

CHAPTER.....

AN ACT relating to education; revising provisions governing plans for responding to a crisis in public schools of school districts, charter schools and private schools, so that such plans also address responding to an emergency; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the board of trustees of each school district, the governing body of each charter school and the governing body of each private school to establish a development committee to develop a plan to be used by each public school of the school district, each charter school and each private school in responding to a crisis. (NRS 392.600-392.656, 394.168-394.1699) This bill revises the duties of each development committee to also require that such a plan address responding to an emergency. **Sections 2 and 13** of this bill define the emergencies which such a plan must address, including an occurrence or threatened occurrence requiring action to save lives, protect property or to protect the health and safety of persons on the property of a public school or private school, at an activity sponsored by the school or on a school bus. **Sections 6, 7, 17 and 18** of this bill require the development committee, when developing and updating the plan for responding to a crisis or an emergency, to consult with the director of the local organization for emergency management or, if there is no such organization, with the Chief of the Division of Emergency Management of the Department of Public Safety or his or her designee. Existing law requires each public school and each private school to establish a school committee to review the plan to respond to a crisis developed by the development committee and to determine whether to request a deviation from the plan for the school. (NRS 392.632, 392.636, 394.169, 394.1691) **Sections 8 and 19** of this bill require each school committee to also review the component of the plan for responding to an emergency and to determine whether to request a deviation from the plan. Existing law prescribes the duties of a school principal when responding to a crisis at the school. (NRS 392.648, 394.1696) **Sections 11 and 21** of this bill prescribe the duties of a school principal when an emergency occurs. Existing law provides that the plans for responding to a crisis are confidential and further provides that the meetings of the development committees, school committees and the State Board of Education concerning the plans to respond to a crisis are not subject to the Open Meeting Law. (NRS 392.652, 392.656, 394.1698, 394.1699) This bill, with respect to the expanded plans which address both crises and emergencies, maintains that confidentiality and that exception to the Open Meeting Law.



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

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

Section 1. Chapter 392 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *“Emergency” means an occurrence or threatened occurrence for which action is necessary to save lives, protect property or to protect the health and safety of persons, or to avert the threat of damage to property or injury to persons, on the property of a public school, at an activity sponsored by a public school or on a school bus while the bus is engaged in its official duties for a public school.*

Sec. 3. *“Local organization for emergency management” has the meaning ascribed to it in NRS 414.036.*

Sec. 4. NRS 392.600 is hereby amended to read as follows:

392.600 As used in NRS 392.600 to 392.656, inclusive, *and sections 2 and 3 of this act*, unless the context otherwise requires, the words and terms defined in NRS 392.604, 392.608 and 392.612 *and sections 2 and 3 of this act* have the meanings ascribed to them in those sections.

Sec. 5. NRS 392.616 is hereby amended to read as follows:

392.616 1. The board of trustees of each school district shall establish a development committee to develop one plan to be used by all the public schools other than the charter schools in the school district in responding to a crisis ~~or~~ *or an emergency*. The governing body of each charter school shall establish a development committee to develop a plan to be used by the charter school in responding to a crisis ~~or~~ *or an emergency*.

2. The membership of a development committee must consist of:

(a) At least one member of the board of trustees or of the governing body that established the committee;

(b) At least one administrator of a school in the school district or of the charter school;

(c) At least one licensed teacher of a school in the school district or of the charter school;

(d) At least one employee of a school in the school district or of the charter school who is not a licensed teacher and who is not responsible for the administration of the school;

(e) At least one parent or legal guardian of a pupil who is enrolled in a school in the school district or in the charter school;



(f) At least one representative of a local law enforcement agency in the county in which the school district or charter school is located; ~~and~~

(g) At least one school police officer, including, without limitation, a chief of school police of the school district if the school district has school police officers ~~and~~; *and*

(h) At least one representative of a state or local organization for emergency management.

3. The membership of a development committee may also include any other person whom the board of trustees or the governing body deems appropriate, including, without limitation:

(a) A counselor of a school in the school district or of the charter school;

(b) A psychologist of a school in the school district or of the charter school;

(c) A licensed social worker of a school in the school district or of the charter school;

(d) A pupil in grade 10 or higher of a school in the school district or a pupil in grade 10 or higher of the charter school if a school in the school district or the charter school includes grade 10 or higher; and

(e) An attorney or judge who resides or works in the county in which the school district or charter school is located.

