



Nye County School District

Board Policy

POLICY: 7540

**SUSPENSION OR AND EXPULSION OF A STUDENT FOR
BATTERY—WEAPON—DISTRIBUTION OF A CONTROLLED
SUBSTANCE**

PURPOSE: Establishment of guidelines for the suspension or expulsion of Nye County School District (NCSD) students

Responsible Office: Assessment & Accountability Department

Nye County School District (NCSD) follows the Nevada Revised Statutes (NRS), Nevada Administrative Code (NAC), Individuals with Disabilities Act (IDEA), McKinney-Vento Homeless Assistance Act of 1987, Nevada State Guidance Memos, Assembly Bill (AB)285, and AB330 for all discipline matters. as stated below.

Refer to Regulation 7540R for further information and processes.

Battery or Sale/Distribution of Controlled Substance

Any student who commits a battery which results in the bodily injury of an employee or who sells or distributes any controlled substance while on any school premises, at a school-sponsored activity, on any school bus, and who is at least 11 years of age will meet with the school administrator/designee and his/her parent/legal guardian. The school will provide a Behavior Intervention Plan (BIP) based on restorative justice to the parent/legal guardian. The student may be suspended or expelled from the school, in which case the student will:

1. enroll in a private school pursuant to NRS Chapter 394, become an opt-in child, or be homeschooled;
or
2. enroll in a program of independent study pursuant to NRS 389.155, or a distance education program.

The parent/legal guardian may choose for the student not to participate in the BIP. In this case, the school administrator/designee will inform the parent/legal guardian of the consequences of not participating in the BIP. Said consequences may include, but are not limited to, immediate suspension, expulsion, etc.

An employee who is a victim of a battery which results in his/her bodily injury, may appeal to the school any/all of the provisions the student's BIP provided if:

1. the employee feels any actions taken pursuant to the BIP are inappropriate; and



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2. for a Special Education student who committed the battery, the Board of Trustees (BOT)/Designee has reviewed the circumstances and determined that such an appeal is in compliance with the Individuals with Disabilities Education Act (IDEA).

Possession of Firearm or Dangerous Weapon

Any student who is found in possession of a firearm or a dangerous weapon while on any school premises, at a school-sponsored activity, or on any school bus must, for the first occurrence, be expelled from the school for a period of not less than one (1) year, although the student may be placed in another kind of school for a period not to exceed the period of the expulsion. For a second occurrence the student must be permanently expelled from the school.

If the school is unable to retain the student in the school for the safety of any person or because doing so would not be in the best interest of the student, the student may be suspended, expelled or placed in another school. If the student is placed in another school, the current school of the student will explain what services will be provided at the new school. The current school and the new school will create a BIP based on restorative justice for the student to ensure that any resources required to execute the plan are available at the new school.

The Superintendent may, for good cause shown in a particular case, allow a modification to the suspension or expulsion requirement if such modification is set forth in writing. The Superintendent will allow such a modification if the Superintendent determines that a BIP based on restorative justice may be used successfully.

A student who is 10 years of age or younger, must not be permanently expelled from school. In an extraordinary circumstance, a school may request an exception to the NCSD BOT. A student 11 years of age and older may be permanently expelled from school only after the NCSD BOT/Designee has reviewed the circumstances and approved the expulsion.

A Special Education student 11 years of age and older may be:

1. suspended from school for not more than 5 days for each occurrence of conduct;
2. permanently expelled from school only after the NCSD BOT has reviewed the circumstances, determined that the action is in compliance with the IDEA, and approved the expulsion.

A homeless student, or a student in foster care who is at least 11 years of age, may be suspended or expelled from school only if a determination is made that the behavior that led to the consideration for suspension or expulsion was not caused by homelessness or being in foster care. The site administrator will presume that the behavior was caused by homelessness or being in foster care pending determination made in consultation with the liaison for homeless students designated in accordance with McKinney-Vento Homeless Assistance Act of 1987.



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A student enrolled in kindergarten or Grades 1 to 8 may not be disciplined including, without limitation, for:

1. ~~simulating a firearm or dangerous weapon while playing; or~~
2. ~~wearing clothing or accessories that depict a firearm or dangerous weapon or express an opinion regarding a constitutional right to keep and bear arms, unless it substantially disrupts the educational environment.~~

~~Simulating a firearm or dangerous weapon includes, without limitation: brandishing a partially consumed pastry or other food item to simulate a firearm or dangerous weapon; possessing a toy firearm or toy dangerous weapon that is 2" or less in length; possessing a toy firearm or toy dangerous weapon made of plastic building blocks which snap together; using a finger or hand to simulate a firearm or dangerous weapon; drawing a picture or possessing an image of a firearm or dangerous weapon; and using a pencil, pen or other writing or drawing implement to simulate a firearm or dangerous weapon.~~

~~A student who simulates a firearm or dangerous weapon may be disciplined when disciplinary action is consistent with a policy adopted by the BOT and such simulation substantially disrupts learning or the educational environment; causes bodily harm to another person; or places another person in reasonable fear of bodily harm. The BOT will not adopt any policy or regulation which conflicts with this section. However, the provisions of this section will not be construed to prohibit a school from establishing and enforcing a policy requiring students to wear a school uniform.~~

~~Schools are required to provide written notice to parents/legal guardians each time a student is suspended for any reason. The notice must include a description of the act committed, the date on which the act was committed, and an explanation that if the student receives five significant suspensions during the current school year, and has not entered into and participated in a BIP, the student will be deemed a habitual disciplinary problem.~~

REVISION HISTORY

Date	Revision	Reviewed	Modification
May 21, 2003	1.0		Adoption
October 1, 2021	2.0		Amendment
<i>Use date of 2nd Reading</i>	3.0		Amendment: AB285 and AB330 (2023)

NEPN/NSBA Classification:

Legal Reference: [NRS Chapter 392](#); ~~392.4655 & 392.466-392.4675 & 392.910~~; [IDEA](#); [McKinney-Vento Homeless Assistance Act of 1987](#); [AB285](#); [AB330](#) ~~AB-67~~

Forms Location: None