

Senate Bill No. 213—Senators Gansert, Roberson, Kieckhefer; Atkinson, Denis, Farley, Goicoechea, Hammond, Hardy, Harris, Manendo, Settlemeyer and Woodhouse

Joint Sponsors: Assemblymen Benitez-Thompson;
Oscarson and Tolles

CHAPTER.....

AN ACT relating to education; authorizing the Superintendent of Public Instruction to carry out an inspection of a provider of special education in certain circumstances; authorizing the Superintendent of Public Instruction to take certain measures to ensure compliance with the laws governing the education of pupils with disabilities in certain circumstances; requiring the Department of Education to prescribe certain policies and procedures for programs of special education; revising certain provisions concerning background checks conducted on certain educational personnel and volunteers; authorizing a court to appoint an educational surrogate parent for a child; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Education to ensure compliance with the Individuals with Disabilities Education Act, federal regulations adopted pursuant to the Act and Nevada statutes and regulations governing the education of pupils with disabilities. (20 U.S.C. §§ 1400 et seq.; 34 C.F.R. Part 300; NRS 388.417-388.5243) Existing regulations also require the Department to monitor each school district, charter school or other governmental entity responsible for providing education to pupils with disabilities and to administer a state complaint system for the investigation of potential noncompliance with certain federal or state laws. (34 C.F.R. §§ 300.151 et seq.; NAC 388.092, 388.318) **Section 5** of this bill authorizes the Superintendent of Public Instruction to order an inspection of a provider of special education after determining that good cause for an inspection exists. Such an inspection may be conducted on-site, electronically or by telephone. **Section 8** of this bill defines the term “provider of special education” to mean a school within a school district or charter school that provides education or services to pupils with disabilities or any other entity that is responsible for providing education or services to pupils with disabilities for a school district or charter school. If an inspection is ordered by the Superintendent and the provider of special education is found to be out of compliance with the laws governing special education, **section 5** requires the Superintendent to: (1) meet with the provider to determine the most efficient and expeditious manner in which to bring the provider into compliance; and (2) request a plan of corrective action from the board of trustees of the school district or the governing body of the charter school, as applicable.

Existing law defines “communication mode” as any system or method of communication used by a person who is deaf or whose hearing is impaired to facilitate communication. The definition includes certain systems or methods of



communication used by such a person. **Section 8** revises the definition of "communication mode" to clarify that such systems or methods of communication are used by a person with a disability.

Existing law provides that the Superintendent of Public Instruction is responsible for the enforcement of the K-12 public education laws of this State, and once it is determined that a school district or a charter school is not in compliance with such laws, the Superintendent is required to request a plan of corrective action from the board of trustees of the school district or the governing body of the charter school. (NRS 385.175) Existing federal law also requires the State to conduct a hearing when a parent alleges that his or her child has not received certain due process safeguards that are required by the Individuals with Disabilities Education Act and to provide for an opportunity to appeal the decision rendered by the hearing officer. (20 U.S.C. § 1415) **Section 6** of this bill requires the Superintendent to take certain measures in response to the failure or refusal of a provider of special education to comply in a timely manner with a plan of corrective action or the order of a hearing officer related to due process safeguards. **Section 6** requires the Superintendent to take certain factors into consideration before determining the corrective measures to take. After considering these factors, **section 6** requires the Superintendent to take appropriate measures to ensure compliance.

Section 7 of this bill requires the Department of Education, on or before January 1, 2018, to prescribe policies and procedures necessary to carry out: (1) a program of training for certain school district and charter school personnel; and (2) requirements for notifying parents of pupils with disabilities of certain information concerning special education programs. **Section 7** also requires the board of trustees of each school district and the governing body of each charter school to adopt a program for reporting certain information about special education programs in each school.

Existing law governs the employment of persons in school districts, charter schools and university schools for profoundly gifted pupils in this State. Under existing law, certain applicants seeking employment with such schools in this State must submit a complete set of his or her fingerprints and written permission authorizing the applicable school 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. Under existing law, a teacher or other licensed personnel are required to undergo subsequent background investigations every 5 years, as a condition to continued employment with the school. (NRS 388A.515, 388C.200, 391.033, 391.104, 391.281) **Sections 8.2, 8.3 and 9** of this bill require any applicant for employment with a charter school, university school for profoundly gifted pupils or public school, or volunteer at such a school who is likely to have unsupervised regular contact with pupils, to undergo certain background investigations before the school may employ the applicant or accept the volunteer. **Sections 8.2, 8.3, 8.7, 8.8, 9 and 9.1** of this bill require background checks of applicants, employees and volunteers of such schools to include written authorization by the applicant, employee or volunteer for the school to obtain information concerning such persons that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child and any equivalent information from another jurisdiction. **Sections 8.2, 8.3, 9 and 9.1** require all employees and volunteers of such a school to undergo subsequent background investigations, every 5 years, as a condition to continue employment with the school **Sections 8.2, 8.3, 9 and 9.1** additionally authorize certain schools to accept gifts, grants and donations to carry out such



background checks. **Section 9.3** of this bill requires all applicants for employment, employees and volunteers of a private school to undergo similar background investigations and subsequent background investigations.

Existing law gives a juvenile court exclusive jurisdiction over proceedings concerning a child in need of protection in this State, except if the child is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act of 1978, 25 U.S.C. §§ 1901 et seq. (NRS 432B.410) **Section 10** of this bill authorizes a juvenile court to appoint an educational surrogate parent for a child with a known or suspected disability under certain circumstances.

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. NRS 385.040 is hereby amended to read as follows:

385.040 1. The State Board shall hold at least 9 but not more than 12 regular meetings annually at the State Capital. The Secretary shall call all regular meetings.

2. At least one of the meetings of the State Board must include a discussion with the superintendents of the school districts, presidents of the boards of trustees of the school districts, representatives of the governing bodies of charter schools, representatives of the governing bodies of university schools for profoundly gifted pupils and the chairs of all boards, commissions and councils in the public education system in this State to discuss:

(a) The goals and benchmarks of the State for improving the academic achievement of pupils enrolled in public schools;

(b) The effects of those goals and benchmarks on the school districts and public schools;

(c) The status of the school districts and public schools in achieving the goals and benchmarks; and

(d) The status of any ~~corrective actions imposed on a school district or public school.~~ *plan of corrective action requested by the Superintendent of Public Instruction and of any measures taken to ensure compliance with a plan of corrective action or an order of a hearing officer pursuant to section 6 of this act.*

3. The State Board may hold special meetings at such other times and places as the State Board may direct. The Secretary shall call special meetings upon the written request of the President or any three voting members of the State Board.

4. A majority of the voting members of the State Board constitutes a quorum for the transaction of business, and no action of the State Board is valid unless that action receives, at a legally called meeting, the approval of a majority of all voting members.



Sec. 2. NRS 385.175 is hereby amended to read as follows:

385.175 The Superintendent of Public Instruction is the educational leader for the system of K-12 public education in this State. The Superintendent of Public Instruction shall:

1. Execute, direct or supervise all administrative, technical and procedural activities of the Department in accordance with policies prescribed by the State Board.

2. Employ personnel for the positions approved by the State Board and necessary for the efficient operation of the Department.

