

The following Suggested Model Policies for Nevada State Board of Education-Sponsored Charter Schools was developed primarily with Nevada's State Board-sponsored charter schools in mind. Unlike charter schools sponsored by local school districts, these schools may not have school district policies to which they could refer for guidance in developing their own policies. However, district-sponsored charter schools may find the model policies useful as well.

The Policies provide guidance only, and are not meant to be automatically, wholly adopted by any charter school, regardless whether the school's sponsor is the State Board, a local district, or an institution of higher education. The following guidelines apply to using the Policies:

- Policies and Bylaws to be adopted by a charter school should be reviewed and approved by the school's sponsor.
- Policies and Bylaws should also be reviewed and approved by the charter school's legal counsel.
- Charter schools should feel free to alter these suggested policies in consultation with the school's legal counsel and sponsor.

# Preface

School district manuals that are variously referred to as board manuals, board policy manuals, and board policy and regulation manuals provide direction to schools that are governed by each of the Nevada school districts. This manual was written to serve the same purpose for charter schools in Nevada that are sponsored by the Nevada State Board of Education rather than by a school district. In this manual the terms “school” and “charter school” refer to a Nevada State Board of Education sponsored charter school rather than a district sponsored charter school or other district school, unless it is apparent that the reference is to a district school.

Many of the policies and procedures in various Nevada school districts are very similar, because they are based in part on the same state and federal laws and regulations or on case law, but there are also many variations in policy from district to district because of differences among the districts. Similarly, a charter school’s governing body may find good reasons that some policies in this manual do not suit their school and that somewhat different policies would be more appropriate for their school. Alternative policies may be adopted by a charter school’s governing body with permission of its sponsor so long as those policies comply with state and federal law and regulation, and so long as the alternative policies reflect sound school practice.

It is important to note that the policies in this manual, like school district policies, provide direction to schools, but they do not address all possible situations that are covered by state and federal laws and regulations. A charter school may encounter a special situation in which a policy in this manual will conflict with the more detailed direction provided by state and federal laws and regulations. If a state or federal law or regulation conflicts with the policies in this manual, state and federal laws and regulations take precedence over the policies in this manual. Further, if there is a conflict between state law or regulation and federal law or regulation, federal law and regulation take precedence over state law and regulation.

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## **AGE OF ENTRANCE 501**

Children who will be five years old on or before September 30 may enter kindergarten at the opening of the school year. Parents or guardians of kindergarten pupils must present a birth certificate or other satisfactory proof of age at the time of registration.

Children who will be six years old on or before September 30 may enter the first grade. First grade children being enrolled in school for the first time must show satisfactory proof of age.

During the school year, kindergarten and first grade children who transfer into school from outside the state may be enrolled in either kindergarten or first grade according to the age of entrance requirements in the state from which they are transferring. Unless the school determines that the normal age requirements for admission to kindergarten or first grade are being deliberately circumvented. Any kindergarten or first grade child who transfers from outside the state and who is placed in kindergarten or first grade as per his or her previous enrollment outside of the state will be placed on a trial basis. If it turns out that it would have been more appropriate to place the student in a higher or lower grade, this may be done by following the procedures in this manual under PLACEMENT OF NEW CHILDREN in the section of this manual titled PUPIL PROGRESS 510.

A child will not be allowed to be permanently enrolled in school until the parent or guardian of the child furnishes a birth certificate or other document suitable as proof of the child's identity and, if applicable, a copy of the child's records from the school most recently attended.

If the parent fails to furnish the identifying document or records within thirty (30) days after the child is conditionally enrolled, the administrator, or his/her designee, shall notify the local law enforcement agency and request a determination as to whether the child has been reported missing.

Exception to the age of attendance requirement for enrollment in the first grade may be granted under the provisions of NRS 388.490 for handicapped minors when special programs have been provided for such minors.

In the process of enrolling a student, any parent, guardian, or other person who, with intent to deceive, makes a false statement concerning the age or attendance at school, or presents a false birth certificate or record of attendance at school, for a child under 17 years of age is guilty of a misdemeanor.

Legal References:

NRS 392.040 to 392.220

NRS 388.060

## **ADMISSION TO CHARTER SCHOOLS 503**

Each charter schools is required to admit transfer students at all times of the school year up to the enrollment stated in the school's charter.

Each charter school, unlike other public schools, must enroll students who are state residents regardless of each student's county of residence.

Charter schools shall enroll pupils who are eligible for enrollment in the order in which the applications are received. If more pupils who are eligible for enrollment apply for enrollment in the charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll on the basis of a lottery system.

Some charter schools are not open to all Nevada students who may wish to apply. Under NRS 386.580 a charter school may be formed exclusively to provide educational services to pupils

1. Who have disabilities,
2. Who pose such severe disciplinary problems that they warrant an educational program specifically designed to serve a single gender and emphasize personal responsibility and rehabilitation, or
3. Who are at risk.

Except as outlined above, a charter school shall not discriminate in the acceptance of a pupil's application for enrollment in the charter school, or otherwise discriminate based on a pupil's:

1. Race,
2. Gender,
3. Religion,
4. Ethnicity, or
5. Disability.

Legal References:

NRS 386.180  
NRS 386.520  
NRS 386.580

## **IMMUNIZATION 504**

Each student enrolling in a charter school must present certification that the student has been immunized according to the provisions of NRS 392.435.

Parents must have written documentation from a physician or health clinic indicating the dates of each immunization and boosters received. All immunizations must be up to date.

A conditional enrollment is accepted for a period of up to 30 days if immunization records are not available at the time of enrollment.

Students whose parents show appropriate written evidence that their child should not be immunized because of religious beliefs or medical condition will be excused from this requirement.

Legal References:

NRS 392.435 to NRS 392.448  
NAC 392.101 to NAC 392.360

## **ATTENDANCE OF NONCHARTER SCHOOL STUDENTS 505**

Students who are enrolled in public non-charter schools, nonpublic schools or who are home schooled may enroll in classes or extracurricular activities, excluding sports, in charter schools on a space available basis under the following conditions:

1. "Space available" means student space that does not exceed the maximum class size for a particular course and does not eliminate space for potential transfer of full-time charter school students.
2. To be considered for attendance, nonpublic school students, home school students, or private school students must make a written request to the administrator of the school they desire to attend. This written request must be in the receiving administrator's possession on or before the fifth (5<sup>th</sup>) day of the beginning of each semester. On or before the eleventh (11<sup>th</sup>) day of the beginning of the semester, the administrator, or his/her designee, shall inform the home or private school student and parent(s) whether the request will be accepted or denied. Requests made after the fifth (5<sup>th</sup>) day may be considered for the subsequent semester. At the discretion of the administrator, or his/her designee, requests may also be considered at other times.
3. At the time of enrollment, proof of existing enrollment in a public non-charter school, home school, or private school must be furnished.
4. The public non-charter school, home school student, or private school student must meet the same enrollment prerequisites guidelines that exist for all other students seeking to participate in the course or activity program. Proof of meeting the prerequisites or guidelines that exist for all other students must be provided at the time the student requests to participate in the course or program.
5. The charter school will transfer all credit earned by the student to the appropriate school.
6. Requests from public non-charter school, private school, or home-school students will be considered in the order in which they are received by the administrator.
7. For band or orchestra, the student must provide his/her own instrument. The public non-charter school, home school, or private school student may not participate in honor band, honor orchestra, or honor choir without first qualifying through a public school program.

8. If the teacher and/or school administrative staff determines that the public non-charter school, home school, or private school student is not adhering to any of the above criteria, that student will be removed from the program.

Students with disabilities who are enrolled public non-charter school, home school, or private school may participate in accordance with the same requirements set forth in 20 U.S.C.(1412).

Legal Reference:

NRS 386.580

## **ATTENDANCE CHECKING, ABSENCES, MISSED INSTRUCTION, TRUANCY, MINIMUM ATTENDANCE, MAKE-UP WORK AND PARENT/SCHOOL RESPONSIBILITIES 506**

Pupils will be required to attend school regularly in accordance with Nevada statutes. School attendance for kindergarten through grade 12 is essential to students' academic success and personal growth. In order to meet or exceed state academic standards and develop habits of punctuality, self-discipline, and responsibility, students must attend and participate in their prescribed educational programs.

Attendance is a shared responsibility and concern of students and parents/guardians, with the assistance and support of school staff and the community.

### **ABSENCE DEFINED**

#### **Elementary Absence**

1. If a student is present for less than two-thirds (2/3) of the morning session, the student is marked absent for half a day.
2. If a student is present for less than two-thirds (2/3) of the afternoon session, the student is marked absent for a half a day.
3. If a student is present less than two-thirds (2/3) of the morning session and less than two-thirds (2/3) of the afternoon session, the student is marked absent for a full day.

#### **Secondary Absence**

If a student is not in class when the class period begins, the student is marked absent.

### **CLASSIFICATION OF ABSENCE**

When the school determines the reason for absence, the absence is identified as one of the following reasons.

#### **Unverified:**

1. Reason for the absence is unknown Medical
2. Illness
3. Doctor or dentist appointment
4. Requiring medical treatment

Circumstance:

1. Religious observations
2. Legal
3. Bereavement
4. Prearranged - A prearranged absence is an absence with advance notification to the school administration
5. Family business (Situations where the student misses school due to family business that is outside of the immediate control of the family or to appointments/ activities that cannot be scheduled outside of the school day.)

Examples:

- Sick relative
  - Fiscal matters
  - Other than legal or medical appointments
6. Personal business (Situations where the student misses school due to the student's personal business that is outside the immediate control of the student or parent/guardian or the student's personal appointments/ activities that cannot be scheduled outside of the school day.)

Examples:

- Employment interview
  - Driver's license
7. Non-school/school sponsored athletic or other competition
  8. Emergencies
  9. Suspensions

In-school

Out-of-school

Alternative educational settings:

1. Homebound
2. Juvenile Hall
3. Hospital

School activity:

1. Sponsored by the school,
2. Part of the program of the school, and
3. Personally supervised by an employee of the school.

Truancy:

1. TRU – Truancy
2. CT – Confirmed Truancy
3. CLT – Truancy Letter Sent

Domestic circumstances: Situations where the student misses school due to circumstances or choices within the control of the student or parent/guardian or appointments/activities that could be scheduled outside of the school day.

Examples:

- Student overslept and stayed home
- Student missed the bus and stayed home
- Student stayed home to baby-sit siblings
- Car trouble kept the student from attending school
- Ski school
- Take son/daughter to work
- Circumstances that exceed ten (10) days and/or any circumstances where make-up work is not made up.

#### MISSED INSTRUCTION DEFINED

When a student is in attendance enough not to be counted as absent, but is in fact not present for an entire morning or afternoon session, that student is to be counted for attendance purposes as having missed instruction.

Elementary Missed Instruction:

If a student is present for greater than two-thirds (2/3) but less than one hundred percent (100%) of the morning session, the student is marked missed instruction for the morning session.

If a student is present for greater than two-thirds (2/3) but less than one hundred percent (100%) of the afternoon session, the student is marked missed instruction for the afternoon session.

Secondary Missed Instruction:

If a student enters after class begins or leaves class anytime during the class period, the absence is changed to missed instruction.

## TARDINESS

Like absences, missed instruction also adversely affects the learning process. Since promptness is a recognized virtue in adult life, the schools will emphasize the importance of being on time, therefore, missed instruction may affect the citizenship/ grades. Chronic missed instruction will be referred for disciplinary action.

## CLASSIFICATION OF MISSED INSTRUCTION

### Excused Missed Instruction (EM I)

A student enters class late or leaves early with a legitimate excuse. It is the student's responsibility to provide, in a timely manner, evidence the missed instruction was due to a valid reason.

### Unexcused Missed Instruction (UMI)

A student enters class late or leaves early without a legitimate excuse. Missed instruction is presumed unexcused unless evidence is provided, in a timely manner that the missed instruction was due to a valid reason.

## TRUANCY

As per NRS 386.585, "The governing body of a charter school may adopt rules relating to the truancy of pupils who are enrolled in the charter school if the rules are at least as restrictive as the provisions governing truancy set forth in [NRS 392.130](#) to [392.220](#), inclusive." If the governing body of a charter school does adopt such rules, those rules shall be followed in lieu of the policies and procedures regarding truanancies outlined in this manual.

Truancy is defined in NRS 392.130 as follows: "A pupil shall be deemed a truant who is absent from school without the written approval of his teacher or the administrator of the school, unless the pupil is physically or mentally unable to attend school. The teacher or administrator shall give his written approval for a pupil to be absent if an emergency exists or upon the request of a parent or legal guardian of the pupil. Before a pupil may attend or otherwise participate in school activities outside the classroom during regular classroom hours, he must receive the approval of the teacher or administrator." An unapproved absence for at least one period, or the equivalent of one school period, will be deemed a truancy.

## FIRST CONFIRMED TRUANCY

When a charter school confirms that a student has been truant for the first time the following actions will be taken.

1. The school will work with the parents to try to find the reasons for the truancy, and the school will take reasonable actions designed to encourage, enable or convince the student to attend school.
2. The school will document, assemble and retain all evidence that the truancy is in fact a truancy. The school will document communications with the parent(s) or guardian(s) regarding truancy and the actions taken to encourage, enable, or convince the student to attend school.
3. The administrator will deliver, or cause to be delivered, a written notice of truancy to the parent; and document that such written notice has been delivered. That notice will conform to the requirements outlined in NRS 392.130 through 392.160, and it may, if appropriate, outline some or all of the enforcement penalties in NRS 392.130 through NRS 392.220 that children and/or adults may suffer as a result of their actions or inactions regarding truanancies. The notice to the parent(s) or guardian(s) will also advise them that if there has been an attendance error they need to contact the school immediately.

## SECOND CONFIRMED TRUANCY

If a student is truant for a second time the procedures outlined above under FIRST CONFIRMED TRUANCY should be followed. In the notice sent to parent(s) or guardian(s) for a second truancy the administrator will probably find it appropriate to stress the enforcement penalties for truancy more, and the administrator will notify the parents of the definition of a habitual truant and the consequences of being a habitual truant.

## THIRD CONFIRMED TRUANCY

If a student is truant for a third time, that student shall be declared a habitual truant, and all of the procedures outlined above under FIRST CONFIRMED TRUANCY should be followed, except that the notice delivered to the parent(s) or guardian(s) will include notification that the student will be reported to the local law enforcement agency for investigation and issuance of a citation, if warranted, as a habitual truant. The notice to the parent(s) or guardian(s) will also advise them that if there has been an attendance error they need to contact the school immediately.

## HABITUAL TRUANT

A Habitual truant, as defined by NRS 392.040, is any student who has been declared a truant three (3) or more times within one (1) school year. Any student who has once been declared a habitual truant and who in an immediately succeeding year is absent from school without written approval may again be declared a habitual truant.

When the student has been declared a habitual truant that student will be reported to the local law enforcement agency for investigation and issuance of a citation, if warranted, as a habitual truant.

## CHRONIC ABSENTEEISM/MISSED INSTRUCTION

A student who is chronically absent or missing instruction is defined as any student who has been absent or has missed instruction for more than four (4) days or periods in the same class, during a school quarter and who continues to be absent during subsequent quarters.

The school will review students who are chronically absent/missing instruction to determine appropriate interventions.

## MINIMUM ATTENDANCE REQUIRED

Students must be in attendance at last ninety percent (90%) of the time they are enrolled each year in order to be promoted to the next higher grade, or to earn credit.

The following absences do not count against a student when applying the ninety percent (90%) attendance rule (NRS 392.122):

1. Absences due to the fact that the student is physically or mentally unable to attend school;
2. Up to ten (10) days of absence within one (1) school year
  - a. With the approval of the teacher or administrator of the school pursuant to NRS 392.130 (Truancy Statute),
  - b. If the student has completed course work requirements;
3. Absences due to a school activity that is:
  - a. Sponsored by the school,
  - b. Part of the program of the school, and
  - c. Personally supervised by an employee of the school.

## MAKE-UP WORK

Students will be provided the opportunity to request and complete make-up work for absences and missed instruction.

Not all work, especially work that is participatory and contributive in nature, can be made up. Alternative work may be provided for these activities at the teacher's discretion.

Failure to request make-up work or to return completed make-up work will result in grade reduction for that work for the purpose of classroom grading. Similarly, missing of work that cannot, at the discretion of the teacher, be made up, will result in grade reduction for that work for the purpose of classroom grading.

### MAKE-UP WORK IS DEFINED AS:

1. Scheduled tests,
2. Scheduled quizzes,
3. Homework assigned on the day the student is absent or missed instruction, and
4. A description of the topic(s) covered in class while the student was absent or missed instruction and possible resources where the student can obtain information on the topic(s).

Teachers may require additional make-up work.

Make-up work need not be identical or equivalent to the work missed in the absence or missed instruction period, but will ensure that the student has the opportunity to meet academic standards.

Previously assigned work, that was due on the day the student was absent, is not considered make-up work, and is due the day the student returns to school.

It is the student's and/or parent/guardian responsibility to request make-up work on the day the student returns to class.

Within two (2) school days of receiving the request, the teacher will provide the requested make-up work.

It is also the student and/or parent/guardian responsibility to return the completed make-up work within the designated deadline. Failure to do so will result in no credit being given.

Students will have a minimum of as many days/periods as they were absent plus one (1) day to make up the work unless other arrangements are made with the teacher. For example, if a student is absent two (2) days/periods he/she will be given two (2) + one (1) or three (3) days/periods to make up the work. The timeline for making up the work begins when the student receives the make-up assignment from the teacher.

#### MAKE-UP WORK FOR TRUANCIES AND SUSPENSIONS

In order to allow students to progress academically, students will be given the opportunity to make up work for truancies and suspensions.

Teachers with concerns about make-up work for truancies or suspensions are encouraged to meet with the administrator, or his/her designee, to identify consequences for the truancy or suspension that do not impact student academics.

#### ABUSE OF MAKE-UP WORK POLICY

Students who abuse the make-up work policy by failing to complete and return make-up work may, at the discretion of the teacher, lose the privilege of making up work for that class. The parent/guardian and the student may request administrative review of the teacher's decision.

