

Amendment No. 1070

Senate Amendment to Assembly Bill No. 362 First Reprint (BDR 34-1144)

Proposed by: Senator Spearman

Amendment Box: This amendment is consistent with Amendment No. 1049.

Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will MAINTAIN the unfunded mandate not requested by the affected local government to A.B. 362 R1 (§§ 9, 10).

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

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

KRO/RBL



Date: 6/2/2017

A.B. No. 362—Revises provisions relating to educational personnel.
(BDR 34-1144)



ASSEMBLY BILL NO. 362—ASSEMBLYMEN TOLLES, WATKINS; BENITEZ-THOMPSON,
KRASNER, OSCARSON, PICKARD, WHEELER, WOODBURY AND YEAGER

MARCH 20, 2017

JOINT SPONSORS: SENATORS GANSERT; AND SPEARMAN

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to educational personnel.
(BDR 34-1144)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

CONTAINS UNFUNDED MANDATE (§§ 9, 10)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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

AN ACT relating to education; prohibiting certain persons from assisting certain employees, contractors or agents who work at a public school to obtain new employment; prohibiting a local educational agency or public school from entering into certain agreements; requiring an applicant for employment who may have direct contact with pupils to provide certain information and written authorizations; requiring the board of trustees of a school district, governing body of a charter school, governing body of a university school for profoundly gifted pupils, governing body of a private school and certain independent contractors to take certain action regarding persons who may have direct contact with children; requiring certain employers to provide certain information regarding an applicant for employment who may have direct contact with children; providing that an employer who fails to provide certain information regarding an applicant for employment who may have direct contact with children is subject to certain disciplinary action; providing that a teacher or administrator may be subject to disciplinary action for certain violations; requiring the Superintendent of Public Instruction to provide certain notice when an application for a license is denied; requiring the Department of Education to maintain a list of the names of persons whose application for a license has been denied for certain purposes; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 **Sections 6, 7 and 22** of this bill incorporate in state law certain provisions of federal law
2 designed to prevent persons who have engaged in sexual misconduct with a minor from
3 obtaining new employment.

4 **Section 8** of this bill requires an applicant for employment with a school district, charter
5 school, university school for profoundly gifted pupils and certain independent contractors who
6 may have direct contact with pupils to provide to the prospective employer: (1) information
7 relating to his or her employment history; and (2) written authorization for a current or
8 previous employer to release information relating to his or her employment. **Section 8** also
9 provides that any action brought by such an applicant for employment based upon information
10 obtained about the applicant to determine his or her fitness for employment must be brought
11 in a court in this State and governed by the laws of this State. Finally, **section 8** provides that
12 an applicant for employment who knowingly provides false information or willfully fails to
13 disclose information is subject to discipline and is guilty of a misdemeanor. **Section 25 of this**
14 **bill places the same requirements and penalties on an applicant for employment with a**
15 **private school.**

16 **Section 9** of this bill requires the governing body of a public school, including the board
17 of trustees of a school district, governing body of a charter school and governing body of a
18 university school for profoundly gifted pupils, or an independent contractor who receives the
19 information described in **section 8** to: (1) verify the information received; (2) ensure that the
20 applicant has a license authorizing him or her to teach or perform other educational functions
21 if a license is required; and (3) verify that the Department of Education has not received notice
22 that the applicant is a defendant in a criminal case. **Section 26 of this bill similarly requires**
23 **the governing body of a private school that receives the information described in section**
24 **25 to verify the information received.**

25 ~~(Section)~~ **Sections 10 and 27** of this bill ~~(requires)~~ **require** the governing body of a
26 public school, ~~(and)~~ an independent contractor **and the governing body of a private school,**
27 **respectively,** to take certain action to obtain additional information if a current or previous
28 employer of an applicant indicates that the applicant is or was the subject of an investigation
29 concerning an alleged sexual offense.

30 **Sections 9, ~~(and)~~ 10, 26 and 27** of this bill also provide that any ~~(person)~~ **employer or**
31 **former employer** who is contacted by the governing body of a public school, ~~(or)~~ an
32 independent contractor **or the governing body of a private school, respectively,** and asked
33 to provide information, but willfully fails to disclose information is subject to discipline,
34 including a civil penalty. **Sections 9, ~~(and)~~ 10, 26 and 27** further provide that, in addition to
35 being subject to discipline, including a civil penalty, a private school that willfully fails to
36 disclose any such information is subject to discipline, which may include being placed on a
37 corrective action plan. **Sections 9, ~~(and)~~ 10, 26 and 27** provide immunity from liability for
38 providing the information and makes the information privileged.

39 ~~(Section)~~ **Sections 11 and 28** of this bill ~~(authorizes)~~ **authorize** the governing body of a
40 public school, ~~(and)~~ an independent contractor **and the governing body of a private school,**
41 **respectively,** to: (1) consider the information received pursuant to **sections 8-10 and 25-27**
42 when making an employment decision; and (2) report the information received to certain
43 entities. ~~(Section)~~ **Sections 11 and 28 of this bill** also ~~(provides)~~ **provide** that the board of
44 trustees of a school district, governing body of a charter school, governing body of a
45 university school for profoundly gifted pupils, ~~(or)~~ independent contractor ~~(or)~~ **governing**
46 **body of a private school:** (1) shall not be held liable for any damages resulting from failure
47 of an entity not subject to the jurisdiction of this State to respond to certain requests for
48 information or any inaccuracy or omission in the information submitted; and (2) is immune
49 from civil or criminal liability for considering the information received pursuant to **sections 8-**
50 **10 or 25-27, as applicable,** when making employment decisions.

51 **Section 12** of this bill requires an independent contractor who employs a person who may
52 have direct contact with pupils to maintain a record for each such employee and, upon request,
53 provide this record to the governing body of the public school at which an employee has been
54 assigned to perform work. **Section 12** also: (1) requires an independent contractor to provide
55 certain information to the governing body of a public school before assigning an employee to
56 perform work at a location; and (2) prohibits an independent contractor from assigning an
57 employee to perform work at a school if the governing body of the school objects to the
58 assignment.

~~Section~~ Sections 13 and 29 of this bill ~~authorizes~~ authorize the governing body of a public school and the governing body of a private school, respectively, to allow provisional employment of a person pending review of the information received pursuant to sections 8-10 or 25-27, as applicable, in certain circumstances.

Section 14 of this bill provides that nothing in sections 2-17 of this bill shall be construed to: (1) prevent a prospective employer from conducting further investigations of a prospective employee; (2) prohibit a person from disclosing more information than is required by this bill; or (3) relieve a person of a duty to report prescribed by state or federal law. Section 30 of this bill similarly provides that nothing in sections 22-32 of this bill shall be construed to: (1) prevent a private school from conducting further investigations of a prospective employee; (2) prohibit a person from disclosing more information than is required by this bill; or (3) relieve a person of a duty to report prescribed by state or federal law.