4. The board of trustees of each school district and the governing body of each charter school shall determine the term of each member of the development committee that it establishes. Each development committee may adopt rules for its own management and government.

Sec. 6. NRS 392.620 is hereby amended to read as follows:

392.620 1. Each development committee established by the board of trustees of a school district shall develop one plan to be used by all the public schools other than the charter schools in the school district in responding to a crisis ~~and~~ *or an emergency*. Each development committee established by the governing body of a charter school shall develop a plan to be used by the charter school in responding to a crisis ~~and~~ *or an emergency*. Each development committee shall, when developing the plan, consult with ~~the~~:

(a) The local social service agencies and local law enforcement agencies in the county in which its school district or charter school is located.

(b) The director of the local organization for emergency management or, if there is no local organization for emergency management, with the Chief of the Division of Emergency



Management of the Department of Public Safety or his or her designee.

2. The plan ***developed pursuant to subsection 1*** must include, without limitation, a procedure for:

(a) Assisting persons within a school in the school district or the charter school to communicate with each other;

(b) Assisting persons within a school in the school district or the charter school to communicate with persons located outside the school, including, without limitation, relatives of pupils and relatives of employees of the school, the news media and persons from local, state or federal agencies that are responding to a crisis ~~[-]~~ ***or an emergency;***

(c) Immediately responding to a crisis ***or an emergency*** and for responding during the period after a crisis ***or an emergency*** has concluded, including, without limitation, a crisis ***or an emergency*** that results in immediate physical harm to a pupil or employee of a school in the school district or the charter school;

(d) Assisting pupils of a school in the school district or the charter school, employees of the school and relatives of such pupils and employees to move safely within and away from the school, including, without limitation, a procedure for evacuating the school and a procedure for securing the school; and

(e) Enforcing discipline within a school in the school district or the charter school and for obtaining and maintaining a safe and orderly environment during a crisis ~~[-]~~ ***—2.] or an emergency.***

3. Each development committee shall provide a copy of the plan that it develops pursuant to this section to the board of trustees of the school district that established the committee or the governing body of the charter school that established the committee.

~~[-]~~ 4. Except as otherwise provided in NRS 392.632 and 392.636, each public school, including, without limitation, each charter school, must comply with the plan developed for it pursuant to this section.

Sec. 7. NRS 392.624 is hereby amended to read as follows:

392.624 1. Each development committee shall, at least once each year, review and update as appropriate the plan that it developed pursuant to NRS 392.620 . ~~[-and]~~ ***In reviewing and updating the plan, the development committee shall consult with the director of the local organization for emergency management or, if there is no local organization for emergency management, with the Chief of the Division of Emergency Management of the Department of Public Safety or his or her designee.***



2. Each development committee shall provide an updated copy of the plan to the board of trustees of the school district that established the committee or the governing body of the charter school that established the committee.

~~[2-]~~ **3.** The board of trustees of each school district and the governing body of each charter school shall:

(a) Post a notice of the completion of each review and update that its development committee performs pursuant to subsection 1 at each school in its school district or at its charter school;

(b) Post a copy of NRS 392.600 to 392.656, inclusive, **and sections 2 and 3 of this act** at each school in its school district or at its charter school;

(c) Retain a copy of each plan developed pursuant to NRS 392.620, each plan updated pursuant to subsection 1 and each deviation approved pursuant to NRS 392.636;

(d) Provide a copy of each plan developed pursuant to NRS 392.620 and each plan updated pursuant to subsection 1 to:

(1) The State Board;

(2) Each local law enforcement agency in the county in which the school district or charter school is located; ~~and~~

(3) The Division of Emergency Management of the Department of Public Safety; **and**

(4) The local organization for emergency management, if any;

(e) Upon request, provide a copy of each plan developed pursuant to NRS 392.620 and each plan updated pursuant to subsection 1 to a local agency that is included in the plan and to an employee of a school who is included in the plan;

(f) Upon request, provide a copy of each deviation approved pursuant to NRS 392.636 to:

(1) The State Board;

(2) A local law enforcement agency in the county in which the school district or charter school is located;

(3) The Division of Emergency Management of the Department of Public Safety;

(4) The local organization for emergency management, if any;

(5) A local agency that is included in the plan; and

~~[(5)]~~ **(6) An employee of a school who is included in the plan; and**

(g) At least once each year, provide training in responding to a crisis **and training in responding to an emergency** to each employee of the school district or of the charter school, including,



without limitation, training concerning drills for evacuating and securing schools.