Failure to request or to return make-up work will result in grade reduction for that work for the purposes of classroom grading. Similarly missing work that cannot, at the discretion of the teacher, be made up, will result in grade reduction for that work for the purposes of classroom grading.

## SCHOOL RESPONSIBILITIES

1. The school shall inform the parent(s) or legal guardian(s) of each student who is enrolled in the school that the parent(s) or legal guardian(s) and the student is required to comply with the provisions governing the attendance and truancy of students as set forth in
  - a. The attendance and truancy sections of Nevada Revised Statutes (NRS 392.040 to 392.160, inclusive),
  - b. Rules concerning attendance and truancy adopted for charter schools by the charter school's sponsor, and
  - c. Any additional rules concerning attendance and truancy adopted by the charter school's governing body.
2. The school will attempt to contact the parent or legal guardian on the day of the student's unverified absence.
3. Parent(s) or legal guardian(s) shall be informed of any known or suspected truancy involving their son or daughter.
4. Whenever a student's lack of attendance jeopardizes his or her continued educational progress, the school administration shall contact the parent(s) or legal guardian(s) and request a conference to determine causes and solutions. Whenever possible, the conference shall include the parent(s) or legal guardian(s), student, and appropriate school personnel.
5. When a child has missed four (4) days, or four (4) periods of the same class, of school per quarter because of illness, the school nurse, or his or her designee, may contact the family to verify illness and/or provide assistance.
6. After site interventions have been exhausted, the administrator, or his or her designee, may investigate and work with local law enforcement officials if appropriate.
7. Schools will indicate on academic warning notices, progress reports and/or report cards information regarding absences and missed instruction, which may impact student's progress.
8. Charter schools will not suspend students from school for truancy.

## SCHOOL PROGRAMS

1. Each school will recommend qualified students for Homebound (Home and Hospital) Education.
2. Each school will develop attendance incentive programs as well as programs of positive recognition for students who have good attendance habits. All schools will continue to work on the development of partnerships with the business community to assist in encouraging students to attend school.

## PARENT OR GUARDIAN RESPONSIBILITIES

1. Parent(s) or guardian(s) should telephone the school either before each absence or the day of each absence to let the school know not to expect the pupil in school. This will help to ensure the child's safety.
2. If the parent(s) or guardian(s) did not call on the day of an absence, the parent(s) or guardian(s) will provide an oral or written excuse within three (3) days after the student returns to school explaining the cause of the absence.
3. If the parent(s) or guardian(s) does not notify the school of the reason for absence within three (3) days after the student returns to school, the absence will remain unverified. If legitimate reasons, as determined by the administrator, or his/her designee, caused the delay in notification, the absence may be changed from unverified to the appropriate code.
4. Parent(s) or guardian(s) are requested to notify the school in writing of any student health problems that have been verified by a medical professional and may result in lengthy/chronic absences from school.
5. It is the parent's or guardian's responsibility to attend conferences relating to attendance when requested by the school.
6. Parent(s) or guardian(s) must request approval for prearranged absences from the administrator, or site administrator, at least two (2) school days in advance of the absence. Extended absences require more advance notice. Although the parent(s) or guardian(s) can prearrange for absences longer than ten (10) days, and the pupil cannot be considered truant for those days, charter school policy can count those as days the pupil is not in attendance for non-promotion purposes.

## CONSEQUENCES OF ABSENCES

The school will review absences, and appropriate interventions will be determined. In addition to site interventions, the school shall do its part to comply with the provisions of NRS 392.126 through NRS 392.220 concerning trancies, which outline procedures to be followed as well as legal consequences, including criminal consequences.

## APPEAL OF DECISION TO FAIL OR RETAIN DUE TO ATTENDANCE

At the discretion of the administrator, the student may be given the opportunity to earn credit in the class or be promoted if all of the following conditions are met:

1. The student or parent/guardian requests an administrative review of the absences and the student's failing academic status;
3. The student's positive attitude, desire to attend school, and motivation to pass the class or be promoted warrants a second chance;
4. The administrator and teacher(s) in question must agree that the student can still pass the class academically or be promoted, given what the student must accomplish academically and given the amount of time remaining in the semester or school year; and
5. The student and parent/guardian agree with all of the following conditions in writing:
  - a. Any further Unverified absence, or, if applicable, Domestic or Truant absence, will result in an "F" for the course or the student not being promoted,
  - b. The student will successfully complete all make-up work according to a schedule developed cooperatively with the teacher(s), and
  - c. The student will successfully complete all subsequent class work and course/class requirements on time.

The decision of the administrator is final.

## UNIQUE CIRCUMSTANCES

There may be pre-planned, unique circumstances that call for a review of the attendance policy provision that requires a student to be in attendance at least 90% of the time in order to pass or be promoted to the next grade. Unique circumstances arise when students are given opportunity to participate in very specialized activities because of family circumstances or the student's own unique talents and skills. Under these circumstances students may be granted additional school approved absences.

Examples of unique circumstances may include:

1. A trip that has unique educational value
2. Participation in an activity that requires specialized skills such as an Olympic development program or professional acting.

To qualify for school approved absences for unique circumstances, students and/or their parents/guardians must:

1. Apply for the additional absences in advance in sufficient time for teachers to prepare make-up work,
2. Provide a description of the circumstances and rationale for requesting additional absences,
3. Provide a plan of action for course work that will be missed,
4. Provide proof of adequate academic progress, class test scores, school behavior, and study habits,
5. Obtain teacher approval and willingness to work with the student regarding his/her missed schoolwork, and,
6. If applicable, demonstrate that they have followed through on commitments previously made utilizing this particular provision of the Attendance Policy.

The school administrator will have the final approval of such a request. If approved, the absences would be considered a school-approved activity.

Legal References:

NRS 386.585

NRS 392.040 to 392.110

NRS 392.130 to 392.160

NRS 392.170 to 392.220

## **LEGAL GUARDIANSHIP 507**

Each student enrolled in a charter school shall record his or her legal guardian or custodian at the time of registration. It is the responsibility of the legal guardian to notify the school and to produce the legal document noting any change in the guardianship or custody.

The parent or guardian in custody must inform the school of any limitations in the rights of a non-custodial parent. Without such notice, a child may be released into the care of either parent.

## **EARLY DISMISSAL 508**

A student may only be released from school to:

1. Authorized officials
2. Custodial parents, legal guardians, or their designees - No student who has a medical disability that may be incapacitating may be released from school except in the company of a responsible individual.
3. Emergency personnel

### **RELEASE OF STUDENTS TO AUTHORIZED OFFICIALS**

Students may be released to public officials who are law enforcement officers or who are child abuse investigators from the Nevada State Welfare Division. The administrator, or the administrator's designee, shall release a student to such public officials if the official shows proper identification. The administrator, or the administrator's designee, shall request that the official write out a statement and sign it indicating that the student has been taken from school. This statement should include the student's name, time, date, reason for removing the student from school, name of the official, title of the official and agency the official is representing. If this request is refused, the administrator, or administrator's designee, shall document the refusal and any reasons given for the refusal, but the student shall be released.

Whenever a public official takes a student from school the administrator, or the administrator's designee, must make reasonable efforts to notify the student's parent or guardian. If the parent or guardian cannot be contacted, the administrator, or the administrator's designee, must document attempts to contact the parent or guardian.

Whenever a student is released from school to a public official, or interviewed by a public official at school, the administrator, or the administrator's designee, must request that steps be taken to minimize any likely embarrassment to the student. Please see the section titled QUESTIONING OF STUDENTS 559 for further information on policies and procedures for the questioning of students.

The administrator, or the administrator's designee, must request that students not be taken into custody in classrooms or in public. If any of these requests are refused, the administrator, or the administrator's designee, must document the refusal and any reasons given for such refusal.

## RELEASE OF STUDENTS TO PARENTS, OR PARENT'S DESIGNEES

Students may be released from school at the request of the parent with whom they are living (custodial parent) or legal guardian as shown on the enrollment card.

Students may be released in the care of a person who is not the student's custodial parent or legal guardian only if this release has been approved by the custodial parent or legal guardian.

Common sense should be used when non-custodial parents wish to talk to their children at school. Whenever there is suspicion that the custodial parent will disapprove, the non-custodial parent should not be allowed to talk with their children until the custodial parent has been contacted.

## RELEASE OF STUDENTS TO EMERGENCY PERSONNEL

The student's welfare is the primary consideration in an emergency situation. In an emergency situation it may be necessary to release a student to the care of emergency personnel, but if at all possible, a school official should accompany the student. In addition, every effort should be made to notify the parent or legal guardian as soon as possible. For example, in a life threatening medical emergency, it may be necessary to release a student into the care of emergency medical personnel for transport to a hospital and treatment at the hospital. In such a situation a school official should accompany the student, while the school attempts to contact the parent or legal guardian. Please refer to the policies and procedures in the section titled HEALTH AND WELFARE 535 under ILLNESS AND INJURIES for more information.

### Legal References:

NRS 199.270

NRS 199.280

## **WITHDRAWAL FROM SCHOOL 509**

While statute requires attendance of each student only until 17 years of age, it is in the best interest(s) of both students and the community that they complete an educational program that will equip them with skills and increase their opportunities for a successful and fulfilling life beyond the schools. It is the responsibility of the schools to assist students in reaching career goals and to inform them of various alternatives to withdrawal.

Whenever a student wishes to withdraw from school (as opposed to transferring to another educational institution), every attempt shall be made to do all of the following:

1. Find out why the student wants to withdraw from school.
2. Counsel the student in regard to personal and vocational goals.
3. Provide the student with information in regard to alternatives to withdrawal, which may be made available within the existing educational system.
4. Inform the student of the opportunities for education available through completion of the high school equivalency program.
5. Point out to the student the opportunities for education available in the armed forces
6. Inform the student of the relative potentials for success of students who complete particular educational programs as compared to those who drop out of school.
7. Meet with the student's parent or guardian to discuss the student's wish to withdraw.

No student under the age of 18 will be permitted to withdraw without written consent from that student's parent or guardian.

Legal Reference:

NRS 392.040

## **PUPIL PROGRESS 510**

### **KINDERGARTEN**

Kindergarten is generally the child's first contact with the school and the first opportunity for the school staff to evaluate the student's potential for learning. It is expected that the vast majority of students would move to the first grade after one year of kindergarten. When, in the judgment of the teacher and administrator, there is reason to believe the level of maturity is such that the student may not be successful in learning the reading skills called for in first grade, the parent(s) or guardian(s) should be advised. This should be done by conference at the earliest practical date. If progression through the school year confirms the earlier observations, then the staff should recommend that the student spend a second year in kindergarten.

### **GRADES 1-8**

The general policy is that a student should take eight years to complete the elementary and middle school after kindergarten. It may be necessary for a student to take an additional year to complete the eight grades if there is unsatisfactory achievement in the basic skills areas.

It shall be the obligation of the teachers and administrator to make an early assessment of the skill level of each student. Where there is evidence that the student's level of skill development is such that he or she may not successfully complete a grade, three steps shall be taken:

1. The parent(s) or guardian(s) will be called into conference and apprised of the teacher's concern and be given a summary of the area of weakness. This conference will be held before the middle of the school year.
2. The teacher(s) will outline a program of remediation and an explanation of this program will be given to the parent(s) or guardian(s).
3. Periodic reports will be given to the parent(s) or guardian(s) (in addition to the report card) to inform them of the pupil's progress.

If, after the above steps have been taken, the student is still not ready to go into the next grade by the end of the school year the teacher(s) and administrator may recommend retention of that student in the same grade for the next year. Parent(s) or guardian(s) will be given this recommendation in conference with the teacher(s) and administrator. If the parents do not agree with this recommendation, the teacher and the administrator in joint agreement have the final authority to retain a pupil.

When a recommendation is made for non-promotion, the parent(s) or guardian(s) shall be asked to acknowledge receipt of the recommendation. A copy of the recommendation and of the parent's or guardian's acknowledgment will be kept on file.

At any time during a child's academic career in grades kindergarten through eighth grade, the administrator, working in conjunction with a child study team including the parent(s) or guardian(s), may promote a student based upon academic and/or social reasons.

#### PLACEMENT OF NEW CHILDREN IN GRADES K-8

Upon receiving a student who is new to the school, the administrator will accept the grade placement designation provided by the school from which the student transferred unless the parent(s) or guardian(s) and the administrator agree that the student should be placed in a lower grade for good reason. It should then be explained to the parent(s) or guardian(s) that this is a trial placement.

If, at the end of a trial period, the student is not able to perform successfully in the grade placement made, or if the student has demonstrated an ability to perform well at a higher grade, it may be necessary to make a revised assignment. This change of assignment shall be made in consultation with the parent(s) or guardian(s). The final decision on the placement of the student rests with the administrator in consultation with the teacher(s), but it is always best to have parent(s) or guardian(s) agreement, if possible, regarding student placement.

#### UNITS OF CREDIT REQUIRED FOR HIGH SCHOOL GRADE PROMOTION

Under NAC 389.659 the state requires that each student's class status will be determined by the number of credits that student has earned. The following units of credit are required for grade promotion in high school.

1. Students who have been promoted from eighth grade, but who have earned less than five units of high school credit will be ninth graders.
2. To be promoted to the tenth grade, a student must have earned a minimum of five units of credit.
3. To be promoted to the eleventh grade, a student must have earned a minimum of eleven units of credit.
4. To be promoted to the twelfth grade, a student must have earned a minimum of seventeen units of credit.

A credit deficient student is defined as a pupil who has not earned the minimum number of credits in any given year to qualify as a member of the next higher grade in the following year.

In charter middle schools that have ninth graders attending the administrator may waive the credit requirement for ninth graders to be promoted to tenth grade if it is determined that extenuating circumstances exist

Charter high schools shall evaluate the transcripts of high school students who transfer from other schools to determine the appropriate grade placement of those students.

Charter high school administrators may waive the credit requirement for transfer students to be considered twelfth graders if extenuating circumstances exist.

Legal References:

NRS 386.583  
NAC 389.659

## **REPORTING TO PARENTS 511**

Reports to parents are established to inform the parents of their children's progress in school and to serve as a link between the home and the school. Reports may take many forms: progress reports, report cards, conferences, letters, phone calls, newsletters, and other avenues of personal contact. Any report made to parents should be clear, concise, and as complete as possible.

Parent-teacher conferences are an excellent means of communication between the school and the home. Either the teacher or the parent may initiate a conference. In parent-teacher conferences and other contacts with parents, there is sometimes a tendency to emphasize problem areas. Efforts should be made to balance conferences with discussions of students' strengths, potentials, and accomplishments.

### **CITIZENSHIP**

Part of education is having a student learn to take responsibility for his or her own actions. Each teacher is responsible for making an evaluation of the student's deportment and recording the results of that evaluation on the report card. These citizenship grades shall be placed in the student's permanent record.

### **ELEMENTARY SCHOOL GRADES**

Reports will be issued at established intervals to each student who has been enrolled for at least half of each grading. Report cards will be sent home on the Friday immediately following the close of the report period. Teachers will schedule conferences with the parent(s) or legal guardian of each student in the class during designated conference period held in the fall of each year (Some schools also hold designated conference periods in the spring.) and at other times as appropriate.

The basic grading system in grades one and two will be O, outstanding; S, satisfactory; I, improvement needed. Report cards will indicate areas in which skill development needs to be improved. The teacher will indicate when the student is below grade level in reading, mathematics, or language arts.

The basic grading system, for grades three through six, will incorporate grades A, B, C, D, and F. At the teacher's discretion plus and minus grades such as A+ and A- may also be used. Report cards may provide for the use of check marks to indicate specific areas where improvement is needed and for the addition of teacher comments. The teacher will designate on each report card any student who is below the expected grade level in reading, mathematics, or language arts. If, at the end of the school year the student is below grade, this will be indicated on the permanent record.

#### ELEMENTARY SCHOOL FAILURE NOTICES

Teachers have the responsibility to notify the parent or guardian when a child's level of performance is such that without improvement a failing grade will be earned or when the student's performance falls significantly below expectation. A parent conference may be requested by either the parent or teacher to seek means to resolve the problem.

#### MIDDLE SCHOOL GRADES

Middle school grades will be reported using A, B, C, D, and F. Teachers may use plus and minus designations with the grades they give to indicate that a letter grade is higher or lower than most grades in the particular letter designation, e.g., a high A may be designated an A+, while a low A may be designated an A-. The grades S and U may be used for special classes. Reports will be issued at established intervals and will be sent home on the first Friday following the close of the grading period. Any student who has been in attendance for half or more of the grading period will receive a report card. The responsibility for assigning students' grades rests with students' classroom teachers.

If the student is below grade level in reading, mathematics, or language arts, it will be indicated on the grade report. Any student who is below grade level at the end of the school year in any of these three areas will have the deficiency noted on the permanent record.

#### MIDDLE SCHOOL FAILURE NOTICES

Teachers have the responsibility to notify the parent(s) or guardian(s) when a student's level of performance falls below the expected level of performance or when the student is in danger of earning a failing grade. At the middle of the grading period the teacher will prepare a failure notice for those students who are in danger of receiving a failing grade. The administrator will coordinate the sending of these notices to parents. A parent conference may be requested by either the parent(s) or guardian(s) or teacher to seek means to resolve the problem.

## HIGH SCHOOL GRADES

The basic grading system for grades nine through twelve will incorporate the letter designation A, B, C, D, F, and Inc. Teachers may use plus and minus designations with the grades they give to indicate that the letter grade is higher or lower than most grades in the particular letter designation, e.g., a high A may be designated an A+, while a low A may be designated an A-.

The following procedure will be used to calculate cumulative grade point averages, which will sometimes in these policies be referred to as unweighted averages:

1. The student's letter grades will be transposed to the standard 4.0 scale: A+, A, or A- = 4.0; B+, B, or B- = 3.0; C+, C, or C- = 2.0; D+, D, or D- = 1.0; and F+, F, or F- = 0.
2. The number of credits for each course will then be multiplied by the number grade for the course on a 4.0 scale found above.
3. All of the products of course credits and grades found in step 2 above will be added for the student and that sum will be divided by the total number of credits earned.

The responsibility for assigning students' grades rests with students' classroom teachers.

