

Amendment No. 1124

Senate Amendment to Assembly Bill No. 362 Second Reprint (BDR 34-1144)
Proposed by: Senator Spearman
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 R2 (§§ 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: 6/3/2017

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



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

MARCH 20, 2017

JOINT SPONSORS: SENATORS DENIS, FORD, GUSTAVSON, HAMMOND, HARRIS,
GANSERT, SEGERBLOM, SPEARMAN AND WOODHOUSE

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; authorizing the Superintendent of Public Instruction to deny an application for a license if a report on the criminal history of the applicant indicates that an applicant has been arrested for or charged with a sexual offense involving a minor or pupil; requiring the Superintendent 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:

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

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

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

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

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

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

Section 12 of this bill requires an independent contractor who employs a person who may have direct contact with pupils to maintain a record for each such employee and, upon request, 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.

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

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

71 ~~Section~~ **Sections 15** ~~prohibits~~ and 31 of this bill prohibit the governing body of a
 72 public school, ~~for~~ or the governing body of a private school,
 73 respectively, from entering into any agreement that: (1) has the effect of suppressing
 74 information relating to an investigation concerning a report of suspected abuse or sexual
 75 misconduct by a current or former employee; (2) affects the ability of the governing body or
 76 independent contractor to report suspected abuse or sexual misconduct; or (3) requires the
 77 governing body or independent contractor to expunge certain information from any
 78 documents maintained by the governing body or independent contractor. ~~Section~~ **Sections**
 79 **15 and 31** also ~~requires~~ require an employer to maintain certain documents if the agreement
 80 requires the removal of the document from an employee's personnel file.

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

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

91 Existing law requires the Superintendent of Public Instruction to grant all licenses for
 92 teachers and other educational personnel. (NRS 391.033) **Section 18** of this bill authorizes the
 93 Superintendent to deny an application for a license if a report on the criminal history of the
 94 applicant from the Federal Bureau of Investigation or the Central Repository for Nevada
 95 Records of Criminal History indicates that an applicant has been arrested for or charged with a
 96 sexual offense involving a minor or pupil. **Section 18** requires the Superintendent or his or her
 97 designee to provide written notice of his or her intent to deny the application for a license and
 98 authorizes an applicant to whom such notice has been provided to request a hearing within 15
 99 days after receipt of such notice. **Section 18:** (1) requires such a hearing to be conducted in
 100 accordance with regulations adopted by the State Board; and (2) authorizes the Superintendent
 101 to deny a license if no request for a hearing is filed within the prescribed period of time.

102 **Section 18** also requires the Superintendent to provide notice to a school district or
 103 charter school that employs an applicant whenever an application for a license is denied.
 104 Finally, **section 18** requires the Department of Education to: (1) maintain a list of the names
 105 of persons whose application for a license is denied due to conviction of a sexual offense
 106 involving a minor; and (2) provide such a list to certain persons upon request.

107 **Existing law requires each private school desiring to operate in this State to apply to**
 108 **the Superintendent of Public Instruction to obtain a license to operate a private school.**
 109 **(NRS 394.451) Section 33 of this bill requires such an application to be accompanied by**
 110 **documentation of the actions the applicant has taken to comply with the requirements**
 111 **prescribed in sections 25, 26 and 27. Section 33 requires the State Board to deny a license**

112 to operate a private school or fail to renew such a license for an applicant who does not
113 provide such documentation.

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

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

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

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

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

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

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

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

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

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

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

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

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

42 **Sec. 8. 1.** *In addition to fulfilling the requirements for employment*
43 *prescribed by NRS 388A.323, 388A.515, 388C.200, 391.104 or 391.281, as*
44 *applicable, or fulfilling the requirements for the issuance of a license prescribed*
45 *by NRS 391.033, any applicant for employment with a school district, charter*

1 school or university school for profoundly gifted pupils who may have direct
2 contact with pupils must, as a condition to employment, submit to the board of
3 trustees of the school district, governing body of the charter school or governing
4 body of the university school for profoundly gifted pupils with which the
5 applicant seeks to obtain employment, on a form prescribed by the Department:

6 (a) The name, address and telephone number for the applicant's current
7 employer, any former employer of the applicant that was a school or school
8 district and any other former employer with whom the applicant was employed in
9 a position that involved direct contact with children;

10 (b) Any other contact information for an employer or former employer
11 described in paragraph (a) prescribed by the board of trustees of the school
12 district, governing body of the charter school or governing body of the university
13 school for profoundly gifted pupils with which the applicant seeks to obtain
14 employment;

15 (c) Written authorization for an employer or former employer described in
16 paragraph (a) to release the information prescribed in section 9 of this act; and

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

18 (1) Except as otherwise provided in this subparagraph, been the subject
19 of an investigation concerning an alleged sexual offense conducted by an
20 employer, licensing agency, law enforcement agency, agency which provides
21 child welfare services, agency which provides child protective services or a
22 similar agency. The applicant is not required to provide the information described
23 in this subparagraph if, after investigating the alleged violation, the employer or
24 agency determined that the allegations were false, unfounded, unsubstantiated or
25 inconclusive.

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

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

36 2. Any action brought by an applicant for employment described in
37 subsection 1 against a board of trustees, the governing body of a charter school
38 or the governing body of a university school for profoundly gifted pupils, or an
39 employee thereof, which is based upon information obtained by the board of
40 trustees or the governing body with which the applicant seeks employment to
41 determine the fitness of the applicant for employment, including, without
42 limitation, an action for defamation, must be brought in a court in the State of
43 Nevada and governed by the laws of this State. The provisions of this subsection
44 shall not be deemed to waive any immunity from liability to which the board of
45 trustees or governing body, as applicable, or employee thereof, is entitled.

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

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

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

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

7 ***(a) Is subject to discipline, including, without limitation, suspension or***
8 ***revocation of the person's license pursuant to NRS 391.330 or 391.750,***
9 ***termination of employment or a civil penalty pursuant to section 17 of this act;***
10 ***and***

11 ***(b) Is guilty of a misdemeanor.***

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

16 ***(a) Contact each employer and former employer described in paragraph (a)***
17 ***of subsection 1 of section 8 of this act and request that the employer provide:***

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

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

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

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

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

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

45 ***2. An employer or former employer contacted by a board of trustees of a***
46 ***school district, governing body of a charter school, governing body of a university***
47 ***school for profoundly gifted pupils or independent contractor pursuant to***
48 ***paragraph (a) of subsection 1:***

49 ***(a) Shall provide the information requested not later than 20 days after the***
50 ***date on which the board of trustees, governing body or independent contractor***
51 ***contacts the employer or former employer.***

52 ***(b) Is immune from civil and criminal liability for any act relating to the***
53 ***provision of such information, unless the employer or former employer***

1 *knowingly provides false information. Such information is privileged and must*
2 *not be used as the basis for any action against the person or entity that provided*
3 *the information.*

4 *3. Except as otherwise prohibited by federal or state law, an employer or*
5 *former employer willfully fails to disclose any information required by subsection*
6 *1 is subject to discipline, including, without limitation, a civil penalty pursuant to*
7 *section 17 of this act.*

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

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

25 *2. An employer contacted by the board of trustees of a school district,*
26 *governing body of a charter school, governing body of a university school for*
27 *profoundly gifted pupils or independent contractor pursuant to subsection 1:*

28 *(a) Except as otherwise provided in this subsection, shall provide the*
29 *information requested not later than 60 days after the date on which the board of*
30 *trustees, governing body or independent contractor contacts the employer.*

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

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

35 *3. Except as otherwise prohibited by federal or state law, an employer who*
36 *willfully fails to disclose any information required by subsection 1 is subject to*
37 *discipline, including, without limitation, a civil penalty pursuant to section 17 of*
38 *this act.*

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

43 **Sec. 11.** *The board of trustees of a school district, governing body of a*
44 *charter school, governing body of a university school for profoundly gifted pupils*
45 *or independent contractor:*

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

49 *2. May report the information submitted pursuant to sections 8, 9 and 10 of*
50 *this act to the Department or a licensing agency, law enforcement agency, agency*
51 *which provides child welfare services, agency which provides child protective*
52 *services or a similar agency.*