~~[3-]~~ 4. The board of trustees of each school district and the governing body of each charter school may apply for and accept gifts, grants and contributions from any public or private source to carry out the provisions of NRS 392.600 to 392.656, inclusive ~~[4]~~, *and sections 2 and 3 of this act.*

Sec. 8. NRS 392.632 is hereby amended to read as follows:

392.632 1. Each school committee shall, at least once each year, review the plan developed for the school pursuant to NRS 392.620 and determine whether the school should deviate from the plan.

2. Each school committee shall, when reviewing the plan, consult with ~~[the]~~ :

(a) *The* local social service agencies and law enforcement agencies in the county, city or town in which its school is located.

(b) *The director of the local organization for emergency management or, if there is no local organization for emergency management, with the Chief of the Division of Emergency Management of the Department of Public Safety or his or her designee.*

3. If a school committee determines that the school should deviate from the plan, the school committee shall notify the development committee that developed the plan, describe the proposed deviation and explain the reason for the proposed deviation. The school may deviate from the plan only if the deviation is approved by the development committee pursuant to NRS 392.636.

~~[2-]~~ 4. Each public school, including, without limitation, each charter school, shall post at the school a notice of the completion of each review that the school committee performs pursuant to this section.

Sec. 9. NRS 392.640 is hereby amended to read as follows:

392.640 1. The State Board shall, with assistance from other state agencies, including, without limitation, the Division of Emergency Management, the Investigation Division, and the Nevada Highway Patrol *Division* of the Department of Public Safety, develop a plan for the management of a crisis *or an emergency* that involves a public school, including, without limitation, a charter school, or a private school and that requires immediate action. The plan must include, without limitation, a procedure for coordinating the resources of local, state and federal agencies, officers and employees, as appropriate. In developing the



plan, the State Board shall consider the plans ~~to respond to crises~~ developed pursuant to NRS 392.620 and 394.1687 and updated pursuant to NRS 392.624 and 394.1688.

2. The State Board may disseminate to any appropriate local, state or federal agency, officer or employee, as the State Board determines is necessary:

(a) The plan developed by the State Board pursuant to subsection 1;

(b) A plan developed pursuant to NRS 392.620 or updated pursuant to NRS 392.624;

(c) A plan developed pursuant to NRS 394.1687 or updated pursuant to NRS 394.1688; and

(d) A deviation approved pursuant to NRS 392.636 or 394.1692.

Sec. 10. NRS 392.644 is hereby amended to read as follows:

392.644 1. The State Board shall adopt regulations setting forth requirements for:

(a) The plan required to be developed pursuant to NRS 392.620; and

(b) Reviewing and approving a deviation pursuant to NRS 392.636.

2. The regulations adopted pursuant to this section must include, without limitation, requirements concerning training and practice in procedures for responding to a crisis ~~to~~ **or an emergency.**

Sec. 11. NRS 392.648 is hereby amended to read as follows:

392.648 1. If a crisis **or an emergency** that requires immediate action occurs at a public school, including, without limitation, a charter school, the principal of the school involved, or the principal's designated representative, shall, in accordance with the plan ~~to respond to a crisis~~ developed for the school pursuant to NRS 392.620 and in accordance with any deviation approved pursuant to NRS 392.636, contact all appropriate local agencies to respond to the crisis ~~to~~ **or the emergency.**

2. If a local agency that is responsible for responding to a crisis **or an emergency** is contacted pursuant to subsection 1 and the local agency determines that the crisis **or the emergency** requires assistance from a state agency, the local agency may:

(a) If a local organization for emergency management has been established in the city or county in which the local agency that was contacted is located, through such local organization for emergency management, notify the Division of Emergency Management of the Department of Public Safety of the crisis **or the emergency** and



request assistance from the Division in responding to the crisis ~~or~~ *or the emergency*; or

(b) If a local organization for emergency management has not been established in the city or county in which the local agency that was contacted is located, directly notify the Division of Emergency Management of the Department of Public Safety of the crisis *or the emergency* and request assistance from the Division in responding to the crisis ~~or~~ *or the emergency*.

