CASLV has always recognized the right of a parent/guardian to appeal a suspension or expulsion decision in a student-discipline case, and will continue to do so. Recently, Nevada enacted a law, AB 194 (2021), requiring CASLV to adopt a formal policy regarding the appeal process. The following policy traces the decisions leading up to a suspension/expulsion determination, the appeals process, and provides a summary of AB 194.

**Campus Leadership**
Campus leadership has the right to make any discipline determination on the basis of each specific case. Each discipline case has many aggravating and mitigating factors and circumstances that may affect any decision. Campus leadership acts in good faith and fairness to protect all persons on campus, campus property, and general campus safety. Campus leadership has the authority to make a determination on its own, but at times, may ask the discipline committee for support and input in a serious decision.

**Discipline Committee**
During investigations of serious acts and/or when campus leadership thinks an out-of-school suspension or expulsion is possible, the discipline committee will be contacted. After an investigation is conducted and evidence is collected by campus leadership, the decision in the case will be brought to the campus’ discipline committee. This committee is made up of various staff members on the campus that is determined before the start of each school year (but may be adjusted from time to time depending on workloads, PTO, and other factors). At a meeting with the discipline committee, evidence will be presented by the campus leadership. The discipline committee then meets together to make a determination in the case – i.e., suspension, no suspension, a recommendation for expulsion, and/or other stipulations tied to the judgment (e.g., adoption of a restorative justice plan, detention or other sanctions, etc.).

**Central Office Safety Committee**
At the start of the school year, the Board will assign a 3-person committee from the Central Office for expulsion decisions. In cases where there is a recommendation for an out-of-school suspension or expulsion, this committee will determine whether the recommendation of suspension or expulsion recommended by the school site discipline committee should be approved or make an alternative discipline decision with campus leadership.

**Designee**
At the start of the school year, the Board will assign a designee for expulsion decision hearings. This person will not be a member of campus leadership, any campus discipline committee, or the Central Office discipline committee. The choice of designee may be adjusted from time to time depending on workloads, PTO, and other factors. The designee may, but need not be, a member of the Board.

The board will make a final decision on recommendations for expulsions. During expulsion decision meetings, any of the following in attendance: school leadership, central office employees, the student, and their family. The meeting will be closed to the public and documented. The board can decide to expel or make an alternative discipline decision. The designee will then provide details for an appeal.

**Appeal Notice & Timeline**
(The following provisions speak about the parent’s rights and options. The term “parent” includes a legal guardian. Also, if the student is 18 years or older, the student him/herself has the
same rights and options as the parent.)

If any school leader or committee decides that there should be an out-of-school suspension or expulsion recommendation to the Board, the parents of the student will be notified. In the written notice, the school will (i) state the charges against the student and (ii) provide a brief summary of the evidence. Also, when a parent is notified that a student will be suspended or is recommended for expulsion, the parent will be told that they can appeal and will be given a copy of this policy. The parent has 5 calendar days to appeal a suspension or expulsion decision. A parent must notify campus leadership in writing (e.g., by letter, fax, or email) of their request for an appeal. If 5 days have passed without an appeal, the school may treat the discipline decision as final.

**Interim Education**

If the parent(s) chooses to appeal a suspension, the student will be allowed to attend school until the appeal is heard. The school reserves the right to place the student in a somewhat restrictive environment (e.g., in a classroom removed from his/her peers), in part to protect everyone’s safety and avoid disrupting all students’ educations.

If the parent(s) chooses to appeal a recommendation for expulsion, the student will work from home while receiving instruction until the appeal is heard. The student and teacher(s) will communicate at least once a day and follow other customary distance-learning protocols (similar to what quarantining students would experience).

**No Contacts**

Whether or not a family appeals, in all cases, the student may not directly or indirectly interact with any witnesses, victims, or co-conspirators involved in the case. Any violation of this prohibition will be independent grounds for punishment (e.g., as a bullying charge), as well as taken into account as an aggravating factor during the disciplinary appeal. This rule will be strictly enforced. A social media post may be considered a violation.

**Appeal Hearing**

The full Board, in tandem with the school, will schedule and conduct a hearing within 5 days of receiving notice of the appeal (or on a timeframe otherwise agreed with the family). In the hearing:

- Campus leadership and/or a member of the discipline committee will present the facts and evidence of the case.
- The school reserves the right to interview and question the student.
- The parents may state their case for appeal. Fundamental procedural due process (i.e., an “opportunity to be heard”) will be afforded.

Unless otherwise required by law, the designee is not required to follow Nevada’s or any Court’s civil procedure rules, rules of evidence, or similar laws or regulations. The designee will make a final decision on the appeal.

**AB 194 (2021)**

Assembly Bill (AB) 194 from the 2021 Legislative Session creates a requirement for the governing bodies of charter schools to adopt a process for appealing a suspension or expulsion, Section 5 of that law outlines the requirements of that policy, noting that the timelines included in the policy that is adopted must align with timelines that are established by the Nevada Dept. of Education (“NDOE”) through regulation, as required in Section 8 of AB 194 (2021).

NDOE has issued interim guidance on temporary timelines, as allowable by Section 7 of AB 194 (2021), until such time that those timelines can be provided through regulations. These temporary timelines, to be used during the 2021-22 school year, are as follows:

- **Initial notification of right to appeal:** Information on the right to appeal a suspension or
expulsion and the current process for doing so must be provided to the parent or guardian of the pupil on the same day that the suspension or expulsion is issued.

• **Filing of the appeal:** The student, or, if the pupil is under 18 years of age, the parent or legal guardian of the pupil, may file an appeal within five (5) days of the suspension or expulsion.

• **Hearing on the appeal:** The governing body of a charter school or designee of the body shall schedule a hearing on an appeal of a suspension or expulsion of a pupil within five (5) days of the appeal being filed. Note that AB 194 (2021) prohibits any increase in the length of the suspension or expulsion following an appeal (i.e., the final penalty may not be harsher than the original one).

**Legal Information**

• CASLV reserves the right to amend this policy from time to time in its discretion, and will endeavor to keep the school community aware of any changes.

• In developing this policy, CASLV has endeavored to comply with its legal obligations, including those in (i) its Charter Contract with the State Public Charter School Authority; (ii) all applicable state and federal laws and regulations (including, e.g., NRS Chapters 388A and 392); and (iii) any Constitutionally-required due process. In the event this policy conflicts with an such authority, the authority controls. That means, among other things, if there is a change in an authority (e.g., a statutory amendment) and a conflict develops, then that change shall take effect immediately and automatically, regardless of whether or not CASLV has formally updated this policy and/or provided notice to the school community of the change.

• This policy is not intended to and shall not provide a basis on which any person or entity could assert a negligence, liability, or other claim.