1 3. *Shall not be held liable for any damages resulting from the failure of an*
2 *entity not subject to the jurisdiction of this State to respond to a request for*
3 *information pursuant to section 9 or 10 of this act or any inaccuracy or omission*
4 *in the information submitted to the school district, charter school, university*
5 *school for profoundly gifted pupils or independent contractor pursuant to section*
6 *9 or 10 of this act.*

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

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

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

17 (b) *Upon request, provide the record maintained pursuant to paragraph (a)*
18 *to 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, for the school at which an employee has been assigned to perform*
21 *work.*

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

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

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

38 (c) *Had a license or certificate suspended or revoked or has been required to*
39 *surrender a license or certificate while an investigation concerning an alleged*
40 *sexual offense was pending or upon conclusion of such an investigation and was*
41 *found, upon conclusion of the investigation, to have committed the sexual*
42 *offense.*

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

49 **Sec. 13.** *The board of trustees of a school district, governing body of a*
50 *charter school or governing body of a university school for profoundly gifted*
51 *pupils may authorize provisional employment of a person for a period not to*
52 *exceed 90 days pending the review of information submitted pursuant to sections*

1 *8, 9 and 10 of this act if the board of trustees or the governing body determines*
2 *the applicant is otherwise qualified and:*

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

5 *2. The board of trustees of the school district, governing body of the charter*
6 *school or governing body of the university school for profoundly gifted pupils, as*
7 *applicable, has no knowledge of information pertaining to the applicant that*
8 *would disqualify the applicant from employment.*

9 *3. The applicant swears or affirms that he or she is not disqualified from*
10 *employment.*

11 *4. The applicant is directly supervised by a permanent employee in any*
12 *duties that involve direct contact with pupils. The supervision must be such that*
13 *the applicant is in the immediate location of the permanent employee and is*
14 *readily available during such times as supervision is required.*

15 **Sec. 14.** *Nothing in sections 2 to 17, inclusive, of this act shall be construed*
16 *to:*

17 *1. Prevent a board of trustees of a school district, governing body of a*
18 *charter school, governing body of a university school for profoundly gifted pupils*
19 *or independent contractor from:*

20 *(a) Conducting further investigations of a prospective employee; or*

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

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

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

27 **Sec. 15.** *1. The board of trustees of a school district, governing body of a*
28 *charter school, governing body of a university school for profoundly gifted pupils*
29 *or the independent contractor of a school district, charter school or university*
30 *school for profoundly gifted pupils shall not enter into an agreement that:*

31 *(a) Has the effect of suppressing information relating to an investigation*
32 *concerning a report of suspected abuse or sexual misconduct by a current or*
33 *former employee.*

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

37 *(c) Requires the school district, charter school, university school for*
38 *profoundly gifted pupils or independent contractor to expunge information about*
39 *allegations or findings of suspected abuse or sexual misconduct from any*
40 *documents maintained by the school district, charter school, university school for*
41 *profoundly gifted pupils or independent contractor unless, after investigating the*
42 *alleged violation, the school district, charter school, university school for*
43 *profoundly gifted pupils or independent contractor determines that the*
44 *allegations were false, unfounded, unsubstantiated or inconclusive.*

45 *2. If an agreement requires the removal of a document from the personnel*
46 *file of an employee, the employer must maintain the document with the*
47 *agreement.*

48 *3. Any provisions in an agreement that violate the provisions of this section*
49 *are void.*

50 **Sec. 16.** *Any information collected pursuant to section 8, 9 or 10 of this act*
51 *is confidential and is not a public book or record within the meaning of NRS*
52 *239.010.*

1 **Sec. 17. 1. Any person who willfully violates any provision of sections 2**
2 **to 17, inclusive, of this act is subject to a civil penalty of not more than \$10,000**
3 **for each violation. This penalty must be recovered in a civil action, brought in the**
4 **name of the State of Nevada by the Attorney General. In such an action, the**
5 **Attorney General may recover reasonable attorney's fees and costs. If a civil**
6 **penalty is imposed against an independent contractor for willfully violating any**
7 **provision of sections 2 to 17, inclusive, of this act, the Attorney General shall,**
8 **within 30 days after the imposition of the civil penalty, notify the Department of**
9 **the name of the independent contractor.**

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

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

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

20 391.033 1. All licenses for teachers and other educational personnel are
21 granted by the Superintendent of Public Instruction pursuant to regulations adopted
22 by the Commission and as otherwise provided by law.

