

ASSEMBLY BILL NO. 408—ASSEMBLYMAN CLABORN
(BY REQUEST)

MARCH 24, 2005

Referred to Committee on Government Affairs

SUMMARY—Revises various provisions related to school police officers. (BDR 23-632)

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.

AN ACT relating to schools; providing that school police officers have concurrent power with other peace officers for the protection of children in school and on the way to and from school; requiring the board of county commissioners of certain counties to enact an ordinance regulating traffic in a school zone and on the property of a public school; requiring that money collected from fines for violations of such an ordinance must be deposited into a special account for use by the school district to support the services of school police officers; requiring the board of trustees of a school district to supervise the chief of school police for the school district; requiring that if a board of trustees of certain school districts employs, appoints or contracts for the services of school police officers, a certain number of school police officers must serve at each middle school, junior high school and high school in the school district; making various other changes related to school police officers; 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 289.190 is hereby amended to read as follows:
2 289.190 1. A person employed or appointed to serve as a
3 school police officer pursuant to subsection ~~6~~ 8 of NRS 391.100
4 has the powers of a peace officer. A school police officer shall
5 perform his duties in compliance with the provisions of
6 NRS 171.1223.

7 2. A person appointed pursuant to NRS 393.0718 by the board
8 of trustees of any school district has the powers of a peace officer to
9 carry out the intents and purposes of NRS 393.071 to 393.0719,
10 inclusive.

11 3. Members of every board of trustees of a school district,
12 superintendents of schools, principals , ~~and~~ teachers *and school*
13 *police officers* have concurrent power with peace officers for the
14 protection of children in school and on the way to and from school,
15 and for the enforcement of order and discipline among such
16 children, including children who attend school within one school
17 district but reside in an adjoining school district or adjoining state,
18 pursuant to the provisions of chapter 392 of NRS. This subsection
19 must not be construed so as to make it the duty of *members of the*
20 *board of trustees of a school district*, superintendents of schools,
21 principals , ~~and~~ teachers *and school police officers* to supervise
22 the conduct of children while not on the school property.

23 **Sec. 2.** NRS 171.1223 is hereby amended to read as follows:

24 171.1223 1. Except as otherwise provided in subsection 3, in
25 a county whose population is 100,000 or more, a peace officer with
26 limited jurisdiction who witnesses a category A felony being
27 committed or attempted in his presence, or has reasonable cause for
28 believing a person has committed or attempted to commit a category
29 A felony in an area that is within his jurisdiction, shall immediately
30 notify the primary law enforcement agency in the city or county, as
31 appropriate, where the offense or attempted offense was committed.

32 2. Upon arrival of an officer from the primary law enforcement
33 agency notified pursuant to subsection 1, a peace officer with
34 limited jurisdiction shall immediately transfer the investigation of
35 the offense or attempted offense to the primary law enforcement
36 agency.

37 3. The provisions of subsection 1 do not:

38 (a) Apply to an offense or attempted offense that is a
39 misdemeanor, gross misdemeanor or felony other than a category A
40 felony;

41 (b) Apply to an officer of the Nevada Highway Patrol, a member
42 of the police department of the University and Community College



1 System of Nevada, an agent of the Investigation Division of the
2 Department of Public Safety or a ranger of the Division of State
3 Parks of the State Department of Conservation and Natural
4 Resources;

5 (c) Apply to a peace officer with limited jurisdiction if an
6 interlocal agreement between his employer and the primary law
7 enforcement agency in the city or county in which a category A
8 felony was committed or attempted authorizes the peace officer with
9 limited jurisdiction to respond to and investigate the felony without
10 immediately notifying the primary law enforcement agency; or

11 (d) Prohibit a peace officer with limited jurisdiction from:

12 (1) Contacting a primary law enforcement agency for
13 assistance with an offense that is a misdemeanor, gross
14 misdemeanor or felony that is not a category A felony; or

15 (2) Responding to a category A felony until the appropriate
16 primary law enforcement agency arrives at the location where the
17 felony was allegedly committed or attempted, including, without
18 limitation, taking any appropriate action to provide assistance to a
19 victim of the felony, to apprehend the person suspected of
20 committing or attempting to commit the felony, to secure the
21 location where the felony was allegedly committed or attempted and
22 to protect the life and safety of the peace officer and any other
23 person present at that location.