3. Organize the Department in a manner which will assure efficient operation and service.

4. Maintain liaison and coordinate activities with other state agencies performing educational functions.

5. Enforce the observance of this title and all other statutes and regulations governing K-12 public education.

6. Request a plan of corrective action from the board of trustees of a school district or the governing body of a charter school if the Superintendent of Public Instruction determines that the school district or charter school *, or any other entity which provides education to a pupil with a disability for a school district or charter school,* has not complied with a requirement of this title or any other statute or regulation governing K-12 public education. The plan of corrective action must provide a timeline approved by the Superintendent of Public Instruction for compliance with the statute or regulation.

7. Perform such other duties as are prescribed by law.

Sec. 3. NRS 385.230 is hereby amended to read as follows:

385.230 1. The Department shall, in conjunction with the State Board, prepare an annual report of the state of public education in this State. The report must include, without limitation:

(a) An analysis of each annual report of accountability prepared by the State Board pursuant to NRS 385A.400;

(b) An update on the status of K-12 public education in this State;

(c) A description of the most recent vision and mission statements of the State Board and the Department, including, without limitation, the progress made by the State Board and Department in achieving those visions and missions;

(d) A description of the goals and benchmarks for improving the academic achievement of pupils which are included in the plan to improve the achievement of pupils required by NRS 385.111;

(e) A description of any significant changes made to the collection, maintenance or transfer of data concerning pupils by the



Department, a school district, a sponsor of a charter school or a university school for profoundly gifted pupils;

(f) Any new data elements, including, without limitation, data about individual pupils and aggregated data about pupils within a defined group, proposed for inclusion in the automated system of accountability information for Nevada established pursuant to NRS 385A.800;

(g) An analysis of the progress the public schools have made in the previous year toward achieving the goals and benchmarks for improving the academic achievement of pupils;

(h) An analysis of whether the standards and examinations adopted by the State Board adequately prepare pupils for success in postsecondary educational institutions and in career and workforce readiness;

(i) An analysis of the extent to which school districts and charter schools recruit and retain effective teachers and principals;

(j) An analysis of the ability of the automated system of accountability information for Nevada established pursuant to NRS 385A.800 to link the achievement of pupils to the performance of the individual teachers assigned to those pupils and to the principals of the schools in which the pupils are enrolled;

(k) An analysis of the extent to which the lowest performing public schools have improved the academic achievement of pupils enrolled in those schools;

(l) A summary of the innovative educational programs implemented by public schools which have demonstrated the ability to improve the academic achievement of pupils, including, without limitation:

(1) Pupils who are economically disadvantaged, as defined by the State Board;

(2) Pupils from major racial and ethnic groups, as defined by the State Board;

(3) Pupils with disabilities;

(4) Pupils who are limited English proficient; and

(5) Pupils who are migratory children, as defined by the State Board; ~~and~~

(m) A description of any plan of corrective action requested by the Superintendent of Public Instruction from the board of trustees of a school district or the governing body of a charter school and the status of that plan ~~H~~ ; and

(n) A summary of any measures taken by the Superintendent of Public Instruction pursuant to section 6 of this act to ensure



compliance with a plan of corrective action or the order of a hearing officer.

2. In odd-numbered years, the Superintendent of Public Instruction shall present the report prepared pursuant to subsection 1 in person to the Governor and each standing committee of the Legislature with primary jurisdiction over matters relating to K-12 public education at the beginning of each regular session of the Legislature.

3. In even-numbered years, the Superintendent of Public Instruction shall, on or before January 31, submit a written copy of the report prepared pursuant to subsection 1 to the Governor and to the Legislative Committee on Education.

Sec. 4. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 5, 6 and 7 of this act.

Sec. 5. *1. Any person or governmental entity may request the Superintendent of Public Instruction to determine whether a provider of special education is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., NRS 388.417 to 388.525, inclusive, and sections 5, 6 and 7 of this act, any regulations adopted pursuant thereto, or any other law or regulation governing the education of pupils with disabilities in this State.*

2. Upon receipt of a request pursuant to subsection 1 or upon his or her own initiative, the Superintendent of Public Instruction must determine whether there is good cause to conduct an inspection of the provider of special education. If the Superintendent of Public Instruction determines there is good cause to conduct an inspection, the Superintendent of Public Instruction shall cause such an inspection to be conducted by the Department within 30 days after making the determination. An inspection conducted pursuant to this subsection may be conducted on-site, electronically or by telephone.

3. If, after an inspection conducted pursuant to subsection 2, the Superintendent of Public Instruction determines that a provider of special education is not in compliance with a law or regulation governing the education of pupils with disabilities, the Superintendent of Public Instruction must, not more than 30 days after completion of the inspection:

(a) Meet with the provider of special education to determine the most efficient and expeditious manner in which to bring the provider of special education into compliance with the law or regulation; and



(b) Request the board of trustees of the school district or the governing body of the charter school, as applicable, to establish a plan of corrective action pursuant to NRS 385.175 to ensure compliance with the law or regulation.

Sec. 6. *1. If a provider of special education fails or refuses to comply in a timely manner with a plan of corrective action established pursuant to NRS 385.175 or with an order of a hearing officer issued pursuant to a due process hearing conducted pursuant to the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., or pursuant to an appeal therefrom, the Superintendent of Public Instruction must take appropriate measures to ensure compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., NRS 388.417 to 388.525, inclusive, and sections 5, 6 and 7 of this act, any regulations adopted pursuant thereto, or any other law or regulation governing the education of pupils with disabilities in this State.*

2. In determining the appropriate measures to take to ensure compliance with the laws and regulations governing the education of pupils with disabilities, the Superintendent of Public Instruction must consider:

(a) The severity of the failure to comply with the plan of corrective action or the order of the hearing officer and the length and number of times that the provider of special education has been out of compliance with the laws and regulations governing the education of pupils with disabilities;

(b) Whether the provider of special education made a good faith effort to comply with the plan of corrective action or the order of the hearing officer;

(c) The impact on pupils served by the provider of special education of the failure to comply with the plan of corrective action or the order of the hearing officer; and

(d) Whether the provider of special education has previously failed to comply with such a plan of corrective action or order of a hearing officer.

3. The actions which the Superintendent of Public Instruction may take to ensure compliance pursuant to subsection 1 after considering the factors set forth in subsection 2 include, without limitation:

(a) Extending the time by which the provider of special education must comply with the plan of corrective action;

(b) Revising the plan of corrective action;



(c) Requiring the school district or the governing body of the charter school, as applicable, to provide technical assistance to the provider of special education to assist with compliance with the laws and regulations governing the education of pupils with disabilities;

(d) Requiring the school district or the governing body of the charter school, as applicable, to provide appropriate professional development for the provider of special education to assist with compliance with the laws and regulations governing the education of pupils with disabilities;

(e) Ordering an investigation of compliance by the provider of special education or additional inspections of the provider of special education to ensure compliance with the laws and regulations governing the education of pupils with disabilities, or both;

(f) Requiring the school district or charter school, as appropriate, to assign one or more persons to monitor compliance with the plan of corrective action or order of the hearing officer and the laws and regulations governing the education of pupils with disabilities by the provider of special education;

(g) Notwithstanding any collective bargaining agreement or contract of employment to the contrary, requiring the school district or charter school, as applicable, to take appropriate disciplinary action against a principal or other administrator who knowingly and willfully fails to comply with a plan of corrective action or order of a hearing officer;

(h) Requiring the provider of special education to attend a public meeting of the State Board to explain the failure of the provider of special education to comply with a plan of corrective action or order of a hearing officer, address public concerns and outline the actions that the provider of special education intends to take to ensure compliance with the laws and regulations governing the education of pupils with disabilities;

(i) Taking punitive action against the provider of special education, which may include, without limitation:

(1) To the extent possible, redirecting money provided by the Federal Government for administrative costs related to the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.; or

(2) To the extent possible, withholding, in whole or in part, any federal or state apportionment to the provider; or

(j) Seeking enforcement of a plan of corrective action or the order of a hearing officer in a court of competent jurisdiction.