3. If the Division of Emergency Management of the Department of Public Safety receives notification of a crisis *or an emergency* and a request for assistance pursuant to subsection 2 and the Governor or the Governor's designated representative determines that the crisis *or the emergency* requires assistance from a state agency, the Division shall carry out its duties set forth in the plan developed pursuant to NRS 392.640 and its duties set forth in chapter 414 of NRS, including, without limitation, addressing the immediate crisis *or emergency* and coordinating the appropriate and available local, state and federal resources to provide support services and counseling to pupils, teachers, and parents or legal guardians of pupils, and providing support for law enforcement agencies, for as long as is reasonably necessary.

Sec. 12. Chapter 394 of NRS is hereby amended by adding thereto the provisions set forth as sections 13 and 14 of this act.

Sec. 13. *"Emergency" means an occurrence or threatened occurrence for which action is necessary to save lives, protect property or to protect the health and safety of persons, or to avert the threat of damage to property or injury to persons, on the property of a private school, at an activity sponsored by a private school or on a school bus while the bus is engaged in its official duties for a private school.*

Sec. 14. *"Local organization for emergency management" has the meaning ascribed to it in NRS 414.036.*

Sec. 15. NRS 394.168 is hereby amended to read as follows:

394.168 As used in NRS 394.168 to 394.1699, inclusive, *and sections 13 and 14 of this act*, unless the context otherwise requires, the words and terms defined in NRS 394.1681, 394.1682 and 394.1683 *and sections 13 and 14 of this act* have the meanings ascribed to them in those sections.

Sec. 16. NRS 394.1685 is hereby amended to read as follows:

394.1685 1. The governing body of each private school shall establish a development committee to develop a plan to be used by the private school in responding to a crisis ~~or~~ *or an emergency*.

2. The membership of a development committee consists of:



- (a) At least one member of the governing body;
- (b) At least one administrator of the school;
- (c) At least one teacher of the school;
- (d) At least one employee of the school who is not a teacher and who is not responsible for the administration of the school;
- (e) At least one parent or legal guardian of a pupil who is enrolled in the school; ~~and~~
- (f) At least one representative of a local law enforcement agency in the county in which the school is located ~~and~~; *and*
- (g) At least one representative of a state or local organization for emergency management.*

3. The membership of a development committee may also include any other person whom the governing body deems appropriate, including, without limitation:

- (a) A counselor of the school;
- (b) A psychologist of the school;
- (c) A licensed social worker of the school;
- (d) A pupil in grade 10 or higher of the school if the school includes grade 10 or higher; and
- (e) An attorney or judge who resides or works in the county in which the school is located.

4. The governing body of each private school shall determine the term of each member of the development committee that it established. Each development committee may adopt rules for its own management and government.

Sec. 17. NRS 394.1687 is hereby amended to read as follows:

394.1687 1. Each development committee shall develop a plan to be used by its school in responding to a crisis ~~and~~ *or an emergency*. Each development committee shall, when developing the plan, consult with ~~the~~:

(a) The local social service agencies and local law enforcement agencies in the county in which its school is located.

(b) The director of the local organization for emergency management or, if there is no local organization for emergency management, with the Chief of the Division of Emergency Management of the Department of Public Safety or his or her designee.

2. The plan *developed pursuant to subsection 1* must include, without limitation, a procedure for:

- (a) Assisting persons within the school to communicate with each other;
- (b) Assisting persons within the school to communicate with persons located outside the school, including, without limitation,



relatives of pupils and relatives of employees of the school, the news media and persons from local, state or federal agencies that are responding to a crisis ~~[3]~~ *or an emergency;*

(c) Immediately responding to a crisis *or an emergency* and for responding during the period after a crisis *or an emergency* has concluded, including, without limitation, a crisis *or an emergency* that results in immediate physical harm to a pupil or employee of the school;

(d) Assisting pupils of the school, employees of the school and relatives of such pupils and employees to move safely within and away from the school, including, without limitation, a procedure for evacuating the school and a procedure for securing the school; and

(e) Enforcing discipline within the school and for obtaining and maintaining a safe and orderly environment during a crisis ~~[2]~~ *or an emergency.*

3. Each development committee shall provide a copy of the plan that it develops pursuant to this section to the governing body of the school that established the committee.