~~Section~~ Sections 15 ~~(prohibits)~~ and 31 of this bill prohibit the governing body of a public school, ~~for~~ an independent contractor or the governing body of a private school, respectively, from entering into any agreement that: (1) has the effect of suppressing information relating to an investigation concerning a report of suspected abuse or sexual misconduct by a current or former employee; (2) affects the ability of the governing body or independent contractor to report suspected abuse or sexual misconduct; or (3) requires the governing body or independent contractor to expunge certain information from any documents maintained by the governing body or independent contractor. ~~Section~~ Sections 15 and 31 also ~~requires~~ require an employer to maintain certain documents if the agreement requires the removal of the document from an employee's personnel file.

Sections 16 and 21 provide that any information collected from an applicant for employment or an employer pursuant to sections 8-10 is confidential and is not a public book or record.

~~Section~~ Sections 17 ~~(provides)~~ and 32 of this bill provide that any person who willfully violates any provision of sections 2-17 or 22-32, respectively, is subject to a civil penalty, which must be recovered in a civil action. Section 17 also prohibits the governing body of a public school from contracting with an independent contractor who has been found to have willfully violated the provisions of sections 2-17. Section 19 provides that a teacher or administrator may be subject to disciplinary action for willfully violating the provisions of sections 2-17.

Existing law requires the Superintendent of Public Instruction to grant all licenses for teachers and other educational personnel. (NRS 391.033) Section 18 requires the Superintendent to provide notice to a school district or charter school that employs an applicant whenever an application for a license is denied. Section 18 also requires the Department of Education to: (1) maintain a list of the names of persons whose application for a license is denied due to conviction of a sexual offense involving a minor; and (2) provide such a list to certain persons upon request.

Existing law requires each private school desiring to operate in this State to apply to the Superintendent of Public Instruction to obtain a license to operate a private school. (NRS 394.451) Section 33 of this bill requires such an application to be accompanied by documentation of the actions the applicant has taken to comply with the requirements prescribed in sections 25, 26 and 27. Section 33 requires the State Board to deny a license to operate a private school or fail to renew such a license for an applicant who does not provide such documentation.

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

Section 1. Chapter 391 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 17, inclusive, of this act.

Sec. 2. *As used in sections 2 to 17, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.*

1 Sec. 3. *“Local educational agency” has the meaning ascribed to it in 20*
2 *U.S.C. § 7801(30)(A).*

3 Sec. 4. *“Sexual misconduct” means any act, including, without limitation,*
4 *any verbal, nonverbal, written or electronic communication or physical activity,*
5 *directed toward or with a child, regardless of the age of the child, that is designed*
6 *to establish a romantic or sexual relationship with the child.*

7 Sec. 5. *“Sexual offense” has the meaning ascribed to it in NRS 179D.097.*

8 Sec. 6. 1. *Except as otherwise provided in subsection 2, the Department, a*
9 *local educational agency or an employee, contractor or agent thereof who works*
10 *at a public school shall not assist an employee, contractor or agent who works at*
11 *a school to obtain new employment, apart from the routine transmission of*
12 *administrative and personnel files, if the person or entity has actual or*
13 *constructive knowledge that such an employee, contractor or agent has engaged in*
14 *sexual misconduct regarding a minor or pupil.*

15 2. *The provisions of subsection 1 do not apply if:*

16 (a) *The information giving rise to actual or constructive knowledge has been*
17 *properly reported to a law enforcement agency with jurisdiction over the alleged*
18 *misconduct and any other authorities required by federal, state or local law,*
19 *including, without limitation, Title IX of the Education Amendments Act of 1972,*
20 *20 U.S.C. §§ 1681 et seq., and any regulations adopted pursuant thereto, and the*
21 *matter has been officially closed, or the District Attorney or law enforcement*
22 *agency with jurisdiction over the alleged misconduct has investigated the*
23 *allegations and notified school officials that there is insufficient information to*
24 *establish that the employee, contractor or agent engaged in sexual misconduct*
25 *regarding a minor or pupil;*

26 (b) *The employee, contractor or agent has been charged with and acquitted*
27 *or otherwise exonerated of the alleged misconduct; or*

28 (c) *The case or investigation remains open and there have been no charges*
29 *filed against, or indictment of, the employee, contractor or agent within 4 years*
30 *after the date on which the information was reported to a law enforcement*
31 *agency.*

32 3. *The State Board may adopt regulations to enforce the provisions of this*
33 *section.*

34 Sec. 7. *A local educational agency or a public school shall not enter into*
35 *any agreement with a person convicted of a sexual offense involving a minor to*
36 *keep the conviction or the circumstances surrounding the offense confidential.*

37 Sec. 8. 1. *In addition to fulfilling the requirements for employment*
38 *prescribed by NRS 388A.323, 388A.515, 388C.200, 391.104 or 391.281, as*
39 *applicable, or fulfilling the requirements for the issuance of a license prescribed*
40 *by NRS 391.033, any applicant for employment with a school district, charter*
41 *school or university school for profoundly gifted pupils who may have direct*
42 *contact with pupils must, as a condition to employment, submit to the board of*
43 *trustees of the school district, governing body of the charter school or governing*
44 *body of the university school for profoundly gifted pupils with which the*
45 *applicant seeks to obtain employment, on a form prescribed by the Department:*

46 (a) *The name, address and telephone number for the applicant’s current*
47 *employer, any former employer of the applicant that was a school or school*
48 *district and any other former employer with whom the applicant was employed in*
49 *a position that involved direct contact with children;*

50 (b) *Any other contact information for ~~the persons~~ an employer or former*
51 *employer described in paragraph (a) prescribed by the board of trustees of the*
52 *school district, governing body of the charter school or governing body of the*

1 university school for profoundly gifted pupils with which the applicant seeks to
2 obtain employment;

3 (c) Written authorization for ~~the persons~~ **an employer or former employer**
4 described in paragraph (a) to release the information prescribed in section 9 of
5 this act; and

6 (d) A written statement indicating whether the ~~person~~ **applicant has:**

7 (1) Except as otherwise provided in this subparagraph, been the subject
8 of an investigation concerning an alleged sexual offense **conducted** by an
9 employer, licensing agency, law enforcement agency, agency which provides
10 child welfare services, agency which provides child protective services or a
11 similar agency. ~~A person~~ **The applicant** is not required to provide the
12 information described in this subparagraph if, after investigating the alleged
13 violation, the employer or agency determined that the allegations were false,
14 unfounded, unsubstantiated or inconclusive.

15 (2) Been discharged, disciplined, had a contract not renewed, asked to
16 resign from employment, resigned from employment or otherwise separated from
17 employment while an investigation concerning an alleged sexual offense was
18 pending or upon conclusion of such an investigation, and was found, upon
19 conclusion of the investigation, to have committed the sexual offense.

20 (3) Had a license or certificate suspended or revoked or has been
21 required to surrender a license or certificate while an investigation concerning
22 an alleged sexual offense was pending or upon conclusion of such an
23 investigation and was found, upon conclusion of the investigation, to have
24 committed the sexual offense.