4. The Superintendent of Public Instruction may work with any other appropriate governmental entity to carry out the provisions of subsection 3.

Sec. 7. 1. The Department, in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the regulations adopted pursuant thereto, shall adopt regulations prescribing:

(a) Standards for a program of training for persons who are employed by school districts and charter schools and who assist in carrying out the education of pupils who are receiving special education services pursuant to NRS 388.417 to 388.469, inclusive, and sections 5, 6 and 7 of this act, including, without limitation, teachers, administrators, other licensed educational personnel, substitute teachers, personnel who provide related services and paraprofessionals.

(b) The required content and manner of notifying the parents of pupils with disabilities of certain information, which must include, without limitation:

(1) A description of the procedure whereby an individualized education program is developed and implemented for a pupil with a disability.

(2) That the parent of a pupil with a disability has the right to invite persons who have knowledge or special expertise regarding the pupil, including, without limitation, related service personnel, to participate as a member of the individualized education program team for the pupil.

(3) A description of the effect of receiving an adjusted diploma, if a pupil with a disability desires to receive an adjusted diploma pursuant to NRS 390.600, including, without limitation, that an adjusted diploma may not be used to apply to a college or university.

2. The board of trustees of each school district and the governing body of each charter school shall adopt a program for reporting information concerning the special education programs in each school. The report must include, without limitation, the total number of pupils with disabilities:

(a) With an individualized education program.

(b) Who received a standard high school diploma.

(c) Who received an adjusted diploma.

(d) Who dropped out of school.

(e) Who did not satisfy the requirements set forth in his or her individualized education program.



Sec. 8. NRS 388.417 is hereby amended to read as follows:

388.417 As used in NRS 388.417 to 388.515, inclusive ~~§~~ ,
and sections 5, 6 and 7 of this act:

1. “Communication mode” means any system or method of communication used by *a person with a disability, including, without limitation*, a person who is deaf or whose hearing is impaired , to facilitate communication which may include, without limitation:

- (a) American Sign Language;
- (b) English-based manual or sign systems;
- (c) Oral and aural communication;
- (d) Spoken and written English, including speech reading or lip reading; and

(e) Communication with assistive technology devices.

2. “Dyslexia” means a neurological learning disability characterized by difficulties with accurate and fluent word recognition and poor spelling and decoding abilities that typically result from a deficit in the phonological component of language.

3. “Dyslexia intervention” means systematic, multisensory intervention offered in an appropriate setting that is derived from evidence-based research.

4. “Individualized education program” has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

5. “Individualized education program team” has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).

6. *“Provider of special education” means a school within a school district or charter school that provides education or services to pupils with disabilities or any other entity that is responsible for providing education or services to a pupil with a disability for a school district or charter school.*

7. “Pupil who receives early intervening services” means a person enrolled in kindergarten or grades 1 to 12, inclusive, who is not a pupil with a disability but who needs additional academic and behavioral support to succeed in a regular school program.

~~§~~ 8. “Pupil with a disability” means a “child with a disability,” as that term is defined in 20 U.S.C. § 1401(3)(A), who is under 22 years of age.

~~§~~ 9. “Response to scientific, research-based intervention” means a collaborative process which assesses a pupil’s response to scientific, research-based intervention that is matched to the needs of a pupil and that systematically monitors the level of performance and rate of learning of the pupil over time for the purpose of making



data-based decisions concerning the need of the pupil for increasingly intensified services.

~~9.1~~ 10. "Specific learning disability" means a disorder in one or more of the basic psychological processes involved in understanding or using spoken or written language which is not primarily the result of a visual, hearing or motor impairment, intellectual disability, serious emotional disturbance, or an environmental, cultural or economic disadvantage. Such a disorder may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or perform mathematical calculations. The term includes, without limitation, perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia.

Sec. 8.2. NRS 388A.515 is hereby amended to read as follows:

388A.515 1. Each applicant for employment with *or employee at* a charter school, except a licensed teacher or other person licensed by the Superintendent of Public Instruction, *or volunteer at a charter school who is likely to have unsupervised or regular contact with pupils*, must, ~~as a condition to~~ *before beginning his or her* employment ~~or service as a volunteer and at least once every 5 years thereafter~~, submit to the governing body of the charter school ~~that~~ :

(a) A complete set of the applicant's , *employee's or volunteer's* fingerprints and written permission authorizing the governing body to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant , *employee or volunteer* and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant ~~that~~ , *employee or volunteer; and*

(b) *Written authorization for the governing body to obtain any information concerning the applicant, employee or volunteer that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.*

2. *In conducting an investigation into the background of an applicant, employee or volunteer, the governing body of a charter school may cooperate with any appropriate law enforcement agency to obtain information relating to the background of the applicant, employee or volunteer, including, without limitation,*



any record of warrants for the arrest of or application for protective orders against the applicant, employee or volunteer.

3. If the ~~{reports on the criminal history of an applicant indicate}~~ *information obtained by the governing body pursuant subsection 1 or 2 indicates* that the applicant, *employee or volunteer* has not been convicted of a felony or an offense involving moral turpitude, the governing body of the charter school may employ the applicant ~~†~~.

~~—3.†~~ *or employee or accept the volunteer, as applicable.*

4. If ~~{a report on the criminal history of an applicant}~~ *the information obtained by the governing body pursuant to subsection 1 or 2 indicates* that the applicant, *employee or volunteer* has been convicted of a felony or an offense involving moral turpitude and the governing body of the charter school does not disqualify the applicant *or employee* from ~~{further consideration of}~~ *employment or the volunteer from serving as a volunteer* on the basis of that ~~{report.†}~~ *information*, the governing body shall, upon the written authorization of the applicant, *employee or volunteer*, forward a copy of the ~~{report}~~ *information* to the Superintendent of Public Instruction. If the applicant, *employee or volunteer* refuses to provide his or her written authorization to forward a copy of the ~~{report}~~ *information* pursuant to this subsection, the charter school shall not employ the applicant ~~†~~.

~~—4.†~~ *or employee or accept the volunteer, as applicable.*

5. The Superintendent of Public Instruction or the Superintendent's designee shall promptly review the ~~{report}~~ *information* to determine whether the conviction of the applicant, *employee or volunteer* is related or unrelated to the position with the charter school for which the applicant has applied ~~†. If the applicant desires employment with the charter school, the†~~ *or in which the employee is employed or the volunteer wishes to serve. The* applicant, *employee or volunteer* shall, upon the request of the Superintendent of Public Instruction or the Superintendent's designee, provide any further information that the Superintendent or the designee determines is necessary to make the determination. If the governing body of the charter school desires to employ the applicant ~~†~~ *or employee or accept the volunteer*, the governing body shall, upon the request of the Superintendent of Public Instruction or the Superintendent's designee, provide any further information that the Superintendent or the designee determines is necessary to make the determination. The Superintendent of Public Instruction or the Superintendent's designee shall provide written



notice of the determination to the applicant , *employee or volunteer* and to the governing body of the charter school.