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

25 3. Every applicant for a license must submit with his or her application a
26 complete set of his or her fingerprints and written permission authorizing the
27 Superintendent to forward the fingerprints to the Central Repository for Nevada
28 Records of Criminal History for its initial report on the criminal history of the
29 applicant and for reports thereafter upon renewal of the license pursuant to
30 subsection 7 of NRS 179A.075, and for submission to the Federal Bureau of
31 Investigation for its report on the criminal history of the applicant.

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

36 5. ~~1A~~ **Except as otherwise provided in subsection 6, a** license must be issued
37 to, or renewed for, as applicable, an applicant if:

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

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

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

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

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

51 **6. The Superintendent may deny an application for a license pursuant to**
52 **this section if a report on the criminal history of the applicant from the Federal**
53 **Bureau of Investigation or the Central Repository for Nevada Records of**

1 *Criminal History indicates that the applicant has been arrested for or charged*
2 *with a sexual offense involving a minor or pupil, including, without limitation,*
3 *any attempt, solicitation or conspiracy to commit such an offense.*

4 7. *The Superintendent or his or her designee may deny the application for a*
5 *license after providing written notice of his or her intent to deny the application*
6 *to the applicant and providing an opportunity for the applicant to have a hearing.*

7 8. *To request a hearing pursuant to subsection 7, an applicant must submit*
8 *a written request to the Superintendent within 15 days after receipt of the notice*
9 *by the applicant. Such a hearing must be conducted in accordance with*
10 *regulations adopted by the State Board. If no request for a hearing is filed within*
11 *that time, the Superintendent may deny the license.*

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

17 10. *The Department shall:*

18 (a) *Maintain a list of the names of persons whose applications for a license*
19 *are denied due to conviction of a sexual offense involving a minor;*

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

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

23 11. *As used in this section, "sexual offense" has the meaning ascribed to it*
24 *in NRS 179D.097.*

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

26 391.750 1. A teacher may be suspended, dismissed or not reemployed and
27 an administrator may be demoted, suspended, dismissed or not reemployed for the
28 following reasons:

29 (a) Inefficiency;

30 (b) Immorality;

31 (c) Unprofessional conduct;

32 (d) Insubordination;

33 (e) Neglect of duty;

34 (f) Physical or mental incapacity;

35 (g) A justifiable decrease in the number of positions due to decreased
36 enrollment or district reorganization;

37 (h) Conviction of a felony or of a crime involving moral turpitude;

38 (i) Inadequate performance;

39 (j) Evident unfitness for service;

40 (k) Failure to comply with such reasonable requirements as a board may
41 prescribe;

42 (l) Failure to show normal improvement and evidence of professional training and
43 growth;

44 (m) Advocating overthrow of the Government of the United States or of the
45 State of Nevada by force, violence or other unlawful means, or the advocating or
46 teaching of communism with the intent to indoctrinate pupils to subscribe to
47 communistic philosophy;

48 (n) Any cause which constitutes grounds for the revocation of a teacher's
49 license;

50 (o) Willful neglect or failure to observe and carry out the requirements of this
51 title;

52 (p) Dishonesty;

1 (q) Intentional failure to observe and carry out the requirements of a plan to
2 ensure the security of examinations and assessments adopted pursuant to NRS
3 390.270 or 390.275;

4 (r) An intentional violation of NRS 388.497 or 388.499;

5 (s) Knowingly and willfully failing to comply with the provisions of NRS
6 388.1351;

7 (t) *Knowingly and willfully violating any provision of sections 2 to 17,*
8 *inclusive, of this act;*

9 (u) Gross misconduct; or

10 ~~(v)~~ (v) An intentional failure to report a violation of NRS 388.135 if the
11 teacher or administrator witnessed the violation.