25 2. Any action brought by an applicant for employment described in
26 subsection 1 **against a board of trustees, the governing body of a charter school**
27 **or the governing body of a university school for profoundly gifted pupils, or an**
28 **employee thereof,** which is based upon information obtained by ~~the~~ **the board of**
29 **trustees ~~of a school district, the~~ or the governing body ~~of a charter school or~~**
30 **~~the governing body of a university school for profoundly gifted pupils,~~ with which**
31 **the applicant seeks employment to determine the fitness of the applicant for**
32 **employment, including, without limitation, an action for defamation, must be**
33 **brought in a court in the State of Nevada and governed by the laws of this State.**
34 **The provisions of this subsection shall not be deemed to waive any immunity**
35 **from liability to which the board of trustees or governing body, as applicable, or**
36 **employee thereof, is entitled.**

37 3. An applicant for employment with an independent contractor of a school
38 district, charter school or university school for profoundly gifted pupils who may
39 have direct contact with pupils must, before having direct contact with pupils,
40 submit to the independent contractor on a form prescribed by the Department:

41 (a) The information described in paragraphs (a), (c) and (d) of subsection 1;
42 and

43 (b) Any other contact information for the ~~persons~~ **employers and former**
44 **employers** described in paragraph (a) of subsection 1 requested by the
45 independent contractor with which the applicant seeks to obtain employment.

46 4. Any applicant for employment described in subsection 1 or 3 who
47 knowingly provides false information or willfully fails to disclose any information
48 required by this section:

49 (a) Is subject to discipline, including, without limitation, suspension or
50 revocation of the person's license pursuant to NRS 391.330 or 391.750,
51 termination of employment or a civil penalty pursuant to section 17 of this act;
52 and

53 (b) Is guilty of a misdemeanor.

1 **Sec. 9. 1.** *Upon receipt of the information required by section 8 of this*
2 *act, the board of trustees of a school district, governing body of a charter school,*
3 *governing body of a university school for profoundly gifted pupils or independent*
4 *contractor shall:*

5 (a) *Contact each ~~person~~ employer and former employer described in*
6 *paragraph (a) of subsection 1 of section 8 of this act and request that the ~~person~~*
7 *employer provide:*

8 (1) *The dates of employment of the applicant; and*

9 (2) *On a form prescribed by the Department, a written statement*
10 *indicating whether the applicant has:*

11 (I) *Except as otherwise provided in this sub-subparagraph, been the*
12 *subject of an investigation concerning an alleged sexual offense conducted by the*
13 *employer. ~~A person~~ An employer or former employer is not required to provide*
14 *the information described in this sub-subparagraph if, after investigating the*
15 *alleged violation, the employer determined that the allegations were false,*
16 *unfounded, unsubstantiated or inconclusive.*

17 (II) *Been discharged, disciplined, had a contract not renewed, asked*
18 *to resign from employment, resigned from employment or otherwise separated*
19 *from employment while an investigation concerning an alleged sexual offense*
20 *was pending or upon conclusion of such an investigation and was found, upon*
21 *conclusion of the investigation, to have committed the sexual offense.*

22 (III) *Had a license or certificate suspended or revoked or has been*
23 *required to surrender a license or certificate while an investigation concerning*
24 *an alleged sexual offense was pending or upon conclusion of such an*
25 *investigation and was found, upon conclusion of the investigation, to have*
26 *committed the sexual offense.*

27 (b) *Ensure that the applicant has a license authorizing him or her to teach or*
28 *perform other educational functions at the level and, except as otherwise*
29 *provided in NRS 391.125, in the field for which he or she is applying for*
30 *employment, if a license is required, and that the applicant is otherwise eligible*
31 *for employment.*

32 (c) *Verify that the Department has not received notice, including, without*
33 *limitation, notice provided pursuant to NRS 391.055, that the applicant is a*
34 *defendant in a criminal case.*

35 2. ~~A person~~ An employer or former employer *contacted by a board of*
36 *trustees of a school district, governing body of a charter school, governing body*
37 *of a university school for profoundly gifted pupils or independent contractor*
38 *pursuant to paragraph (a) of subsection 1:*

39 (a) *Shall provide the information requested not later than 20 days after the*
40 *date on which the board of trustees, governing body or independent contractor*
41 *contacts the ~~person~~ employer or former employer.*

42 (b) *Is immune from civil and criminal liability for any act relating to the*
43 *provision of such information, unless the ~~person~~ employer or former employer*
44 *knowingly provides false information. Such information is privileged and must*
45 *not be used as the basis for any action against the person or entity that provided*
46 *the information.*

47 3. *Except as otherwise prohibited by federal or state law, ~~a person who~~ an*
48 *employer or former employer that willfully fails to disclose any information*
49 *required by subsection 1 is subject to discipline, including, without limitation, a*
50 *civil penalty pursuant to section 17 of this act.*

51 4. *In addition to the penalty set forth in subsection 3, a private school that*
52 *willfully fails to disclose any information required by subsection 1 is subject to*

1 discipline, which may include, without limitation, being placed on a plan of
2 corrective action by the Department.

3 Sec. 10. 1. If a statement provided pursuant to paragraph (d) of
4 subsection 1 of section 8 of this act or subparagraph (2) of paragraph (a) of
5 subsection 2 of section 9 of this act indicates that the ~~person~~ applicant meets
6 any of the criteria prescribed in ~~those paragraphs~~ that paragraph or
7 subparagraph, as applicable, the board of trustees of a school district, governing
8 body of a charter school, governing body of a university school for profoundly
9 gifted pupils or independent contractor who receives the statement shall request
10 ~~that~~ the employer that conducted the investigation concerning an alleged sexual
11 offense, discharged, disciplined or dismissed the employee or asked the employee
12 to resign from employment to provide additional information concerning the
13 matter and all records related to the matter, including, without limitation, any
14 documents relating to a disciplinary action taken against the employee,
15 disciplinary records or documents used in the decision made by the employer
16 concerning the investigation.

17 2. ~~A person~~ An employer contacted by the board of trustees of a school
18 district, governing body of a charter school, governing body of a university school
19 for profoundly gifted pupils or independent contractor pursuant to subsection 1:

20 (a) Except as otherwise provided in this subsection, shall provide the
21 information requested not later than 60 days after the date on which the board of
22 trustees, governing body or independent contractor contacts the ~~person~~
23 employer.

24 (b) Is not required to disclose any information or records held by the school
25 police of the school district, if the school district has school police officers.

26 (c) Is immune from civil and criminal liability to the same extent provided in
27 paragraph (b) of subsection 2 of section 9 of this act.

28 3. Except as otherwise prohibited by federal or state law, ~~a person~~ an
29 employer who willfully fails to disclose any information required by subsection 1
30 is subject to discipline, including, without limitation, a civil penalty pursuant to
31 section 17 of this act.

32 4. In addition to the penalty set forth in subsection 3, a private school that
33 willfully fails to disclose any information required by subsection 1 is subject to
34 discipline, which may include, without limitation, being placed on a plan of
35 corrective action by the Department.

36 Sec. 11. The board of trustees of a school district, governing body of a
37 charter school, governing body of a university school for profoundly gifted pupils
38 or independent contractor:

39 1. May consider the information submitted pursuant to sections 8, 9 and 10
40 of this act when deciding whether to employ an applicant or continue to employ a
41 person.

