

## **Strong Start Academy Appeals Policy**

### **School Disciplinary Committee (SDC)**

Strong Start recognizes the right of parent(s)/legal guardian(s) to appeal a suspension or expulsion decision in a student-discipline case. Prior to being suspended, a student must be told what they are being accused of and given the opportunity to share his/her side of the story. The student must be put on a Required Parent Conference (RPC) to bring in the parent/legal guardian and share the findings with the parent. The parent has the right to share any additional information. Following this process, the school's leadership (in minor situations) and/or the School's Disciplinary Committee (in major situations) has the right to make any initial discipline determination on the basis of each specific case and can determine if suspension is the appropriate course of action. The School's Disciplinary Committee is made-up of various school staff members (Executive Director, Safe School Professional, teacher(s), and support staff ) who will be selected before the start of each school year (but may be adjusted from time to time depending on workloads, recusals for conflicts of interest, and other factors). If suspension is recommended, it must be progressive and fit the infraction. Under NRS 392.467, a student who is less than 11 years of age must not be permanently expelled from school, unless an exception is approved in extraordinary circumstances. The School's Disciplinary Committee will act in good faith and fairness to protect all persons at the school, school property, and general school safety.

### **Board Safety Committee (BSC)**

The School Disciplinary Committee has the authority to make a determination on its own, but at times, may ask the Board Safety Committee for support and input. The BSC is made up of board members.

During investigations of serious acts and/or when the School Disciplinary Committee thinks an out-of-school suspension or expulsion is possible, the School Disciplinary Committee may contact the Board Safety Committee and ask that committee to handle some or all of this process. In such situations, after an investigation is conducted and evidence is collected by the school's leadership or the School Disciplinary Committee, the matter will be brought to the Board Safety Committee.

If the decision by the school's leadership or the School Disciplinary Committee is a recommendation for expulsion, the student has the right to a due process hearing in front of the Board Safety Committee. At the hearing, the Board Safety Committee members will be provided with the discipline history and background information from the Behavior tab in Infinite Campus, prior to the hearing. The hearing will be a closed hearing and members of the public may not attend. The hearing will be noticed only as "Student Hearing- Closed Meeting." At the hearing, the school's leadership or School Disciplinary Committee representative will outline the incident, provide proof of a thorough and unbiased investigation and findings, as well as the recommendation and the reasoning for the harsh recommendation. The student and/or the student's parent(s) or legal guardian(s) will then have the same opportunity to share his/her perspective, additional information, other factors or considerations, etc. The student or the student's parent or legal guardian will provide the BSC members with his/her own recommendation for resolution. The BSC members may ask questions of either the school's leadership or SDC members or the student or the parent/legal guardian. The school's leadership or the SDC representative will be allowed to make a closing statement, then the student or parent/legal guardian may make a closing statement. Following the information, the Board Safety Committee can make a decision by consensus immediately at the conclusion of the hearing or may take up to three days to

render a decision and notify the parent/legal guardian by telephone of the final decision.

If the Board Safety Committee will be hearing a disciplinary matter, then that shall be included in a notice to the student and parents/legal guardians. In the written notice, the school will (i) state the charges against the student; and (ii) provide a brief summary of the evidence. (Due process does not require that the description of the evidence be exhaustive, nor that it identifies witnesses or other participants by name.) Also, when a parent/legal guardian is notified that a student will be suspended or is recommended for expulsion, the parent/legal guardian will be told that they can appeal and will be given a copy of this policy. If the parent/legal guardian requests it, or the committee decides it's appropriate, the committee will hold a hearing. The hearing will generally follow the same rules and procedures described in the appellate process below (with appropriate modifications—e.g., evidence will be presented by the school's leadership and/or School Disciplinary Committee, but the school will typically carry the burden of proof and no standard of review is applicable). The Board Safety Committee then meets together to make a determination in the case—e.g., a suspension (and what kind), no suspension, a recommendation for expulsion, and/or other stipulations tied to the Board Safety Committee's judgment (e.g. adoption of a restorative justice plan, detention or other sanctions, etc.). Any recommendation by the Board Safety Committee for an out-of-school suspension or expulsion will be alerted to the Board and parent/legal guardian as soon as is reasonably practicable.