Reports notifying parents of the student's progress in school are issued quarterly to each student who has been enrolled four or more weeks during the grading period. The responsibility for determining the grade rests with the classroom teacher. Grade reports will be distributed on the Friday following the close of the grading period.

## HIGH SCHOOL CREDITS

Classes are structured on a semester basis and credits are posted at the close of each semester. Grade reports issued at the conclusion of the first nine weeks of each semester are progress reports indicating the level of achievement of the student at that point in time. The grade issued at the end of each semester reflects the student's work for the entire semester, and is not an average of two nine-week grades. The semester's grade, along with the credit earned, will be posted to the student's permanent record at the end of each semester. Credit will be awarded to each student who has been in attendance until the end of the semester, completed required work successfully and taken the final examination.

A student withdrawing from the class prior to the completion of the course requirements during the first eleven (11) weeks will receive a "W" and no credit. After the eleventh week, a student withdrawing from a class shall receive a grade of "F". A student withdrawing from a school without transferring will receive a "W" and no credit. Students transferring to another school will receive a grade showing progress to date and no credit.

Students who do not complete the work required for completion of a course of instruction may receive an incomplete (Inc.). Students receiving an incomplete have three weeks from the date of issuance of the report card to make up the work. An "incomplete" in the spring semester must be made up by the end of the third week in the fall semester. It is the student's obligation to make contact with the teacher to receive the assignments necessary to remove the incomplete grade. Unless the teacher who posted the incomplete grade is no longer teaching at the school, the teacher who posted the incomplete grade must provide and grade assignments, which are to be completed within the prescribed three-week period. If circumstances warrant an extension to this time period the administrator and teacher may agree to an extension. If the work is not made up, the incomplete becomes an "F", and the student receives no credit for the class.

#### HIGH SCHOOL SPECIAL CLASSES

Honors and remedial classes will carry a special notation on both the grade reports and the permanent record. Classes that are designated as "honors" will be denoted with "H" at the end of the course title. Remedial classes will be coded with an "R" at the end of the course title.

Students who enroll in honors classes are exceptional students and should be expected to receive only the highest grades. If the quality of work of a student in an honors class falls below the level of B, a conference shall be held with the student. The teacher has the option to determine whether or not the student should remain in the honors class.

#### FAILURE NOTICES – ALL SCHOOLS

When a student is not making satisfactory progress in school, the teacher shall prepare a notice that informs the student that he or she is in danger of failing or that grades are deteriorating. The school administration will coordinate the notification to parents.

Unsatisfactory progress is defined as a level of achievement heading to a failing grade or work that would cause a grade to deteriorate two full grades below previous performance. (Example: A student who received an A on the grade report and now is doing C work would require notification.) The teacher will prepare failure notices at the end of the fourth week of the grading period.

#### SPECIAL EDUCATION – ALL SCHOOLS

Grades for students enrolled in special education classes are reported using the same system as regular students at the corresponding grade levels. Students with disabilities should be graded in accordance with their academic/social participation relative to their potential.

The Individualized Educational Program (IEP) must list any modifications or accommodations that are necessary for mainstreamed students to be successful in regular education classes.

A modified report card form may be used at the elementary level for students having moderate to severe disabilities. Such a form will allow teachers to list IEP objectives directly on the report card, rather than reporting grades on skills that may be inappropriate.

## **RELEASE OF INFORMATION ABOUT STUDENTS 512**

Schools may release information on students as provided in the Family Educational Rights and Privacy Act and related statutes of the State of Nevada.

### **ACCESS TO EDUCATIONAL RECORDS**

The term "educational records" includes, without limitation:

1. Academic work completed by a pupil.
2. Records indicating a pupil's level of achievement, including, without limitation, his grades.
3. Records of a pupil's attendance at school.
4. A pupil's results on standardized intelligence, aptitude and psychological tests.
5. Results from interest inventories completed by a pupil.
6. A pupil's health records.
7. Information concerning a pupil's family and residence.
8. Records concerning a pupil's participation in activities sponsored by the school, special programs and support services.
9. Ratings and observations of a pupil by teachers, counselors and employees of a school district who transport pupils.
10. Reports of serious or recurrent behavior patterns of a pupil which have been verified.
11. Records, ratings and observations recorded by a counselor that are accessible by or revealed to any other person except for a substitute for the counselor.
12. The records of a child who is home schooled that are maintained by a school district or a person acting for the school district.

No person, entity, or agency may have access to the educational records of any student except as follows:

1. Each charter school shall inform each employee of the school, including teachers, other licensed employees, school buses drivers, instructional aides, and office managers, who may have consistent contact with a pupil if that pupil has, within the preceding 3 years, unlawfully caused or attempted to cause serious bodily injury to any person. The district shall provide this information based upon any written records that the district maintains or which it receives from a law enforcement agency or a court. The school need not initiate a request for such information from any source. The school shall remind these employees that this information is confidential and must not be further disseminated.
2. The parent(s) or guardian(s) of the student or students themselves, if eighteen years of age or older, have the right to review and inspect the education records of the students as provided in section 515 of this manual.
3. Any person, entity, or agency may have access to the education records of any student upon presenting a signed written consent of the student's parent(s) or guardian(s) or the student, if eighteen years of age or older, which sets forth the:
  - a. Date of the consent,
  - b. Records to be released,
  - c. Reason for the release, and
  - d. Names of the person, entity, or agency to which the records are to be released.

Following receipt of the written consent the specified record shall be released under the same terms as set forth in section 515 of this manual.

4. Education records of any student shall be released pursuant to judicial order or a lawfully issued subpoena provided that the parent(s) or guardian(s) or student, if eighteen years of age or older, is notified prior to the release where possible.
5. Education records of any student may be released in the event of an emergency in order to protect the health or safety of any student or other person.

6. Education records of any student may be released without prior written parental or guardian consent or without the prior written consent of the student involved (in those cases where the student is 18 years of age or older) to school officials who have a legitimate educational interest in the release of such educational records. For the purposes of this subsection, a "school official" includes:
  - a. A person employed by the school as an administrator, teacher, teacher's aide, counselor, attendance officer, or support staff member;
  - b. Any member of the charter school's governing body; and
  - c. A person employed by or under contract to the school to perform a special task, such as an attorney, auditor, medical consultant, psychologist, or therapist.

A school official has a legitimate educational interest if the official is:

- a. Performing a task that is specified in his or her position description or by contract agreement,
  - b. Performing a task related to a student's education,
  - c. Performing a task related to discipline or potential discipline of a student,
  - d. Performing a task related to investigation of possible criminal conduct of a student, or
  - e. Providing a service or benefit relating to the student or the student's family, such as health care, counseling, job placement, or financial aid.
7. In the event the student seeks or intends to enroll in another school, the student's education records may be released to that school provided that before releasing the records the parent(s) or guardian(s) or student, if eighteen years of age or older, is notified and given opportunity to inspect any records being transferred.
8. In any other cases allowed under the Family Educational Rights and Privacy Act of 1974 access will be granted.

## ACCESS TO DIRECTORY INFORMATION

Directory information is defined as: "A student's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent educational agency or institution attended by the student."

Directory information relating to any student may be released to any person, entity, or agency without the prior written consent of the parent(s) or guardian(s) or student.

A parent, guardian, or student, if eighteen years of age or older, may by written request ask that directory information not be released.

### Legal References:

NAC 392.301 to NAC 392.360

NRS 392.029

NRS 392.850

Family Educational Rights and Privacy Act of 1974

## **CONFIDENTIALITY OF HEALTH AND WELFARE INFORMATION 513**

School personnel involved in observation, examination, or evaluation of students or in making related reports, shall not disclose to any person the name or address of a student with physical, mental, educational, or social disabilities; nor data resulting from such observation, examination, or evaluation, except where such disclosure is duly authorized by school procedures or by a valid written request of the student's parent or guardian. Information in student personnel folders and in the health records shall be regarded as confidential, as well as all information deposited in school files regarding transportation, research and development, special education, and psychological services.

## **USE OF STUDENT RECORDS IN TRAINING PROGRAMS 514**

Individuals in specialized training programs at the university level may have access to the confidential records of students, provided the use of such records is supervised by a full-time, responsible employee of the school and permission for such use has been granted by the administrator directly responsible for such records.

Included within this regulation are the following training plans:

1. Student Counselor Program
2. School Psychology Interns
3. Student Nursing Program
4. Student Teaching Program
5. Administrative Interns
6. Individual research by candidates for doctoral or master's degrees when permission for such studies has been granted by the charter school administrator.
7. Any other training program sponsored by an acceptable agency when specifically authorized by the charter school's governing body.

Access to student records by individuals in training programs may be revoked at any time when there is evidence that disclosure of confidential information has been made by a trainee.

## **GRANTING ACCESS TO STUDENT RECORDS 515**

The parents of students or students themselves, if eighteen years of age or older (both hereafter referred to as Applicant), have the right to review and inspect the education records of the student. As used herein, the term "parent" includes a natural parent, a legally adoptive parent and a legal guardian.

"Education records" means those records, files, documents, and other materials maintained by the school that contain information directly related to a student.

If an Applicant desires to review and inspect the education records of the student, he or she shall file an application in writing for access to the records with the administrator.

Within five (5) days of the receipt of a request for access to education records, the Applicant shall be notified of the time, date, and place at where such records will be made available. In no case shall access be withheld more than forty-five (45) days after the request has been made. Each time the term "days" is used in this regulation, it refers to "school days" during the school year or to "work days" during summer vacation.

The right of access specified above shall include

1. The right to be provided a list of the types of education records which are maintained by the school and which are directly related to students;
2. The right to inspect and review the contents of those records;
3. The right to obtain copies of those records, although the actual cost of reproduction shall be borne by the Applicant; and
4. The right to a response from the school to reasonable requests for explanations and interpretations of those records.

If any material or documents in the education record of a student includes information on more than one student, access shall be limited only to those parts of the material that relate to the Applicant or to the right to be informed of the specific information contained in the material if it is not severable.

If access to a student's records is requested, such records may not be destroyed before the Applicant has had the opportunity to review and inspect them.

At least annually, the school shall notify the parents of students enrolled in the school, or the student if eighteen years of age or older, of the basic rights of access and privacy as well as all information required under these procedures adopted pursuant to the Family Educational Rights and Privacy Act of 1974 or any amendment thereto.

## **CHALLENGING CONTENT OF STUDENT RECORDS 516**

Parent(s) or guardian(s) of students or students themselves, if eighteen years of age or older, (both hereafter referred to as Complainant) have the right to challenge the content of the student's education records if the information is believed to be inaccurate, misleading, or otherwise in violation of the student's rights of privacy. No challenge shall be allowed under these procedures to the grade given the student's performance or citizenship in a course.

1. Complaints challenging the content of education records shall be filed in writing with the administrator at the school where the student is enrolled. The written request must indicate the challenged aspect of the record and specify why that aspect is believed to be inaccurate, misleading, or in violation of the student's rights. Supporting evidence must be submitted with the written request.
2. The administrator, or his/her designee, will determine if the challenged aspect of the record is inaccurate, misleading, or in violation of the student's rights. Within fifteen (15) days following the receipt of a complaint, the administrator will notify the Complainant in writing whether or not the record(s) will be amended as requested. If the decision is to not amend the record as requested, the administrator's letter to the complainant shall inform the complainant of his/her right to a hearing. Each time the term "days" is used in this regulation, it refers to "school days" during the school year or to "work days" during vacations.
3. If the complainant disagrees with the administrator's decision, the Complainant shall request in writing a hearing before a Hearing Officer within ten (10) days of receipt of the administrator's letter. The written request must indicate the challenged aspect of the record and specify why that aspect is believed to be inaccurate, misleading, or in violation of the student's rights. A copy of the administrator's letter must be submitted with the written request for a hearing. The written request for a hearing is to be submitted to the charter school's governing body.
4. Charter school's governing body, shall appoint a Hearing Officer who does not have any direct interest in the outcome of the hearing. The Hearing Officer shall set a date for the hearing, which shall be no more than thirty (30) days following receipt of such request.

5. The Complainant shall be notified in writing of the date, time, and place set for the hearing. Such notice shall be mailed to the complainant no later than seven (7) days prior to the date set for the hearing.
6. The Hearing Officer shall conduct hearings in an informal manner. Technical rules of evidence shall not apply, and witnesses need not give testimony under oath. All relevant and material evidence is admissible and will be considered according to the circumstances, credibility, and relevancy.
7. The parties, or their representatives, shall present their respective positions by written and/or oral evidence. Each party will be given a maximum of thirty (30) minutes to present evidence unless exceptional circumstances require additional time. Either party shall have the right to cross examine witnesses presented by the other. Both parties shall have the right to presence and participation of legal counsel.
8. Unless otherwise requested by the Complainant, a hearing shall be considered confidential and shall be closed except for the parties and their witnesses.
9. No written transcript of any hearing shall be made; however, at the request of either party, a recording device may be utilized to record the proceedings.
10. The Hearing Officer shall mail the Complainant a copy of his/her written decision within ten (10) days after the hearing unless, in his/her judgment, additional time is required. The decision shall include the reason or reasons for the Hearing Officer's decision and a summary of the evidence. The Hearing Officer's decision is final.
11. If, upon receipt of the decision of the Hearing Officer the Complainant is still dissatisfied with the content of the education records, he or she may insert into such records an explanation respecting its content. The statement must be maintained in the contested part of the record. If the contested part of the record is maintained electronically, the statement shall be limited to fifty (50) words. If the contested part of the record is maintained in paper format, the statement shall be limited to a maximum of two (2) typewritten pages, one side only. The complainant shall have twenty (20) days from the date of the Hearing Officer's decision to submit a written statement. The written statement is to be submitted to the Hearing Officer.

## HIGH SCHOOL GRADUATION DIPLOMA REQUIREMENTS 517

### STANDARD DIPLOMA

To receive a State of Nevada Advanced Diploma upon graduation from high school a student must meet the following requirements:

1. Total Credits Required – twenty-two and one-half (22½) or more
2. Passing scores on all sections of the Nevada Proficiency Examination
3. Of the twenty-two and one-half (22½) credits, fifteen (15) credits are required credits and seven and one-half (7½) credits are elective credits. The required courses are as follows:

<u>Subject</u>	<u>Credits</u>
American government	1
American history	1
Arts and humanities or occupational education	1
English, including reading, composition and writing	4
Health education	½
Mathematics	3
Physical education	2
Use of computers	½
Science	2

Total: 15

Courses providing any of the required credits listed above must meet the State of Nevada academic content standards approved for that area of study.

## ADVANCED DIPLOMA PROGRAM

To receive a State of Nevada Advanced Diploma upon graduation from high school a student must meet the following requirements:

1. Total Credits Required – twenty four (24) or more
2. Passing scores on all sections of the Nevada Proficiency Examination
3. GPA of 3.0 or higher on a 4.0 grading scale (weighted or unweighted)
4. Of the twenty-four (24) credits, seventeen (17) credits are required credits and seven (7) credits are elective credits. The required courses are as follows:

<u>Subject</u>	<u>Credits</u>
American government	1
American history	1
Arts and humanities or occupational education	1
Social studies	1
English, including reading, composition and writing	4
Health education	½
Mathematics	3
Physical education	2
Use of computers	½
Science	3

Total: 17

Courses providing any of the required credits listed above must meet the State of Nevada academic content standards approved for that area of study.

## HONORS DIPLOMA

The Honors Diploma is designed to enhance the academic preparation of the student. This program is beneficial for the student who is preparing for college entrance examinations and qualifying for admission to a college or university. Upon satisfactory completion of these special Honors Diploma requirements, the student will receive a special High School Honors Diploma.

To receive an Honors Program Diploma upon graduation from high school a student must meet the following requirements:

1. Total Credits Required – twenty four (24) or more
2. Cumulative GPA – 3.4 or higher on a 4.0 grading scale (weighted or unweighted), with no course failures during junior or senior years
3. Passage of all sections of the Nevada Proficiency Exam.
4. Of the twenty-four (24) credits, nineteen (19) credits are required credits and five (5) credits are elective credits. The required courses are as follows:

<u>Subject</u>	<u>Credits</u>
English	4
Social Studies (World History/World Geography, U.S. History and American Government)	3
Science (Two (2) credits must be in biology, chemistry, or physics)	3
Mathematics (Two (2) credits must be in algebra and geometry)	3
Foreign Language (2 credits must be in same language)	2
Physical Education/ JROTC	2
Art/Humanities	1
Computer Literacy	½
Health/JROTC	½

Total: 19

Eight (8) credits must be earned from among those courses that are designated as Honors, including Advanced Placement, or International Baccalaureate (IB) courses.

Courses providing any of the required credits listed above must meet the State of Nevada academic content standards approved for that area of study.

#### PROCEDURE FOR CALCULATING THE WEIGHTED G.P.A.

The following procedure will be used to calculate weighted grade point averages:

1. The student's letter grades will be transposed to the standard 4.0 scale: A+, A, or A- = 4.0; B+, B, or B- = 3.0; C+, C, or C- = 2.0; D+, D, or D- = 1.0; and F+, F, or F- = 0.
2. The number of credits for each course will then be multiplied by the number grade for the course on a 4.0 scale found above.
3. All of the products of course credits and grades found in step 2 above will be added for the student, and that sum will be divided by the total number of credits earned to find an unweighted GPA.
4. The total number of credits of honors courses earned will be multiplied by 0.025, and that product will be added to the unweighted GPA to find a weighted GPA.

For the purposes of calculating weighted grade point averages for this policy, charter school honors courses shall include all Advanced Placement and International Baccalaureate courses.

#### STANDARD AND ADJUSTED HIGH SCHOOL GRADUATION DIPLOMA REQUIREMENTS FOR STUDENTS WITH DISABILITIES

Students with disabilities who fulfill the following requirements may graduate from high school with a standard or an adjusted diploma.

##### 1. Standard Diploma

Students shall complete all of the requirements for the standard high school graduation diploma. The educational needs of these students may require specially designed instruction, environment, or modifications in the format and administration of the Nevada Proficiency Examinations. Accommodations that are appropriate shall be outlined in the student's Individualized Educational Program, which is developed in accordance with the State's Standards for Administration of Special Education Program.

