**

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 for more than 10** consecutive school days (up to one semester), **expulsions** (more than one semester), and **permanent expulsions** (no possibility of returning to a regular campus. The term “expulsion” generally refers to either an “expulsion” or a “permanent expulsion.” Except for the seven categories of misconduct described in Section VII, students must be at least 11 years old to be subjected to a long-term suspension or expulsion.

The timelines are general guidelines, subject to modification under individual circumstances.

- A. If the school administrator determines that a **long-term suspension or 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.
- B. Students with disabilities receiving IEP services may not be suspended for more than ten (10) 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 Executive Director of Special Services who will determine whether procedural requirements, if any, under the IDEA have been satisfied. This determination must be made before scheduling any hearing.
- C. The Superintendent or his or her designee will designate a panel of three impartial school district administrators (the “Discipline Panel”) to conduct a hearing on the proposed long-term suspension expulsion.
- D. The hearing will generally be scheduled no later than the conclusion of the short-term suspension, unless individual circumstances require an extended timeline.
- E. Three calendar days in advance of the scheduled hearing, the school administrator will

send or hand-deliver to the student (if 18 years of age or older) and his or her parents or guardians a written notice that includes the following:

1. A statement of the laws, rules, policies, and/or regulations allegedly violated by the student and the disciplinary action proposed by the school administrator;
  2. Notification that the school district will convene a hearing before imposing any additional suspension(beyond any short-term suspension already imposed) or expulsion;
  3. Notification of the date, time, and location for the scheduled hearing;
  4. Notification of the student's right to be represented at the hearing by an advocate of his or her choosing, including legal counsel;
  5. 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;
  6. Notification of witnesses the school intends to present;
  7. Notification of written evidence the school intends to present and copies of any such evidence;
  8. Notification of the current process to exercise the right to appeal the long-term suspension or expulsion; and
  9. A copy of this administrative regulation.
- F. The Discipline Panel 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 and impeaching evidence, as the Discipline Panel deems appropriate.
- G. Neither the school administrator nor the student or his or her parent shall discuss the merits of the case with any member of the Discipline Panel prior or subsequent to the hearing.
- H. The District will record the hearing, and the District's recording is the official recording of the proceeding. The student, or if the student is under 18 years of age, the parent or legal guardian may obtain a copy upon request.
- I. All hearings shall be closed to the public. (NRS 392.467)
- J. At the conclusion of the hearing, the Discipline Panel 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,

when feasible, the written decision 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.

- K. 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 request for an appeal may be filed based on one or more of the following grounds:
1. A procedural error that significantly impacted the outcome of the investigation. The request for an appeal must include a statement of the alleged procedural error.
  2. New evidence which was unknown or unavailable during the original investigation and that could substantially impact the original findings or sanction. The request for an appeal must include a summary of new evidence, why it was unavailable at the time of the investigation and its potential impact.

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 Deputy Superintendent in writing within five (5) days of the issuance of the decision of the hearing committee. The Deputy 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 Deputy Superintendent will immediately contact the Superintendent. The appeal of a long-term suspension or an expulsion will be conducted by the Superintendent or designee in an in-person or virtual hearing within five (5) days of receipt of the request for an appeal. During the hearing, 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 or designee will review the recording of the hearing and the final decision of the Discipline Panel. The Superintendent or designee will review adherence to the requirements for procedural safeguards listed above. The Superintendent or designee will review the evidentiary basis for the decision of the Discipline Panel. After reviewing the evidentiary basis for the decision and the extent to which the hearing procedures were adhered to, the Superintendent or designee shall then determine whether the disciplinary decision of the Discipline Panel will be upheld or overturned. The Superintendent or designee 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 hearing. The decision of the Superintendent or designee is final.

**XI. Students Under Suspension or Expulsion From Other Schools**

Except as otherwise provided in NRS 392.4675, Lyon County School District Schools will



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not accept students who are under suspension or expulsion from other schools until such suspension or expulsion has been completed.

### **XII. Exception to Policy JG**

An exception to this policy will be made with respect to student-athletes who test positive for alcohol, tobacco, or controlled or mind altering substances pursuant to LCSD Policy JFCJ (Random Drug Testing of Student Athletes). Students testing positive as a result of Policy JFCJ will be regulated in accordance with that policy.

### **XIII. Temporary Alternative Placement**

If a student's behavior severely and consistently interferes with teaching and learning, he/she may be removed from class (or other school premise) temporarily in accordance with NRS 392.4645.

The student who interferes with the teacher teaching or the students learning may be removed from class temporarily. While out of class, the student must be supervised and working on schoolwork (in another classroom or in the office). The principal (or designee) will meet with the student and notify parents within 24 hours of the student's removal from class. Within three days, there will be a conference including the administrator, student, parents, teacher, counselor and Case Manager (if applicable). After the conference, the principal will decide whether the student should return to class. If the recommendation is that the student returns to class, and the referring teacher disagrees with that decision, the principal will call a meeting of the Progressive Discipline Committee (consisting of two elected teachers and an elected staff member; if the referring teacher or staff member is a member of the committee, the elected alternates should take their place at the review meeting) and inform the parents that the committee will be meeting to discuss the student's placement. The Committee will review the circumstances for the student's removal and assess the best placement. The committee shall direct that the student be: (1) returned to the classroom (or other premise) from which he/she was removed; (2) assigned to another classroom (or other premise); (3) assigned to an alternative educational program; or (4) referred to an Administrative Panel for possible suspension or expulsion. The committee may take other appropriate disciplinary action against the student should it deem necessary.

### **XIV. 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 so inform the building principal, who will inform the parents immediately of the misconduct and request their cooperation in changing the pupil's behavior.

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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 <b>may</b> 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 <b>may</b> 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 <b>may</b> 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 <b>WITH INTENT TO RESULT IN BODILY INJURY</b> *New category	8+	Yes	Yes	Yes	Pupil <b>must</b> be suspended, expelled, or permanently expelled.
	6-7	Yes	No	No	Pupil <b>must</b> be suspended.
	5 or less	Yes	No	No	Pupil <b>may</b> be suspended.

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	less				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 <b>may</b> 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 <b>may</b> 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 <b>may</b> 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 <b>only after</b> the suspension is reviewed and approved by Superintendent or designee.
POSSESSION OF DANGEROUS WEAPON OTHER THAN FIREARM	11+	Yes	Yes	Yes	Pupil <b>may</b> 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 <b>may</b> 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 <b>may</b> 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 <b>only after</b> the suspension is reviewed and approved by Superintendent or designee.
POSSESSION OF FIREARM	11+	Yes	Yes	Yes	Pupil <b>must</b> 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 <b>must</b> be suspended, expelled, or permanently expelled. (lengths of removals no longer in statute)
	8-10	Yes	Yes	No	Pupil <b>must</b> be removed from the public school immediately upon being given an explanation of

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					the reasons for the removal of the pupil and pending proceedings, which must be conducted as soon as practicable after removal.  Pupil <b>must</b> be suspended or expelled.
	6-7	Yes	No	No	Pupil <b>must</b> 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 <b>may</b> be suspended.
	5 or less	Yes	No	No	Pupil <b>must</b> 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 <b>may</b> be suspended.  Pupil may be suspended <b>only after</b> 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.
<b>ADDITIONAL PROVISIONS THAT APPLY TO ALL SUSPENSIONS, EXPULSIONS, AND PERMANENT EXPULSIONS</b>					
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.					