### **Appeal Notice & Timeline**

The following provisions speak about the parent/legal guardian's rights and/or options. The parent/legal guardian has five (5) calendar days to appeal a suspension or expulsion decision. A parent/legal guardian must notify school leadership in writing (e.g., by letter, fax, or email) of his/her request for an appeal. The school will liberally interpret a request to be an appeal, even if the word "appeal" (or similar terminology) is not used, but the request may not be done orally (e.g., by telephone). If 5 days have passed without a request for an appeal, the school may treat the discipline decision as final.

### **Interim Education**

If the parent(s)/legal guardian(s) chooses to appeal a suspension, the student will be allowed to attend school until the appeal is heard, unless the student poses a danger and/or applicable law permits his/her exclusion (in which case the following paragraph applies). If the student attends school, Strong Start Academy 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 other students' educations. If the parent(s)/legal guardian(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 consequences (e.g., as a bullying charge), as well as deemed an aggravating factor during the disciplinary appeal. This rule will be strictly enforced. A social media post may be considered a violation.

### **Board of Directors; Appellate Process**

If the family appeals, the Board will do its utmost to schedule and conduct a hearing as soon as reasonably practicable (or on a timeframe otherwise agreed to by the family). In the hearing:

- School leadership, the School Disciplinary Committee, and/or a member of the Board Safety Committee will present the facts and evidence of the case. Strong Start Academy may present any statements from the victim(s) of the incident and should identify any other aggravating or mitigating circumstances. The school may ask its legal counsel to present arguments and address questions of law.
- The Executive Director and/or members of the School Disciplinary Committee.
- The parent(s)/legal guardian(s) 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 Board is not required to follow Nevada’s or any Court’s civil procedure rules, rules of evidence, or similar laws or regulations—e.g., hearsay may be ruled admissible. Similarly, the Board may freely adopt any burden(s) of proof and standard(s) of review which he/she/it deems appropriate, although in most cases, it should consider the following:

- The party appealing the existing decision will bear the burden of proof in favor of an alternative determination regarding guilt and/or consequence.
- Any factual determinations made by a prior decision maker will be reviewed for “clear error.” Any legal determinations will be reviewed de novo (i.e., with no deference to the earlier decision).

In accordance with applicable law, all meetings/hearings conducted under this Policy will be closed sessions and not subject to Nevada’s Open Meeting Law. (See NRS 388A.495(2); 392.467(4).) The school administration will nonetheless keep a general record of the proceedings, noting all major findings/conclusions in writing. The Board will make a final and binding decision on the appeal and instruct the school’s administrative staff to provide the student/parents with written notice of its determination.

### **Designee**

Applicable law permits the Board to appoint a designee to handle disciplinary appeals. Although the school does not currently anticipate appointing a designee for that purpose, the Board: (i) reserves the right to have a designee hear and decide an appeal in extraordinary circumstances (e.g., the volunteer Board cannot assemble in a prompt fashion); and (ii) hereby empowers the Executive Director to appoint such designee under such circumstances. The designee will not be a member of the relevant School Disciplinary Committee or the Board Safety Committee. The choice of designee may be adjusted from time to time depending on workloads, recusals for conflicts of interest, and other factors. The designee may, but need not be, a member of the Board.

### **NRS 392.4671**

NRS 392.4671 creates a requirement for the governing bodies of charter schools to adopt a

process for appealing a suspension or expulsion. The statute outlines the requirements of that policy, noting that the timelines included in the policy must align with timelines that are established by the Nevada Department of Education (“NDOE”) pursuant to NRS 392.4609. These timelines, to be used during the 2023-24 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 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 NRS 392.4671 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**

- Strong Start 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, Strong Start 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 any 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 Strong Start Academy has formally updated this policy and/or provided notice to the school community of the change.
- The fundamental aim of this Policy is to outline the school’s general practices in disciplinary matters, and to ensure each student/parent has an appellate right. This policy is not intended to and shall not provide a basis on which any person or entity may assert a negligence, liability, breach-of-contract, due process, or other claim. Any process or procedure described herein is only intended to describe a general set of practices, not a set of binding commitments, the technical violation of which would prevent the school from disciplining an individual. As long as the overall process provides fundamental due process and includes a reasonable right to appeal, the school reserves the right to deviate from any process or procedure described in this Policy, without notice and without creating any cause of action against the school.