

Amendment No. 646

Assembly Amendment to Assembly Bill No. 321	(BDR 34-925)
Proposed by: Assembly Committee on Education	
Amendment Box: Replaces Amendment Nos. 568, 631 and 643.	
Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.



ASSEMBLY BILL NO. 321—ASSEMBLYMEN SILBERKRAUS, DOOLING, TROWBRIDGE, GARDNER, SEAMAN; ELLIOT ANDERSON, PAUL ANDERSON, ARMSTRONG, DICKMAN, EDWARDS, ELLISON, FIORE, FLORES, HAMBRICK, HICKEY, JONES, KIRNER, MOORE, NELSON, O'NEILL, OSCARSON, STEWART, TITUS, WHEELER AND WOODBURY

MARCH 16, 2015

JOINT SPONSORS: SENATORS MANENDO AND HARRIS

Referred to Committee on Education

SUMMARY—~~[Clarifies that the jurisdiction of]~~ Revises provisions relating to school police officers ~~[extends to all charter school property, buildings and facilities.]~~ (BDR 34-925)

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; requiring school districts to enter into contracts with charter schools for the provision of school police officers in certain circumstances; requiring a primary law enforcement agency to respond to requests for assistance relating to certain offenses at schools; requiring a chief of school police to supervise a school police officer who provides services to a charter school under certain circumstances; clarifying that the jurisdiction of school police officers extends to all charter school property, buildings and facilities ~~that have contracted with the board of trustees of the school district;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Under existing law, a charter school is a public school. (NRS 385.007)]~~ Existing law authorizes the governing body of a charter school to contract with the board of trustees of the school district in which the charter school is located to provide school police officers. (NRS 386.560) Section 1 of this bill requires the board of trustees of a school district to enter into a contract to provide school police officers to a charter school if the governing body of a charter school makes a request for the provision of school police officers. Sections 3 and 4 of this bill make conforming changes.

Section 5 of this bill authorizes the principal or a teacher at a public school, including a charter school, and a school police officer, to notify the primary law enforcement agency in the city or county where the school is located when: (1) certain offenses have been committed in the presence of the principal, teacher or officer; (2) the principal, teacher or officer has reasonable cause to believe certain offenses have been

committed; or (3) the principal, teacher or officer believes that a serious threat to commit such an offense has been made which may be carried out if no action is taken. Section 5 also requires a primary law enforcement agency to respond when it receives such notice of an alleged offense or threat, regardless of whether the school has school police officers.

Existing law requires the board of trustees of a school district to employ a law enforcement officer to serve as the chief of school police and supervise each person employed as a school police officer. (NRS 391.100) Section 6 of this bill requires a chief of school police to supervise any school police officer that provides services to a charter school pursuant to a contract between the governing body of a charter school and the board of trustees of the school district in which the charter school is located to provide police officers.

Existing law authorizes the board of trustees of a school district in a county that has a metropolitan police department to 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. Existing law also authorizes the board of trustees of a school district in a county that does not have a metropolitan police department to contract with the sheriff of that county for the provision of police services in the public schools within the school district. (NRS 391.100) Section 6 also clarifies that the board of trustees of a school district may contract with the metropolitan police department or the sheriff of the county, as applicable, for the provision and supervision of police services in a charter school.

Existing law extends the jurisdiction of school police officers to all school property, buildings and facilities for the purpose of protecting personnel, pupils and property. (NRS 391.275) ~~That~~ Section 7 of this bill clarifies that the jurisdiction of school police officers extends to all charter school property, buildings and facilities that have contracted with the board of trustees of the school district for police services.

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

Section 1. Chapter 386 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the governing body of a charter school makes a request to the board of trustees of the school district in which the charter school is located for the provision of school police officers pursuant to NRS 386.560, the board of trustees of the school district must enter into a contract with the governing body for that purpose. Such a contract must provide for payment by the charter school for the provision of school police officers by the school district which must be in an amount not to exceed the actual cost to the school district of providing the officers. If the school district is the sponsor of the charter school, the contract entered into pursuant to this section must be separate from any other contract or agreement with the sponsor.