~~15.1~~ 6. If the Superintendent of Public Instruction or the Superintendent's designee determines that the conviction of the applicant , *employee or volunteer* is related to the position with the charter school for which the applicant has applied ~~H~~ *or in which the employee is employed or the volunteer wishes to serve*, the governing body of the charter school shall not employ the applicant ~~H~~ *or employee or accept the volunteer, as applicable*. If the Superintendent of Public Instruction or the Superintendent's designee determines that the conviction of the applicant , *employee or volunteer* is unrelated to the position with the charter school for which the applicant has applied ~~H~~ *or in which the employee is employed or the volunteer wishes to serve*, the governing body of the charter school may employ the applicant *or employee* for that position ~~H~~ *or accept the volunteer, as applicable*.

7. *The governing body of a charter school may use a substantiated report of the abuse or neglect of a child or a violation of NRS 201.540, 201.560 or 392.4633 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:*

(a) When making determinations concerning assignments, requiring retraining, imposing discipline, hiring, termination or accepting a volunteer; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

8. *The governing body of a charter school may accept any gifts, grants and donations to carry out the provisions of this section.*

Sec. 8.3. NRS 388C.200 is hereby amended to read as follows:

388C.200 1. Each applicant for employment with *and employee at* a university school for profoundly gifted pupils, except a licensed teacher or other person licensed by the Superintendent of Public Instruction, *and each volunteer at a university school for profoundly gifted pupils who is likely to have regular or unsupervised contact with pupils*, must, ~~as a condition to~~ *before beginning his or her employment H or service as a volunteer and at least once every 5 years thereafter*, submit to the governing body of the university school ~~H~~ :

(a) A complete set of his or her fingerprints and written permission authorizing the governing body to forward the fingerprints to the Central Repository for Nevada Records of



Criminal History for its report on the criminal history of the applicant, *employee or volunteer* and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant ~~†~~, *employee or volunteer*; and

(b) Written authorization for the governing body to obtain any information concerning the applicant, employee or volunteer that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant or volunteer has resided within the immediately preceding 5 years.

2. When conducting an investigation into the background of an applicant, employee or volunteer, the governing body of a university school for profoundly gifted pupils may cooperate with any appropriate law enforcement agency to obtain information relating to the background of the applicant, employee or volunteer, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant, employee or volunteer.

3. If the ~~reports on the criminal history of an applicant indicate~~ information obtained by the governing body pursuant to subsection 1 or 2 indicates that the applicant, employee or volunteer has not been convicted of a felony or an offense involving moral turpitude, the governing body of the university school for profoundly gifted pupils may employ the applicant ~~†~~

~~—3.† or employee or accept the volunteer, as applicable.~~

4. If ~~a report on the criminal history of an applicant~~ the information obtained by the governing body pursuant to subsection 1 or 2 indicates that the applicant, employee or volunteer has been convicted of a felony or an offense involving moral turpitude and the governing body of the university school for profoundly gifted pupils does not disqualify the applicant or employee from ~~further consideration of~~ employment or the volunteer from serving as a volunteer on the basis of that report, the governing body shall, upon the written authorization of the applicant, employee or volunteer, forward a copy of the ~~report~~ information to the Superintendent of Public Instruction. If the applicant, employee or volunteer refuses to provide his or her written authorization to forward a copy of the report pursuant to this subsection, the university school shall not employ the applicant ~~†~~

~~—4.† or employee or accept the volunteer, as applicable.~~



5. The Superintendent of Public Instruction or the Superintendent's designee shall promptly review the ~~report~~ *information* to determine whether the conviction of the applicant, *employee or volunteer* is related or unrelated to the position with the university school for profoundly gifted pupils for which the applicant has applied ~~If the applicant desires employment with the university school, the~~ *or in which the employee is employed or the volunteer wishes to serve.* The applicant, *employee or volunteer* shall, upon the request of the Superintendent of Public Instruction or the Superintendent's designee, provide any further information that the Superintendent or the designee determines is necessary to make the determination. If the governing body of the university school desires to employ the applicant ~~or~~ *or employee or accept the volunteer*, the governing body shall, upon the request of the Superintendent of Public Instruction or the Superintendent's designee, provide any further information that the Superintendent or the designee determines is necessary to make the determination. The Superintendent of Public Instruction or the Superintendent's designee shall provide written notice of the determination to the applicant, *employee or volunteer* and to the governing body of the university school.

~~5.6.~~ 6. If the Superintendent of Public Instruction or the Superintendent's designee determines that the conviction of the applicant, *employee or volunteer* is related to the position with the university school for profoundly gifted pupils for which the applicant has applied ~~or~~ *or in which the employee is employed or the volunteer wishes to serve*, the governing body of the university school shall not employ the applicant ~~or~~ *or employee or accept the volunteer, as applicable.* If the Superintendent of Public Instruction or the Superintendent's designee determines that the conviction of the applicant, *employee or volunteer* is unrelated to the position with the university school for which the applicant has applied ~~or~~ *or in which the employee is employed or the volunteer wishes to serve*, the governing body of the university school may employ the applicant *or employee* for that position ~~or~~ *or accept the volunteer, as applicable.*

7. *The governing body of a university school for profoundly gifted pupils may use a substantiated report of the abuse or neglect of a child or a violation of NRS 201.540, 201.560 or 392.4633 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:*



(a) When making determinations concerning assignments, requiring retraining, imposing discipline, hiring, termination or accepting a volunteer; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

8. The governing body of a university school for profoundly gifted pupils may accept any gifts, grants and donations to carry out the provisions of this section.

Sec. 8.5. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

“Statewide Central Registry” means the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100.

Sec. 8.6. NRS 391.002 is hereby amended to read as follows:

391.002 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 391.005 and 391.008 *and section 8.5 of this act* have the meanings ascribed to them in those sections.

Sec. 8.7. NRS 391.033 is hereby amended to read as follows:

391.033 1. All licenses for teachers and other educational personnel are granted by the Superintendent of Public Instruction pursuant to regulations adopted by the Commission and as otherwise provided by law.

2. An application for the issuance of a license must include the social security number of the applicant.

3. Every applicant for a license must submit with his or her application ~~††~~:

(a) A complete set of his or her fingerprints and written permission authorizing the Superintendent to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its initial report on the criminal history of the applicant and for reports thereafter upon renewal of the license pursuant to subsection 7 of NRS 179A.075, and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant ††; and

(b) Written authorization for the Superintendent to obtain any information concerning the applicant that may be available from the Statewide Central Registry and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant has resided within the immediately preceding 5 years.

4. When conducting an investigation into the background of an applicant for a license, the Superintendent may cooperate with



any appropriate law enforcement agency to obtain information relating to the criminal history of the applicant, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant.

5. The Superintendent may issue a provisional license pending receipt of the reports of the Federal Bureau of Investigation and the Central Repository for Nevada Records of Criminal History if the Superintendent determines that the applicant is otherwise qualified.

