

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

Joint Sponsors: Senators Manendo and Harris

CHAPTER.....

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 charter school or private school to provide certain notice to the primary law enforcement agency where the school is located; 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; requiring a law enforcement agency that is contacted for assistance by a public school or private school which does not have school police to respond according to certain protocols; requiring a local law enforcement agency to consider notifying public schools or private schools when responding to certain situations or when notifying another school regarding a crisis or emergency; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

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 1.2** 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 1.4 of this bill requires a charter school to notify the primary law enforcement agency where the charter school is located of: (1) the location of the charter school; (2) the names of authorized contact persons for the charter school; (3) the number of pupils enrolled in the charter school; and (4) the maximum number of pupils that may enroll in the charter school. **Section 1.4** also requires a charter school to notify the primary law enforcement agency if the charter school relocates and if the name of any authorized contact person changes. **Section 7.4** of this bill requires a private school to provide notice containing the same information to the primary law enforcement agency where the private school is located. **Section 8.5** of this bill requires each charter school and each private school in this State to provide such notice as soon as practicable after July 1, 2015, but before the first



day of the 2015-2016 school year regardless of when the school commenced operation.

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) **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. **Section 7** also requires a law enforcement agency that is contacted for assistance by a public school or private school which does not have school police to respond according to the protocol of the law enforcement agency established for responding to calls for assistance from the general public.

Existing law requires the principal of a public school or private school to contact all appropriate local agencies to respond to a crisis or emergency that occurs at a public school or private school. (NRS 392.648, 394.1696) **Sections 7.2 and 7.6** of this bill, respectively, require a local law enforcement agency to consider whether it is necessary and appropriate to notify any other public school or private school of the crisis or emergency under certain circumstances. **Sections 7.2 and 7.6** require this notification to include any information necessary for the school to appropriately respond to the crisis or emergency.

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

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

Section 1. Chapter 386 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.2 and 1.4 of this act.

Sec. 1.2. 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, including, without limitation, any other costs associated with 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.

3. A school district that enters into a contract pursuant to this section with a charter school for the provision of school police officers is immune from civil and criminal liability for any act or omission of a school police officer that provides services to the charter school pursuant to the contract.

Sec. 1.4. *1. As soon as practicable after commencing operation, but before the first day of the school year, a charter school shall notify the primary law enforcement agency where the charter school is located of:*

- (a) The location of the charter school;*
- (b) The names of authorized contact persons for the charter school, including, without limitation, the principal and vice principal of the charter school;*
- (c) The number of pupils enrolled in the charter school; and*
- (d) The maximum number of pupils that may enroll in the charter school.*

2. As soon as practicable, but not later than 30 days after a charter school relocates or the name of any authorized contact person changes, the charter school shall notify the primary law enforcement agency of the relocation or change.

3. As used in this section, "primary law enforcement agency" means, as applicable:

- (a) The police department of an incorporated city;*
- (b) The sheriff's office of a county; or*
- (c) If the county is within the jurisdiction of a metropolitan police department, the metropolitan police department.*

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 sections 1.2 and 1.4 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 1.2 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 **H or section 1.2 of this act.**

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

Sec. 5. (Deleted by amendment.)

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

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

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

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

- (a) English, reading or language arts;
- (b) Mathematics;
- (c) Science;
- (d) Foreign language;
- (e) Civics or government;
- (f) Economics;
- (g) Geography;
- (h) History; or
- (i) The arts.

4. The board of trustees of a school district:

(a) May employ teacher aides and other auxiliary, nonprofessional personnel to assist licensed personnel in the instruction or supervision of children, either in the classroom or at any other place in the school or on the grounds thereof. A person who is initially hired as a paraprofessional by a school district on or



after January 8, 2002, to work in a program supported with Title I money must possess the qualifications required by 20 U.S.C. § 6319(c). A person who is employed as a paraprofessional by a school district, regardless of the date of hire, to work in a program supported with Title I money must possess, on or before January 8, 2006, the qualifications required by 20 U.S.C. § 6319(c). For the purposes of this paragraph, a person is not “initially hired” if he or she has been employed as a paraprofessional by another school district or charter school in this State without an interruption in employment before the date of hire by the person’s current employer.

