

Nevada State Juvenile Justice Commission
Policy/Legislation Committee Report

Attachment B

Exhibit C

Recommendation 3

NRS 392.910 Disturbance of school; assaulting pupil or school employee; interference with persons peaceably assembled within school; penalties.

~~1. It is unlawful for any person to disturb the peace of any public school by using vile or indecent language within the building or grounds of the school. Any person who violates any of the provisions of this subsection is guilty of a misdemeanor.~~

~~2.~~ It is unlawful for any person to assault any pupil or school employee:

- (a) Within the building or grounds of the school;
- (b) On a bus, van or any other motor vehicle owned, leased or chartered by a school district to transport pupils or school employees; or
- (c) At a location where the pupil or school employee is involved in an activity sponsored by a public school.

~~3.~~ Except under circumstances described in paragraph (c) or (d) of subsection 2 of NRS 200.471 **with respect to school employees**, or in NRS 200.571, any person who violates any of the provisions of this subsection is guilty of a misdemeanor.

~~4.~~ ~~2.~~ It is unlawful for any person maliciously and purposely in any manner to interfere with or disturb any persons peaceably assembled within a building of a public school for school district purposes. Any person who violates any of the provisions of this subsection is guilty of a misdemeanor.

~~5.~~ ~~3.~~ For the purposes of this section:

(a) "Assault" has the meaning ascribed to it in NRS 200.471.

(b) "Maliciously" has the meaning ascribed to it in NRS 193.0175.

(c) school "School employee" means any licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100.

↪ **The superintendent of schools of a school district may, for good cause shown in a particular case in that school district, allow a modification to the suspension or expulsion requirement of this subsection if such modification is set forth in writing.**

4. This section does not prohibit a pupil from having in his or her possession a knife or firearm with the approval of the principal of the school. A principal may grant such approval only in accordance with the policies or regulations adopted by the board of trustees of the school district.

5. Any pupil in grades 1 to 6, inclusive, except a pupil who has been found to have possessed a firearm in violation of subsection 2, may be suspended from school or permanently expelled from school pursuant to this section only after the board of trustees of the school district has reviewed the circumstances and approved this action in accordance with the procedural policy adopted by the board for such issues.

6. A pupil who is participating in a program of special education pursuant to NRS 388.520, other than a pupil who is gifted and talented or who receives early intervening services, may, in accordance with the procedural policy adopted by the board of trustees of the school district for such matters, be:

(a) Suspended from school pursuant to this section for not more than 10 days. Such a suspension may be imposed pursuant to this paragraph for each occurrence of conduct proscribed by subsection 1.

(b) Suspended from school for more than 10 days or permanently expelled from school pursuant to this section only after the board of trustees of the school district has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.

7. As used in this section:

(a) "Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

(b) "Dangerous weapon" includes, without limitation, a blackjack, slungshot, billy, sand-club, sandbag, metal knuckles, dirk or dagger, a nunchaku, switchblade knife or trefoil, as defined in NRS 202.350, a butterfly knife or any other knife described in NRS 202.350, or any other object which is used, or threatened to be used, in such a manner and under such circumstances as to pose a threat of, or cause, bodily injury to a person.

(c) "Firearm" includes, without limitation, any pistol, revolver, shotgun, explosive substance or device, and any other item included within the definition of a "firearm" in 18 U.S.C. § 921, as that section existed on July 1, 1995.

8. The provisions of this section do not prohibit a pupil who is suspended or expelled from enrolling in a charter school that is designed exclusively for the enrollment of pupils with disciplinary problems if the pupil is accepted for enrollment by the charter school pursuant to NRS 386.580. Upon request, the governing body of a charter school must be provided with access to the records of the pupil relating to the pupil's suspension or expulsion in accordance with applicable federal and state law before the governing body makes a decision concerning the enrollment of the pupil.