## 2. Adjusted Diploma

Students shall complete all of the graduation requirements outlined in their Individualized Educational Program. The requirements will be different from those for a standard high school graduation diploma since the educational needs of these students require specially designed graduation requirements in addition to specially designed instruction and environment. The standards of proficiency required for an adjusted diploma and the methods of measuring that proficiency shall be outlined in the student's Individualized Educational Program, which shall be developed in accordance with the State's Standards for Administration of Special Education Programs.

### CERTIFICATE OF ATTENDANCE IN LIEU OF A HIGH SCHOOL GRADUATION DIPLOMA

Students from charter high schools who have reached seventeen (17) years of age and have successfully completed all of the requirements for a standard or adjusted diploma except for the successful completion of the Nevada High School Proficiency Examinations may be given a certificate of attendance in lieu of a high school graduation diploma.

### GRADUATION REQUIREMENT EXEMPTIONS FOR CERTAIN HIGH SCHOOLS

Under NAC 389.686 the Superintendent of Public Instruction may exempt high school students from a high school with less than 100 students from the normal graduation requirements if the school is unable to obtain certified staff needed to meet the requirements. Before the beginning of the school year for which an exception is to be effective, the administrator of a charter school may apply to the Superintendent of Public Instruction for an exemption.

#### Legal References:

NRS 385.080  
NRS 385.110  
NRS 386.584  
NRS 389.015  
NAC 389.662 – NAC 389.699

## **ALTERNATIVE MEANS FOR EARNING HIGH SCHOOL CREDIT 518**

The maximum number of credits from alternative means that may be applied toward high school graduation shall be four (4). Before a student may enroll for high school credit by alternative means, the student must obtain written permission from the high school administrator.

### **CORRESPONDENCE CREDIT**

Correspondence credit to be applied toward graduation shall consist only of units earned through a recognized correspondence school that has been approved by the charter school's sponsor.

### **CREDIT THROUGH A WORK EXPERIENCE PROGRAM**

In order to qualify for the work experience program, students must be at least sixteen (16) years of age, have junior or senior class standing, have obtained their own employment and have an "equal opportunity" employer willing to participate in the work experience program. Once a student has been selected for the work experience program, a contract between the student, work experience coordinator, parent\*or guardian\* and employer is completed. The work experience program coordinator meets periodically with the employer and student during the school year for purposes of evaluation.

Students must remain employed under a work experience contract for the entire semester in order to receive a grade and credit. One half (1/2) elective credit will be awarded each semester for a minimum of two hundred and sixteen (216) hours of work. Students may repeat this elective program for a maximum of two (2) credits (i.e., four (4) semesters).

\*Parent or guardian permission is required if student is under eighteen (18) years of age.

### **CREDIT THROUGH YOUTH ACTIVITIES AND EDUCATIONAL TRAVEL**

High-school-age youth engage in a number of educational experiences sponsored by community agencies and agencies that provide educational travel experience for high school students. As recognition of the worth of such experiences, a charter school may award one-quarter (1/4) credit for each 120 hours of active participation in the educational portion of such programs. The total credit to be awarded shall not exceed one (1) credit for the four (4) years of high school.

Nonprofit, nonsectarian community agencies and approved agencies offering educational travel experiences may submit a proposal for credit, which contains an outline of the program for which high school students are eligible. The proposal must be submitted to the charter school's sponsor no later than sixty (60) calendar days before the beginning of the school year during which the educational activity is proposed or the vacation period during which the educational travel is proposed. All such proposals must be renewed annually. The outline contained in the proposal shall emphasize the educational aspects of the program and specify how the student's participation will be evaluated to determine if the granting of credit is justified.

The charter school's sponsor will determine whether or not a proposal is approved for high school credit based on its potential to provide a profitable learning experience for students. Such approval by the sponsor shall not be construed as an endorsement of or a recommendation for the proposed program. The student and his or her parent or guardian shall base their selection of youth activities and/or educational travel on the basis of each program's individual merits, not on the basis of its approval for high school credit.

The student and the teacher/advisor of the sponsoring agency are responsible for keeping records of and reporting to the sponsor the time and quality of the student's actual participation in the educational portion of the program. The sponsor will make the final evaluation and decision about the issuance of high school credit and report to the high school administrator.

## **MOMENT OF SILENCE 519**

Each teacher shall set aside a period of time at the beginning of each day, during which all persons must be silent, for voluntary individual meditation, prayer, or reflection by students, as required by state law.

Legal Reference:

NRS 388.075

## **STUDENT FREEDOM OF EXPRESSION 520**

The charter schools shall be committed to encouraging, protecting, and ensuring the student right to exercise freedom of speech, press, and expression, subject to the laws of the land. Charter schools will recognize the intrinsic value of educating students in the reasonable exercise of these fundamental rights in order to become responsible citizens of the State of Nevada and the United States of America.

Free exercise of speech, press, and expression includes, but is not limited to:

1. The use of designated student bulletin boards;
2. The distribution of printed materials or petitions;
3. The performance of school assemblies, theatrical, and musical events;
4. Opinions and expressions in school-sponsored publications;
5. Student election campaigns; and
6. Student club activities.

The undifferentiated fear or apprehension of disturbance or the mere desire to avoid the discomfort associated with an unpopular viewpoint is not enough to restrain the student right to exercise free speech, press, and expression. Included in the students' right of free expression is the right to disclose or discuss their sexual orientation and issues related to sexual orientation.

Charter schools maintain the right to adopt reasonable provisions for the time, place, and manner of exercising freedom of speech, press, and expression activities. Such provisions include, but are not limited to, provisions for the screening of student publications prior to distribution to insure that distributed materials do not violate this policy.

No student shall be denied the right to exercise freedom of speech, press, and expression unless such speech, writing, or expression

1. Causes a substantial disruption of, or material interference with, school activities;
2. Infringes upon the rights, or endangers the health and welfare of others;
3. Is libelous or slanderous;
4. Is vulgar, lewd, obscene, or plainly offensive;
5. Is school sponsored and has no valid educational purpose; or
6. Incites students as to create a clear and present danger of the commission of unlawful acts on school premises or the violation of lawful school regulations.

If any dispute arises over the implementation of this policy by a charter school, that dispute shall first be brought before the administrator. If the administrator does not resolve the dispute, the matter may be appealed to the governing body of the charter school.

No expression made by students in the exercise of free speech, press, or expression shall be considered to be an expression of the school's sponsor.

## **STUDENT PARTICIPATION IN SCHOOL AFFAIRS 521**

Students should be invited to participate in the governance of school activities at levels appropriate to their ages and competencies. As an institution fundamental to the operation of a democratic society, the schools should strive to exemplify the democratic ideal of citizen participation in decision making; moreover, as part of their educational development, students should assume some of the responsibility of planning and executing the activities of the schools.

Each school's student council and administration shall develop procedures to implement this policy to provide for

1. The submission, consideration, and response to constructive student suggestions;
2. A manner by which students shall be selected for participation in school matters;
3. Insurance that student participation is representative of the whole school population; and
4. Insurance that the student voice and vote in decision-making is reasonably balanced with those of faculty, administration, and community members.

## **STUDENT GOVERNMENT 522**

It is important to offer students the opportunity to participate in self-government within the establishment of the schools and to give students practical experience in organizing, planning, and affecting outcomes; developing student leadership; and providing a learning experience in democratic decision making.

Students shall have the right to organize, conduct meetings, elect officers, and representatives, and petition the charter school's governing body. The governing body will recognize the official voice of the student body in the school.

## **CLUBS AND ORGANIZATIONS 523**

No school shall permit the establishment of any extracurricular organization, activity, club, or other organization of pupils under its jurisdiction, except when a formal application for the establishment of such organization is made to the administration of the school. Each application shall set forth the name, type of organization, purpose, set of goals, and means of financing. It shall then be the responsibility of the administrator to give the matter careful consideration, to approve such organizations, as he/she may deem desirable and to appoint sponsors as necessary.

It is the responsibility of the school administrator to provide for proper supervision and direction of clubs and organizations within the school. The proper function and operation of all school organizations are the responsibility of those sponsors appointed by the administrator.

All clubs and organizations must keep records of their financial transactions. These shall be available for audit at all times.

## **PUBLIC PERFORMANCES BY STUDENTS 524**

There is value to students in sharing their talents and skills with the community through participation and performances in public events.

Such performances are endorsed when they constitute a learning experience that contributes to the educational program, they do not interfere with other scheduled activities of the school, and the circumstances of the event do not pose a threat to the health, safety, and well-being of the students who will be involved.

Requests for public performances that involve students in overnight trips shall require the approval of the charter school's governing body. All other requests for public performances shall require the approval of the administrator.

Parental permission will be sought and received before students may participate in public performances under the following conditions:

1. No student will be compelled to participate in a public performance or penalized in any way for failure to do so;
2. No student, group of students or employee of the school will receive compensation for the performance in public of students organized for a school activity;
3. The interests of students will be protected; and
4. Students will be guarded against exploitation.

## **INTERSCHOLASTIC ACTIVITIES PROGRAM 525**

Participation in interscholastic activities is a privilege to be granted to those students who meet the minimum standards of eligibility adopted cooperatively by the schools of Nevada through the Nevada Interscholastic Activities Association and those additional standards established by the charter school.

In each school, the administrator, or the administrator's designee, shall be responsible for the total operation of the Interscholastic Activities Program.

See also EXTRACURRICULAR ACTIVITIES AND ELIGIBILITY 530 and INELIGIBILITY TO PARTICIPATE IN EXTRACURRICULAR ACTIVITIES 555.

## **STUDENT FUND RAISING 526**

The solicitation of funds from students must be limited since compulsory attendance laws make the student a somewhat captive donor, and since solicitation could disrupt the educational programs of the schools.

For purposes of this policy "student fund raising" shall include the solicitation and collection of money by students for any purpose and shall include the collection of money in exchange for tickets, papers, or any other goods or services.

The following regulations apply to all school fund raising activities:

1. No fund raising activity is allowed during school instructional time unless specifically approved by the administrator.
2. Door-to-door fund raising activities are prohibited for elementary and middle school students. Door-to-door fund raising is permitted at the high school level; however, this type of activity at the high school level is to be kept to a minimum.
3. Participation in fund raising activities is to be voluntary. Students, parents, or staff members who choose not to participate in a fund raising activity are not to be discriminated against in any manner.
4. The school administrator must approve all school-sponsored fund raising activity.
5. All fund raising activities that involve school facilities and payment or economic benefit to individuals, non-school organizations, or private companies must be approved by the administrator.
6. School fund raising activities should be limited to those necessary to provide students with co-curricular, extracurricular, or educational enhancement activities.
7. The collection of money in school, on school property, or at any school-sponsored event by a student for personal benefit is prohibited.

8. School fund raising activities for non-school, not-for-profit organizations require the specific approval of the administrator. In considering requests from schools to raise funds for a non-school organization, the administrator will consider the following factors;
  - a. The organization and/or organizational cause for which the funds are to be raised,
  - b. The instructional value or learning benefits to the students involved in the fund raising activity, and
  - c. The benefit to the community.

Each charter school shall employ an efficient and accurate accounting system for its activity funds. This accounting system must meet with the approval of the school's auditors and the Department of Education. This system shall provide procedures governing the following.

1. Collections
2. Deposits
3. Disbursements (petty cash, checks, etc.)
4. Records of transactions including the following
  - a. A receipt of expenditure register
  - b. A receipt of distribution ledger
  - c. An expenditure distribution ledger
  - d. Reconciliation of bank statement
  - e. Monthly financial statement of each account and the total activity fund
  - f. An annual financial statement
  - g. The selection and obtaining of all necessary forms, account books and bank materials

The administrator shall be responsible for the activity funds of the school.

The administrator shall distribute this policy to each student organization that is granted permission to raise funds.

## **BLOOD DONOR DRIVES ON HIGH SCHOOL CAMPUSES 527**

Blood donor drives may be conducted on high school campuses for students seventeen or older provided all of the following conditions are observed:

1. The organization conducting the drive must be a properly licensed, not-for-profit, self-supporting, and medically sanctioned community service agency.
2. The organization conducting the drive must carry at least one million dollars of professional liability insurance and five million dollars of general liability insurance and must name the charter school and its sponsor as an additional insured.
3. The organization conducting the drive must obtain permission of the administrator, who will specify the date, time, and location on campus of the drive.
4. No donations may be obtained through coercion or strong persuasion.
5. Written permission of the parent or guardian of all donors under the age of eighteen must be on file at the school prior to the donation.
6. Students under the age of seventeen may not participate in blood donor drives.

## **SOCIAL EVENTS AND ACTIVITIES 528**

As part of a general education it is expected that charter schools will provide students with appropriate social events and activities to enhance and enrich students' school experiences.

Dances and parties must be scheduled with and approved by the administrator of the school. Provisions must be made for preparations, operation, and cleanup.

### **ELEMENTARY SCHOOL**

When the administrator grants permission in advance, elementary school and classroom parties are permissible during the last hour of the school day.

### **SECONDARY SCHOOL**

When the administrator grants permission in advance, secondary school parties may be held during the last hour of the school day, after school hours, or during lunch periods. All such parties will normally be held on the school premises under the supervision of school personnel.

A charter school may hold a social event away from school premises only when the administrator has approved the plans for the event in advance, and only when there are several faculty members at the event to supervise. An adequate number of faculty members to supervise each such event must be appointed by the administrator before the event.

Dances and parties shall be held only at times and places so that there are no conflicts with regular curricular programs or other previously scheduled extracurricular activities.

Dances sponsored by school organizations shall be under the direction of the sponsors of the organizations at all times. The sponsors and administrator shall be responsible for adequate chaperonage. Dances shall generally close at or before 11:30 p.m., however, special functions such as the Junior Prom or Senior Ball may run longer.

At least one member of the school's administrative staff shall be in attendance at all school dances.

## **PROGRAMS ON SCHOOL TIME 529**

No programs or activities shall be allowed in the schools during regular school hours when admission is charged and only those who pay are dismissed from class. In cases of outside activities of community-wide interest, the administrator must approve permission for dismissal of pupils with tickets.

Special programs and activities may be allowed with the approval of the administrator when the objectives of those programs or activities include:

1. Educating members of the student body,
2. Unifying the school,
3. Developing an aesthetic sense in pupils,
4. Developing students self-expression,
5. Widening students' interests,
7. Public recognition of the achievements of students or staff of the school, or
8. Developing correct and courteous audience habits.

All special programs and activities that are approved by the administrator should have educational value and be designed for student interest. Wide participation of students should be encouraged.

All special programs and activities should avoid

1. Bar scenes;
2. Drinking scenes;
3. Smoking scenes;
4. Dress, movement, or dialogue that is suggestive or too highly sophisticated; and
5. Swearing, vulgarity, or any language that might be interpreted as degrading to a group or individual.

## **EXTRACURRICULAR ACTIVITIES AND ELIGIBILITY 530**

As described in the section of this manual titled INELIGIBILITY TO PARTICIPATE IN EXTRACURRICULAR ACTIVITIES 555, students who are on suspension or who have violated various rules are not eligible to participate in extracurricular activities.

As described in the section of this manual titled INTERSCHOLASTIC ACTIVITIES PROGRAM 525 there are eligibility requirements set forth by the Interscholastic Activities Program that apply to interscholastic activities.

In addition to the above, the eligibility requirements for participation in high school and middle school extracurricular activities are as follows.

### **HIGH SCHOOL**

For each semester a student must maintain a 2.0 grade point average (GPA) in both academics and citizenship while passing a minimum of four (4) subjects and earning a minimum of two (2) units of credit.

### **MIDDLE SCHOOL**

For each semester a student in grades seven (7) and eight (8) must maintain a "C" average in all subjects and in citizenship.

### **Legal References:**

NAC 386.800 to NAC 386.809

## **LOSS OF CLASS TIME FOR EXTRACURRICULAR AND CO-CURRICULAR ACTIVITIES 531**

Extracurricular and co-curricular activities are intended to supplement, not supplant, the curricular programs of the schools.

All Extracurricular activities are defined as those activities held during or after the completion of the academic school day and that are not connected to the curricular program. These activities include certain clubs, athletics, drill, and spirit teams, forensics, and any other similar activity or event. It is understood that the schools must meet their divisional conference obligations, as well as any Nevada Interscholastic Activities Association (NIAA) and Forensics Association obligations.

Students involved in an extracurricular activity may take one (1) trip beyond the scheduled competition obligations of the organization, missing no more than one (1) school day.

Co-curricular activities are defined as those activities that are an integral part of a class, but take place away from the classroom setting. These activities may include, but are not limited to, drama, vocal and instrumental music, student government classes, Reserve Officers' Training Corps (ROTC), Future Business Leaders of America (FBLA), Vocational Industrial Clubs of America (VICA) and Gifted and Talented Program (GTP). Scheduling of co-curricular activities should be done in such a way as to minimize the need for time out of the academic school day.

Students involved in co-curricular activity may take one (1) out-of-county trip missing no more than one (1) school day.

All extracurricular and co-curricular groups may request an additional trip per school year, missing no more than one (1) school day, if rationale is presented that indicates that the trip is for participation in a regional or national competition or that it would be beneficial for the group to participate or compete in a prestigious event, tournament, or contest.

All requests for additional trips or additional time away from school for a single trip must be submitted to the administrator for approval, then to the charter school's governing body for final approval.

The following stipulations to this extracurricular and co-curricular regulation will apply:

1. Athletics - It is understood that this regulation pertains only to varsity athletic teams.
2. Travel - Students shall be in attendance for 220 minutes (a minimum school day), exception is allowed if distance for travel, weather conditions, certain travel arrangements, or a safety issue become a factor in conducting a safe trip.

Note: in accord with the section of this manual titled FIELD TRIPS AND ACTIVITY TRIPS 532, the charter school's governing body must approve all overnight trips.

## **FIELD TRIPS AND ACTIVITY TRIPS 532**

A field trip is any trip that relates to curriculum as part of a class activity and includes a whole class, but is not carried out in the classroom or on the school grounds.

An activity trip is any trip taken in connection with a school-related activity or school-sponsored organization.