2. Any contract for the provision of school police officers pursuant to this section must be entered into between the governing body of the charter school and the board of trustees of the school district by not later than March 15 for the next school year and must provide for the provision of school police officers for not less than 3 school years.

Sec. 2. NRS 386.490 is hereby amended to read as follows:

386.490 As used in NRS 386.490 to 386.649, inclusive, and section 1 of this act, the words and terms defined in NRS 386.492 to 386.503, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. NRS 386.560 is hereby amended to read as follows:

386.560 1. The governing body of a charter school may contract with the board of trustees of the school district in which the charter school is located or in which a pupil enrolled in the charter school resides or with the Nevada System of Higher Education for the provision of facilities to operate the charter school or to perform any service relating to the operation of the charter school, including, without limitation, transportation, the provision of health services for the pupils who are enrolled in the charter school and the provision of school police officers. If the board of trustees of a school district or a college or university within the Nevada System of Higher Education is the sponsor of the charter school, the governing body and the sponsor must enter into a service agreement pursuant to NRS 386.561 before the provision of such services. **It, other than for the provision of school police officers when the provisions of section 1 of this act apply.**

2. A charter school may use any public facility located within the school district in which the charter school is located. A charter school may use school buildings owned by the school district only upon approval of the board of trustees of the school district and during times that are not regular school hours.

3. The board of trustees of a school district may donate surplus personal property of the school district to a charter school that is located within the school district.

4. A charter school may:

(a) Acquire by construction, purchase, devise, gift, exchange or lease, or any combination of those methods, and construct, reconstruct, improve, maintain, equip and furnish any building, structure or property to be used for any of its educational purposes and the related appurtenances, easements, rights-of-way, improvements, paving, utilities, landscaping, parking facilities and lands;

(b) Mortgage, pledge or otherwise encumber all or any part of its property or assets;

(c) Borrow money and otherwise incur indebtedness; and

(d) Use public money to purchase real property or buildings with the approval of the sponsor.

5. Except as otherwise provided in this subsection, upon the request of a parent or legal guardian of a pupil who is enrolled in a charter school, the board of trustees of the school district in which the pupil resides shall authorize the pupil to participate in a class that is not available to the pupil at the charter school or participate in an extracurricular activity, excluding sports, at a public school within the school district if:

(a) Space for the pupil in the class or extracurricular activity is available; and

(b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the pupil is qualified to participate in the class or extracurricular activity.

➤ If the board of trustees of a school district authorizes a pupil to participate in a class or extracurricular activity, excluding sports, pursuant to this subsection, the board of trustees is not required to provide transportation for the pupil to attend the class or activity. The provisions of this subsection do not apply to a pupil who is enrolled in a charter school and who desires to participate on a part-time basis in a program of distance education provided by the board of trustees of a school district pursuant to NRS 388.820 to 388.874, inclusive. Such a pupil must comply with NRS 388.858.

6. Upon the request of a parent or legal guardian of a pupil who is enrolled in a charter school, the board of trustees of the school district in which the pupil resides shall authorize the pupil to participate in sports at the public school that he or she would otherwise be required to attend within the school district, or upon

approval of the board of trustees, any public school within the same zone of attendance as the charter school if:

(a) Space is available for the pupil to participate; and

(b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the pupil is qualified to participate.

➤ If the board of trustees of a school district authorizes a pupil to participate in sports pursuant to this subsection, the board of trustees is not required to provide transportation for the pupil to participate.

7. The board of trustees of a school district may revoke its approval for a pupil to participate in a class, extracurricular activity or sports at a public school pursuant to subsections 5 and 6 if the board of trustees or the public school determines that the pupil has failed to comply with applicable statutes, or applicable rules and regulations of the board of trustees, the public school or the Nevada Interscholastic Activities Association. If the board of trustees so revokes its approval, neither the board of trustees nor the public school is liable for any damages relating to the denial of services to the pupil.