42 2. May report the information submitted pursuant to sections 8, 9 and 10 of
43 this act to the Department or a licensing agency, law enforcement agency, agency
44 which provides child welfare services, an agency which provides child protective
45 services or a similar agency.

46 3. Shall not be held liable for any damages resulting from the failure of an
47 entity not subject to the jurisdiction of this State to respond to a request for
48 information pursuant to section 9 or 10 of this act or any inaccuracy or omission
49 in the information submitted to the school district, charter school, university
50 school for profoundly gifted pupils or independent contractor pursuant to section
51 9 or 10 of this act.

1 4. *Is immune from civil or criminal liability for considering the information*
2 *submitted pursuant to sections 8, 9 and 10 of this act when deciding whether to*
3 *employ an applicant or continue to employ a person.*

4 **Sec. 12.** *1. An independent contractor of a school district, charter school*
5 *or university school for profoundly gifted pupils who employs a person who may*
6 *have direct contact with pupils shall:*

7 (a) *Maintain a record for each such employee that includes, without*
8 *limitation, the information submitted pursuant to subsection 2 of section 8 of this*
9 *act and the information submitted pursuant to subsection 2 of section 9 of this*
10 *act; and*

11 (b) *Upon request, provide the record maintained pursuant to paragraph (a)*
12 *to the board of trustees of the school district, governing body of the charter*
13 *school or governing body of the university school for profoundly gifted pupils, as*
14 *applicable, for the school at which an employee has been assigned to perform*
15 *work.*

16 2. *Before assigning an employee to perform work at a location where the*
17 *employee may have direct contact with pupils, an independent contractor shall*
18 *inform the board of trustees of the school district, governing body of the charter*
19 *school or governing body of the university school for profoundly gifted pupils, as*
20 *applicable, with which the employee will be assigned to perform work of any*
21 *instance known in which the employee:*

22 (a) *Except as otherwise provided in this paragraph, has been the subject of*
23 *an investigation concerning an alleged sexual offense conducted by an employer.*
24 *A person is not required to provide the information described in this paragraph if,*
25 *after investigating the alleged violation, the employer determined that the*
26 *allegations were false, unfounded, unsubstantiated or inconclusive.*

27 (b) *Has ever been discharged, disciplined, had a contract not renewed, asked*
28 *to resign from employment, resigned from employment or otherwise separated*
29 *from employment while an investigation concerning an alleged sexual offense*
30 *was pending or upon conclusion of such an investigation and was found, upon*
31 *conclusion of the investigation, to have committed the sexual offense.*

32 (c) *Had a license or certificate suspended or revoked or has been required to*
33 *surrender a license or certificate while an investigation concerning an alleged*
34 *sexual offense was pending or upon conclusion of such an investigation and was*
35 *found, upon conclusion of the investigation, to have committed the sexual*
36 *offense.*

37 3. *An independent contractor may not assign an employee to perform work*
38 *at a public school, charter school or university school for profoundly gifted pupils*
39 *if the board of trustees of the school district in which the school is located,*
40 *governing body of the charter school or governing body of the university school*
41 *for profoundly gifted pupils, as applicable, objects to such an assignment upon*
42 *receiving the notification required by subsection 2.*

43 **Sec. 13.** *The board of trustees of a school district, governing body of a*
44 *charter school or governing body of a university school for profoundly gifted*
45 *pupils may authorize provisional employment of a person for a period not to*
46 *exceed 90 days pending the review of information submitted pursuant to sections*
47 *8, 9 and 10 of this act if the board of trustees or the governing body determines*
48 *the applicant is otherwise qualified and:*

49 1. *The applicant provided the statement described in paragraph (d) of*
50 *subsection 1 of section 8 of this act.*

51 2. *The board of trustees of the school district, governing body of the charter*
52 *school or governing body of the university school for profoundly gifted pupils, as*

1 applicable, has no knowledge of information pertaining to the applicant that
2 would disqualify the applicant from employment.

3 3. The applicant swears or affirms that he or she is not disqualified from
4 employment.

5 4. The applicant is directly supervised by a permanent employee in any
6 duties that involve direct contact with pupils. The supervision must be such that
7 the applicant is in the immediate location of the permanent employee and is
8 readily available during such times as supervision is required.

9 Sec. 14. Nothing in sections 2 to 17, inclusive, of this act shall be construed
10 to:

11 1. Prevent a board of trustees of a school district, governing body of a
12 charter school, governing body of a university school for profoundly gifted pupils
13 or independent contractor from:

14 (a) Conducting further investigations of a prospective employee; or

15 (b) Requiring an applicant to submit additional information or
16 authorizations beyond what is required by sections 8, 9 and 10 of this act.

17 2. Prohibit a person or governmental entity from disclosing more
18 information than is required by sections 8, 9 and 10 of this act.

19 3. Relieve a person of a duty to report prescribed by NRS 432B.220 or any
20 other provision of state or federal law.

21 Sec. 15. 1. The board of trustees of a school district, governing body of a
22 charter school, governing body of a university school for profoundly gifted pupils
23 or the independent contractor of a school district, charter school or university
24 school for profoundly gifted pupils shall not enter into an agreement that:

25 (a) Has the effect of suppressing information relating to an investigation
26 concerning a report of suspected abuse or sexual misconduct by a current or
27 former employee.

28 (b) Affects the ability of the school district, charter school, university school
29 for profoundly gifted pupils or independent contractor to report suspected abuse
30 or sexual misconduct to the appropriate authorities.

31 (c) Requires the school district, charter school, university school for
32 profoundly gifted pupils or independent contractor to expunge information about
33 allegations or findings of suspected abuse or sexual misconduct from any
34 documents maintained by the school district, charter school, university school for
35 profoundly gifted pupils or independent contractor, unless, after investigating the
36 alleged violation, the school district, charter school, university school for
37 profoundly gifted pupils or independent contractor determines that the
38 allegations were false, unfounded, unsubstantiated or inconclusive.

39 2. If an agreement requires the removal of a document from the personnel
40 file of an employee, the employer must maintain the document with the
41 agreement.

42 3. Any provisions in an agreement that violate the provisions of this section
43 are void.

44 Sec. 16. Any information collected pursuant to section 8, 9 or 10 of this act
45 is confidential and is not a public book or record within the meaning of NRS
46 239.010.

47 Sec. 17. 1. Any person who willfully violates any provision of sections 2
48 to 17, inclusive, of this act, is subject to a civil penalty of not more than \$10,000
49 for each violation. This penalty must be recovered in a civil action, brought in the
50 name of the State of Nevada by the Attorney General. In such an action, the
51 Attorney General may recover reasonable attorney's fees and costs. If a civil
52 penalty is imposed against an independent contractor for willfully violating any
53 provision of sections 2 to 17, inclusive, of this act, the Attorney General shall,

1 *within 30 days after the imposition of the civil penalty, notify the Department of*
2 *the name of the independent contractor.*

3 *2. The Department shall maintain a list of any independent contractors who*
4 *have been found to have willfully violated the provisions of sections 2 to 17,*
5 *inclusive, of this act and make the list available, upon request, to the board of*
6 *trustees of a school district, governing body of a charter school or governing body*
7 *of a university school for profoundly gifted pupils.*

8 *3. The board of trustees of a school district, governing body of a charter*
9 *school or governing body of a university school for profoundly gifted pupils shall*
10 *not contract with an independent contractor who has been found to have willfully*
11 *violated the provisions of sections 2 to 17, inclusive, of this act.*

12 **Sec. 18.** NRS 391.033 is hereby amended to read as follows:

13 391.033 1. All licenses for teachers and other educational personnel are
14 granted by the Superintendent of Public Instruction pursuant to regulations adopted
15 by the Commission and as otherwise provided by law.