All activity trips requests must include a detailed explanation of the trip's purpose and educational value.

Before any field trip or activity trip is taken it must be approved by the administrator.

No student shall be denied participation in a field trip because the student cannot afford to pay the cost of the trip.

Summer field or activity trips will not be scheduled or planned between school years unless they are part of a summer school or year-round school program. Such trips will not be sponsored or authorized by charter schools.

Before departing on any field or activity trip

1. The trip route and schedule will be reviewed with the driver(s);
2. A roster of students going on the trip will be compiled and given to the bus driver(s) including all students' names, dates of birth, phone numbers, and addresses;
3. A Nevada Department of Education approved first aid kit will be on the bus;
4. The school will have on file a permission form signed by each student's parent or guardian granting permission for the student to go;
5. A practice evacuation of the bus will be completed as required under state law (More information concerning this requirement is in the section of this manual titled PRACTICE EVACUATION OF SCHOOL BUSES 540.);
6. The driver(s) will go over the rules for bus safety and conduct for the trip;

7. Each bus will do a student count (This count will be verified each time the bus moves students from one place to another during the course of the trip and before returning back to school.);
8. There will be a minimum of one school staff member on each bus in addition to the driver; and
9. The chaperone ratio will be checked to make sure it meets or exceeds the following standards.

Day trips:

Kindergarten:	1 adult for every 5 students
Grades 1-3:	1 adult for every 6 students
Grades 4-6:	1 adult for every 8 students
Grades 7-8:	1 adult for every 15 students
Grades 9-12:	1 adult for every 30 students

Overnight trips:

Kindergarten:	1 adult for every 5 students
Grades 1-6:	1 adult for every 5 students
Grades 7-8:	1 adult for every 8 students
Grades 9-12:	1 adult for every 15 students

Mixed groups should have both male and female chaperones.

### **ACTIVITY TRIPS REQUIRING PHYSICAL SKILLS 533**

Whenever an activity trip includes camping, hiking, backpacking, swimming, or any other strenuous activity, the school sponsor of the group shall require each participant to have on file, a signed release/assumption of risk statement and a statement certifying the participant is capable of performing the strenuous activity from the participant's parent(s) and/or guardian(s).

When it is appropriate to do so, the school advisor shall provide for the student participants a conditioning program that is completed before the beginning of the activity trip and that has the effect of developing in each individual student participant the physical stamina and conditioning that are necessary and appropriate to carry out the physical activities planned for the activity trip.

## **MARRIED AND/OR PREGNANT STUDENTS 534**

### **MARRIED STUDENTS**

Married students have the same educational and extra curricular privilege and carry the same responsibilities as unmarried students.

### **PREGNANT STUDENTS**

No student whether married or unmarried who is otherwise eligible to attend charter schools shall be denied an educational program or participation in extra curricular activities solely because of pregnancy, childbirth, pregnancy related disabilities, or actual or potential parenthood.

Any pregnant student may continue regular classroom attendance or participation in extra curricular activities provided her physician indicates such attendance is not detrimental to her health or safety.

Any student may be exempted from regular school attendance by the administrator for the duration of the pregnancy upon the written request of the student and/or parent or legal guardian and upon written, verified documentation from the student's physician or licensed psychologist for medical and/or emotional reasons.

### **ALTERNATE EDUCATIONAL PROGRAMS**

A pregnant student who does not wish to attend regular classes, or who is physically unable to do so during her pregnancy may, at her request, be assigned to an alternative educational program.

Alternate educational programs include special programs approved by the Department of Education and Homebound programs approved by the Department of Education.

## **HEALTH AND WELFARE 535**

Once a student is enrolled in a charter school, all lifesaving measures available will be undertaken for all children while present at school, or attending or participating in school-sponsored activities. First aid is the immediate and temporary care given until medical care can be obtained.

The school administrator is responsible for ensuring the appropriate management of any injury or illness occurring while a student is on school property, attending or participating in school-sponsored activities. The school nurse oversees the functioning of the health clinic and the adherence to school health policies and procedures. The school nurse provides continued, appropriate supervision and instruction to school personnel on emergency care, standard precautions, blood borne pathogens, first aid management, and assisting students with prescribed medications. The clinical aide is responsible for the first aid and care of sick or injured children and works under the direction of the school nurse in those areas pertaining to health services. First aid supplies must be readily available to all staff. The clinic must be stocked to meet the first aid needs.

All school personnel must adhere to standard precautions when handling body fluids.

### **ILLNESS AND INJURIES**

In preparation for potential illness and injuries the school shall

1. Keep records of the students' health status and the students' emergency phone numbers current at all times and
2. Post emergency telephone numbers conspicuously near the clinic phone, e.g., 911 and poison control.

If a student is not seriously ill or injured, e.g., simple abrasion, headache, stomachache, etc., the illness or injury may be handled at school. In these cases the following procedures apply:

1. The parents should be notified as soon as practical.
2. A child is not to be sent home without establishing the procedures for checking students out of school and determining the availability of proper supervision in the home.

3. Parent(s) or guardian(s) are primarily responsible for the transport and welfare of their child. School staff may with consent from the school nurse and the parent(s) or guardian(s) transport a student home if the school has appropriate insurance and if the parent or guardian is unable to arrange transportation for the child or exigent circumstances exist.

If a student is very seriously ill or injured, e.g., head injury with loss of consciousness, compound fractures, etc., follow appropriate first aid procedures and call 911 immediately.

For serious, but less severe illnesses and injuries, the school nurse will determine the method of transport if s/he is on site. If the school nurse is not on the site, this responsibility will shift to the administrator. If the situation warrants it, the parent(s) or guardian(s) may be contacted to make decisions concerning where and how to transport the child. The nature of the injury or illness in terms of severity will dictate whether or not time can be taken to reach parent(s) or guardian(s).

For all serious illness and injuries the following apply:

1. Efforts to locate and notify parent(s) or guardian(s) must continue until successful or until responsibility for the welfare of the student has been assumed by an agency such as an ambulance or emergency medical response service, hospital, physician, or Child Protective Services. Once the student has been transported for medical care, or remanded to Child Protective Services, efforts to locate parent(s) or guardian(s) must continue until successful notification has been completed.
2. In absence of a parent or guardian, a responsible certified school employee is to accompany the student to the hospital and remain with the student until the parent(s) or guardian(s) or designee arrives or until responsibility for the student's welfare had been assumed by another agency.
3. Copies of the student's health record, which includes health status, immunization status and other pertinent health information, must be available for emergency personnel. Medic Alert identification must be checked.

## DO NOT RESUSCITATE ORDERS (DNR)

Charter schools have the obligation under state law to make educational services available to students regardless of race, gender, religion, ethnicity, or disability under NRS 386.580. Charter schools have an obligation under the Federal Rehabilitation Act, the Americans with Disabilities Act, and state law to provide educational services to students with disabilities who are the legal responsibility of public schools, and to provide reasonable accommodations that would permit students with disabilities to access the services provided by the schools.

Charter schools have the obligation to provide a free and appropriate public education to students with identified disabilities under the federal Individuals with Disabilities Education Act and state law. This must include special education and related support services reasonably calculated to provide the student with some educational benefit.

Under this act, once a student is enrolled in a charter school, all lifesaving measures available will be undertaken for all children while present at school, or attending or participating in school-sponsored activities. Thus, the school and its officials are required to provide emergency care to any student in need of such care and, if necessary, to obtain transportation for that student to the closest medical facility for further treatment.

A refusal by appropriate certified school staff to provide life-sustaining emergency care to a student in need of such care would be a denial of related support services and reasonable accommodations that are necessary for the student to benefit from his or her education and would constitute a discontinuation of further educational services based solely on the student's disability. A decision to forego life-sustaining emergency care in a particular situation is a medical determination that cannot be made by school staff and has not been authorized by state law in the public school setting. Permitting a student to die in public school during school hours when school officials have the capacity to prevent that death through life-sustaining emergency care would be extremely disruptive and disturbing to other students and staff at the school.

Therefore, charter school policy regarding the provision of life-sustaining emergency care is as follows:

1. Appropriately trained staff members whose responsibilities include the provision of life-sustaining emergency care shall take all reasonable steps to provide such care to any student on school grounds in need of life-sustaining emergency care and shall attempt to contact an ambulance or emergency medical response service or agency in accordance with regular school policies to secure the speedy transportation of the student to an appropriate medical facility.
2. Charter schools shall not comply with directives from parents or others that life-sustaining emergency care should not be provided to any particular student in need of such care while under the control and supervision of the school.
3. Charter schools shall consider requests for alternative forms of life-sustaining emergency care, but those requests must be supported by written medical substantiation from the child's doctor. Determination shall be made on such requests by a team of persons at the school who are knowledgeable about the child. This team may seek additional outside information when necessary for a decision. Any determination made on such a request must be based on the likelihood that the chosen form of life-sustaining emergency care shall maintain the child's life until an ambulance arrives or the student is otherwise transported to the care of medical personnel.
4. For purposes of this policy, "life-sustaining emergency care" means any procedure or intervention applied by appropriately trained school staff that may prevent a student from dying, who, without such procedure or intervention, faces a risk of imminent death. Examples of life-sustaining emergency care may include: efforts to stop bleeding, unblocking airways, mouth-to-mouth resuscitation and cardiopulmonary resuscitation ("CPR").

## MEDICATION DURING THE SCHOOL DAY

The following provisions apply to both prescription and over-the-counter medication:

1. Parents should make every effort to avoid the necessity of medicating students during the school day. Whenever possible, medication schedules should be developed to provide for the administration of medication before or after school hours.
2. When there is no reasonable alternative and students are required to take any type of medication during school hours, with assistance from school personnel, there must be on file in the school health clinic a letter, or form designed by the school, signed by the parent and the student's physician and the parent(s) or guardian(s) stating that it is necessary for the student to take a specified medication at school and consenting to having the school nurse, or a designee trained by the school nurse, dispense that medication at school. Such a letter must be renewed at the beginning of each school year. A prescription label will not be accepted as an order from a physician to allow school personnel to administer medication.
  - a. Any change in the type, frequency, or amount of medication will require a new letter from the physician and parent or guardian.
  - b. All medication must be contained in a current pharmacy container labeled with the student's name, physician's name, date, medication, correct dosage and time to be given. The amount of medication that will be kept at school will be determined in cooperation with the school nurse, parent, and administrator.
  - c. Charter school personnel delegated to assist students with the administration of medication must be trained by the school nurse to perform this activity in a safe, effective manner.

## COMMUNICABLE DISEASES

Under NRS 392.430, the governing body of a charter school may adopt and enforce rules that are necessary for sanitation in the charter school and for the prevention of contagious and infectious diseases, and spend money to enforce the rules among indigent children. The following is an example of a policy that might be adopted.

1. A student suspected of having a communicable disease may be temporarily excluded from school until an appropriate medical authority determines that the student is not a health or safety threat to other students or staff members.
2. Once a student has been determined by an appropriate medical authority to not be a health or safety threat, he or she is to be educated in the regular school environment.
3. If an appropriate medical authority determines that a student is a health or safety threat to other students and staff, that student will be excluded from the regular school environment. Instructional provision must be made for the excluded student. Alternative instruction may include, but not be limited to the following: homebound teaching or hospital instruction.
4. Confidentiality shall be observed with students suspected of having or diagnosed with a communicable disease. The identity of the student, parent(s), or guardian(s) shall only be made available to persons with a direct need to know the identity of the student, parent(s), or guardian(s).

### Legal References:

The Federal Rehabilitation Act  
The Americans with Disabilities Act  
NRS 386.580  
NRS 392.430

## **REQUIRED PHYSICAL EXAMINATIONS 536**

The school nurse shall carry out or supervise qualified health personnel in carrying out individual observation and examination of every child regularly enrolled to determine whether the child has scoliosis, any visual, or auditory problem, or any gross physical defect. The grades in which these observations and examinations must be carried out are as follows:

1. The first grade attended in elementary schools and in the third grade attended
2. The first grade attended in middle or junior high schools
3. The first grade attended in high schools

If any student attending school in a grade above one of the specified grades has not yet received the required observations and examinations that child shall be included in the current schedule of observations and examinations.

Any student who is new to the school must be given the observations and examinations.

A special examination for a possible visual or auditory problem must be provided for each child who

1. Is enrolled in a special program,
2. Is repeating a grade,
3. Has failed one of these examinations observations in the previous school year, or
4. Shows in any way that he/she may have a visual or auditory problem.

Cursory screens of visual sharpness and cursory auditory examinations do not catch some visual and auditory problems. Some examples of behaviors that may suggest a visual or auditory problem, include the following:

- a. The student sometimes hears that something is being said, but does not appear to understand.
- b. The student confuses similar sounding words more than other students.
- c. The student clearly does not hear as well as other students.

- d. The student's eyes appear to point in different directions from each other.
- e. The student reads and writes with his or her eyes very close to the paper.
- f. The student appears to have difficulties reading things written on the board.
- g. The student has more difficulties than most keeping his or her place when he or she is reading aloud, e.g., sometimes rereads a line or skips a line.
- h. The student closes or covers one eye while reading.

The school shall notify the parent(s) or guardian(s) of any student who is found to have, or believed to have a visual or auditory problem, scoliosis, or any gross physical defect. Further, the school shall recommend that the parents get the child appropriate medical attention to address the problem.

Any child must be exempted from the examinations in this policy if the child's parent(s) or guardian(s) provide the school with a written statement objecting to the examinations. Any such written objection shall be given to the school nurse so that it will be honored.

Legal Reference:

NRS 392.420

## **CHILD ABUSE OR NEGLECT 537**

Nevada law requires school personnel who know, or have reasonable cause to believe, that a child under the age of 18 years has been abused or neglected must report such information as soon as reasonably practicable, but not later than 24 hours after there is reason to believe that a child has been abused or neglected.

Persons making such reports in good faith are immune from civil and criminal liability.

When a charter school employee knows of, or suspects, child abuse that employee must make a report to an agency that provides child welfare services or to a law enforcement agency according to NRS 432B.220. To fulfill this obligation a charter school employee should make a verbal report of the incident to the Division of Child and Family Services of the Nevada Department of Human Resources, 687-4943 or notify local law enforcement officials.

The report must contain the following information, if obtainable:

1. The name, address, age, and sex of the child;
2. The name and address of the child's parents or other person responsible for his care;
3. The nature and extent of the abuse or neglect of the child;
4. Any evidence of previously known or suspected abuse or neglect of the child or the child's siblings;
5. The name, address, and relationship, if known, of the person who is alleged to have abused or neglected the child; and
6. Any other information known to the person making the report that the agency that provides child welfare services considers necessary.

The employee, after notifying the appropriate state agency or local law enforcement officials, will immediately notify the administrator of the school where the child is enrolled. The administrator, or his/her designee, will maintain a log of child abuse or neglect reports and will keep the charter school's sponsor informed of the number of reports.

The Department of Education, charter schools, and charter school employees are not empowered to investigate suspected instances of child abuse or neglect.

No charter school employee is expected or authorized to contact non-school individuals or agencies in order to investigate, obtain additional information or to verify reported information. A charter school employee's sole responsibility is to report this information.

Either the local law enforcement officials or Division of Child and Family Services of the Department of Human Resources, State of Nevada, will conduct the actual investigation of the suspected child abuse or neglect.

All charter school employees will cooperate fully with the agency conducting the investigation of suspected child abuse or neglect.

Legal References:

NRS 432B.220

NRS 432B.230

## **HOMELESS CHILDREN 538**

Within 7 working days after receiving the name and location of a child who is homeless, who is not enrolled in school, and who meets the age requirements of [NRS 392.040](#), a charter school shall either enroll the student or notify the local school district of the child's situation so that the district can enroll the student.

If a homeless child is enrolled in a charter school, that school shall provide the homeless child with education and services that are provided to the other pupils within the school. In addition special efforts will be made to see that homeless children are provided opportunities to achieve the same high quality academic standards expected of all children enrolled in charter schools.

### **DEFINITION OF HOMELESS**

The term "homeless" or "homeless individual" includes:

1. An individual who lacks a fixed, regular, adequate nighttime residence;
2. An individual who has primary nighttime residence in a supervised, publicly or privately operated shelter for the accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill);
3. An individual who sleeps in a public or private place not designated for, or ordinarily used as, a regular sleeping accommodation for human beings (e.g., cars, parks, motels);
4. Children living with a parent in a domestic violence shelter;
5. An individual who is, out of necessity, living with relatives or friends due to lack of housing; and
6. Runaway children (under 18 years of age) and children and youths who have been abandoned or forced out of the home by parents or other caretakers, or such youth (between 1 and 20 years of age) who may still be eligible for educational services who:
  - a. Temporarily reside in shelters awaiting assistance from social service agencies;
  - b. Lives alone on the street or move from place to place between family members, friends, or acquaintances; and
  - c. Children of migrant families who lack adequate housing.

## HOMELESS LIAISON

The charter school's sponsor will serve as the homeless liaison to charter schools. The Homeless Liaison will

1. Monitor documents and procedures for compliance with Federal, State, and charter school requirements and guidelines and
2. Develop the charter school homeless program procedures and act as liaison with the state coordinator for the homeless.

## HOMELESS STUDENT ADVOCATE

The administrator shall be, or shall designate a staff member to be, the school's Homeless Student Advocate. The school's Homeless Student Advocate will work with the sponsor in order to ease barriers to school enrollment and provide school success for homeless children in the school.

## SCHOOL ENROLLMENT PROCEDURES

Schools will comply with the following procedures for enrolling children in transition:

1. Birth certificates or other documents suitable as proof of identity, immunization documentation, and previous school records may not be readily available from homeless children new to the area. Only immunization documentation is needed to enroll a child in transition, but if documents suitable as proof of identity have not been provided by the parents and can not be obtained by the school within 30 days, the school must (NRS 392.165) notify the local law enforcement agency and request a determination as to whether the child has been reported as missing. If immunizations or documents proving identity are not readily available the following may steps should be taken.
  - a. Families should be referred to the school's nurse if immunization is not current. The previous school may fax a copy of current immunizations.
  - b. The school can find certified copies of birth certificates at the State Vital Records Department. That department can supply addresses for out-of-state offices of vital records.
2. By definition, homeless individuals lack a permanent address. A permanent address is not required for school enrollment. If no address exists (e.g., living in an automobile), attempt to secure a name, phone number, and address for emergency notification.