~~[3]~~ 4. Except as otherwise provided in NRS 394.1691 and 394.1692, each private school must comply with the plan developed for it pursuant to this section.

Sec. 18. NRS 394.1688 is hereby amended to read as follows:

394.1688 1. Each development committee shall, at least once each year, review and update as appropriate the plan that it developed pursuant to NRS 394.1687 . ~~[, and]~~ *In reviewing and updating the plan, the development committee shall consult with the director of the local organization for emergency management or, if there is no local organization for emergency management, with the Chief of the Division of Emergency Management of the Department of Public Safety or his or her designee.*

2. *Each development committee shall* provide an updated copy of the plan to the governing body of the school.

~~[2]~~ 3. The governing body of each private school shall:

(a) Post a notice of the completion of each review and update that its development committee performs pursuant to subsection 1 at the school;

(b) Post a copy of NRS 392.640 and 394.168 to 394.1699, inclusive, *and sections 13 and 14 of this act* at the school;

(c) Retain a copy of each plan developed pursuant to NRS 394.1687, each plan updated pursuant to subsection 1 and each deviation approved pursuant to NRS 394.1692;

(d) Provide a copy of each plan developed pursuant to NRS 394.1687 and each plan updated pursuant to subsection 1 to:



(1) The Board;
(2) Each local law enforcement agency in the county in which the school is located; ~~and~~

(3) The Division of Emergency Management of the Department of Public Safety; *and*

(4) The local organization for emergency management, if any;

(e) Upon request, provide a copy of each plan developed pursuant to NRS 394.1687 and each plan updated pursuant to subsection 1 to a local agency that is included in the plan and to an employee of the school who is included in the plan;

(f) Upon request, provide a copy of each deviation approved pursuant to NRS 394.1692 to:

(1) The Board;

(2) A local law enforcement agency in the county in which the school is located;

(3) The Division of Emergency Management of the Department of Public Safety;

(4) The local organization for emergency management, if any;

(5) A local agency that is included in the plan; and

~~[(5)]~~ *(6) An employee of the school who is included in the plan; and*

(g) At least once each year, provide training in responding to a crisis *and training in responding to an emergency* to each employee of the school, including, without limitation, training concerning drills for evacuating and securing the school.

Sec. 19. NRS 394.1691 is hereby amended to read as follows:

394.1691 1. Each school committee shall, at least once each year, review the plan developed for its school pursuant to NRS 394.1687 and determine whether the school should deviate from the plan.

2. Each school committee shall, when reviewing the plan, consult with ~~the~~ :

(a) The local social service agencies and law enforcement agencies in the county, city or town in which its school is located.

(b) The director of the local organization for emergency management or, if there is no local organization for emergency management, with the Chief of the Division of Emergency Management of the Department of Public Safety or his or her designee.

3. If a school committee determines that its school should deviate from the plan, the school committee shall notify the



development committee that developed the plan, describe the proposed deviation and explain the reason for the proposed deviation. The school may deviate from the plan only if the deviation is approved by the development committee pursuant to NRS 394.1692.

~~[2-]~~ 4. Each private school shall post at the school a notice of the completion of each review that its school committee performs pursuant to this section.

Sec. 20. NRS 394.1694 is hereby amended to read as follows:

394.1694 1. The Board shall adopt regulations setting forth requirements for:

(a) The plan required to be developed pursuant to NRS 394.1687; and

(b) Reviewing and approving a deviation pursuant to NRS 394.1692.