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

18 3. Every applicant for a license must submit with his or her application a
19 complete set of his or her fingerprints and written permission authorizing the
20 Superintendent to forward the fingerprints to the Central Repository for Nevada
21 Records of Criminal History for its initial report on the criminal history of the
22 applicant and for reports thereafter upon renewal of the license pursuant to
23 subsection 7 of NRS 179A.075, and for submission to the Federal Bureau of
24 Investigation for its report on the criminal history of the applicant.

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

29 5. A license must be issued to, or renewed for, as applicable, an applicant if:

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

31 (b) The reports on the criminal history of the applicant from the Federal
32 Bureau of Investigation and the Central Repository for Nevada Records of Criminal
33 History:

34 (1) Do not indicate that the applicant has been convicted of a felony or any
35 offense involving moral turpitude; or

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

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

43 *6. If the Superintendent denies an application for a license pursuant to this*
44 *section, the Superintendent must, within 15 days after the date on which the*
45 *application is denied, provide notice of the denial to the school district or charter*
46 *school that employs the applicant if the applicant is employed by a school district or*
47 *charter school. Such a notice must not state the reasons for denial.*

48 *7. The Department shall:*

49 (a) *Maintain a list of the names of persons whose ~~application~~ applications*
50 *for a license ~~is~~ are denied due to conviction of a sexual offense involving a*
51 *minor;*

52 (b) *Update the list maintained pursuant to paragraph (a) monthly; and*

1 *(c) Provide this list to the board of trustees of a school district or the*
2 *governing body of a charter school upon request.*

3 **8. As used in this section, "sexual offense" has the meaning ascribed to it in**
4 **NRS 179D.097.**

5 **Sec. 19.** NRS 391.750 is hereby amended to read as follows:

6 391.750 1. A teacher may be suspended, dismissed or not reemployed and
7 an administrator may be demoted, suspended, dismissed or not reemployed for the
8 following reasons:

- 9 (a) Inefficiency;
10 (b) Immorality;
11 (c) Unprofessional conduct;
12 (d) Insubordination;
13 (e) Neglect of duty;
14 (f) Physical or mental incapacity;
15 (g) A justifiable decrease in the number of positions due to decreased
16 enrollment or district reorganization;
17 (h) Conviction of a felony or of a crime involving moral turpitude;
18 (i) Inadequate performance;
19 (j) Evident unfitness for service;
20 (k) Failure to comply with such reasonable requirements as a board may
21 prescribe;
22 (l) Failure to show normal improvement and evidence of professional training
23 and growth;
24 (m) Advocating overthrow of the Government of the United States or of the
25 State of Nevada by force, violence or other unlawful means, or the advocating or
26 teaching of communism with the intent to indoctrinate pupils to subscribe to
27 communistic philosophy;
28 (n) Any cause which constitutes grounds for the revocation of a teacher's
29 license;
30 (o) Willful neglect or failure to observe and carry out the requirements of this
31 title;
32 (p) Dishonesty;
33 (q) Intentional failure to observe and carry out the requirements of a plan to
34 ensure the security of examinations and assessments adopted pursuant to NRS
35 390.270 or 390.275;
36 (r) An intentional violation of NRS 388.497 or 388.499;
37 (s) Knowingly and willfully failing to comply with the provisions of NRS
38 388.1351;
39 (t) *Knowingly and willfully violating any provision of sections 2 to 17,*
40 *inclusive, of this act;*
41 (u) Gross misconduct; or
42 ~~(v)~~ (v) An intentional failure to report a violation of NRS 388.135 if the
43 teacher or administrator witnessed the violation.
44 2. If a teacher or administrator is found, through an investigation of a testing
45 irregularity, to have willfully breached the security or confidentiality of the
46 questions and answers of the examinations that are administered pursuant to NRS
47 390.105 or 390.600 or the college and career readiness assessment administered
48 pursuant to NRS 390.610, the board of trustees of a school district, governing body
49 of a charter school or governing body of a university school for profoundly gifted
50 pupils, as applicable, shall:
51 (a) Suspend, dismiss or fail to reemploy the teacher; or
52 (b) Demote, suspend, dismiss or fail to reemploy the administrator.

1 3. In determining whether the professional performance of a licensed
2 employee is inadequate, consideration must be given to the regular and special
3 evaluation reports prepared in accordance with the policy of the employing school
4 district and to any written standards of performance which may have been adopted
5 by the board.

6 4. As used in this section, "gross misconduct" includes any act or omission
7 that is in wanton, willful, reckless or deliberate disregard of the interests of a school
8 or school district or a pupil thereof.

9 **Sec. 20.** NRS 391.755 is hereby amended to read as follows:

10 391.755 1. Whenever an administrator charged with supervision of a
11 licensed employee believes it is necessary to admonish the employee for a reason
12 that the administrator believes may lead to demotion or dismissal or may cause the
13 employee not to be reemployed under the provisions of NRS 391.750, the
14 administrator shall:

15 (a) Except as otherwise provided in subsection 3, bring the matter to the
16 attention of the employee involved, in writing, stating the reasons for the
17 admonition and that it may lead to the employee's demotion, dismissal or a refusal
18 to reemploy him or her, and make a reasonable effort to assist the employee to
19 correct whatever appears to be the cause for the employee's potential demotion,
20 dismissal or a potential recommendation not to reemploy him or her; and

21 (b) Except as otherwise provided in NRS 391.760, allow reasonable time for
22 improvement, which must not exceed 3 months for the first admonition.

23 ↪ The admonition must include a description of the deficiencies of the teacher and
24 the action that is necessary to correct those deficiencies.

25 2. An admonition issued to a licensed employee who, within the time granted
26 for improvement, has met the standards set for the employee by the administrator
27 who issued the admonition must be removed from the records of the employee
28 together with all notations and indications of its having been issued. The
29 admonition must be removed from the records of the employee not later than 3
30 years after it is issued.

31 3. An administrator need not admonish an employee pursuant to paragraph (a)
32 of subsection 1 if his or her employment will be terminated pursuant to NRS
33 391.820.

34 4. A licensed employee is subject to immediate dismissal or a refusal to
35 reemploy according to the procedures provided in NRS 391.650 to 391.830,
36 inclusive, without the admonition required by this section, on grounds contained in
37 paragraphs (b), (f), (g), (h), (p), (s), ~~and~~ (t) and (u) of subsection 1 of NRS
38 391.750.