3. To the extent feasible, a homeless student who has moved from one charter school area to another may continue to attend his or her original school for the remainder of the school year, even if the student has moved into permanent housing. Homeless Liaison will work with schools to facilitate transportation if possible.
4. When a homeless child is admitted to a school, the school site advocate, teacher(s), counselor, and nurse will be notified.
5. For homeless children, registration forms should be processed so that the children may begin school immediately.

#### SCHOOL WITHDRAWAL AND TRACKING

If a transfer is necessitated and the new school is known at the time of withdrawal, the new school will be contacted to advise that school of the transfer in progress and when to expect the new student.

When a homeless child is absent for unknown reasons the school will contact the family, shelter manager, or call the emergency contact number.

The school nurse at the receiving school will be notified of any homeless child with special health care needs.

#### NUTRITIONAL SERVICES (FEDERAL FREE AND REDUCED MEALS)

Homeless students who qualify for free or reduced school meals should be provided these meals. This includes providing homeless kindergarten children with a free lunch (and breakfast, if it is offered at the school) daily.

When a complete application is submitted for free or reduced meals for a “homeless” student, that application should be processed quickly so that the student may start receiving meals as soon as possible if he/she qualifies – preferably with the next meal served by the school.

The school administrator may complete an application for a student known to be eligible if the household fails to apply or refuses to fill out the application correctly and completely. When exercising this option, the administrator must complete an application on behalf of the student based on the best household size and income information available. Names of household members, social security number, and signature of an adult household member need not be secured. The parents must be notified that the student has been certified and is receiving free or reduced price benefits.

## HEALTH SERVICES

Every effort should be made to reduce duplication of health services. Dates for immunization and boosters should be diligently sought and made available to schools in a timely manner.

All homeless students should be tracked so those enrollment barriers due to a lack of medical records and issues related to communicable diseases may be alleviated. This also will help ensure that needed health services are provided, but not duplicated.

## COUNSELING AND PERSONAL ADJUSTMENT

Issues related to personal adjustments are a responsibility of all who come in regular contact with the homeless student including the student's counselor, teacher, and school Homeless Student Advocate. To this end, the schools should develop and implement strategies to meet homeless students' adjustment personal adjustment needs. The school should also reach out to parents of homeless children.

## ASSESSMENT AND SPECIAL SERVICES

Depending on previous educational history and documentation, administer (within the first week of school) a quick educational screening.

If special education services appear to be needed expedite the administration of additional assessments.

## COMMUNICATION AND COLLABORATION

All school personnel who interact with homeless children or who have responsibilities for services appropriate to the needs of homeless children will:

1. Coordinate and collaborate with community agencies providing basic nutritional, health, and social services to homeless children and their families; and
2. Work as advocates on behalf of homeless children and youth to make education relevant for all homeless children.

Teachers will communicate school supply needs and other concerns regarding homeless children to their administrator and Homeless Student Advocate.

Legal References:

Stewart B. McKinney Act, Section 103[a] [1] [2]

NRS 385.080

NAC 392.205

NAC 392.225

## **STUDENT TRAFFIC PATROLS 539**

Many elementary schools have student traffic patrols, which use students to patrol street crossings traversed by school children going to and from school. If a charter school decides to use student traffic patrols, it shall take the following steps before a student serves in a student traffic patrol.

1. The school shall develop a policy manual for student traffic patrol;
2. The school shall provide each student serving on the patrol with appropriate training to be approved by the charter school's governing body;
3. The administrator shall have on file a permission slip signed by the parent(s) or guardian(s) of each student who will participate in the traffic patrol; and
4. The school shall provide the sponsor with documentation that the school's insurance covers students who will serve on the student traffic patrol.

## **PRACTICE EVACUATION OF SCHOOL BUSES 540**

At least twice during each school year, all charter school students who ride school buses to and from school or on a school trip must practice the emergency evacuation of the school bus. This practice will be completed by October 1 and March 1 of each school year. Prior to every field trip conducted by a charter school on a school bus, the evacuation of that bus must be practiced.

The administrator, or his or her designee, shall:

1. Establish a uniform procedure, which is followed by all bus drivers in carrying out the practice evacuation of buses, and
2. Establish a uniform procedure for recording all practice of evacuations and maintaining records of those evacuations for one (1) full year after the practice sessions.

Legal Reference:

NRS 392.375

## **STUDENT DISCIPLINE 541**

State law charges every teacher and administrator with maintaining order and discipline among students; therefore, rules, regulations, and procedures are developed to establish and to maintain an orderly learning environment in each school. These rules, regulations, sanctions, and due process procedures are designed to protect all members of the educational community in the exercise in their rights and duties in all aspects of their experience, including participation in extracurricular activities, interschool athletic competition, and the school transportation program.

The administrator has the overall responsibility for the discipline and welfare of students. Imposition of serious disciplinary action on any student, including, but not limited to, suspension from school, and suspension from inter-scholastic activities are governed by the sections of this manual titled SUSPENSION OF TEN DAYS OR LESS 549 and EXPULSION AND LONG TERM SUSPENSION 550. These procedures are available in each school, distributed to teachers and students, and made available to parent(s) or guardian(s) upon request.

The primary responsibility for discipline in the classroom rests with the teacher, who shall use reasonable and professional judgment in maintaining order and in administering disciplinary measures.

The governing body of each charter shall adopt written rules of behavior required of and prohibited for pupils attending the charter school, and that body shall adopt appropriate punishments for violations of the rules. Please refer to the section of this manual titled SCHOOL RULES 542.

School organizations, clubs, and athletic teams may adopt and distribute to their members rules to govern student conduct which are in accord with state and federal law, the policies in this manual and school rules adopted by the charter school's governing body.

Every effort should be made to resolve potential disciplinary problems through discussion, counseling, and psychological services.

Legal References:

NRS 386.585

NRS 391.270

## **SCHOOL RULES 542**

It is expected that all students of charter schools will conduct themselves in a proper and exemplary manner. Administrators, teachers, other educational personnel, support staff, parents, and the charter school's governing body are expected to work together to develop general rules of conduct for the welfare and safety of all students.

Under NRS 392.4644 the administrator of each public school shall establish a plan to provide for the progressive discipline of pupils and on-site review of disciplinary decisions. That plan must

1. Be developed with the input and participation of teachers and other educational personnel and support personnel who are employed at the school, and the parents and guardians of pupils who are enrolled in the school;
2. Be consistent with the written rules of behavior prescribed in accordance with [NRS 392.463](#);
3. Include, without limitation, provisions designed to address the specific disciplinary needs and concerns of the school; and
4. Provide for the temporary removal of a pupil from a classroom in accordance with [NRS 392.4645](#) through NRS 392.4648.

On or before October 1 of each year, the administrator of each charter school shall

1. Review the plan in consultation with the teachers and other educational personnel and support personnel who are employed at the school;
2. Based upon the review, make revisions to the plan, as recommended by the teachers and other educational personnel and support personnel, if necessary;
3. Post a copy of the plan or the revised plan, as applicable, in a prominent place at the school for public inspection and otherwise make the plan available for public inspection at the administrative office of the school;
4. Submit a copy of the plan, or of the revised plan, if it has been revised, to the sponsor of the charter school.

It is recommended that a committee including representation from the charter school's governing body be formed each year to develop or review the school's progressive discipline plan.

Under NRS 386.585 the charter school's governing body shall adopt rules of behavior, prescribed punishments, and procedures to be followed in imposing punishments. When those rules, punishments, and procedures have been adopted they must be distributed to each pupil at the beginning of the school year and to each new pupil who enters school during the year. Those rules, punishments, and procedures must also be available for public inspection at the charter school.

Legal References:

NRS 386.585  
NRS 392.4644  
NRS 392.4645  
NRS 392.463

## **DRESS 543**

Dress and grooming are individual and personal matters and the primary responsibility for dress and grooming rests with the student and the student's parent(s) or guardian(s). However, charter schools shall insist that the dress and grooming of students are within the limits of generally accepted good taste. Charter schools shall also insist that the dress and grooming of all students must not present potential health or safety problems or cause disruptions. The school authorities have the professional responsibility and legal sanction to require students to change their dress and/or grooming to conform to these requirements.

School organizations that sponsor off-campus activities may adopt special rules regarding dress and grooming to be followed when the group represents the school. These rules must be reviewed and approved by the administrator before they are implemented.

Please refer to the section GANGS AND GANG ACTIVITY 557 for additional information.

Legal Reference:

Attorney General of the State of Nevada Opinion #288, 05-25-62

## **PROHIBITED CONDUCT 544**

Committing, participating in or unlawfully attempting any of the following activities or acts in school buildings or on school property is prohibited and may constitute cause for disciplinary action. In addition, students at school-sponsored, off campus events and those using charter school sponsored transportation shall be governed by the policies, rules, regulations, and procedures established in this manual. Any criminal act shall be reported at once to the local police or sheriff's office. The student's parent(s) or guardian(s) shall also be notified, if possible. The school will take disciplinary action, whether or not criminal charges result.

### **CRIMINAL OFFENSES (As defined in applicable statutes or ordinances)**

Violations of local, state or federal laws shall be enforced on school properties or at activities sponsored by charter schools. Examples of such laws are indicated below:

1. **ALCOHOL:** The possession of, sales, and furnishing alcoholic beverages.
2. **ARSON:** The intentional setting of fire.
3. **ASSAULT:** Physical or verbal threats with the intent and the ability to carry through with same.
4. **BATTERY:** An unconsented-to touching or application of force to another person.
5. **BOMB THREAT/FALSE:** Willfully conveying by mail, written notes, telephone, telegraph, radio or any other means of communication, any threat knowing it to be false.
6. **BURGLARY:** Illegal entry with the intent to commit a crime.
7. **DESTRUCTION OF PROPERTY:** Willfully and maliciously destroying or injuring real or personal property of another.
8. **DISTURBING THE PEACE:** Maliciously and willfully disturbing the peace of any person; maliciously and willfully interfering with or disturbing persons in the school.
9. **EXPLOSIVE DEVICES:** The possession of explosive or incendiary devices.

10. FALSE FIRE ALARMS: False reporting of, or transmission of, signal knowing same to be false.
11. FIREWORKS: The possession of, sales, furnishing, use or discharge of fireworks.
12. INDECENT EXPOSURE: An open indecent or obscene exposure of his person or the person of another.
13. LARCENY: Stealing, taking, carrying away property of another.
14. LIBEL: A malicious defamation expressed to impeach a person's honesty, integrity, virtue or reputation.
15. MARIJUANA: The possession of, sales or furnishing marijuana.
16. NARCOTICS: The possession of, sales or furnishing a controlled substance.
17. NARCOTICS PARAPHERNALIA: The possession of, sales, furnishing or use of.
18. PROFANITY: Use of vile or indecent language.
19. RESISTING OFFICER: Willfully resisting, delaying or obstructing an officer in the performance of duty.
20. ROBBERY: The unlawful taking of personal property from the person of another or in his/her presence, against his/her will, by means of force or violence or fear of injury.
21. ROUT/RIOT: Two or more persons meeting to do an unlawful act/two or more persons actually doing an unlawful act with or without a common cause of quarrel.
22. STOLEN PROPERTY: Receiving or possessing property of another, knowing or under such circumstances as would cause a reasonable person to know they were so obtained.
23. TAMPERING WITH MOTOR VEHICLES: Willfully break, injure, tamper, remove parts, deface a vehicle; without consent of owner, climb into or upon a vehicle with intent to injure; to manipulate any levers while vehicle is at rest or unattended or to set vehicle in motion.

24. **THROWING SUBSTANCE AT VEHICLE:** To throw any stone, rock, missile or any substance at any motorbus, truck or other motor vehicle.
25. **TRESPASS:** To be upon the property of another without permission of the owner and to stay upon same after warning. To be on school property or at a school function while under suspension from school.
26. **WEAPONS:**
  - a. Brandishing any knife, blackjack, slingshot, billy, sand club, sandbag, metal knuckles, explosive substance, dirk, dagger, pistol, revolver or other firearm, or other deadly weapon in a rude, angry or threatening manner or to use same in any fight or quarrel.
  - b. Concealed - it is unlawful for any person to carry any weapon commonly known as a knife, blackjack, slingshot, billy, sand club, sandbag, metal knuckles, explosive substance, dirk, dagger, pistol, revolver or other firearm, or other dangerous weapon. For the purpose of this section, nunchaku are included herein.
  - c. Possession - it is unlawful for any person to possess any weapon commonly known as a knife, blackjack, slingshot, billy, sand club, sandbag, metal knuckles, explosive substance, dirk, dagger, pistol, revolver or other firearm, or other dangerous weapon.
27. Violation of other federal or state criminal laws or local ordinances at school, at school-sponsored activities or on school-sponsored transportation is prohibited.

#### CHARTER SCHOOL OFFENSES

The following non-criminal activities may also lead to disciplinary action. Generally, these are acts that disrupt and interfere with the educational process or with the rights of other members of the educational community.

1. **ALCOHOLIC BEVERAGES:** Being on campus, on school-sponsored transportation or at a school-sponsored activity after having consumed an alcoholic beverage.
2. **DISOBEDIENCE, INSOLENT AND INSUBORDINATION:** Students must obey the instructions of school personnel.
3. **DISRUPTIVE CONDUCT:** Conduct that interferes with the educational process. Serious situations may be handled under criminal sanctions.

4. FIGHTING.
5. FORGING OR USING FORGED PASSES, EXCUSES OR OTHER SCHOOL DOCUMENTS.
6. GUM CHEWING AND EATING FOOD AT INAPPROPRIATE TIMES OR IN INAPPROPRIATE PLACES AS DETERMINED BY THE ADMINISTRATOR.
7. HAZING: Any act that forces another student to undergo a humiliating or abusive ordeal, as in initiations.
8. ILLEGAL SUBSTANCE: Being on campus, on school-sponsored transportation or at a school-sponsored activity after having used an illegal substance.
9. INAPPROPRIATE DRESS AND APPEARANCE: Dress and appearance must not present potential health or safety problems or cause disruptions.
10. MISCONDUCT ON SCHOOL VEHICLES: Any action that creates a safety hazard or distracts the attention of the driver.
11. PLAGIARISM AND CHEATING.
12. POSSESSION AND USE OF TOBACCO, CIGARETTES, CHEW, ETC., ON SCHOOL PROPERTY OR AT A SCHOOL-SPONSORED ACTIVITY.
13. RADIO PAGERS (BEEPERS) AND PORTABLE PHONES: Students may possess or use electronic signaling devices, including but not limited to pagers, beepers, and cellular/digital telephones, provided that the use of such devices is confined to areas outside school buildings—before and/or after school hours or during lunch break. Electronic signaling devices shall not be carried into classrooms during assessments, semester exams or other testing situations.

#### CONSEQUENCES

##### First Offense:

- The electronic signaling device shall be confiscated.
- The parent/legal guardian shall be notified.
- The electronic signaling device shall be turned over to the parent/legal guardian.
- The policy shall be reviewed with this student and his/her parent/legal guardian.

- A warning shall be given regarding the consequence(s) for any future violation of the policy.

Second Offense:

- The electronic signaling device shall be confiscated.
- The parent/legal guardian shall be notified.
- The electronic signaling device shall be turned over to the parent/legal guardian.
- School-determined consequence for “administrative insubordination” or “disregard for school rules.”
- The policy shall be again reviewed with this student and his/her parent/legal guardian.
- A further warning shall be given regarding the consequence(s) for any future violation of the policy.

Third Offense:

- The electronic signaling device shall be confiscated.
- The parent/legal guardian shall be notified.
- The electronic signaling device shall be turned over to the parent/legal guardian.
- School-determined consequence for second offense for “administrative insubordination” or “disregard for school rules.”
- Electronic signaling device privileges shall be revoked for a period of 90 school days.
- The policy shall be again reviewed with this student and his/her parent/legal guardian.
- A further warning shall be given regarding the consequence(s) for any future violation of the policy.

Fourth Offense:

- The electronic signaling device shall be confiscated.
- The parent/legal guardian shall be notified.
- The electronic signaling device shall be turned over to the parent/legal guardian.
- School-determined consequence for third offense for “administrative insubordination” or “disregard for school rules.”
- Electronic signaling device privileges shall be revoked for remainder of student’s school career.

Appeals:

A parent or legal guardian shall have the right of appeal to the administrator or his/her designee regarding fourth offenses. Said

request for appeal shall be submitted in writing directly to the administrator within ten (10) working days after the determination of a fourth offense.

14. Inside school buildings and during the school day, electronic signaling devices shall be in the “off” position at all times. Electronic signaling devices should be stored in the student’s locker, if possible. When not possible, the electronic signaling devices may be carried in the “off” position in the student’s backpack or other carry item.
15. Outside of the school instructional hours or during school activities, electronic signaling devices may be carried in the “vibrate” or “silent ringer” notification mode.
16. **SEXUAL HARASSMENT:** A student should not be sexually harassed, discriminated against, denied a benefit, or excluded from participation in any charter school educational program or activity as guaranteed by Title IX of the Educational Amendments of 1972. Sexual harassment is defined as the verbal or physical conduct of a sexual nature, imposed on the basis of sex, by an employee or agent of the school or by a student of the school. No student shall be denied or limited to the provision of aid, benefits, services or treatment protected under Title IX.
17. **SPREADING FALSE OR UNSUBSTANTIATED INFORMATION IN WRITING OR VERBALLY ABOUT A PERSON AND HARMING HIS/HER REPUTATION.**
18. **TRAFFIC VIOLATIONS ON SCHOOL GROUNDS.**
19. **TRUANCY:** Being absent from school without a valid excuse acceptable to the administrator.
20. **GANG ACTIVITY:** As set forth in the section of this manual titled **GANGS AND GANG ACTIVITY 557.**

Legal Reference:

NRS 392.464

## **DRIVING 545**

Driving and parking on school grounds are privileges that may be given to students by a charter school. Students disregarding the following driving regulations may lose these privileges.

