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**SECOND REPRINT** **A.B. 660**

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ASSEMBLY BILL NO. 660—COMMITTEE ON EDUCATION

MARCH 26, 2001

Referred to Committee on Education

SUMMARY—Prohibits boards of trustees of school districts from requiring certain licensed employees to submit fingerprints. (BDR 34-1457)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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AN ACT relating to educational personnel; prohibiting under certain circumstances the boards of trustees of school districts from requiring certain licensed employees on leave of absence from employment to submit fingerprints as a condition of return to employment; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1     **Section 1.** NRS 391.100 is hereby amended to read as follows:  
2     391.100 1. The board of trustees of a school district may employ a  
3     superintendent of schools, teachers and all other necessary employees.  
4     2. The board of trustees of a school district:  
5     (a) May employ teacher aides and other auxiliary, nonprofessional  
6     personnel to assist licensed personnel in the instruction or supervision of  
7     children, either in the classroom or at any other place in the school or on  
8     the grounds thereof; and  
9     (b) Shall establish policies governing the duties and performance of  
10    teacher aides.  
11    3. Each applicant for employment pursuant to this section, except a  
12    teacher or other person licensed by the superintendent of public instruction,  
13    must, as a condition to employment, submit to the school district a full set  
14    of his fingerprints and written permission authorizing the school district to  
15    forward the fingerprints to the Federal Bureau of Investigation and the  
16    central repository for Nevada records of criminal history for their reports  
17    on the criminal history of the applicant.  
18    4. *Except as otherwise provided in subsection 5, the board of trustees*  
19    *of a school district shall not require a licensed teacher or other person*  
20    *licensed by the superintendent of public instruction pursuant to NRS*  
21    *391.033 who has taken a leave of absence from employment authorized*  
22    *by the school district, including, without limitation:*



\* A B 6 6 0 R 2 \*

1 (a) Sick leave;  
2 (b) Sabbatical leave;  
3 (c) Personal leave;  
4 (d) Leave for attendance at a regular or special session of the  
5 legislature of this state if the employee is a member thereof;  
6 (e) Maternity leave; and  
7 (f) Leave permitted by the Family and Medical Leave Act of 1993, 29  
8 U.S.C. §§ 2601 et seq.,  
9 to submit a set of his fingerprints as a condition of return to or continued  
10 employment with the school district if the employee is in good standing  
11 when the employee began the leave.  
12 5. A board of trustees of a school district may ask the superintendent  
13 of public instruction to require a person licensed by the superintendent of  
14 public instruction pursuant to NRS 391.033 who has taken a leave of  
15 absence from employment authorized by the school district to submit a  
16 set of his fingerprints as a condition of return to or continued  
17 employment with the school district if the board of trustees has probable  
18 cause to believe that the person has committed a felony or an offense  
19 involving moral turpitude during the period of his leave of absence.  
20 6. The board of trustees of a school district may employ or appoint  
21 persons to serve as school police officers. If the board of trustees of a  
22 school district employs or appoints persons to serve as school police  
23 officers, the board of trustees shall employ a law enforcement officer to  
24 serve as the chief of school police who is supervised by the superintendent  
25 of schools of the school district. The chief of school police shall supervise  
26 each person appointed or employed by the board of trustees as a school  
27 police officer. In addition, persons who provide police services pursuant to  
28 subsection ~~5 or 6~~ 7 or 8 shall be deemed school police officers.  
29 ~~5-1~~ 7. The board of trustees of a school district in a county that has a  
30 metropolitan police department created pursuant to chapter 280 of NRS,  
31 may contract with the metropolitan police department for the provision and  
32 supervision of police services in the public schools within the jurisdiction  
33 of the metropolitan police department and on property therein that is  
34 owned by the school district. If a contract is entered into pursuant to this  
35 subsection, the contract must make provision for the transfer of each school  
36 police officer employed by the board of trustees to the metropolitan police  
37 department. If the board of trustees of a school district contracts with a  
38 metropolitan police department pursuant to this subsection, the board of  
39 trustees shall, if applicable, cooperate with appropriate local law  
40 enforcement agencies within the school district for the provision and  
41 supervision of police services in the public schools within the school  
42 district and on property owned by the school district , but outside the  
43 jurisdiction of the metropolitan police department.  
44 ~~6-1~~ 8. The board of trustees of a school district in a county that does  
45 not have a metropolitan police department created pursuant to chapter 280  
46 of NRS may contract with the sheriff of that county for the provision of  
47 police services in the public schools within the school district and on  
48 property therein that is owned by the school district.



1     **Sec. 2.** NRS 289.190 is hereby amended to read as follows:  
2     289.190 1. A person employed or appointed to serve as a school  
3     police officer pursuant to subsection ~~4~~ 6 of NRS 391.100 has the powers  
4     of a peace officer.  
5     2. A person appointed pursuant to NRS 393.0718 by the board of  
6     trustees of any school district has the powers of a peace officer to carry out  
7     the intents and purposes of NRS 393.071 to 393.0719, inclusive.  
8     3. Members of every board of trustees of a school district,  
9     superintendents of schools, principals and teachers have concurrent power  
10    with peace officers for the protection of children in school and on the way  
11    to and from school, and for the enforcement of order and discipline among  
12    such children, including children who attend school within one school  
13    district but reside in an adjoining school district or adjoining state, pursuant  
14    to the provisions of chapter 392 of NRS. This subsection must not be  
15    construed so as to make it the duty of superintendents of schools, principals  
16    and teachers to supervise the conduct of children while not on the school  
17    property.  
18    **Sec. 3.** This act becomes effective upon passage and approval.