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

5. Each applicant for employment pursuant to this section, except a teacher or other person licensed by the Superintendent of Public Instruction, must, as a condition to employment, submit to the school district a full set of the applicant’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 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 **H** , *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 1.2 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 **H** *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 1.2 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 of school police officers pursuant to section 1.2 of this act,* and on property owned by the school district **H** , *and if applicable, the property owned or occupied by the charter school,* but outside the jurisdiction of the metropolitan police department.



10. The board of trustees of a school district in a county that does not have a metropolitan police department created pursuant to chapter 280 of NRS may contract with the sheriff of that county for 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 section 1.2 of this act, and on property therein that is owned by the school district ~~H~~ and, if applicable, the property owned or occupied by the charter school.***

Sec. 7. NRS 391.275 is hereby amended to read as follows:

391.275 1. The jurisdiction of each school police officer of a school district extends to all school property, buildings and facilities within the school district ***and, if the board of trustees has entered into a contract with a charter school for the provision of school police officers pursuant to section 1.2 of this act, all property, buildings and facilities in which the charter school is located,*** for the purpose of:

(a) Protecting school district personnel, pupils, or real or personal property; or

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

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

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

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

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

3. A law enforcement agency that is contacted for assistance by a public school or private school which does not have school police shall respond according to the protocol of the law enforcement agency established for responding to calls for assistance from the general public.



Sec. 7.2. NRS 392.648 is hereby amended to read as follows:

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

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

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

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

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

4. If a local law enforcement agency responds to a crisis or an emergency that occurs at a public school or notifies a public school regarding a crisis or an emergency that occurs outside of the public school, the local law enforcement agency must consider



whether it is necessary and appropriate to notify any other public school, including, without limitation, a charter school, or any private school of the crisis or emergency. Such notification must include, without limitation, any information necessary for the public school or private school to appropriately respond to the crisis or emergency.

Sec. 7.4. Chapter 394 of NRS is hereby amended by adding a new section to read as follows:

1. As soon as practicable after commencing operation, but before the first day of the school year, a private school shall notify the primary law enforcement agency where the private school is located of:

- (a) The location of the private school;*
- (b) The names of authorized contact persons for the private school, including, without limitation, the principal and vice principal of the private school;*
- (c) The number of pupils enrolled in the private school; and*
- (d) The maximum number of pupils that may enroll in the private school.*

2. As soon as practicable, but not later than 30 days after a private school relocates or the name of any authorized contact person changes, the private school shall notify the primary law enforcement agency of the relocation or change.

3. As used in this section, "primary law enforcement agency" means, as applicable:

- (a) The police department of an incorporated city;*
- (b) The sheriff's office of a county; or*
- (c) If the county is within the jurisdiction of a metropolitan police department, the metropolitan police department.*

Sec. 7.6. NRS 394.1696 is hereby amended to read as follows:

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

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



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

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

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

4. If a local law enforcement agency responds to a crisis or an emergency that occurs at a private school or notifies a private school regarding a crisis or an emergency that occurs outside of the private school, the local law enforcement agency must consider whether it is necessary and appropriate to notify any public school, including, without limitation, a charter school, or any other private school of the crisis or emergency. Such notification must include, without limitation, any information necessary for the public school or private school to appropriately respond to the crisis or emergency.

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

280.287 1. The department may enter into a contract with the board of trustees of the school district located in the county served by the department for the provision and supervision of police services in the public schools within the school district ***and any charter school with which the board of trustees has entered into a contract for the provision of school police officers pursuant to***



section 1.2 of this act, and on property owned by the school district **H** *and, if applicable, on property owned or operated by a charter school*. If the department enters into a contract pursuant to this section, the department shall create a separate unit designated as the school police unit for this purpose.

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

Sec. 8.5. As soon as practicable after July 1, 2015, but before the first day of the 2015-2016 school year, each charter school and each private school in this State must comply with the requirements of sections 1.4 and 7.4 of this act, respectively, regardless of when the charter school or private school commenced operation.

Sec. 9. This act becomes effective on July 1, 2015.