~~5.1~~ 6. A license must be issued to, or renewed for, as applicable, an applicant if:

(a) The Superintendent determines that the applicant is qualified;

(b) The ~~reports on the criminal history of the applicant from the Federal Bureau of Investigation and the Central Repository for Nevada Records of Criminal History;~~ *information obtained by the Superintendent pursuant to subsections 3 and 4:*

(1) ~~Does~~ *Does* not indicate that the applicant has been convicted of a felony or any offense involving moral turpitude; or

(2) ~~Indicate~~ *Indicates* that the applicant has been convicted of a felony or an offense involving moral turpitude but the Superintendent determines that the conviction is unrelated to the position within the county school district or charter school for which the applicant applied or for which he or she is currently employed, as applicable; and

(c) For initial licensure, the applicant submits the statement required pursuant to NRS 391.034.

7. *The Superintendent shall forward all information obtained from an investigation of an applicant pursuant to subsections 3 and 4 to the board of trustees of a school district, the governing body of a charter school or the governing body of a university school for profoundly gifted pupils or the administrator of the private school where the applicant is employed or serving as a volunteer or seeking employment. The board of trustees or governing body, as applicable, may use a substantiated report of the abuse or neglect of a child or a violation of NRS 201.540, 201.560 or 392.4633 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:*

(a) When making determinations concerning assignments, requiring retraining, imposing discipline, hiring or termination; and



(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

Sec. 8.8. NRS 391.035 is hereby amended to read as follows:

391.035 1. Except as otherwise provided in NRS 239.0115 ~~†~~ *and 391.033*, an application to the Superintendent of Public Instruction for a license as a teacher or to perform other educational functions and all documents in the Department's file relating to the application, including:

(a) The applicant's health records;

(b) The applicant's fingerprints and any report from the Federal Bureau of Investigation or the Central Repository for Nevada Records of Criminal History ~~†~~ *or information from the Statewide Central Registry or any equivalent registry maintained by a governmental agency in a jurisdiction in which the applicant has resided within the immediately preceding 5 years;*

(c) Transcripts of the applicant's records at colleges or other educational institutions;

(d) The applicant's scores on the examinations administered pursuant to the regulations adopted by the Commission;

(e) Any correspondence concerning the application; and

(f) Any other personal information,

↪ are confidential.

2. It is unlawful to disclose or release the information in an application or any related document except pursuant to paragraph (d) of subsection 7 of NRS 179A.075 or the applicant's written authorization.

3. The Department shall, upon request, make available the applicant's file for inspection by the applicant during regular business hours.

Sec. 9. NRS 391.104 is hereby amended to read as follows:

391.104 1. Each applicant for employment pursuant to NRS 391.100 ~~†~~ *or employee*, except a teacher or other person licensed by the Superintendent of Public Instruction, *or volunteer who is likely to have unsupervised or regular contact with pupils* must, ~~as a condition to†~~ *before beginning his or her* employment ~~†~~ *or service as a volunteer and at least once every 5 years thereafter*, submit to the school district ~~†~~ :

(a) A full set of the applicant's , employee's or volunteer's 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 , employee or volunteer and for submission to the



Federal Bureau of Investigation for its report on the criminal history of the applicant ~~H~~, *employee or volunteer; and*

(b) Written authorization for the board of trustees of the school district to obtain any information concerning the applicant, employee or volunteer that may be available from the Statewide Central Registry and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.

2. When conducting an investigation into the background of an applicant, employee or volunteer, the board of trustees of a school district may cooperate with any appropriate law enforcement agency to obtain information relating to the criminal history of the applicant, employee or volunteer, including, without limitation, warrants for the arrest of or protective orders against the applicant, employee or volunteer.

3. The board of trustees of a school district may use a substantiated report of the abuse or neglect of a child or a violation of NRS 201.540, 201.560 or 392.4633 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) When making determinations concerning assignments, hiring or termination, requiring retraining, imposing discipline or accepting a volunteer; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

4. Except as otherwise provided in subsection ~~3~~ 5, 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.

~~3.1~~ 5. 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.

6. The board of trustees of a school district may accept any gifts, grants and donations to carry out the provisions of subsections 1 and 2.

Sec. 9.1. NRS 391.281 is hereby amended to read as follows:

391.281 1. Each applicant for employment *or appointment* pursuant to this section ~~1.1~~ *or employee*, except a teacher or other person licensed by the Superintendent of Public Instruction, must, ~~as a condition to~~ *before beginning his or her* employment ~~1.1~~ *or appointment and at least once every 5 years thereafter*, submit to the school district ~~1a~~ :

(a) A full set of the applicant's or employee's 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 or employee and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant or employee.

(b) Written authorization for the board of trustees of the school district to obtain any information concerning the applicant or employee that may be available from the Statewide Central Registry and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant or employee has resided within the immediately preceding 5 years.

2. When conducting an investigation into the background of an applicant or employee, the board of trustees of a school district may cooperate with any appropriate law enforcement agency to obtain information relating to the criminal history of the applicant or employee, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant or employee.



3. The board of trustees of a school district may use a substantiated report of the abuse or neglect of a child or a violation of NRS 201.540, 201.560 or 392.4633 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) When making determinations concerning assignments, requiring retraining, imposing discipline, hiring or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

4. The board of trustees of a school district may accept any gifts, grants and donations to carry out the provisions of subsections 1 and 2.

5. 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, 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 NRS 388A.384. In addition, persons who provide police services pursuant to subsection ~~6~~ 6 or ~~7~~ 7 shall be deemed school police officers.

~~6~~ 6. 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 NRS 388A.384. 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 of school police officers pursuant to NRS 388A.384, and on property owned by the school district and, if applicable, the property owned or occupied by the charter school, but outside the jurisdiction of the metropolitan police department.

~~14.1~~ 7. 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 the provision of police services in the public schools within the school district, including, without limitation, in any charter school with which the board of trustees has entered into a contract for the provision of school police officers pursuant to NRS 388A.384, and on property therein that is owned by the school district and, if applicable, the property owned or occupied by the charter school.

Sec. 9.3. Chapter 394 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each applicant for employment with or employee at a private school, except a licensed teacher or other person licensed by the Superintendent of Public Instruction, or volunteer at a private school who is likely to have unsupervised or regular contact with pupils, must, before beginning his or her employment or service as a volunteer and at least once every 5 years thereafter, submit to the administrator of the private school:

(a) A complete set of the applicant's, employee's or volunteer's fingerprints and written permission authorizing the administrator to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant, employee or volunteer and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant, employee or volunteer; and

(b) Written authorization for the administrator to obtain any information concerning the applicant, employee or volunteer that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.

2. The administrator of the private school shall:



(a) Submit the fingerprints of the applicant, employee or volunteer to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the administrator deems necessary; and

(b) Request any information that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.

3. When conducting an investigation into the criminal history of an applicant, employee or volunteer, the administrator of a private school may cooperate with any appropriate law enforcement agency to obtain information relating to the criminal history of the applicant, employee or volunteer, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant, employee or volunteer.