Students driving over posted speed limits, or driving/parking in any unauthorized areas, driving in any reckless manner or in violation of school policies shall be subject to disciplinary action, determined by the administrator. Furthermore, students in violation of state traffic laws may be referred to the proper authorities.

## **DISCIPLINARY SANCTIONS 546**

When it has been determined that a school rule, a policy or procedure in this manual, or a law has been violated appropriate disciplinary action will be taken. Disciplinary action may include, but is not limited to, the alternatives described within this manual and the school's discipline policy.

## **NOTIFICATION OF LAW ENFORCEMENT OFFICIALS 547**

Schools shall work closely with law enforcement agencies in the control of student behavior. In general, these agencies shall be called upon to assist in handling situations involving theft, physical danger, or dangerous search, or seizure. Please refer to the section of this manual titled SEARCHES OF STUDENTS 552 for additional information.

An incident that may constitute the commission of a felonious act shall be reported at once to the appropriate local law enforcement agency, and the student's parent(s) or guardian(s) shall be notified.

When emergency conditions require the school to take action before the arrival of an officer, a follow-up referral should be made to the appropriate agency.

Any call for assistance or for the investigation of an offense occurring on school property or at a school sponsored event will be immediately followed by the administrator, or the administrator's designee, writing a statement to document the details of the situation and placing that statement either in the appropriate student(s) files or in a separate file kept for such reports.

## **SUSPENSIONS - GENERAL INFORMATION & DEFINITIONS 548**

Suspension is the temporary removal of a student from school or from school-sponsored activities. Students may be suspended for the following reasons:

1. Violation of any state law or local ordinance in a school building, on school grounds, or at a school-sponsored activity. Examples of these violations are listed in the section of this manual titled PROHIBITED CONDUCT 544.
2. Violation of rules, policies, and procedures established for charter schools as outlined in this manual. Examples of these violations are listed in the section of this manual titled PROHIBITED CONDUCT 544.
3. Student actions or inactions at school or a school-sponsored activity that disrupt, interfere with, or pose a threat to the educational program, other students, staff, visitors, or the student personally.

The primary purpose of suspension is to give the student, his/her parent(s) or guardian(s), and the school the time needed to resolve a problem. The duration of suspension is related to a course of action designed to resolve the problem.

Types of Suspension:

1. **Emergency Suspension:** The administrator, or his or her designee, may suspend any student whose conduct is determined to be a clear threat to the physical safety of others or to the property interests of others or is so extremely disruptive as to make the student's temporary removal necessary to preserve the right of the other students to pursue an education.
2. **Long-Term Suspension:** A student may be suspended from school or from an interscholastic activity for more than ten (10) days by the school's governing body. Please refer to the section of this manual titled EXPULSION AND LONG TERM SUSPENSION 550.
3. **Short-Term Suspension:** A student may be removed from school and/or from interscholastic activities for no more than ten (10) days by the administrator.
4. **In-School Suspension:** A student may be removed from his/her classes and all school activities for no more than ten (10) days and during the term of suspension the student will remain in a separate supervised area of the school. The primary intention of this action

5. Guidance Suspension: A student may be removed from school and all related activities for no more than ten (10) school days. Students placed on a guidance suspension will be referred to appropriate mental health professional(s) for assistance. Such guidance suspension will occur when a student's prior actions have indicated the need for intervention or assistance, and that intervention by a counselor and school psychologist has failed to provide a positive change. These suspensions will not be considered disciplinary in approach and consequently will not be treated as emergency suspensions.

#### SPECIAL CONDITIONS OF SUSPENSION:

1. A student may not participate in extracurricular activities during the term of his/her suspension.
2. Suspensions may be reflected in the student's class citizenship or school citizenship grade.
3. Notations of suspensions from school will be made in the student's cumulative folder.
4. Schoolwork missed as a result of suspensions that last 10 days or less may be made up through the completion of make-up work in the manner and to the extent described in the section of these policies titled ATTENDANCE CHECKING, ABSENCES, MISSED INSTRUCTION, TRUANCY, MINIMUM ATTENDANCE, MAKE-UP WORK AND PARENT/SCHOOL RESPONSIBILITIES 506 under MAKE-UP WORK. Any work that cannot be made up, or is not made up, will result in the lowering of the academic grade for the grading period, and it may result in loss of credit.

#### Legal References:

NRS 386.585  
NRS 392  
NRS 392.466  
NRS 392.467

## **SUSPENSION OF TEN DAYS OR LESS 549**

A pupil may be removed from school immediately for any of the following:

1. Posing a continuing danger to persons or property,
2. Posing an ongoing threat of disrupting the academic process,
3. Selling or distributing any controlled substance, or
4. Being found in possession of a dangerous weapon as provided in NRS 392.466.

When a student is removed for any of these reasons the student shall be given an explanation of the reasons for his or her removal. The student shall also be given an explanation of pending proceedings, to be conducted as soon as practicable after removal, for his or her suspension or expulsion.

In all other cases involving suspension the administrator shall:

1. Tell the student you are meeting with him/her to investigate allegations that the student has violated laws, rule(s), state charter school policies, or the school's policies.
2. Tell the student the specific laws, rule(s), or policies that are alleged to have been violated and that, if the evidence supports the allegations, there will be consequences up to and including suspension from school. Ask if he/she understands the allegation(s).
3. Explain to the student the evidence you have regarding the alleged violation(s).
4. Ask the student if he/she admits or denies the allegation(s). If the student admits to violation(s), assign appropriate consequences. If the student denies the allegation(s), give him/her the chance to explain and present his/her side of the story. The administrator will consider the student's explanation and, if the administrator deems it appropriate, may investigate the matter further. (This does not mean that the student can secure counsel, confront, and cross-examine witnesses, or call witnesses on his/her behalf to present his/her case.)

5. After hearing the student's explanation and evidence, the administrator should determine if he/she needs more information and, if so, obtain it before making a decision. If not, the administrator should determine what, if any, violations exist and assign appropriate consequences.
6. If the student has a behavior plan, the administrator should review the plan with the student. If the student does not have a behavior plan and the student is subject to the habitual discipline statute (NRS 392.4655), then a behavior plan may be written.
7. If suspension is appropriate, the administrator shall notify the student that he/she will be suspended for (number of days) commencing (starting date).
8. The administrator shall notify the parents of the suspension as soon as possible by phone or in person and follow up that notification with a letter, which will be placed in the student's file

Legal Reference:

NRS 386.585

## **EXPULSION AND LONG TERM SUSPENSION 550**

When it is determined that a student's behavior seriously interferes with the educational program or the safety or welfare of school personnel or other students, the charter school's governing body may remove the student from further attendance in the charter school in accordance with NRS 386.585.

### **STATE-MANDATED SUSPENSIONS:**

A student shall be suspended for at least a period equal to one (1) semester from the school s/he attends if:

1. On the first occurrence, the student commits a battery that results in the bodily injury of an employee of the school while on the premises of any public school, at any activity sponsored by a public school, or on any school bus.
2. On the first occurrence, the student 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.
3. On the first occurrence, the student is found in possession of a dangerous weapon while on the premises of any public school, at any activity sponsored by a public school, or on any school bus.
4. In one school year, there is written evidence that the student has threatened or extorted or attempted to threaten or extort another student, teacher or other personnel employed by the school.
5. In one school year, there is written evidence that the student has been suspended for initiating, without provocation, at least two (2) fights on school property.
6. In one school year, there is written evidence that the student has a record of five (5) suspensions from the school for any reason.

Any student who commits any the conduct described in 1 through 6 above will be placed on emergency suspension pending investigation and determination of final action to be taken in the matter.

## STATE MANDATED EXPULSION:

### 1. One Year Expulsion

The school must expel any student for a period of not less than one (1) year from the school he or she attends if at any time, the student is found in possession of a firearm or an explosive device while on the premises of any public school, at any activity sponsored by a public school, or on any school bus.

There is an exception for possession of a firearm with the prior approval of the administrator.

### 2. Permanent Expulsion

The school must permanently expel a student from the school he or she attends if:

- a. On the second occurrence, the student commits a battery that results in the bodily injury of an employee of the school while on the premises of any public school, at any activity sponsored by a public school, or on any school bus;
- b. On the second occurrence, the student 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;
- c. On the second occurrence, the student is found in possession of a dangerous weapon while on the premises of any public school, at any activity sponsored by a public school, or on any school bus.

Any student who commits the conduct described above in No. 1, No. 2.a., No. 2.b., or No. 2.c. will be placed on emergency suspension pending investigation and determination of final action to be taken in the matter.

## EXPULSION AND LONG TERM SUSPENSION HEARINGS:

If after an investigation it is determined by the administrator that a long term suspension or expulsion is appropriate the student will be provided a hearing before the school's governing body. The governing body will decide in accordance with procedures in NRS 392.467 whether or not the student shall be put on a long term suspension or be expelled as recommended by the school administrator.

The hearing shall be closed to the public. A tape recording of the hearing will be made by the governing body. Upon request the student may obtain a copy of the hearing recording.

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

Both the student and the administrator may call witnesses and present evidence.

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.

#### RE-ADMITTANCE TO SCHOOL:

Students may apply for re-admittance, within 45 school days from the one year anniversary day of their expulsion by the charter school's governing body. Such request should be made to the administrator. During this period of time, the administrator will direct appropriate staff personnel to conduct a review of the request to ensure that any special conditions for re-admittance, such as a psychological evaluation, are completed as well as determining that the student has been a good citizen during the period of expulsion. When this review has been completed the governing body will decide near the end of the expulsion period whether or not the student may be re-admitted. The charter school's governing body will provide written notification of its decision to the student, parent(s) or guardian(s), and the administrator of the charter school.

#### Legal References:

NRS 386.585

NRS 392

## **CORPORAL PUNISHMENT 551**

NRS 392.465 prohibits corporal punishment of students. Under this state law and under this charter school policy, the governing body of a charter school shall not permit corporal punishment of students in charter schools. This policy does not prohibit any teacher, administrator, other licensed person, or classified person from defending himself if attacked by a pupil. As used in this policy, “corporal punishment” means the intentional infliction of physical pain upon or the physical restraint of a pupil for disciplinary purposes.

Corporal punishment does not include the use of reasonable and necessary force:

1. To quell a disturbance that threatens physical injury to any person or the destruction of property,
2. To obtain possession of a weapon or other dangerous object within a pupil’s control,
3. To defend oneself or another person, or
4. To escort a disruptive pupil who refuses to go voluntarily with the proper authorities.

Legal Reference:

NRS 392.4633

## **SEARCHES OF STUDENTS 552**

The primary function of the public schools is education. In order to serve this function, the schools must maintain discipline and order, and the schools must provide students with physical safety and security.

School officials and teachers act in loco parentis to the students during the time students are under their supervision.

To provide an orderly and safe school environment, the school must control the behavior of students and prevent the introduction by students of harmful, damaging, unlawful, or deleterious items onto the school premises. The law, therefore, permits school authorities to search students, their personal possessions, their desks, and lockers under appropriate circumstances.

A decision to search a student, his/her possessions, or any school property or area assigned to him/her for his/her individual use shall be made in accordance with the following guidelines:

### **STUDENT'S RIGHTS AND RESPONSIBILITIES**

The student has a right of privacy in his/her person, his/her personal belongings and effects, and his/her personal automobile parked on school grounds; but that right is limited by the needs of all students for a safe, calm, and orderly school environment.

Students shall not carry, conceal, or bring onto the school premises any material that is prohibited by law, published school rules, regulations, or policies; nor shall they carry, conceal, or bring onto the school premises any material that will detract from the maintenance of a calm, orderly, and safe school environment.

## SEARCHES

A teacher, administrator, or other school employee designated by an administrator may search the person of any student, the personal effects in the student's possession, or the student's automobile parked on school grounds, under any of the following circumstances:

1. The search is made in connection with a lawful arrest.
2. The search is made with the voluntary consent of the student.
3. The search is conducted on the reasonable suspicion that the student is:
  - a. Engaged in an activity that violates a law or published charter school rule, regulation, or policy; or
  - b. Carrying, concealing, or sequestering material the possession of which is prohibited by law or by published charter school rule, regulation, or policy.

If the search is made with the consent of the student, there should be a witness to the obtaining of the consent and to the search.

The teacher, administrator or other designated school employee making the search shall be of the same sex as the student searched, unless the need for an immediate search requires a search by a teacher, administrator, or school employee of the other sex. When the search is made by someone of a different sex than the student searched, there should be a witness to the search.

The search of a desk or locker assigned to a student may be done at any time pursuant to either of the following rules:

1. The search is made to maintain discipline and protect the students from the introduction into the school of offensive or undesirable materials, or
2. The search is made on the reasonable suspicion that the student is
  - a. Engaged in an activity that violates a law or a published charter school rule, regulation, or policy; or
  - b. Using the school property in the form of a locker or desk for illegal or wrongful purposes or to sequester material the possession of which is prohibited by law or by published charter school rule, regulation, or policy.

In all other cases, a search warrant should be obtained before a search is conducted.

## REASONABLE SUSPICION

In those cases requiring a reasonable suspicion as the basis for the search, the school official, or employee authorizing the search, shall have a reasonable suspicion that the fruits or implements of a crime or unlawful act will be found, or that a weapon or other material the possession of which is prohibited by law or by charter school rules, regulations, or policies will be found. A reasonable suspicion is a subjective, good faith belief supported by objective facts which may include, but are not limited to, the student's age, history, and record in the school, the reliability of the information giving rise to the suspicion and the seriousness and prevalence of the problem in the school. The required "reasonable suspicion" must be based on facts relating to a particular student whose person, belongings, automobile, desk, or locker is to be searched and such suspicion must arise immediately prior to the proposed search.

## LIMITATIONS ON RIGHT OF PRIVACY: LOCKERS AND DESKS

The student does not have the exclusive right to possession of the locker or desk to which he or she is assigned, and the school reserves the right to conduct searches of lockers and desks as outlined above. Each student shall accept and use the assigned locker or desk on such basis.

## CANINE SEARCHES

The school may conduct canine searches of school hallways, lockers, classrooms, buildings, parking lots, and other school property through the use of a canine unit. A canine unit consists of a qualified handler and a dog specially trained to detect illegal or prohibited substances, weapons, or bombs.

If a teacher, administrator, other school official, employee, school police, or security personnel, have a reasonable suspicion to believe that a student or students have in his/her/their possession a weapon or a controlled substance or material that is prohibited by law or charter school rules, regulations, or policies, a search may be conducted of a student by the canine unit on campus. Such a search of a student may only be conducted on reasonable suspicion, described above under REASONABLE SUSPICION.

## ROLE OF LAW ENFORCEMENT AGENCIES

School personnel should call for assistance from local law enforcement authorities when there is reason to believe the situation is dangerous.

If a search by school personnel results in the discovery of materials the possession of which law prohibits, local law enforcement officials shall be notified and the materials shall be turned over to them.

## **RESTITUTION FOR DAMAGES AND THEFT 553**

The administrator should handle acts of theft, forced entry, or destruction of property in the manner most suited to the development of respect for law and civic responsibility. This requires taking into consideration the age and background of the student, the specific nature of the offense, and other circumstances, but does not allow condoning such action in any way.

Any student who steals school property, enters a locked building or enclosure, or destroys or defaces any school property shall be subject to suspension, transfer, expulsion, or other disciplinary action under the procedures set forth in the sections of these policies titled SUSPENSIONS – GENERAL INFORMATION & DEFINITIONS 548, SUSPENSION OF TEN DAYS OR LESS 549, AND EXPULSION AND LONG TERM SUSPENSION 550. If it appears that a law may have been violated, the student's parent(s) or guardian(s) shall be notified, if possible, and local law enforcement officials shall be notified.

The student and his or her parent(s) or guardian(s) shall be held responsible within the limits of the law for restitution for damages to school property. State law (NRS 393.170) provides specifically that students and parent(s) or guardian(s) are responsible for instructional supplies and material loaned to students. It specifies further (NRS 393.070) that willfully and maliciously injuring, marking, or defacing any public property is illegal.

The administrator may deal with minor damage, which does not exceed fifty dollars (\$50), in a manner he or she deems most suitable. He or she will then file a report of the incident in the student's permanent file. Whenever possible, the student should take full responsibility for restoring damages.

If the damage exceeds fifty dollars (\$50) and the student or his or her parent(s) or guardian(s) does not voluntarily make restitution, the school may pursue recovery of costs as provided under provisions of NRS 193.155.

Legal Reference:

NRS 193.155

## **REMOVAL FROM A SPECIFIC CLASS 554**

As part of the school's progressive discipline plan, and as required under NRS 392.4645, if in the judgment of the teacher, the pupil has engaged in behavior that seriously interferes with the ability of the teacher to teach the other pupils in the classroom and with the ability of the other pupils to learn. The teacher may remove the pupil from the classroom, or have the pupil removed.

Upon the removal of a pupil from the classroom the administrator of the school shall provide an explanation of the reason for the removal of the pupil to the pupil and offer the pupil an opportunity to respond to the explanation. Within 24 hours after the removal of a pupil the administrator shall notify the parent or legal guardian of the removal.

If the administrator finds that the pupil should be suspended or expelled the student may be suspended and expelled, as appropriate, following the procedures in the sections of this manual titled SUSPENSION OF TEN DAYS OR LESS 549 and EXPULSION AND LONG TERM SUSPENSION 550.

If the pupil is not suspended, the pupil must be assigned to a temporary alternative placement in which the pupil:

1. Is separated, to the extent practicable, from pupils who are not assigned to a temporary alternative placement;
2. Studies under the supervision of appropriate school personnel; and
3. Is prohibited from engaging in any extracurricular activity sponsored by the school.

Legal Reference:

NRS

392.4645

## **INELIGIBILITY TO PARTICIPATE IN EXTRACURRICULAR ACTIVITIES 555**

Students who are suspended or expelled from school are not allowed to participate in extra-curricular activities or allowed to attend school-sponsored, off-campus events during the term of their suspension or expulsion.

In addition to state and federal laws and regulations, these policies, and individual charter school rules, extracurricular organizations may have rules to govern the conduct of their members so long as those rules are in accord with state and federal laws and regulations, these policies, and individual charter school's rules and policies. Infractions of any state or federal law or regulation, charter school policy, or individual charter school rule may lead to suspension or removal from participation in the organization's activities.