2. The regulations adopted pursuant to this section must include, without limitation, requirements concerning training and practice in procedures for responding to a crisis ~~[]~~ *or an emergency.*

Sec. 21. NRS 394.1696 is hereby amended to read as follows:

394.1696 1. If a crisis *or an emergency* that requires immediate action occurs at a private school, the principal or other person in charge of the private school involved, or his or her designated representative, shall, in accordance with the plan ~~[to respond to a crisis]~~ developed for the school pursuant to NRS 394.1687 and in accordance with any deviation approved pursuant to NRS 394.1692, contact all appropriate local agencies to respond to the crisis ~~[]~~ *or the emergency.*

2. If a local agency that is responsible for responding to a crisis *or an emergency* is contacted pursuant to subsection 1 and the local agency determines that the crisis *or the emergency* requires assistance from a state agency, the local agency may:

(a) If a local organization for emergency management has been established in the city or county in which the local agency that was contacted is located, through such local organization for emergency management, notify the Division of Emergency Management of the Department of Public Safety of the crisis *or the emergency* and request assistance from the Division in responding to the crisis ~~[]~~ *or the emergency;* or

(b) If a local organization for emergency management has not been established in the city or county in which the local agency that was contacted is located, directly notify the Division of Emergency Management of the Department of Public Safety of the crisis *or the*



emergency and request assistance from the Division in responding to the crisis ~~H~~ *or the emergency*.

3. If the Division of Emergency Management of the Department of Public Safety receives notification of a crisis *or an emergency* and a request for assistance pursuant to subsection 2 and the Governor or the Governor's designated representative determines that the crisis *or the emergency* requires assistance from a state agency, the Division shall carry out its duties set forth in the plan developed pursuant to NRS 392.640 and its duties set forth in chapter 414 of NRS, including, without limitation, addressing the immediate crisis *or emergency* and coordinating the appropriate and available local, state and federal resources to provide support services and counseling to pupils, teachers, and parents or legal guardians of pupils, and providing support for law enforcement agencies, for as long as is reasonably necessary.

Sec. 22. NRS 414.135 is hereby amended to read as follows:

414.135 1. There is hereby created the Emergency Assistance Subaccount within the Disaster Relief Account created pursuant to NRS 353.2735. Beginning with the fiscal year that begins on July 1, 1999, the State Controller shall, at the end of each fiscal year, transfer the interest earned during the previous fiscal year on the money in the Disaster Relief Account to the Subaccount in an amount not to exceed \$500,000.

2. The Division of Emergency Management of the Department of Public Safety shall administer the Subaccount. The Division may adopt regulations authorized by this section before, on or after July 1, 1999.

3. Except as otherwise provided in paragraph (c), all expenditures from the Subaccount must be approved in advance by the Division. Except as otherwise provided in subsection 4, all money in the Subaccount must be expended:

(a) To provide supplemental emergency assistance to this state or to local governments in this state that are severely and adversely affected by a natural, technological or human-caused emergency or disaster for which available resources of this state or the local government are inadequate to provide a satisfactory remedy;

(b) To pay any actual expenses incurred by the Division for administration during a natural, technological or human-caused emergency or disaster; and

(c) For any other purpose authorized by the Legislature.

4. Beginning with the fiscal year that begins on July 1, 1999, if any balance remains in the Subaccount at the end of a fiscal year and the balance has not otherwise been committed for expenditure,



the Division may, with the approval of the Interim Finance Committee, allocate all or any portion of the remaining balance, not to exceed \$250,000, to this state or to a local government to:

(a) Purchase equipment or supplies required for emergency management;

(b) Provide training to personnel related to emergency management; and

(c) Carry out the provisions of NRS 392.600 to 392.656, inclusive ~~[]~~, *and sections 2 and 3 of this act.*

5. Beginning with the fiscal year that begins on July 1, 1999, the Division shall, at the end of each quarter of a fiscal year, submit to the Interim Finance Committee a report of the expenditures made from the Subaccount for the previous quarter.

6. The Division shall adopt such regulations as are necessary to administer the Subaccount.

7. The Division may adopt regulations to provide for reimbursement of expenditures made from the Subaccount. If the Division requires such reimbursement, the Attorney General shall take such action as is necessary to recover the amount of any unpaid reimbursement plus interest at a rate determined pursuant to NRS 17.130, computed from the date on which the money was removed from the Account, upon request by the Division.

Sec. 23. This act becomes effective on July 1, 2011.