4. The administrator or governing body of a private school may use a substantiated report of abuse or neglect of a child or a violation of NRS 201.540, 201.560 or 392.4633 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) When making determinations concerning assignments, requiring retraining, imposing discipline, hiring, accepting a volunteer or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

Sec. 9.4. NRS 394.610 is hereby amended to read as follows:

394.610 Unless a specific penalty is otherwise provided, a person who willfully violates the provisions of NRS 394.005 to 394.550, inclusive, *and section 9.3 of this act*, is guilty of a gross misdemeanor. Each day's failure to comply with the provisions of these sections is a separate offense.

Sec. 9.6. NRS 171.1223 is hereby amended to read as follows:

171.1223 1. Except as otherwise provided in subsection 3, in a county whose population is 100,000 or more, a peace officer with limited jurisdiction who witnesses a category A felony being committed or attempted in the officer's presence, or has reasonable cause for believing a person has committed or attempted to commit a category A felony in an area that is within the officer's jurisdiction, shall immediately notify the primary law enforcement



agency in the city or county, as appropriate, where the offense or attempted offense was committed.

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

3. The provisions of subsection 1 do not:

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

(b) Apply to an officer of the Nevada Highway Patrol, a member of the police department of the Nevada System of Higher Education, an agent of the Investigation Division of the Department of Public Safety or a ranger of the Division of State Parks of the State Department of Conservation and Natural Resources;

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

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

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

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

4. As used in this section:

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

(1) A school police officer who is appointed or employed pursuant to subsection ~~4~~ 5 of NRS 391.281;

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

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



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

(b) “Primary law enforcement agency” means:

(1) A police department of an incorporated city;

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

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

Sec. 9.7. NRS 179A.075 is hereby amended to read as follows:

179A.075 1. The Central Repository for Nevada Records of Criminal History is hereby created within the General Services Division of the Department.

2. Each agency of criminal justice and any other agency dealing with crime or delinquency of children shall:

(a) Collect and maintain records, reports and compilations of statistical data required by the Department; and

(b) Submit the information collected to the Central Repository in the manner approved by the Director of the Department.

3. Each agency of criminal justice shall submit the information relating to records of criminal history that it creates, issues or collects, and any information in its possession relating to the DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913, to the Division. The information must be submitted to the Division:

(a) Through an electronic network;

(b) On a medium of magnetic storage; or

(c) In the manner prescribed by the Director of the Department, ➔ within 60 days after the date of the disposition of the case. If an agency has submitted a record regarding the arrest of a person who is later determined by the agency not to be the person who committed the particular crime, the agency shall, immediately upon making that determination, so notify the Division. The Division shall delete all references in the Central Repository relating to that particular arrest.

4. The Division shall, in the manner prescribed by the Director of the Department:

(a) Collect, maintain and arrange all information submitted to it relating to:

(1) Records of criminal history; and

(2) The DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913.



(b) When practicable, use a record of the personal identifying information of a subject as the basis for any records maintained regarding him or her.

(c) Upon request, provide the information that is contained in the Central Repository to the State Disaster Identification Team of the Division of Emergency Management of the Department.

(d) Upon request, provide, in paper or electronic form, the information that is contained in the Central Repository to a multidisciplinary team to review the death of the victim of a crime that constitutes domestic violence organized or sponsored by the Attorney General pursuant to NRS 228.495.

5. The Division may:

(a) Disseminate any information which is contained in the Central Repository to any other agency of criminal justice;

(b) Enter into cooperative agreements with repositories of the United States and other states to facilitate exchanges of information that may be disseminated pursuant to paragraph (a); and

(c) Request of and receive from the Federal Bureau of Investigation information on the background and personal history of any person whose record of fingerprints or other biometric identifier the Central Repository submits to the Federal Bureau of Investigation and:

(1) Who has applied to any agency of the State of Nevada or any political subdivision thereof for a license which it has the power to grant or deny;

(2) With whom any agency of the State of Nevada or any political subdivision thereof intends to enter into a relationship of employment or a contract for personal services;

(3) Who has applied to any agency of the State of Nevada or any political subdivision thereof to attend an academy for training peace officers approved by the Peace Officers' Standards and Training Commission;

(4) For whom such information is required or authorized to be obtained pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.123 and 449.4329; or

(5) About whom any agency of the State of Nevada or any political subdivision thereof is authorized by law to have accurate personal information for the protection of the agency or the persons within its jurisdiction.

6. To request and receive information from the Federal Bureau of Investigation concerning a person pursuant to subsection 5, the Central Repository must receive:



- (a) The person's complete set of fingerprints for the purposes of:
 - (1) Booking the person into a city or county jail or detention facility;
 - (2) Employment;
 - (3) Contractual services; or
 - (4) Services related to occupational licensing;
- (b) One or more of the person's fingerprints for the purposes of mobile identification by an agency of criminal justice; or
- (c) Any other biometric identifier of the person as it may require for the purposes of:
 - (1) Arrest; or
 - (2) Criminal investigation,

↳ from the agency of criminal justice or agency of the State of Nevada or any political subdivision thereof and submit the received data to the Federal Bureau of Investigation for its report.

7. The Central Repository shall:

- (a) Collect and maintain records, reports and compilations of statistical data submitted by any agency pursuant to subsection 2.
- (b) Tabulate and analyze all records, reports and compilations of statistical data received pursuant to this section.

(c) Disseminate to federal agencies engaged in the collection of statistical data relating to crime information which is contained in the Central Repository.

(d) Investigate the criminal history of any person who:

(1) Has applied to the Superintendent of Public Instruction for the issuance or renewal of a license;

(2) Has applied to a county school district, charter school or private school for employment ~~or~~ *or to serve as a volunteer*; or

(3) Is employed by *or volunteers for* a county school district, charter school or private school,

↳ and *immediately* notify the superintendent of each county school district, the governing body of each charter school and the Superintendent of Public Instruction, or the administrator of each private school, as appropriate, if the investigation of the Central Repository indicates that the person has been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude.

(e) Upon discovery, *immediately* notify the superintendent of each county school district, the governing body of each charter school or the administrator of each private school, as appropriate, by providing the superintendent, governing body or administrator with a list of all persons:



(1) Investigated pursuant to paragraph (d); or
(2) Employed by *or volunteering for* a county school district, charter school or private school whose fingerprints were sent previously to the Central Repository for investigation, who the Central Repository's records indicate have been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude since the Central Repository's initial investigation. The superintendent of each county school district, the governing body of a charter school or the administrator of each private school, as applicable, shall determine whether further investigation or action by the district, charter school or private school, as applicable, is appropriate.

(f) Investigate the criminal history of each person who submits one or more fingerprints or other biometric identifier or has such data submitted pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.122, 449.123 or 449.4329.

(g) On or before July 1 of each year, prepare and post on the Central Repository's Internet website an annual report containing the statistical data relating to crime received during the preceding calendar year. Additional reports may be posted to the Central Repository's Internet website throughout the year regarding specific areas of crime if they are approved by the Director of the Department.

(h) On or before July 1 of each year, prepare and post on the Central Repository's Internet website a report containing statistical data about domestic violence in this State.

(i) Identify and review the collection and processing of statistical data relating to criminal justice and the delinquency of children by any agency identified in subsection 2 and make recommendations for any necessary changes in the manner of collecting and processing statistical data by any such agency.

