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FIRST REPRINT

A.B. 321

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

MARCH 16, 2015

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JOINT SPONSORS: SENATORS MANENDO AND HARRIS

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Referred to Committee on Education

SUMMARY—Revises provisions relating to school police officers. (BDR 34-925)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

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

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

**Legislative Counsel’s Digest:**

1 Existing law authorizes the governing body of a charter school to contract with  
2 the board of trustees of the school district in which the charter school is located to  
3 provide school police officers. (NRS 386.560) **Section 1** of this bill requires the  
4 board of trustees of a school district to enter into a contract to provide school police  
5 officers to a charter school if the governing body of a charter school makes a



6 request for the provision of school police officers. **Sections 3 and 4** of this bill  
7 make conforming changes.

8 **Section 5** of this bill authorizes the principal or a teacher at a public school,  
9 including a charter school, and a school police officer, to notify the primary law  
10 enforcement agency in the city or county where the school is located when: (1)  
11 certain offenses have been committed in the presence of the principal, teacher or  
12 officer; (2) the principal, teacher or officer has reasonable cause to believe certain  
13 offenses have been committed; or (3) the principal, teacher or officer believes that a  
14 serious threat to commit such an offense has been made which may be carried out if  
15 no action is taken. **Section 5** also requires a primary law enforcement agency to  
16 respond when it receives such notice of an alleged offense or threat, regardless of  
17 whether the school has school police officers.

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

25 Existing law authorizes the board of trustees of a school district in a county that  
26 has a metropolitan police department to contract with the metropolitan police  
27 department for the provision and supervision of police services in the public  
28 schools within the jurisdiction of the metropolitan police department. Existing law  
29 also authorizes the board of trustees of a school district in a county that does not  
30 have a metropolitan police department to contract with the sheriff of that county for  
31 the provision of police services in the public schools within the school district.  
32 (NRS 391.100) **Section 6** also clarifies that the board of trustees of a school district  
33 may contract with the metropolitan police department or the sheriff of the county,  
34 as applicable, for the provision and supervision of police services in a charter  
35 school.

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

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

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

3 *1. If the governing body of a charter school makes a request*  
4 *to the board of trustees of the school district in which the charter*  
5 *school is located for the provision of school police officers*  
6 *pursuant to NRS 386.560, the board of trustees of the school*  
7 *district must enter into a contract with the governing body for that*  
8 *purpose. Such a contract must provide for payment by the charter*  
9 *school for the provision of school police officers by the school*  
10 *district which must be in an amount not to exceed the actual cost*  
11 *to the school district of providing the officers. If the school district*



1 *is the sponsor of the charter school, the contract entered into*  
2 *pursuant to this section must be separate from any other contract*  
3 *or agreement with the sponsor.*

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

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

11 386.490 As used in NRS 386.490 to 386.649, inclusive, *and*  
12 *section 1 of this act*, the words and terms defined in NRS 386.492  
13 to 386.503, inclusive, have the meanings ascribed to them in those  
14 sections.

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

16 386.560 1. The governing body of a charter school may  
17 contract with the board of trustees of the school district in which the  
18 charter school is located or in which a pupil enrolled in the charter  
19 school resides or with the Nevada System of Higher Education for  
20 the provision of facilities to operate the charter school or to perform  
21 any service relating to the operation of the charter school, including,  
22 without limitation, transportation, the provision of health services  
23 for the pupils who are enrolled in the charter school and the  
24 provision of school police officers. If the board of trustees of a  
25 school district or a college or university within the Nevada System  
26 of Higher Education is the sponsor of the charter school, the  
27 governing body and the sponsor must enter into a service agreement  
28 pursuant to NRS 386.561 before the provision of such services **H**,  
29 *other than for the provision of school police officers when the*  
30 *provisions of section 1 of this act apply.*

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

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

39 4. A charter school may:

40 (a) Acquire by construction, purchase, devise, gift, exchange or  
41 lease, or any combination of those methods, and construct,  
42 reconstruct, improve, maintain, equip and furnish any building,  
43 structure or property to be used for any of its educational purposes  
44 and the related appurtenances, easements, rights-of-way,



1 improvements, paving, utilities, landscaping, parking facilities and  
2 lands;