39 **Sec. 21. Chapter 394 of NRS is hereby amended by adding thereto the**
40 **provisions set forth as sections 22 to 32, inclusive, of this act.**

41 **Sec. 22. As used in sections 22 to 32, inclusive, of this act, unless the**
42 **context otherwise requires, the words and terms defined in sections 23 and 24 of**
43 **this act have the meanings ascribed to them in those sections.**

44 **Sec. 23. "Sexual misconduct" has the meaning ascribed to it in section 4 of**
45 **this act.**

46 **Sec. 24. "Sexual offense" has the meaning ascribed to it in NRS 179D.097.**

47 **Sec. 25. 1. Any applicant for employment with a private school who may**
48 **have direct contact with pupils must, as a condition to employment, submit to the**
49 **governing body of the private school with which the applicant seeks to obtain**
50 **employment, on a form prescribed by the Department:**

51 **(a) The name, address and telephone number for the applicant's current**
52 **employer, any former employer of the applicant that was a school or school**

1 district and any other former employer with whom the applicant was employed in
2 a position that involved direct contact with children;

3 (b) Any other contact information for the employer or former employer
4 described in paragraph (a) prescribed by the governing body of the school with
5 which the applicant seeks to obtain employment;

6 (c) Written authorization for the employer or former employer described in
7 paragraph (a) to release the information prescribed in section 26 of this act; and

8 (d) A written statement indicating whether the applicant has:

9 (1) Except as otherwise provided in this subparagraph, been the subject
10 of an investigation concerning an alleged sexual offense conducted by an
11 employer, licensing agency, law enforcement agency, agency which provides
12 child welfare services, agency which provides child protective services or a
13 similar agency. An applicant is not required to provide the information described
14 in this subparagraph if, after investigating the alleged violation, the employer or
15 agency determined that the allegations were false, unfounded, unsubstantiated or
16 inconclusive.

17 (2) Been discharged, disciplined, had a contract not renewed, asked to
18 resign from employment, resigned from employment or otherwise separated from
19 employment while an investigation concerning an alleged sexual offense was
20 pending or upon conclusion of such an investigation, and was found, upon
21 conclusion of the investigation, to have committed the sexual offense.

22 (3) Had a license or certificate suspended or revoked or has been
23 required to surrender a license or certificate while an investigation concerning
24 an alleged sexual offense was pending or upon conclusion of such an
25 investigation and was found, upon conclusion of the investigation, to have
26 committed the sexual offense.

27 2. Any action brought by an applicant for employment described in
28 subsection 1 against the governing body of a private school or an employee
29 thereof which is based upon information obtained by the governing body of the
30 private school with which the applicant seeks employment to determine the fitness
31 of the applicant for employment, including, without limitation, an action for
32 defamation, must be brought in a court in the State of Nevada and governed by
33 the laws of this State.

34 3. Any applicant for employment described in subsection 1 who knowingly
35 provides false information or willfully fails to disclose any information required
36 by this section:

37 (a) Is subject to discipline, including, without limitation, termination of
38 employment or a civil penalty pursuant to section 32 of this act; and

39 (b) Is guilty of a misdemeanor.

40 Sec. 26. 1. Upon receipt of the information required by section 25 of this
41 act, the governing body of a private school shall contact each employer and
42 former employer described in paragraph (a) of subsection 1 of section 25 of this
43 act and request that the employer provide:

44 (a) The dates of employment of the applicant; and

45 (b) On a form prescribed by the Department, a written statement indicating
46 whether the applicant has:

47 (1) Except as otherwise provided in this subparagraph, been the subject
48 of an investigation concerning an alleged sexual offense conducted by the
49 employer. An employer or former employer is not required to provide the
50 information described in this subparagraph if, after investigating the alleged
51 violation, the employer determined that the allegations were false, unfounded,
52 unsubstantiated or inconclusive.

1 (2) Been discharged, disciplined, had a contract not renewed, asked to
2 resign from employment, resigned from employment or otherwise separated from
3 employment while an investigation concerning an alleged sexual offense was
4 pending or upon conclusion of such an investigation and was found, upon
5 conclusion of the investigation, to have committed the sexual offense.

6 (3) Had a license or certificate suspended or revoked or has been
7 required to surrender a license or certificate while an investigation concerning
8 an alleged sexual offense was pending or upon conclusion of such an
9 investigation and was found, upon conclusion of the investigation, to have
10 committed the sexual offense.

11 2. An employer or former employer contacted by a governing body of a
12 private school pursuant to subsection 1:

13 (a) Shall provide the information requested not later than 20 days after the
14 date on which the governing body contacts the employer or former employer.

15 (b) Is immune from civil and criminal liability for any act relating to the
16 provision of such information, unless the employer or former employer
17 knowingly provides false information. Such information is privileged and must
18 not be used as the basis for any action against the person or entity that provided
19 the information.

20 3. Except as otherwise prohibited by federal or state law, an employer or
21 former employer that willfully fails to disclose any information required by
22 subsection 1 is subject to discipline, including, without limitation, a civil penalty
23 pursuant to section 32 of this act.

24 4. In addition to the penalty set forth in subsection 3, a private school that
25 willfully fails to disclose any information required by subsection 1 is subject to
26 discipline, which may include, without limitation, being placed on a plan of
27 corrective action by the Department.

28 Sec. 27. 1. If a statement provided pursuant to paragraph (d) of
29 subsection 1 of section 25 of this act or paragraph (b) of subsection 1 of section
30 26 of this act indicates that the applicant meets any of the criteria prescribed in
31 those paragraphs, the governing body of the private school that receives the
32 statement shall request the employer that conducted the investigation concerning
33 an alleged sexual offense, discharged, disciplined or dismissed the employee or
34 asked the employee to resign from employment to provide additional information
35 concerning the matter and all records related to the matter, including, without
36 limitation, any documents relating to a disciplinary action taken against the
37 employee, disciplinary records or documents used in the decision made by the
38 employer concerning the investigation.

39 2. An employer contacted by the governing body of a private school
40 pursuant to subsection 1:

41 (a) Except as otherwise provided in this subsection, shall provide the
42 information requested not later than 60 days after the date on which the
43 governing body contacts the employer.

44 (b) Is immune from civil and criminal liability to the same extent provided in
45 paragraph (b) of subsection 2 of section 26 of this act.

46 3. Except as otherwise prohibited by federal or state law, an employer who
47 willfully fails to disclose any information required by subsection 1 is subject to
48 discipline, including, without limitation, a civil penalty pursuant to section 32 of
49 this act.

50 4. In addition to the penalty set forth in subsection 3, a private school that
51 willfully fails to disclose any information required by subsection 1 is subject to
52 discipline, which may include, without limitation, being placed on a plan of
53 corrective action by the Department.

1 Sec. 28. The governing body of a private school:

2 1. May consider the information submitted pursuant to sections 25, 26 and
3 27 of this act when deciding whether to employ an applicant or continue to
4 employ a person.

5 2. May report the information submitted pursuant to sections 25, 26 and 27
6 of this act to the Department or a licensing agency, law enforcement agency,
7 agency which provides child welfare services, agency which provides child
8 protective services or a similar agency.