(j) Adopt regulations governing biometric identifiers and the information and data derived from biometric identifiers, including, without limitation:

(1) Their collection, use, safeguarding, handling, retention, storage, dissemination and destruction; and

(2) The methods by which a person may request the removal of his or her biometric identifiers from the Central Repository and any other agency where his or her biometric identifiers have been stored.

8. The Central Repository may:



(a) In the manner prescribed by the Director of the Department, disseminate compilations of statistical data and publish statistical reports relating to crime or the delinquency of children.

(b) Charge a reasonable fee for any publication or special report it distributes relating to data collected pursuant to this section. The Central Repository may not collect such a fee from an agency of criminal justice, any other agency dealing with crime or the delinquency of children which is required to submit information pursuant to subsection 2 or the State Disaster Identification Team of the Division of Emergency Management of the Department. All money collected pursuant to this paragraph must be used to pay for the cost of operating the Central Repository.

(c) In the manner prescribed by the Director of the Department, use electronic means to receive and disseminate information contained in the Central Repository that it is authorized to disseminate pursuant to the provisions of this chapter.

9. As used in this section:

(a) “Biometric identifier” means a fingerprint, palm print, scar, bodily mark, tattoo, voiceprint, facial image, retina image or iris image of a person.

(b) “Mobile identification” means the collection, storage, transmission, reception, search, access or processing of a biometric identifier using a handheld device.

(c) “Personal identifying information” means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify a person, including, without limitation:

(1) The name, driver’s license number, social security number, date of birth and photograph or computer-generated image of a person; and

(2) A biometric identifier of a person.

(d) “Private school” has the meaning ascribed to it in NRS 394.103.

Sec. 9.8. NRS 288.150 is hereby amended to read as follows:

288.150 1. Except as otherwise provided in subsection 4 and NRS 354.6241, every local government employer shall negotiate in good faith through one or more representatives of its own choosing concerning the mandatory subjects of bargaining set forth in subsection 2 with the designated representatives of the recognized employee organization, if any, for each appropriate bargaining unit among its employees. If either party so requests, agreements reached must be reduced to writing.

2. The scope of mandatory bargaining is limited to:



- (a) Salary or wage rates or other forms of direct monetary compensation.
 - (b) Sick leave.
 - (c) Vacation leave.
 - (d) Holidays.
 - (e) Other paid or unpaid leaves of absence consistent with the provisions of this chapter.
 - (f) Insurance benefits.
 - (g) Total hours of work required of an employee on each workday or workweek.
 - (h) Total number of days' work required of an employee in a work year.
 - (i) Except as otherwise provided in ~~subsection~~ **subsections 6 and 10**, discharge and disciplinary procedures.
 - (j) Recognition clause.
 - (k) The method used to classify employees in the bargaining unit.
 - (l) Deduction of dues for the recognized employee organization.
 - (m) Protection of employees in the bargaining unit from discrimination because of participation in recognized employee organizations consistent with the provisions of this chapter.
 - (n) No-strike provisions consistent with the provisions of this chapter.
 - (o) Grievance and arbitration procedures for resolution of disputes relating to interpretation or application of collective bargaining agreements.
 - (p) General savings clauses.
 - (q) Duration of collective bargaining agreements.
 - (r) Safety of the employee.
 - (s) Teacher preparation time.
 - (t) Materials and supplies for classrooms.
 - (u) Except as otherwise provided in subsections 7 , ~~and~~ 9 ~~and~~ **and 10**, the policies for the transfer and reassignment of teachers.
 - (v) Procedures for reduction in workforce consistent with the provisions of this chapter.
 - (w) Procedures consistent with the provisions of subsection 4 for the reopening of collective bargaining agreements for additional, further, new or supplementary negotiations during periods of fiscal emergency.
3. Those subject matters which are not within the scope of mandatory bargaining and which are reserved to the local government employer without negotiation include:



(a) Except as otherwise provided in paragraph (u) of subsection 2, the right to hire, direct, assign or transfer an employee, but excluding the right to assign or transfer an employee as a form of discipline.

(b) The right to reduce in force or lay off any employee because of lack of work or lack of money, subject to paragraph (v) of subsection 2.

(c) The right to determine:

(1) Appropriate staffing levels and work performance standards, except for safety considerations;

(2) The content of the workday, including without limitation workload factors, except for safety considerations;

(3) The quality and quantity of services to be offered to the public; and

(4) The means and methods of offering those services.

(d) Safety of the public.

4. Notwithstanding the provisions of any collective bargaining agreement negotiated pursuant to this chapter, a local government employer is entitled to:

(a) Reopen a collective bargaining agreement for additional, further, new or supplementary negotiations relating to compensation or monetary benefits during a period of fiscal emergency. Negotiations must begin not later than 21 days after the local government employer notifies the employee organization that a fiscal emergency exists. For the purposes of this section, a fiscal emergency shall be deemed to exist:

(1) If the amount of revenue received by the general fund of the local government employer during the last preceding fiscal year from all sources, except any nonrecurring source, declined by 5 percent or more from the amount of revenue received by the general fund from all sources, except any nonrecurring source, during the next preceding fiscal year, as reflected in the reports of the annual audits conducted for those fiscal years for the local government employer pursuant to NRS 354.624; or

(2) If the local government employer has budgeted an unreserved ending fund balance in its general fund for the current fiscal year in an amount equal to 4 percent or less of the actual expenditures from the general fund for the last preceding fiscal year, and the local government employer has provided a written explanation of the budgeted ending fund balance to the Department of Taxation that includes the reason for the ending fund balance and the manner in which the local government employer plans to increase the ending fund balance.



(b) Take whatever actions may be necessary to carry out its responsibilities in situations of emergency such as a riot, military action, natural disaster or civil disorder. Those actions may include the suspension of any collective bargaining agreement for the duration of the emergency.

➤ Any action taken under the provisions of this subsection must not be construed as a failure to negotiate in good faith.

5. The provisions of this chapter, including without limitation the provisions of this section, recognize and declare the ultimate right and responsibility of the local government employer to manage its operation in the most efficient manner consistent with the best interests of all its citizens, its taxpayers and its employees.

6. If the sponsor of a charter school reconstitutes the governing body of a charter school pursuant to NRS 388A.330, the new governing body may terminate the employment of any teachers or other employees of the charter school, and any provision of any agreement negotiated pursuant to this chapter that provides otherwise is unenforceable and void.

7. The board of trustees of a school district in which a school is designated as a turnaround school pursuant to NRS 388G.400 or the principal of such a school, as applicable, may take any action authorized pursuant to NRS 388G.400, including, without limitation:

(a) Reassigning any member of the staff of such a school; or

(b) If the staff member of another public school consents, reassigning that member of the staff of the other public school to such a school.

8. Any provision of an agreement negotiated pursuant to this chapter which differs from or conflicts in any way with the provisions of subsection 7 or imposes consequences on the board of trustees of a school district or the principal of a school for taking any action authorized pursuant to subsection 7 is unenforceable and void.

9. The board of trustees of a school district may reassign any member of the staff of a school that is converted to an achievement charter school pursuant to NRS 388B.200 to 388B.230, inclusive, and any provision of any agreement negotiated pursuant to this chapter which provides otherwise is unenforceable and void.