24 4. As used in this section:

25 (a) "Peace officer with limited jurisdiction" means:

26 (1) A school police officer who is appointed or employed
27 pursuant to subsection ~~6~~ 8 of NRS 391.100;

28 (2) An airport guard or police officer who is appointed
29 pursuant to NRS 496.130;

30 (3) A person employed to provide police services for an
31 airport authority created by a special act of the Legislature; and

32 (4) A marshal or park ranger who is part of a unit of
33 specialized law enforcement established pursuant to NRS 280.125.

34 (b) "Primary law enforcement agency" means:

35 (1) A police department of an incorporated city;

36 (2) The sheriff's office of a county; or

37 (3) If the county is within the jurisdiction of a metropolitan
38 police department, the metropolitan police department.

39 **Sec. 3.** Chapter 244 of NRS is hereby amended by adding
40 thereto a new section to read as follows:

41 *1. The board of county commissioners of a county whose*
42 *population is 400,000 or more shall enact an ordinance regulating*
43 *traffic in a school zone and traffic on the property of a public*
44 *school located within the jurisdiction of the county. The provisions*



1 *of the ordinance must not conflict with the provisions of chapter*
2 *484 of NRS.*

3 *2. The ordinance enacted pursuant to subsection 1 must*
4 *provide that money collected from fines imposed by a court for a*
5 *violation of the ordinance must be deposited in a special account*
6 *in the county general fund for use of the school district in the*
7 *county for the support and maintenance of the school police and*
8 *the services of the school police.*

9 *3. The special account is restricted to the use specified, the*
10 *money in the special account must not be used to replace or*
11 *supplant existing budgets for the support and maintenance of the*
12 *school police and the services of the school police, and the balance*
13 *in the special account must be carried forward at the end of each*
14 *fiscal year.*

15 *4. Any interest and income earned on the money in the*
16 *special account, after deducting any applicable charges, must be*
17 *credited to the special account.*

18 *5. As used in this section:*

19 *(a) "Public school" has the meaning ascribed to it in*
20 *NRS 385.007.*

21 *(b) "School police" means the unit of school police officers*
22 *who are employed or appointed by the board of trustees of a school*
23 *district pursuant to subsection 8 of NRS 391.100 or whose services*
24 *are contracted for by the board of trustees of a school district*
25 *pursuant to subsection 9 or 10 of NRS 391.100.*

26 *(c) "School zone" has the meaning ascribed to it in*
27 *NRS 484.149.*

28 *(d) "Traffic" has the meaning ascribed to it in NRS 484.203.*

29 **Sec. 4.** NRS 391.100 is hereby amended to read as follows:

30 391.100 1. The board of trustees of a school district may
31 employ a superintendent of schools, teachers and all other necessary
32 employees.

33 2. A person who is initially hired by the board of trustees of a
34 school district on or after January 8, 2002, to teach in a program
35 supported with money from Title I must possess the qualifications
36 required by 20 U.S.C. § 6319(a). For the purposes of this
37 subsection, a person is not "initially hired" if he has been employed
38 as a teacher by another school district or charter school in this State
39 without an interruption in employment before the date of hire by his
40 current employer.

41 3. A person who is employed as a teacher, regardless of the
42 date of hire, must possess, on or before July 1, 2006, the
43 qualifications required by 20 U.S.C. § 6319(a) if he teaches:

44 (a) English, reading or language arts;

45 (b) Mathematics;



- (c) Science;
- (d) Foreign language;
- (e) Civics or government;
- (f) Economics;
- (g) Geography;
- (h) History; or
- (i) The arts.

4. The board of trustees of a school district:

(a) May employ teacher aides and other auxiliary, nonprofessional personnel to assist licensed personnel in the instruction or supervision of children, either in the classroom or at any other place in the school or on the grounds thereof. A person who is initially hired as a paraprofessional by a school district on or after January 8, 2002, to work in a program supported with Title I money must possess the qualifications required by 20 U.S.C. § 6319(c). A person who is employed as a paraprofessional by a school district, regardless of the date of hire, to work in a program supported with Title I money must possess, on or before January 8, 2006, the qualifications required by 20 U.S.C. § 6319(c). For the purposes of this paragraph, a person is not "initially hired" if he has been employed as a paraprofessional by another school district or charter school in this State without an interruption in employment before the date of hire by his current employer.

(b) Shall establish policies governing the duties and performance of teacher aides.

