

ASSEMBLY BILL NO. 313—ASSEMBLYMAN OCEGUERA

MARCH 14, 2007

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Referred to Committee on Education

SUMMARY—Revises provisions governing the tracking, monitoring and revocation of teacher licenses for criminal behavior. (BDR 34-731)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
Effect on the State: Yes.

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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 education; requiring the Department of Education to establish a procedure for the notification, tracking and monitoring of the status of criminal cases involving licensed teachers and other licensed educational personnel; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Under existing law, the State Board of Education may, upon certain grounds, suspend or revoke the license of a teacher and other educational personnel. (NRS 391.330) Existing law also sets forth the process for the suspension or revocation of such a license. (NRS 391.320-391.361)

This bill requires the Department of Education to adopt regulations that establish a procedure for the notification, tracking and monitoring of the status of criminal cases involving persons who are licensed pursuant to chapter 391 of NRS. Under the procedure, each school district and each charter school is required to notify the Department of the arrest of a person who is licensed pursuant to chapter 391 of NRS if: (1) the act for which the licensee is arrested may be a ground for the suspension or revocation of the person's license; and (2) the school district or charter school has knowledge of that arrest. Upon receipt of such notice, the Department is required to prepare a separate file for the documentation and monitoring of the status of the case involving the licensee. If the case is referred to the State Board for its review and the State Board determines that there is not sufficient evidence to suspend or revoke the license, the file maintained by the Department and any related documents must not be made a part of the licensee's permanent employment record. This bill also provides immunity from civil or criminal liability for persons who make reports or provide notice concerning a person who is licensed pursuant to chapter 391 of NRS and who is arrested.



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

**Section 1.** Chapter 391 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

**Sec. 2.** As used in sections 2 to 5, inclusive, of this act, "arrest" has the meaning ascribed to it in NRS 171.104.

**Sec. 3. 1. *The Department shall adopt regulations that establish a procedure for the notification, tracking and monitoring of the status of criminal cases involving persons who are licensed pursuant to chapter 391 of NRS. The procedure must include, without limitation:***

***(a) A method by which the superintendent of schools of a school district and the administrative head of a charter school must notify the Department in a timely manner of the arrest of a person who is licensed pursuant to chapter 391 of NRS if:***

***(1) The act for which the licensee is arrested:***

***(I) May be a ground for the suspension or revocation of the person's license pursuant to NRS 391.330; and***

***(II) Is not excluded by the Department from the notification requirements of this section; and***

***(2) The school district or charter school has knowledge of that arrest.***

***(b) A method by which the superintendent of schools of a school district and the administrative head of a charter school must notify the Department in a timely manner of:***

***(1) Each action, if any, taken against the licensee by the school district or charter school after the arrest; and***

***(2) The conviction of the licensee, if he is convicted of the act for which he was arrested.***

***(c) The steps that the Department must follow in response to the receipt of notice pursuant to this section, including, without limitation, the preparation of a separate file on the licensee for the documentation and monitoring of the status of the case.***

**2. Each file that is maintained on a licensee pursuant to subsection 1 must include, without limitation:**

***(a) The date on which the person was arrested and the date on which the Department received notice of the arrest from the school district or charter school;***

***(b) The reason why the licensee was arrested;***

***(c) The steps taken by the Department in response to all notices received by the Department from a school district or charter school pursuant to subsection 1;***



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(d) An indication whether the case was referred to the Attorney General's office for review and the date of the referral, if any;

(e) An indication whether the Superintendent of Public Instruction has presented the case to the State Board for action and the type of action recommended by the Superintendent, if any;

(f) A description of any action taken by the State Board against the licensee and the reason for that action, or if no action is taken by the State Board, the reason for the inaction; and

(g) The final resolution of the case and the date of resolution.

3. If the Department receives notice of a conviction of a licensee and the conviction is for an act which is a ground for the suspension or revocation of a license, the Superintendent of Public Instruction shall immediately recommend that the State Board proceed in accordance with the provisions of NRS 391.320 to 391.361, inclusive.

4. If the Department maintains a file on a licensee pursuant to this section and the State Board determines that there is not sufficient evidence to suspend or revoke the license, the file and any related documents must not be made a part of that licensee's permanent employment record.

**Sec. 4.** The superintendent of schools of each school district and the administrative head of each charter school shall submit all information required by the Department pursuant to section 3 of this act within the time prescribed by the Department.

**Sec. 5.** Immunity from civil or criminal liability extends to every person who, pursuant to sections 2, 3 and 4 of this act, in good faith:

1. Participates in the making of a report;

2. Causes or conducts an investigation of a person who is licensed pursuant to chapter 391 of NRS and who is arrested; or

3. Submits information to the Department concerning a person who is licensed pursuant to chapter 391 of NRS and who is arrested.

**Sec. 6.** NRS 391.322 is hereby amended to read as follows:

391.322 1. If the board of trustees of a school district or the Superintendent of Public Instruction or his designee submits a recommendation to the State Board for the suspension or revocation of a license issued pursuant to this chapter, the State Board shall give written notice of the recommendation to the person to whom the license has been issued.

2. A notice given pursuant to subsection 1 must contain:

(a) A statement of the charge upon which the recommendation is based;

(b) A copy of the recommendation received by the State Board;



(c) A statement that the licensee is entitled to a hearing before a hearing officer if the licensee makes a written request for the hearing as provided by subsection 3; and

(d) A statement that the grounds and procedure for the suspension or revocation of a license are set forth in NRS 391.320 to 391.361, inclusive.

3. A licensee to whom notice has been given pursuant to this section may request a hearing before a hearing officer selected pursuant to subsection 4. Such a request must be in writing and must be filed with the Superintendent of Public Instruction within 15 days after receipt of the notice by the licensee.

4. Upon receipt of a request filed pursuant to subsection 3, the Superintendent of Public Instruction shall request from the Hearings Division of the Department of Administration a list of potential hearing officers. The licensee requesting a hearing and the Superintendent of Public Instruction shall select a person to serve as hearing officer from the list provided by the Hearings Division of the Department of Administration by alternately striking one name until the name of only one hearing officer remains. The Superintendent of Public Instruction shall strike the first name.

5. ~~HH~~ *Except as otherwise provided in subsection 6, if* no request for a hearing is filed within the time specified in subsection 3, the State Board may suspend or revoke the license or take no action on the recommendation.

*6. If the Department receives notice of a conviction of a licensee and the conviction is for an act which is a ground for the suspension or revocation of a license, the State Board shall immediately process the recommendation in accordance with the provisions of NRS 391.320 to 391.361, inclusive. If no request for a hearing is filed within the time specified in subsection 3, the State Board may accept, reject or modify the recommendation.*

Sec. 7. On or before December 1, 2007, the Department of Education shall submit a written report to the Legislative Committee on Education that includes a description of the procedure established by the Department pursuant to section 3 of this act for the notification, tracking and monitoring of the status of criminal cases involving persons who are licensed pursuant to chapter 391 of NRS.

Sec. 8. This act becomes effective on July 1, 2007.