Sec. 4. NRS 386.563 is hereby amended to read as follows:

386.563 1. Unless otherwise authorized by specific statute, it is unlawful for a member of the board of trustees of a school district or an employee of a school district to solicit or accept any gift or payment of money on his or her own behalf or on behalf of the school district or for any other purpose from a member of a committee to form a charter school, the governing body of a charter school, or any officer or employee of a charter school.

2. This section does not prohibit the payment of a salary or other compensation or income to a member of the board of trustees or an employee of a school district for services provided in accordance with a contract made pursuant to NRS 386.560. **or section 1 of this act.**

3. A person who violates subsection 1 shall be punished for a misdemeanor.

Sec. 5. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

1. At any public school, including, without limitation, a charter school, the principal of the school, a teacher or a school police officer may notify the primary law enforcement agency in the city or county, as appropriate, where the school is located when:

(a) An offense involving serious bodily harm has been committed in the presence of the principal, teacher or school police officer;

(b) The principal, teacher or school police officer has reasonable cause to believe such an offense has been committed; or

(c) The principal, teacher or school police officer believes that a serious threat to commit such an offense has been made which may be carried out if no action is taken.

2. If notified pursuant to subsection 1 of an alleged offense or threat to commit an offense, the primary law enforcement agency must respond, even if the school has school police officers. The provisions of subsection 1 do not prohibit a principal, teacher or school police officer from:

(a) Contacting a primary law enforcement agency for assistance with any other offense or threatened offense that does not involve serious bodily harm; or

(b) Responding to any offense until the appropriate primary law enforcement agency arrives at the school. Such a response may include, without limitation, taking any appropriate action to provide assistance to a victim, to apprehend the person suspected of committing or attempting or threatening to commit the offense, to secure the location where the offense was allegedly committed or attempted and to protect the life and safety of any person who is present.

1 3. Upon the arrival of an officer from the primary law enforcement agency
2 notified pursuant to subsection 2, the principal, teacher or school police officer, if
3 applicable, shall immediately transfer the investigation of the offense, attempted
4 offense or threatened offense to the primary law enforcement agency.

5 4. As used in this section, "primary law enforcement agency" means:

6 (a) A police department of an incorporated city;

7 (b) The sheriff's office of a county; or

8 (c) If the county is within the jurisdiction of a metropolitan police
9 department, the metropolitan police department.

10 Sec. 6. NRS 391.100 is hereby amended to read as follows:

11 391.100 1. The board of trustees of a school district may employ a
12 superintendent of schools, teachers and all other necessary employees.

13 2. A person who is initially hired by the board of trustees of a school district
14 on or after January 8, 2002, to teach in a program supported with money from Title
15 I must possess the qualifications required by 20 U.S.C. § 6319(a). For the purposes
16 of this subsection, a person is not "initially hired" if he or she has been employed as
17 a teacher by another school district or charter school in this State without an
18 interruption in employment before the date of hire by the person's current
19 employer.

20 3. A person who is employed as a teacher, regardless of the date of hire, must
21 possess, on or before July 1, 2006, the qualifications required by 20 U.S.C. §
22 6319(a) if the person teaches:

23 (a) English, reading or language arts;

24 (b) Mathematics;

25 (c) Science;

26 (d) Foreign language;

27 (e) Civics or government;

28 (f) Economics;

29 (g) Geography;

30 (h) History; or

31 (i) The arts.

32 4. The board of trustees of a school district:

33 (a) May employ teacher aides and other auxiliary, nonprofessional personnel to
34 assist licensed personnel in the instruction or supervision of children, either in the
35 classroom or at any other place in the school or on the grounds thereof. A person
36 who is initially hired as a paraprofessional by a school district on or after January 8,
37 2002, to work in a program supported with Title I money must possess the
38 qualifications required by 20 U.S.C. § 6319(c). A person who is employed as a
39 paraprofessional by a school district, regardless of the date of hire, to work in a
40 program supported with Title I money must possess, on or before January 8, 2006,
41 the qualifications required by 20 U.S.C. § 6319(c). For the purposes of this
42 paragraph, a person is not "initially hired" if he or she has been employed as a
43 paraprofessional by another school district or charter school in this State without an
44 interruption in employment before the date of hire by the person's current
45 employer.