5. Each applicant for employment pursuant to this section, except a teacher or other person licensed by the Superintendent of Public Instruction, must, as a condition to employment, submit to the school district a full set of his fingerprints and written permission authorizing the school district to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant.

6. Except as otherwise provided in subsection 7, the board of trustees of a school district shall not require a licensed teacher or other person licensed by the Superintendent of Public Instruction pursuant to NRS 391.033 who has taken a leave of absence from employment authorized by the school district, including, without limitation:

- (a) Sick leave;
- (b) Sabbatical leave;
- (c) Personal leave;
- (d) Leave for attendance at a regular or special session of the Legislature of this State if the employee is a member thereof;



(e) Maternity leave; and

(f) Leave permitted by the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq.,

↳ to submit a set of his fingerprints as a condition of return to or continued employment with the school district if the employee is in good standing when the employee began the leave.

7. A board of trustees of a school district may ask the Superintendent of Public Instruction to require a person licensed by the Superintendent of Public Instruction pursuant to NRS 391.033 who has taken a leave of absence from employment authorized by the school district to submit a set of his fingerprints as a condition of return to or continued employment with the school district if the board of trustees has probable cause to believe that the person has committed a felony or an offense involving moral turpitude during the period of his leave of absence.

8. The board of trustees of a school district may employ or appoint persons to serve as school police officers. If the board of trustees of a school district employs or appoints persons to serve as school police officers, the board of trustees shall employ a law enforcement officer to serve as the chief of school police who is supervised by the ~~superintendent of schools of the school district.~~ *board of trustees.* The chief of school police shall supervise each person appointed or employed by the board of trustees as a school police officer. In addition, persons who provide police services pursuant to subsection 9 or 10 shall be deemed school police officers.

9. The board of trustees of a school district in a county that has a metropolitan police department created pursuant to chapter 280 of NRS may contract with the metropolitan police department for the provision and supervision of police services in the public schools within the jurisdiction of the metropolitan police department and on property therein that is owned by the school district. If a contract is entered into pursuant to this subsection, the contract must make provision for the transfer of each school police officer employed by the board of trustees to the metropolitan police department. If the board of trustees of a school district contracts with a metropolitan police department pursuant to this subsection, the board of trustees shall, if applicable, cooperate with appropriate local law enforcement agencies within the school district for the provision and supervision of police services in the public schools within the school district and on property owned by the school district, but outside the jurisdiction of the metropolitan police department.

10. The board of trustees of a school district in a county that does not have a metropolitan police department created pursuant to chapter 280 of NRS may contract with the sheriff of that county for



1 the provision of police services in the public schools within the
2 school district and on property therein that is owned by the school
3 district.

4 *11. In a school district located in a county whose population*
5 *is 400,000 or more:*

6 *(a) If the board of trustees of the school district employs or*
7 *appoints persons to serve as school police officers pursuant to*
8 *subsection 8, the board of trustees shall employ or appoint at least:*

9 *(1) One person to serve as a school police officer at each*
10 *middle school and junior high school located in the school district;*
11 *and*

12 *(2) Two persons to serve as school police officers at each*
13 *high school located in the school district.*

14 *(b) If the board of trustees of the school district enters into a*
15 *contract for the provision of police services with a metropolitan*
16 *police department pursuant to subsection 9 or with the sheriff of*
17 *the county pursuant to subsection 10, the contract must require at*
18 *least:*

19 *(1) One person to serve as a school police officer at each*
20 *middle school and junior high school located in the school district;*
21 *and*

22 *(2) Two persons to serve as school police officers at each*
23 *high school located in the school district.*

24 **Sec. 5.** NRS 391.275 is hereby amended to read as follows:

25 391.275 ~~[The]~~

26 *1. Except as otherwise provided in subsection 2, the*
27 *jurisdiction of each school police officer of a school district extends*
28 *to all school property, buildings and facilities within the school*
29 *district, for the purpose of:*

30 ~~[1-]~~ *(a) Protecting school district personnel, pupils, or real or*
31 *personal property; or*

32 ~~[2-]~~ *(b) Cooperating with local law enforcement agencies in*
33 *matters relating to personnel, pupils or real or personal property of*
34 *the school district.*

35 *2. Each school police officer of a school district has*
36 *concurrent power with peace officers for the protection of children*
37 *in school and on the way to and from school, as provided in*
38 *subsection 3 of NRS 289.190.*