In the event any state or federal law or regulation, charter school policy or individual charter school rule prescribes a mandatory penalty for a specified violation, the administrator, or his or her designee, shall be required to follow the prescribed mandate.

See also EXTRACURRICULAR ACTIVITIES AND ELIGIBILITY 530.

## **STUDENT CONDUCT ON SCHOOL BUS 556**

The transporting of students in school owned or operated transportation equipment is regarded as an extension of the school proper and, as such, the charter school staff and administrator have disciplinary jurisdiction.

Proper behavior on a school bus is a matter of student safety. Students will behave in a safe and orderly manner on school buses. Students will follow all bus rules and the driver's instructions, just as they are expected to follow school rules and directions of other school staff members.

Students who become serious disciplinary problems on the school bus may have their riding privileges suspended.

## **GANGS AND GANG ACTIVITY 557**

The presence of gangs and gang activities can cause a substantial disruption of or material interferences with school and school activities. A "gang" as defined in this policy is any group of two or more persons whose purposes include the commission of illegal acts.

Any gang-related clothing, apparel, attire, jewelry, insignias, colors, paraphernalia, and materials may vary from school to school and may change from year to year. The school shall consult with local law enforcement agencies and other agencies to ascertain the changes in gang appearances and activities no less than two times per year.

At the beginning of each school year, or upon enrollment, each student and his/her parent/guardian shall be mailed or provided a copy of the policies and procedures concerning gangs and gang activity. These policies shall be printed in the charter school's student manual.

No student on or about school property or at any school activity:

1. Shall wear, possess, use, distribute, display, or sell any clothing, jewelry, emblem, badge, symbol, tattoo, sign, or other things that are indicators of membership in or affiliation with any gang;
2. Shall commit any act or omission, or use any speech, either verbal or non-verbal (gestures, handshakes, etc.) showing membership in or affiliation with a gang;
3. Shall place graffiti on or otherwise deface property on school grounds. For purposes of this regulation, the term "graffiti" means any unauthorized inscription, word, figure, or design that is marked, etched, scratched, drawn, painted on or affixed to the public or private property, real or personal, of another that defaces the property; or
4. Shall use any speech or commit any act or omission in furtherance of the interests of any gang or gang activity, including but not limited to:
  - a. Soliciting others for membership in any gangs;
  - b. Requesting any person to pay protection or otherwise intimidating or threatening any person;
  - c. Committing any other illegal act or other violation of charter school rules, regulations, or policies; or
  - d. Inciting other students to act with physical violence upon any other person.

In implementing and enforcing this regulation, the following procedures shall be followed:

1. If a student is suspected of violating this regulation, the violation should be reported to the administrator's, or his or her designee's, office.
2. The administrator, or his or her designee, shall observe the student and/or talk with the student or others in order to make an initial determination whether the student may be violating this regulation.
3. If a violation is observed, the administrator, or his or her designee, shall call the student to his/her office for a conference or otherwise contact the student.
4. During the conference or other contact with the student, the administrator, or his or her designee, shall attempt to resolve the problem informally. The student shall have the opportunity to rebut the contention that this regulation has been violated.
5. If required by circumstances, the administrator, or his or her designee, may make a reasonable effort to contact the student's parent/guardian and inform him/her of the suspected violation of this regulation and/or initiate more extreme disciplinary action under any part of the Behavior & Discipline section of this manual depending on the nature and severity of the suspected violations.

## **DISCRIMINATION, HARASSMENT/SEXUAL HARASSMENT 558**

Any student, parent, or guardian who has a question or concern or would like a copy of the charter school's policy or procedures regarding discrimination, harassment or sexual harassment or retaliation should contact the administrator or other school administrator. Notice of this policy and procedures shall be posted in prominent locations in all charter school buildings, including information on how to receive copies. Notices shall also be included in student handbooks given annually to families. Notices will be updated annually with the names, locations and numbers of contact persons in the school.

The charter school is committed to a discrimination and harassment free, working, and learning environment. Discrimination and harassment adversely affect morale and productivity and interfere with students' ability to learn. Discrimination and harassment of any person on the basis of that person's actual or perceived race, color, national origin, sex (including non-conformity to gender stereotypes), sexual orientation, age, disability, and/or religious preference is prohibited. Harassing behavior including sexually harassing behavior between members of the same or opposite sex is prohibited. Harassment of individuals who are believed to have a relationship with persons who are protected on the basis of actual or perceived race, color, national origin, sex (including non-conformity to gender stereotypes), sexual orientation, age, disability, and/or religious preference is prohibited. Such behavior is just cause for disciplinary action.

Charter schools will act promptly on reports, (including informal reports), complaints, and grievances of discrimination, harassment/sexual harassment, or retaliation, that come to their attention. Charter school staff who witness behavior that appears to violate this policy will take prompt measures to stop the behavior and, if necessary, separate the persons involved to protect the target of harassment. Charter school staff will also report such apparent violations to the charter school's sponsor.

Charter schools will prohibit retaliation against any person who has made a report of alleged discrimination, harassment, or sexual harassment; or against any employee or student who has testified, or assisted, or participated in the investigation of a report. Such retaliation is itself a violation of law and will lead to disciplinary or other appropriate action against the offender.

The charter schools will provide regular education about harassment, sexual harassment, and intimidation to all students in manners appropriate to the students' ages and grade levels. Charter schools will also provide regular training to staff regarding the prevention of and proper response to harassment, sexual harassment, and intimidation of students. Such staff training shall be regularly scheduled at least every other year in the school in a manner calculated to reach all staff, with periodic updates as needed. The Nevada Equal Rights Commission may be contacted to provide staff training at no cost to the school.

This policy applies to discrimination, harassment, and sexual harassment by an individual and/or any employee, or student on school property, while on school business, or at any school-sponsored event regardless of location.

## DISCRIMINATION

Discrimination is defined as a failure to treat all persons equally where no reasonable distinction can be found between those favored and those not favored. It is the unfair treatment or denial of normal privileges to persons because of their actual or perceived race, color, national origin, sex (including non-conformity to gender stereotypes), sexual orientation, age, disability, and/or religious preference.

## HARASSMENT

Harassment is defined as behavior consisting of verbal, non-verbal, or physical conduct that ridicules, degrades, etc., a person because of his/her actual or perceived race, color, national origin, age, sex (including non-conformity to gender stereotypes), sexual orientation, disability, and/or religious preference.

Nothing contained in herein shall be construed or interpreted to prohibit or in any way to discourage the genuine discussion of issues or use of materials for academic, educational, or instructional purposes.

Prohibited harassment exists when the conduct:

1. Has the purpose or effect of creating an intimidating, hostile, or offensive school environment;
2. Has the purpose or effect of substantially or unreasonably interfering with a student's educational development or performance; or
3. Otherwise adversely affects a student's educational opportunities.

Examples of general harassment include, but are not limited to, behaviors that ridicule, degrade, or harass a person because of his/her actual or perceived race, color, national origin, age, sex (including non-conformity to gender stereotypes), sexual orientation, disability, and/or religious preference such as:

1. Unwelcome comments; ethnic, racial, or anti-gay slurs, and jokes; threats;
2. Cartoons, graffiti, posters, visuals, etc., with offensive connotations; though nothing in this regulation shall be interpreted to prohibit use of such materials for genuine academic, educational, or instructional purposes;
3. Sabotage, criticism, unreasonable monitoring of a student's work, etc.;
4. Hitting;
5. Intentionally blocking the path of;
6. Body, hand, or facial gestures; or
7. Contact.

## SEXUAL HARASSMENT

Sexual harassment is generally defined as unwelcome sexual advances, requests for favors, and other verbal, nonverbal, or physical conduct of a sexual or gender-directed nature when:

1. Submission is made either explicitly or implicitly a term or condition of an student's educational progress;
2. Submission to, or rejection of, that conduct or communication by an individual is used as a factor in decisions affecting that student's education; or
3. That conduct or communication has the purpose or effect of substantially or unreasonably interfering with a student's education or of creating an intimidating, hostile, or offensive educational environment.

An "intimidating, hostile, or offensive educational environment" means an environment in which any unwelcome behavior with sexual connotations makes a student feel uncomfortable, humiliated, or embarrassed, or any aggressive, harassing behavior in the educational setting directed toward an individual based on his/her sex and interferes with his/her ability to perform in an educational environment.

The following are some examples of sexual harassment or intimidation:

1. Sexual advances that are unwanted (this may include situations which began as reciprocal, but later ceased to be reciprocal);
2. Sexual gestures, verbal abuse, sexually-oriented jokes, innuendos, or obscenities;
3. Displaying of sexually suggestive objects, pictures, cartoons, or posters;
4. Sexually suggestive letters, notes, threats, or invitations;
5. Benefits effected in exchange for sexual favors;
6. Physical conduct such as assault, attempted rape, impeding, or blocking movement, or unwelcome touching; and
7. Hazing, or daring to engage in unsafe practices, particularly directed toward students in nontraditional settings.

#### RETALIATION

Forms of prohibited retaliation include, but are not limited to, adverse educational or employment actions, threats, bribes, unfair treatment or grades, continued harassment, ridicule, pranks, taunting, bullying, malicious spreading of rumors, dissemination of false information, and organized ostracism regarding the student's actual or perceived race, color, national origin, age, sex (including non-conformity to gender stereotypes), sexual orientation, disability, and/or religious preference.

## PROCESS FOR RESOLVING COMPLAINTS BASED ON DISCRIMINATION, HARASSMENT, AND RETALIATION

Because parents, educators, and members of the public share the goal of making school experiences rewarding for students, it is in the best interest of all parties to resolve school-related concerns as quickly and effectively as possible. The best solutions are those that involve input from those closest to the concern, typically, the students, the parent, and/or guardian, teacher, and administrator.

At any time, a student may choose to initiate the following grievance procedure along with having the legal right to file a grievance with the Office of Civil Rights or a court of competent jurisdiction at any time. The student will be informed of the options and timelines available to him/her in this grievance procedure. All students are permitted and encouraged to have a parent, counselor, or advisor present with them for moral support during any level of the grievance procedure and investigation. At no time shall a student's reluctance to initiate the grievance procedure be used to delay or excuse the school's responsibility to investigate in a prompt and equitable manner allegations of harassment and to report allegations that are violent or criminal in nature to law enforcement officers.

### LEVEL I:

Level I consists of informal discussion between the person having a concern and personnel at the school or location of the concern. Individuals with concerns should bring them to the attention of the administrator as quickly as possible. Timelines for resolution can be mutually established at that time. It is not necessary to complete the "Complaint Form for Grievances Based on Discrimination, Harassment, and Retaliation", if the individuals involved are attempting to resolve, or have resolved, a concern at this level. A brief summary and outcome of the meeting/resolution process will be sent to the complainant by the administrator within five (5) calendar days of the meeting to resolve. The Level I informal resolution process is not a prerequisite to filing a level II complaint. At the request of the complainant or the administrator, support is available from the school's sponsor to help mediate Level I issues.

The sponsor has inherent discretion to conduct a formal investigation of any allegation of harassment even if the student desires an informal resolution under Level I.

## LEVEL II:

At Level II, a “Charter School Complaint Form for Grievances Based on Discrimination, Harassment, or Retaliation” must be completed and filed with the president of the school’s governing body. A copy of this form is included at the end of this policy. Complainants not satisfied with a Level I resolution file a formal Level II complaint with the president of the school’s governing body within forty-five (45) calendar days of the level I meeting. If a Level I meeting has not been held, complainants must file a formal complaint with the president of the school’s governing body within forty-five (45) calendar days of the alleged discrimination, harassment, or retaliation.

Within fourteen (14) calendar days of the original Level II filing, a meeting with the school’s governing body will be held. The purpose of the meeting will be to gather information about the complaint, clarify the complainant’s desired outcome, and identify how the complaint will be resolved. Within five (5) calendar days of the meeting, the governing body will send a report regarding the outcome of the meeting to the complainant, the charter school administrator, and any relevant staff persons. If the report determines the complaint will be resolved without investigation, the written report will identify why the complaint is not being investigated and, if necessary, designate the staff persons responsible for any additional charter school actions. Complaints that can be resolved without investigation include those that do not raise an issue under the policy, are untimely, are being mediated, or have been resolved at the meeting with the complainant.

If an investigation of the complaint is necessary, the governing body will initiate an impartial investigation consistent with due process standards. As part of this investigation the complainant shall be asked to:

1. Provide a list of the names of witnesses who have information about the case,
2. Provide any evidence they believe supports their complaint, and
3. Have the opportunity to be interviewed and present his/her issues of complaint.

Within thirty (30) calendar days of the governing body having a written report recommending an investigation, the investigation shall be completed. If good cause exists the school’s governing body may extend the time of the investigation with notice to the complainant. Within fifteen (15) calendar days following the completion of the investigation the governing body will provide a written response, based on the investigation findings, to the complainant, the charter school administrator, and other charter school staff as appropriate.

The investigation report will identify the complaint allegations, the witnesses, the evidence considered, the findings, and the investigation conclusions. If the investigation finds that the complainant's allegation(s) was substantiated by the evidence, the report will also include a specific plan to provide remediation for the victim and for charter school's action to address the situation that gave rise to the complaint and prevent future recurrence, as appropriate. The report will also include a notice of the complainant's right to appeal.

#### LEVEL II DUE PROCESS HEARING PROCEDURES FOR DISABILITY DISCRIMINATION COMPLAINTS IN ACCORDANCE WITH SECTION 504 OF THE REHABILITATION ACT OF 1973, AS AMENDED BY ADA.

If a parent wishes to file a grievance regarding to identification, evaluation, or placement of a student under Section 504, the parent has the right to an impartial due process hearing with representation by counsel and right of appeal. The grievance needs to be in writing using the "Charter School Complaint Form for Grievances Based On Discrimination, Harassment, and Retaliation ". A copy of this form is included at the end of this policy.

An impartial hearing officer will be appointed by the charter school's governing body and the grievant shall be notified of the hearing. The hearing officer will conduct the hearing and issue the decision. The hearing procedures include the:

1. Right of each party to representation and assistance,
2. Right of each party to present witnesses and evidence,
3. Right of the parent to decide if the hearing is to be open to the public, and
4. Tape recording of the hearing or transcripts thereof will be made available.

The parties involved, along with the hearing officer, will establish the time and place for the hearing.

The grievance decision will be made by the hearing officer in writing and include what corrective action, if any, must be taken. The resolution of the grievance will take place no more than forty-five (45) calendar days after the receipt of the grievance unless both parties agree in writing to an extension of this time frame.

## CONFIDENTIALITY

A report of discrimination, harassment, or sexual harassment and the investigation are to be kept in strictest confidence, where practical, for the protection of all parties involved.

The school's obligation to investigate and take corrective action may supercede an individual's right of privacy.

Pending the completion of the investigation, the school may take any action necessary to protect the alleged victim, consistent with the requirements of applicable regulations and statutes.

## SANCTIONS

If an investigation determines that a charter school student, staff member, or administrator engaged in harassment, sexual harassment, or retaliation, the governing body may take any necessary and appropriate action that is consistent with the requirements of applicable regulations or statutes. All parties involved in the investigation shall be notified of the governing body's decision.

A substantiated charge against a student shall subject that student to disciplinary action consistent with the student discipline policies and procedures in this manual. Successive violations by a perpetrator shall lead to progressively more severe discipline. If there is a recommendation for expulsion of a student, the final disposition of the case may be by action of the governing body. The due process rights of all individuals will be protected.

## REMEDIATION

Victims and witnesses of discrimination, harassment, sexual harassment, and retaliation will be provided support services to help deal with the effects of discrimination or harassment. Available remedial measures may include increased adult supervision of activities in which incidents have occurred, regular observations of the victim's and perpetrator's classes and activities, regular school counselor contact with the victim, exclusion of the perpetrator from participating in extracurricular activities, increased parental involvement, and monitoring by school authorities of the victim's security. Such remedial measures shall not include changing the victim's class or school assignments or extracurricular activities as a means for protection unless specifically requested in writing by the victim.

## NOTIFICATION

Notice of this policy, procedures, and grievance procedures shall be posted in prominent locations in all charter school buildings. All such postings shall also include information on how to receive copies of the postings, policies, procedures, and grievance procedures. Notices shall also be included in student handbooks given annually to families. Notices will be updated annually with the names, locations, and numbers of contact persons in the school.

## PROCEDURAL DUE PROCESS RIGHTS OF DISABLED STUDENTS

This policy does not affect the other procedural due process rights of disabled students and parents in regard to identification, evaluation, or placement of disabled students under Section 504 of the Rehabilitation Act of 1973 or the Individuals with Disability Education Act.

## **QUESTIONING OF STUDENTS 559**

Representatives of recognized agencies find it necessary or convenient to interview or question students during school hours on school grounds and it is charter school policy to assist and cooperate with such agencies. A student may be interviewed or questioned by representatives of the following agencies during school hours on school grounds provided the representative contacts the student's administrator, or his/her appointed representative, prior to the questioning.

1. Local, state, and federal law enforcement agencies and probation departments
2. Local and regional fire departments
3. Recognized welfare agencies
4. Any branch of the armed forces
5. Other appropriate governmental agencies

Permission from the parent(s) or guardian(s) shall be obtained prior to the questioning, except no parental permission shall be required in the following cases:

1. Continuing interviews conducted by a probation department of a student on probation,
2. Cases involving crimes allegedly committed by a student's parent(s) or guardian(s) where the student is the victim,
3. Child abuse cases,
4. Emergency situations where the health or safety of another person is at issue,
5. Emergency situations where the identity or apprehension of a criminal offender other than the student being questioned or a member of his or her family is at issue,
6. Situations where the student is the victim of a crime,
7. Situations in which the student is a witness and not a suspect, and
8. Cases involving referrals made by the school.

When students are questioned by a representative of such an agency, the administrator, or his/her appointed representative, shall be present at all times unless the administrator feels that such presence is unnecessary or inappropriate. The only exception hereto is when the investigator invokes the provision of NRS 432.B.270(1) (child abuse/neglect).