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

48 5. Each applicant for employment pursuant to this section, except a teacher or
49 other person licensed by the Superintendent of Public Instruction, must, as a
50 condition to employment, submit to the school district a full set of the applicant's
51 fingerprints and written permission authorizing the school district to forward the
52 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 or her 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 or her 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 or her 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. The chief of school police shall supervise each person appointed or employed by the board of trustees as a school police officer and, including any school police officer that provides services to a charter school pursuant to a contract entered into with the board of trustees pursuant to section 1 of this act. 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 and on property therein that is owned or occupied by a charter school if the board of trustees has entered into a contract with the charter school for the provision of school police officers pursuant to section 1 of this act. 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 , including, without limitation, any charter school with which the school district has entered into a contract for the provision

1 of school police officers pursuant to section 1 of this act, and on property owned
2 by the school district ~~++~~, and if applicable, the property owned or occupied by the
3 charter school, but outside the jurisdiction of the metropolitan police department.

4 10. The board of trustees of a school district in a county that does not have a
5 metropolitan police department created pursuant to chapter 280 of NRS may
6 contract with the sheriff of that county for the provision of police services in the
7 public schools within the school district , including, without limitation, in any
8 charter school with which the board of trustees has entered into a contract for the
9 provision of school police officers pursuant to section 1 of this act, and on
10 property therein that is owned by the school district ~~++~~ and, if applicable, the
11 property owned or occupied by the charter school.

12 ~~++Section 1++~~ **Sec. 7.** NRS 391.275 is hereby amended to read as follows:

13 391.275 1. The jurisdiction of each school police officer of a school district
14 extends to all school property, buildings and facilities within the school district ~~++~~
15 including, without limitation++ and, if the board of trustees has entered into a
16 contract with a charter school for the provision of school police officers pursuant
17 to section 1 of this act, all property, buildings and facilities in which ++ the
18 charter school is located, for the purpose of:

19 (a) Protecting school district personnel, pupils, or real or personal property; or
20 (b) Cooperating with local law enforcement agencies in matters relating to
21 personnel, pupils or real or personal property of the school district.

22 2. In addition to the jurisdiction set forth in subsection 1, a school police
23 officer of a school district has jurisdiction:

24 (a) Beyond the school property, buildings and facilities when in hot pursuit of a
25 person believed to have committed a crime;

26 (b) At activities or events sponsored by the school district that are in a location
27 other than the school property, buildings or facilities within the school district; and

28 (c) When authorized by the superintendent of schools of the school district, on
29 the streets that are adjacent to the school property, buildings and facilities within
30 the school district for the purpose of issuing traffic citations for violations of traffic
31 laws and ordinances during the times that the school is in session or school-related
32 activities are in progress.

33 **Sec. 8.** NRS 280.287 is hereby amended to read as follows:

34 280.287 1. The department may enter into a contract with the board of
35 trustees of the school district located in the county served by the department for the
36 provision and supervision of police services in the public schools within the school
37 district and any charter school with which the board of trustees has entered into a
38 contract for the provision of school police officers pursuant to section 1 of this
39 act, and on property owned by the school district ~~++~~ and, if applicable, on property
40 owned or operated by a charter school. If the department enters into a contract
41 pursuant to this section, the department shall create a separate unit designated as the
42 school police unit for this purpose.

43 2. The department may establish different qualifications and training
44 requirements for officers assigned to the school police unit than those generally
45 applicable to officers of the department.

46 ~~++Sec. 2++~~ **Sec. 9.** 1. This section and section 5 of this act become
47 effective upon passage and approval.

48 2. Sections 1 to 4, inclusive, and 6, 7 and 8 of this act ++becomes++ become
49 effective on July 1, 2015.