10. *The board of trustees of a school district, governing body of a charter school or the governing body of a university school for profoundly gifted pupils may use a substantiated report of the abuse or neglect of a child or a violation of NRS 201.540, 201.560 or 392.4633 obtained from the Statewide Central Registry for the*



Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 or an equivalent registry maintained by a governmental agency in another jurisdiction for the purposes authorized by NRS 388A.515, 388C.200, 391.033, 391.104 or 391.281, as applicable. Such purposes may include, without limitation, making determinations concerning the assignment, discipline or termination of an employee. Any provision of any agreement negotiated pursuant to this chapter which conflicts with the provisions of this subsection is unenforceable and void.

11. This section does not preclude, but this chapter does not require, the local government employer to negotiate subject matters enumerated in subsection 3 which are outside the scope of mandatory bargaining. The local government employer shall discuss subject matters outside the scope of mandatory bargaining but it is not required to negotiate those matters.

~~11.1~~ **12.** Contract provisions presently existing in signed and ratified agreements as of May 15, 1975, at 12 p.m. remain negotiable.

~~11.2~~ **13.** As used in this section, “achievement charter school” has the meaning ascribed to it in NRS 385.007.

Sec. 9.9. NRS 289.190 is hereby amended to read as follows:

289.190 1. A person employed or appointed to serve as a school police officer pursuant to subsection ~~12~~ **5** of NRS 391.281 has the powers of a peace officer. A school police officer shall perform the officer’s duties in compliance with the provisions of NRS 171.1223.

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

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



Sec. 10. Chapter 432B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Any person who is a party to a proceeding pursuant to this chapter may file a petition requesting the court to appoint an educational surrogate parent for a child with a known or suspected disability. The court may appoint an educational surrogate parent for a child with a known or suspected disability if a parent, as defined in 34 C.F.R. § 300.30, is:

(a) Not identified;

(b) Unavailable; or

(c) Unwilling or unable to make decisions relating to the education of the child and such an appointment is in the best interest of the child.

2. The court may appoint a person as an educational surrogate parent if the person:

(a) Has not caused the abuse or neglect of the child;

(b) Does not have any interest that conflicts with the best interests of the child;

(c) Has the knowledge and skill to adequately represent the interests of the child; and

(d) Is not an employee of a public agency involved in the education of the child. An educational surrogate parent appointed pursuant to this section shall not be deemed to be an employee of a public agency involved in the education of the child.

3. An educational surrogate parent shall represent the child with a known or suspected disability in all matters relating to the identification of the child, the assessment of any special educational needs of the child, the educational placement of the child and the provision of a free appropriate program of public education to the child.

4. A court may revoke the appointment of an educational surrogate parent if the court determines the revocation of the appointment is in the best interests of the child.

5. If the court does not appoint an educational surrogate parent or if the court revokes such an appointment, the selection of an educational surrogate parent must be made pursuant to applicable state and federal law.

Sec. 11. NRS 432B.190 is hereby amended to read as follows:

432B.190 The Division of Child and Family Services shall, in consultation with each agency which provides child welfare services, adopt:

1. Regulations establishing reasonable and uniform standards for:



- (a) Child welfare services provided in this State;
- (b) Programs for the prevention of abuse or neglect of a child and the achievement of the permanent placement of a child;
- (c) The development of local councils involving public and private organizations;
- (d) Reports of abuse or neglect, records of these reports and the response to these reports;
- (e) Carrying out the provisions of NRS 432B.260, including, without limitation, the qualifications of persons with whom agencies which provide child welfare services enter into agreements to provide services to children and families;
- (f) The management and assessment of reported cases of abuse or neglect;
- (g) The protection of the legal rights of parents and children;
- (h) Emergency shelter for a child;
- (i) The prevention, identification and correction of abuse or neglect of a child in residential institutions;
- (j) Developing and distributing to persons who are responsible for a child's welfare a pamphlet that is written in language which is easy to understand, is available in English and in any other language the Division determines is appropriate based on the demographic characteristics of this State and sets forth:
 - (1) Contact information regarding persons and governmental entities which provide assistance to persons who are responsible for the welfare of children, including, without limitation, persons and entities which provide assistance to persons who are being investigated for allegedly abusing or neglecting a child;
 - (2) The procedures for taking a child for placement in protective custody; and
 - (3) The state and federal legal rights of:
 - (I) A person who is responsible for a child's welfare and who is the subject of an investigation of alleged abuse or neglect of a child, including, without limitation, the legal rights of such a person at the time an agency which provides child welfare services makes initial contact with the person in the course of the investigation and at the time the agency takes the child for placement in protective custody, and the legal right of such a person to be informed of any allegation of abuse or neglect of a child which is made against the person at the initial time of contact with the person by the agency; and
 - (II) Persons who are parties to a proceeding held pursuant to NRS 432B.410 to 432B.590, inclusive, *and section 10 of this act*, during all stages of the proceeding; and



(k) Making the necessary inquiries required pursuant to NRS 432B.397 to determine whether a child is an Indian child.

2. Regulations, which are applicable to any person who is authorized to place a child in protective custody without the consent of the person responsible for the child's welfare, setting forth reasonable and uniform standards for establishing whether immediate action is necessary to protect the child from injury, abuse or neglect for the purposes of determining whether to place the child into protective custody pursuant to NRS 432B.390. Such standards must consider the potential harm to the child in remaining in his or her home, including, without limitation:

(a) Circumstances in which a threat of harm suggests that a child is in imminent danger of serious harm.

(b) The conditions or behaviors of the child's family which threaten the safety of the child who is unable to protect himself or herself and who is dependent on others for protection, including, without limitation, conditions or behaviors that are beyond the control of the caregiver of the child and create an imminent threat of serious harm to the child.

➔ The Division of Child and Family Services shall ensure that the appropriate persons or entities to whom the regulations adopted pursuant to this subsection apply are provided with a copy of such regulations. As used in this subsection, "serious harm" includes the threat or evidence of serious physical injury, sexual abuse, significant pain or mental suffering, extreme fear or terror, extreme impairment or disability, death, substantial impairment or risk of substantial impairment to the child's mental or physical health or development.

3. Regulations establishing procedures for:

(a) Expeditiously locating any missing child who has been placed in the custody of an agency which provides child welfare services;

(b) Determining the primary factors that contributed to a child who has been placed in the custody of an agency which provides child welfare services running away or otherwise being absent from foster care, and to the extent possible and appropriate, responding to those factors in current and subsequent placements; and

(c) Determining the experiences of a child who has been placed in the custody of an agency which provides child welfare services during any period the child was missing, including, without limitation, determining whether the child may be a victim of sexual abuse or sexual exploitation.



4. Such other regulations as are necessary for the administration of NRS 432B.010 to 432B.606, inclusive.

Sec. 12. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 12.3. The provisions of NRS 288.150, as amended by section 9.8 of this act:

1. Apply to any collective bargaining agreement entered into, extended or renewed on or after July 1, 2017, and any provision of the agreement that is in conflict with that section, as amended, is void.

2. Do not apply to any collective bargaining agreement entered into before July 1, 2017.

Sec. 12.5. 1. The Department of Education shall adopt the regulations pursuant to section 7 of this act on or before January 1, 2018.

2. The board of trustees of each school district or the governing body of a charter school shall enact the regulations adopted pursuant to section 7 of this act before the 2018-2019 school year.

Sec. 13. This act becomes effective on July 1, 2017.

