

**SUSPENSION OR EXPULSION OF A PUPIL FOR BATTERY - WEAPON
- CONTROLLED SUBSTANCE**Battery or Sale/Distribution of Controlled Substance

Any pupil who commits a battery which results in the bodily injury of an employee of the school or who sells or distributes any controlled substance while on the premises of any public school, at any activity sponsored by a public school or on any school bus must, for the first occurrence, be suspended or expelled from that school, although he/she may be placed in another kind of school, for at least a period equal to one semester for that school.

For a second occurrence the pupil must:

- a) be permanently expelled from that school; and
- b) enroll in a private school, or be homeschooled, or enroll in a program of independent study or distance education if the pupil qualifies for enrollment in accordance with the requirements of the applicable program.

Possession of Firearm or Dangerous Weapon

Any pupil who is found in possession of a firearm or a dangerous weapon while on the premises of any public school, at an activity sponsored by a public school or on any school bus must, for the first occurrence, be expelled from the school for a period of not less than one year, although he/she may be placed in another kind of school for a period not to exceed the period of the expulsion.

For a second occurrence:

- a) be permanently expelled from the school; and
- b) and enroll in a private school, or be homeschooled, or enroll in a program of independent study or distance education if the pupil qualifies for enrollment in accordance with the requirements of the applicable program.

The Superintendent may, for good cause shown in a particular case, allow a modification to the expulsion requirement if such modification is set forth in writing.

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

- simulating a firearm or dangerous weapon while playing; or
- 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 pupil who simulates a firearm or dangerous weapon may be disciplined when disciplinary action is consistent with a policy adopted by the Board of Trustees 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 Board of Trustees shall not adopt any policy or regulation which conflicts with this section. However, the provisions of this section shall not be construed to prohibit a school from establishing and enforcing a policy requiring pupils to wear a school uniform.

Schools are required to provide written notice to parents/legal guardians each time a pupil 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 pupil receives five suspensions during the current school year and has not entered into and participated in a plan of behavior, the pupil will be deemed a habitual disciplinary problem.

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NEPN/NSBA Classification:

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