9 3. Shall not be held liable for any damages resulting from the failure of an
10 entity not subject to the jurisdiction of this State to respond to a request for
11 information pursuant to section 26 or 27 of this act or any inaccuracy or
12 omission in the information submitted to the private school pursuant to section 26
13 or 27 of this act.

14 4. Is immune from civil or criminal liability for considering the information
15 submitted pursuant to sections 25, 26 and 27 of this act when deciding whether to
16 employ an applicant or continue to employ a person.

17 Sec. 29. The governing body of a private school may authorize provisional
18 employment of a person for a period not to exceed 90 days pending the review of
19 information submitted pursuant to sections 25, 26 and 27 of this act if the
20 governing body determines the applicant is otherwise qualified and:

21 1. The applicant provided the statement described in paragraph (d) of
22 subsection 1 of section 25 of this act.

23 2. The governing body of the private school has no knowledge of
24 information pertaining to the applicant that would disqualify the applicant from
25 employment.

26 3. The applicant swears or affirms that he or she is not disqualified from
27 employment.

28 4. The applicant is directly supervised by a permanent employee in any
29 duties that involve direct contact with pupils. The supervision must be such that
30 the applicant is in the immediate location of the permanent employee and is
31 readily available during such times as supervision is required.

32 Sec. 30. Nothing in sections 22 to 32, inclusive, of this act shall be
33 construed to:

34 1. Prevent a governing body of a private school from:

35 (a) Conducting further investigations of a prospective employee; or

36 (b) Requiring an applicant to submit additional information or
37 authorizations beyond what is required by sections 25, 26 and 27 of this act.

38 2. Prohibit a person or governmental entity from disclosing more
39 information than is required by sections 25, 26 and 27 of this act.

40 3. Relieve a person of a duty to report prescribed by NRS 432B.220 or any
41 other provision of state or federal law.

42 Sec. 31. 1. The governing body of a private school shall not enter into an
43 agreement that:

44 (a) Has the effect of suppressing information relating to an investigation
45 concerning a report of suspected abuse or sexual misconduct by a current or
46 former employee.

47 (b) Affects the ability of the private school to report suspected abuse or
48 sexual misconduct to the appropriate authorities.

49 (c) Requires the private school to expunge information about allegations or
50 findings of suspected abuse or sexual misconduct from any documents
51 maintained by the private school unless, after investigating the alleged violation,
52 the private school determines that the allegations were false, unfounded,
53 unsubstantiated or inconclusive.

1 2. If an agreement requires the removal of a document from the personnel
2 file of an employee, the private school must maintain the document with the
3 agreement.

4 3. Any provisions in an agreement that violate the provisions of this section
5 are void.

6 Sec. 32. Any person who willfully violates any provision of sections 22 to
7 32, inclusive, of this act is subject to a civil penalty of not more than \$10,000 for
8 each violation. This penalty must be recovered in a civil action, brought in the
9 name of the State of Nevada by the Attorney General. In such an action, the
10 Attorney General may recover reasonable attorney's fees and costs.

11 Sec. 33. NRS 394.251 is hereby amended to read as follows:

12 394.251 1. Each elementary or secondary educational institution desiring to
13 operate in this State must apply to the Superintendent upon forms provided by the
14 Department. The application must be accompanied by the catalog or brochure
15 published or proposed to be published by the institution. The application must also
16 be accompanied by ~~evidence~~ :

17 (a) Evidence of the required surety bond or certificate of deposit and payment
18 of the fees required by law, ~~+~~ ; and

19 (b) Documentation of the actions the institution has taken to comply with the
20 requirements prescribed in sections 25, 26 and 27 of this act.

21 2. After review of the application and any further information required by the
22 Superintendent, and an investigation of the applicant if necessary, the Board shall
23 either grant or deny a license to operate to the applicant. The Board must deny a
24 license to operate to an applicant who does not provide the documentation
25 required by paragraph (b) of subsection 1.

26 3. The license must state in a clear and conspicuous manner at least the
27 following information:

28 (a) The date of issuance, effective date and term of the license.

29 (b) The correct name and address of the institution licensed to operate.

30 (c) The authority for approval and conditions of operation.

31 (d) Any limitation of the authorization, as considered necessary by the Board.

32 4. Except as otherwise provided in this subsection, the term for which
33 authorization is given must not exceed 2 years. A provisional license may be issued
34 for a shorter period of time if the Board finds that the applicant has not fully
35 complied with the standards established by NRS 394.241. Authorization may be
36 given for a term of not more than 4 years if:

37 (a) The institution has been licensed to operate for not less than 4 years
38 preceding the authorization; and

39 (b) The institution has operated during that period without the filing of a
40 verified complaint against it and without violating any provision of NRS 394.201 to
41 394.351, inclusive, or any regulation adopted pursuant to those sections.

42 5. The license must be issued to the owner or governing body of the applicant
43 institution and is nontransferable. If a change in ownership of the institution occurs,
44 the new owner or governing body must, within 10 days after the change in
45 ownership, apply for a new license, and if it fails to do so, the institution's license
46 terminates. Application for a new license because of a change in ownership of the
47 institution is, for purposes of NRS 394.281, an application for renewal of the
48 institution's license.

49 6. At least 60 days before the expiration of a license, the institution must
50 complete and file with the Superintendent an application form for renewal of its
51 license. The renewal application must ~~be~~ :

52 (a) Be reviewed and acted upon as provided in this section, ~~+~~ ; and

(b) Include documentation of the actions the institution has taken to comply with the requirements prescribed in sections 25, 26 and 27 of this act.

7. An institution not yet in operation when its application for a license is filed may not begin operation until the license is issued. An institution in operation when its application for a license is filed may continue operation until its application is acted upon by the Board, and thereafter its authority to operate is governed by the action of the Board.

~~Sec. 24~~ **Sec. 34.** NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 231.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050,

1 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135,
2 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947,
3 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130,
4 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340,
5 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285,
6 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873,
7 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010,
8 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538,
9 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320,
10 704B.325, 706.1725, 706A.230, 710.159, 711.600, *and section 16 of this act*,
11 sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of
12 chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be
13 confidential, all public books and public records of a governmental entity must be
14 open at all times during office hours to inspection by any person, and may be fully
15 copied or an abstract or memorandum may be prepared from those public books
16 and public records. Any such copies, abstracts or memoranda may be used to
17 supply the general public with copies, abstracts or memoranda of the records or
18 may be used in any other way to the advantage of the governmental entity or of the
19 general public. This section does not supersede or in any manner affect the federal
20 laws governing copyrights or enlarge, diminish or affect in any other manner the
21 rights of a person in any written book or record which is copyrighted pursuant to
22 federal law.

23 2. A governmental entity may not reject a book or record which is
24 copyrighted solely because it is copyrighted.

25 3. A governmental entity that has legal custody or control of a public book or
26 record shall not deny a request made pursuant to subsection 1 to inspect or copy or
27 receive a copy of a public book or record on the basis that the requested public
28 book or record contains information that is confidential if the governmental entity
29 can redact, delete, conceal or separate the confidential information from the
30 information included in the public book or record that is not otherwise confidential.