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

5 (c) Borrow money and otherwise incur indebtedness; and

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

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

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

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

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

29 6. Upon the request of a parent or legal guardian of a pupil who  
30 is enrolled in a charter school, the board of trustees of the school  
31 district in which the pupil resides shall authorize the pupil to  
32 participate in sports at the public school that he or she would  
33 otherwise be required to attend within the school district, or upon  
34 approval of the board of trustees, any public school within the same  
35 zone of attendance as the charter school if:

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

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

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

42 7. The board of trustees of a school district may revoke its  
43 approval for a pupil to participate in a class, extracurricular activity  
44 or sports at a public school pursuant to subsections 5 and 6 if the  
45 board of trustees or the public school determines that the pupil has



1 failed to comply with applicable statutes, or applicable rules and  
2 regulations of the board of trustees, the public school or the Nevada  
3 Interscholastic Activities Association. If the board of trustees so  
4 revokes its approval, neither the board of trustees nor the public  
5 school is liable for any damages relating to the denial of services to  
6 the pupil.

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

8 386.563 1. Unless otherwise authorized by specific statute, it  
9 is unlawful for a member of the board of trustees of a school district  
10 or an employee of a school district to solicit or accept any gift or  
11 payment of money on his or her own behalf or on behalf of the  
12 school district or for any other purpose from a member of a  
13 committee to form a charter school, the governing body of a charter  
14 school, or any officer or employee of a charter school.

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

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

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

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

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

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

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

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

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



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

9       ***3. Upon the arrival of an officer from the primary law***  
10 ***enforcement agency notified pursuant to subsection 2, the***  
11 ***principal, teacher or school police officer, if applicable, shall***  
12 ***immediately transfer the investigation of the offense, attempted***  
13 ***offense or threatened offense to the primary law enforcement***  
14 ***agency.***

15       ***4. As used in this section, "primary law enforcement agency"***  
16 ***means:***

17       ***(a) A police department of an incorporated city;***

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

19       ***(c) If the county is within the jurisdiction of a metropolitan***  
20 ***police department, the metropolitan police department.***

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

22       391.100 1. The board of trustees of a school district may  
23 employ a superintendent of schools, teachers and all other necessary  
24 employees.

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

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

36       (a) English, reading or language arts;

37       (b) Mathematics;

38       (c) Science;

39       (d) Foreign language;

40       (e) Civics or government;

41       (f) Economics;

42       (g) Geography;

43       (h) History; or

44       (i) The arts.

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



1 (a) May employ teacher aides and other auxiliary,  
2 nonprofessional personnel to assist licensed personnel in the  
3 instruction or supervision of children, either in the classroom or at  
4 any other place in the school or on the grounds thereof. A person  
5 who is initially hired as a paraprofessional by a school district on or  
6 after January 8, 2002, to work in a program supported with Title I  
7 money must possess the qualifications required by 20 U.S.C. §  
8 6319(c). A person who is employed as a paraprofessional by a  
9 school district, regardless of the date of hire, to work in a program  
10 supported with Title I money must possess, on or before January 8,  
11 2006, the qualifications required by 20 U.S.C. § 6319(c). For the  
12 purposes of this paragraph, a person is not "initially hired" if he or  
13 she has been employed as a paraprofessional by another school  
14 district or charter school in this State without an interruption in  
15 employment before the date of hire by the person's current  
16 employer.

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

19 5. Each applicant for employment pursuant to this section,  
20 except a teacher or other person licensed by the Superintendent of  
21 Public Instruction, must, as a condition to employment, submit to  
22 the school district a full set of the applicant's fingerprints and  
23 written permission authorizing the school district to forward the  
24 fingerprints to the Central Repository for Nevada Records of  
25 Criminal History for its report on the criminal history of the  
26 applicant and for submission to the Federal Bureau of Investigation  
27 for its report on the criminal history of the applicant.

