

268 STUDENT DISCIPLINE HEARING

DEFINITIONS

- ADA – Americans with Disabilities Act
- IDEA – Individuals with Disabilities Education Act
- IEP – Individualized Education Plan
- NRS – Nevada Revised Statutes
- Serious or Very Serious Substantive Threat – Substantive assault threats are considered serious substantive threats. Substantive threats to kill, rape, or inflict very serious harm are considered serious substantive threats. Substantive threats involving a weapon are classified very serious substantive threats.
- Substantive Threat – The individual expresses intent to physically injure or harm someone beyond the immediate situation. There is at least some risk the student will carry out the threat. A substantive threat requires that some protective action be taken. A substantive threat may be repeated over time and may include a plan or evidence of planning.
- Threat Assessment- The process of evaluating the risk of violence posed by someone who has expressed the intent to inflict harm on another. The assessment is focused on actions, communications, context and specific circumstances in order to uncover any evidence that the threat may be carried out.

DUE PROCESS PROCEDURE – LONG-TERM SUSPENSION AND EXPULSION

Level I Hearing

After a determination is made by the administrator that a student is to have a long-term suspension or expulsion, the principal of the school shall notify the student and parent(s)/guardian(s) within 24 hours.

Within seven (7) calendar days of the date listed on the long-term suspension/expulsion notice, the parent(s)/guardian(s) shall notify the principal as to their desire to proceed with a Level I Hearing.

If the parent(s) waive their rights to a hearing, the discipline shall be imposed and the matter will be concluded.

If a request is made for a Level I Hearing, the administrator shall, within seven (7) calendar days hold a hearing with the parent(s)/guardian(s) and the student.

At said hearing, the school administrator shall present the nature of the charges and all evidence supporting the allegations justifying the long-term suspension/expulsion.

The parent(s)/guardian(s) and the student shall have an opportunity to respond and to discuss other educational options as appropriate.

Level II Hearing

A request for a Level II Hearing shall be submitted to the Board of Directors.

Within fourteen (14) calendar days of receipt of the Level II Hearing request, a Level II Hearing shall be held with a hearing officer, who shall not be an employee of the School. The hearing officer shall determine the facts of the case solely on evidence presented by the student and the School. The hearing officer shall base his/her decision in accordance with Nevada Revised Statutes and the written Policies and Regulations of Oasis Academy.

The hearing shall be closed to the public, pursuant to NRS 392.467. A tape recording of the hearing will be made at the expense of Oasis Academy. Upon request, and at his/her own expense, the student may obtain copies of said recording.

The student shall have the right to be represented by an advocate of his/her choosing.

The hearing officer shall not be required to observe the same rules of evidence observed by the courts. Hearsay testimony of students shall be admissible.

The standard of proof shall be that of a civil action; a preponderance of the evidence. The hearing officer's determination of the appropriate consequences shall be based on the seriousness of the conduct as well as the student's prior disciplinary record insofar as it affects the effectiveness or ineffectiveness of forms of discipline previously imposed.

The hearing officer shall issue a written decision within seven (7) calendar days stating his/her findings and conclusions.

Copies of the decision shall be sent to the student, his/her parent(s)/guardian(s) and to the Board of Directors. The hearing officer's decision shall be final in all cases where the penalty is less than long term suspension or expulsion.

In the case where long-term suspension or expulsion is recommended by the hearing officer under statutory mandated penalties set forth in 266 EXPULSION AND LONG TERM SUSPENSION, the hearing officer shall issue the written recommendation stating the findings of fact and conclusions.

The hearing officer's recommendation shall be submitted to the Board of Trustees for final determination at the next regularly-scheduled meeting, or as soon as possible in compliance with any provisions of the Nevada open meeting law.

The Board of Directors shall suspend or permanently expel a student only after the circumstances have been reviewed and it is determined the action is in compliance with the IDEA and Section 504 of the ADA, where applicable.

Prior to making a decision, the Board may refer the report back to the hearing officer for further evidence and recommendations. The decision of the Board of Directors shall be sent in writing to the student and his/her parent(s)/guardian(s).

Legal References:

NRS 392.467

School Letter Head

Insert Date

Recipients Name

Address

Address

Dear Parent/Guardian

This letter is to advise you that a recommendation for **expulsion or long term suspension** has been made. Enclosed you will find a copy of Oasis Academy's 266 EXPULSION AND LONG TERM SUSPENSION policy and 268 STUDENT DISCIPLINE HEARING policy. This recommendation has been forwarded to the Board of Directors for final approval.

If you do not agree with this recommendation please see the enclosed STUDENT DISCIPLINE HEARING 283 policy for information regarding that process

Respectfully,

School Administrator

CERTIFIED MAIL

Oasis Academy
EXPULSION/LONG TERM SUSPENSION LEVEL I HEARING

This is to inform you that on **Date**, Oasis Academy made a recommendation to the Board of Directors that **Students Name**, be **expelled** or **suspended for number of days** for the following: **Reason or reasons for expulsion or long term suspension**.

I have been given a copy of Oasis Academy's 266 EXPULSION AND LONG TERM SUSPENSION policy and 268 STUDENT DISCIPLINE HEARING policy. I **agree** with the recommendation and am not contesting this recommendation.

Signature – Parent/Guardian

Date

I have been given a copy of Oasis Academy's 266 EXPULSION AND LONG TERM SUSPENSION policy and 268 STUDENT DISCIPLINE HEARING policy. I **do not agree** with the recommendation and am contesting this recommendation.

Signature – Parent/Guardian

Date

If you do not agree with the recommendation made a Level II Hearing will be scheduled within fourteen (14) day days of receipt of this form.

School Letter Head

Insert Date

Recipients Name

Address

Address

Dear Parent/Guardian

In accordance with 268 STUDENT DISCIPLINE HEARING a Level I Hearing was held for **student's name**, on **date** with **administrator** to discuss the recommended **expulsion or long term suspension**. At this hearing, the facts were presented to you and you were given an opportunity to respond. It has been determined that the actions of your child constitute a violation of Oasis Academy Policy and/or Nevada Statute.

You have been provided a copy of Oasis Academy's 266 EXPULSION AND LONG TERM SUSPENSION policy and 268 STUDENT DISCIPLINE HEARING policy.

This letter is to advise you that the recommendation for **expulsion or long term suspension** has been forward to the Board of Directors for final approval. If you do not agree with this decision you have the right to request a Level II hearing. Please see the provided 268 STUDENT DISCIPLINE HEARING policy for information regarding that process.

Respectfully,

School Administrator

CERTIFIED MAIL

Oasis Academy
WITNESS STATEMENT

Name: _____ Date: _____

Position (Student/Teacher/Etc.): _____

Incident Location: _____

Date and Time of Incident: _____

Statement:

Signature: _____

Date: _____