31 4. A person may request a copy of a public record in any medium in which
32 the public record is readily available. An officer, employee or agent of a
33 governmental entity who has legal custody or control of a public record:

34 (a) Shall not refuse to provide a copy of that public record in a readily
35 available medium because the officer, employee or agent has already prepared or
36 would prefer to provide the copy in a different medium.

37 (b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare
38 the copy of the public record and shall not require the person who has requested the
39 copy to prepare the copy himself or herself.

40 ~~Sec. 22.~~ **Sec. 35.** NRS 432B.220 is hereby amended to read as follows:

41 432B.220 1. Any person who is described in subsection 4 and who, in his or
42 her professional or occupational capacity, knows or has reasonable cause to believe
43 that a child has been abused or neglected shall:

44 (a) Except as otherwise provided in subsection 2, report the abuse or neglect of
45 the child to an agency which provides child welfare services or to a law
46 enforcement agency; and

47 (b) Make such a report as soon as reasonably practicable but not later than 24
48 hours after the person knows or has reasonable cause to believe that the child has
49 been abused or neglected.

50 2. If a person who is required to make a report pursuant to subsection 1 knows
51 or has reasonable cause to believe that the abuse or neglect of the child involves an
52 act or omission of:

1 (a) A person directly responsible or serving as a volunteer for or an employee
2 of a public or private home, institution or facility where the child is receiving child
3 care outside of the home for a portion of the day, the person shall make the report to
4 a law enforcement agency.

5 (b) An agency which provides child welfare services or a law enforcement
6 agency, the person shall make the report to an agency other than the one alleged to
7 have committed the act or omission, and the investigation of the abuse or neglect of
8 the child must be made by an agency other than the one alleged to have committed
9 the act or omission.

10 3. Any person who is described in paragraph (a) of subsection 4 who delivers
11 or provides medical services to a newborn infant and who, in his or her professional
12 or occupational capacity, knows or has reasonable cause to believe that the
13 newborn infant has been affected by prenatal illegal substance abuse or has
14 withdrawal symptoms resulting from prenatal drug exposure shall, as soon as
15 reasonably practicable but not later than 24 hours after the person knows or has
16 reasonable cause to believe that the newborn infant is so affected or has such
17 symptoms, notify an agency which provides child welfare services of the condition
18 of the infant and refer each person who is responsible for the welfare of the infant
19 to an agency which provides child welfare services for appropriate counseling,
20 training or other services. A notification and referral to an agency which provides
21 child welfare services pursuant to this subsection shall not be construed to require
22 prosecution for any illegal action.

23 4. A report must be made pursuant to subsection 1 by the following persons:

24 (a) A person providing services licensed or certified in this State pursuant to,
25 without limitation, chapter 450B, 630, 630A, 631, 632, 633, 634, 634A, 635, 636,
26 637, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B or 641C of
27 NRS.

28 (b) Any personnel of a medical facility licensed pursuant to chapter 449 of
29 NRS who are engaged in the admission, examination, care or treatment of persons
30 or an administrator, manager or other person in charge of such a medical facility
31 upon notification of suspected abuse or neglect of a child by a member of the staff
32 of the medical facility.

33 (c) A coroner.

34 (d) A member of the clergy, practitioner of Christian Science or religious
35 healer, unless the person has acquired the knowledge of the abuse or neglect from
36 the offender during a confession.

37 (e) A person working in a school who is licensed or endorsed pursuant to
38 chapter 391 or 641B of NRS.

39 (f) Any person who maintains or is employed by a facility or establishment that
40 provides care for children, children's camp or other public or private facility,
41 institution or agency furnishing care to a child.

42 (g) Any person licensed pursuant to chapter 424 of NRS to conduct a foster
43 home.

44 (h) Any officer or employee of a law enforcement agency or an adult or
45 juvenile probation officer.

46 (i) Except as otherwise provided in NRS 432B.225, an attorney.

47 (j) Any person who maintains, is employed by or serves as a volunteer for an
48 agency or service which advises persons regarding abuse or neglect of a child and
49 refers them to persons and agencies where their requests and needs can be met.

50 (k) Any person who is employed by or serves as a volunteer for a youth shelter.
51 As used in this paragraph, "youth shelter" has the meaning ascribed to it in NRS
52 244.427.

1 (l) Any adult person who is employed by an entity that provides organized
2 activities for children ~~H~~, **including, without limitation, a person who is employed**
3 **by a school district or public school as defined in NRS 385.007.**

4 5. A report may be made by any other person.

5 6. If a person who is required to make a report pursuant to subsection 1 knows
6 or has reasonable cause to believe that a child has died as a result of abuse or
7 neglect, the person shall, as soon as reasonably practicable, report this belief to an
8 agency which provides child welfare services or a law enforcement agency. If such
9 a report is made to a law enforcement agency, the law enforcement agency shall
10 notify an agency which provides child welfare services and the appropriate medical
11 examiner or coroner of the report. If such a report is made to an agency which
12 provides child welfare services, the agency which provides child welfare services
13 shall notify the appropriate medical examiner or coroner of the report. The medical
14 examiner or coroner who is notified of a report pursuant to this subsection shall
15 investigate the report and submit his or her written findings to the appropriate
16 agency which provides child welfare services, the appropriate district attorney and a
17 law enforcement agency. The written findings must include, if obtainable, the
18 information required pursuant to the provisions of subsection 2 of NRS 432B.230.

19 7. The agency, board, bureau, commission, department, division or political
20 subdivision of the State responsible for the licensure, certification or endorsement
21 of a person who is described in subsection 4 and who is required in his or her
22 professional or occupational capacity to be licensed, certified or endorsed in this
23 State shall, at the time of initial licensure, certification or endorsement:

24 (a) Inform the person, in writing or by electronic communication, of his or her
25 duty as a mandatory reporter pursuant to this section;

26 (b) Obtain a written acknowledgment or electronic record from the person that
27 he or she has been informed of his or her duty pursuant to this section; and

28 (c) Maintain a copy of the written acknowledgment or electronic record for as
29 long as the person is licensed, certified or endorsed in this State.

30 8. The employer of a person who is described in subsection 4 and who is not
31 required in his or her professional or occupational capacity to be licensed, certified
32 or endorsed in this State must, upon initial employment of the person:

33 (a) Inform the person, in writing or by electronic communication, of his or her
34 duty as a mandatory reporter pursuant to this section;

35 (b) Obtain a written acknowledgment or electronic record from the person that
36 he or she has been informed of his or her duty pursuant to this section; and

37 (c) Maintain a copy of the written acknowledgment or electronic record for as
38 long as the person is employed by the employer.

39 ~~Sec. 23.~~ **Sec. 36.** The provisions of ~~section~~ **sections 15 and 31** of this
40 act do not apply to any agreement entered into before July 1, 2017, until the
41 agreement is extended or renewed.

42 ~~Sec. 24.~~ **Sec. 37.** The provisions of NRS 354.599 do not apply to any
43 additional expenses of a local government that are related to the provisions of this
44 act.

45 ~~Sec. 25.~~ **Sec. 38.** This act becomes effective on July 1, 2017.