28 6. Except as otherwise provided in subsection 7, the board of  
29 trustees of a school district shall not require a licensed teacher or  
30 other person licensed by the Superintendent of Public Instruction  
31 pursuant to NRS 391.033 who has taken a leave of absence from  
32 employment authorized by the school district, including, without  
33 limitation:

34 (a) Sick leave;

35 (b) Sabbatical leave;

36 (c) Personal leave;

37 (d) Leave for attendance at a regular or special session of the  
38 Legislature of this State if the employee is a member thereof;

39 (e) Maternity leave; and

40 (f) Leave permitted by the Family and Medical Leave Act of  
41 1993, 29 U.S.C. §§ 2601 et seq.,

42 ➔ to submit a set of his or her fingerprints as a condition of return  
43 to or continued employment with the school district if the employee  
44 is in good standing when the employee began the leave.



1 7. A board of trustees of a school district may ask the  
2 Superintendent of Public Instruction to require a person licensed by  
3 the Superintendent of Public Instruction pursuant to NRS 391.033  
4 who has taken a leave of absence from employment authorized by  
5 the school district to submit a set of his or her fingerprints as a  
6 condition of return to or continued employment with the school  
7 district if the board of trustees has probable cause to believe that the  
8 person has committed a felony or an offense involving moral  
9 turpitude during the period of his or her leave of absence.

10 8. The board of trustees of a school district may employ or  
11 appoint persons to serve as school police officers. If the board of  
12 trustees of a school district employs or appoints persons to serve as  
13 school police officers, the board of trustees shall employ a law  
14 enforcement officer to serve as the chief of school police who is  
15 supervised by the superintendent of schools of the school district.  
16 The chief of school police shall supervise each person appointed or  
17 employed by the board of trustees as a school police officer **[H]** ,  
18 *including any school police officer that provides services to a*  
19 *charter school pursuant to a contract entered into with the board*  
20 *of trustees pursuant to section 1 of this act.* In addition, persons  
21 who provide police services pursuant to subsection 9 or 10 shall be  
22 deemed school police officers.

23 9. The board of trustees of a school district in a county that has  
24 a metropolitan police department created pursuant to chapter 280 of  
25 NRS may contract with the metropolitan police department for the  
26 provision and supervision of police services in the public schools  
27 within the jurisdiction of the metropolitan police department and on  
28 property therein that is owned by the school district **[H]** *and on*  
29 *property therein that is owned or occupied by a charter school if*  
30 *the board of trustees has entered into a contract with the charter*  
31 *school for the provision of school police officers pursuant to*  
32 *section 1 of this act.* If a contract is entered into pursuant to this  
33 subsection, the contract must make provision for the transfer of each  
34 school police officer employed by the board of trustees to the  
35 metropolitan police department. If the board of trustees of a school  
36 district contracts with a metropolitan police department pursuant to  
37 this subsection, the board of trustees shall, if applicable, cooperate  
38 with appropriate local law enforcement agencies within the school  
39 district for the provision and supervision of police services in the  
40 public schools within the school district , *including, without*  
41 *limitation, any charter school with which the school district has*  
42 *entered into a contract for the provision of school police officers*  
43 *pursuant to section 1 of this act,* and on property owned by the  
44 school district **[H]** , *and if applicable, the property owned or*





1 *occupied by the charter school*, but outside the jurisdiction of the  
2 metropolitan police department.

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

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

14 391.275 1. The jurisdiction of each school police officer of a  
15 school district extends to all school property, buildings and facilities  
16 within the school district *and, if the board of trustees has entered*  
17 *into a contract with a charter school for the provision of school*  
18 *police officers pursuant to section 1 of this act, all property,*  
19 *buildings and facilities in which the charter school is located,* for  
20 the purpose of:

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

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

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

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


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

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

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

40 280.287 1. The department may enter into a contract with the  
41 board of trustees of the school district located in the county served  
42 by the department for the provision and supervision of police  
43 services in the public schools within the school district *and any*  
44 *charter school with which the board of trustees has entered into a*  
45 *contract for the provision of school police officers pursuant to*



1 *section 1 of this act*, and on property owned by the school district   
2 *and, if applicable, on property owned or operated by a charter*  
3 *school*. If the department enters into a contract pursuant to this  
4 section, the department shall create a separate unit designated as the  
5 school police unit for this purpose.

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

9 **Sec. 9.** 1. This section and section 5 of this act become  
10 effective upon passage and approval.

11 2. Sections 1 to 4, inclusive, and 6, 7 and 8 of this act become  
12 effective on July 1, 2015.