12 2. If a teacher or administrator is found, through an investigation of a testing
13 irregularity, to have willfully breached the security or confidentiality of the
14 questions and answers of the examinations that are administered pursuant to NRS
15 390.105 or 390.600 or the college and career readiness assessment administered
16 pursuant to NRS 390.610, the board of trustees of a school district, governing body
17 of a charter school or governing body of a university school for profoundly gifted
18 pupils, as applicable, shall:

19 (a) Suspend, dismiss or fail to reemploy the teacher; or

20 (b) Demote, suspend, dismiss or fail to reemploy the administrator.

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

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

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

30 391.755 1. Whenever an administrator charged with supervision of a
31 licensed employee believes it is necessary to admonish the employee for a reason
32 that the administrator believes may lead to demotion or dismissal or may cause the
33 employee not to be reemployed under the provisions of NRS 391.750, the
34 administrator shall:

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

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

43 ➤ The admonition must include a description of the deficiencies of the teacher and
44 the action that is necessary to correct those deficiencies.

45 2. An admonition issued to a licensed employee who, within the time granted
46 for improvement, has met the standards set for the employee by the administrator
47 who issued the admonition must be removed from the records of the employee
48 together with all notations and indications of its having been issued. The
49 admonition must be removed from the records of the employee not later than 3
50 years after it is issued.

51 3. An administrator need not admonish an employee pursuant to paragraph (a)
52 of subsection 1 if his or her employment will be terminated pursuant to NRS
53 391.820.

1 4. A licensed employee is subject to immediate dismissal or a refusal to
2 reemploy according to the procedures provided in NRS 391.650 to 391.830,
3 inclusive, without the admonition required by this section, on grounds contained in
4 paragraphs (b), (f), (g), (h), (p), (s) , ~~and~~ (t) *and* (u) of subsection 1 of NRS
5 391.750.

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

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

11 Sec. 23. "Sexual misconduct" has the meaning ascribed to it in section 4 of
12 this act.

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

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

18 (a) The name, address and telephone number for the applicant's current
19 employer, any former employer of the applicant that was a school or school
20 district and any other former employer with whom the applicant was employed in
21 a position that involved direct contact with children;

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

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

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

28 (1) Except as otherwise provided in this subparagraph, been the subject
29 of an investigation concerning an alleged sexual offense conducted by an
30 employer, licensing agency, law enforcement agency, agency which provides
31 child welfare services, agency which provides child protective services or a
32 similar agency. An applicant is not required to provide the information described
33 in this subparagraph if, after investigating the alleged violation, the employer or
34 agency determined that the allegations were false, unfounded, unsubstantiated or
35 inconclusive.

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

41 (3) Had a license or certificate suspended or revoked or has been
42 required to surrender a license or certificate while an investigation concerning
43 an alleged sexual offense was pending or upon conclusion of such an
44 investigation and was found, upon conclusion of the investigation, to have
45 committed the sexual offense.

46 2. Any action brought by an applicant for employment described in
47 subsection 1 against the governing body of a private school or an employee
48 thereof which is based upon information obtained by the governing body of the
49 private school with which the applicant seeks employment to determine the fitness
50 of the applicant for employment, including, without limitation, an action for
51 defamation, must be brought in a court in the State of Nevada and governed by
52 the laws of this State.

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

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

6 (b) Is guilty of a misdemeanor.

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

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

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

14 (1) Except as otherwise provided in this subparagraph, been the subject
15 of an investigation concerning an alleged sexual offense conducted by the
16 employer. An employer or former employer is not required to provide the
17 information described in this subparagraph if, after investigating the alleged
18 violation, the employer determined that the allegations were false, unfounded,
19 unsubstantiated or inconclusive.

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

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

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

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

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

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

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

47 Sec. 27. 1. If a statement provided pursuant to paragraph (d) of
48 subsection 1 of section 25 of this act or paragraph (b) of subsection 1 of section
49 26 of this act indicates that the applicant meets any of the criteria prescribed in
50 those paragraphs, the governing body of the private school that receives the
51 statement shall request the employer that conducted the investigation concerning
52 an alleged sexual offense, discharged, disciplined or dismissed the employee or
53 asked the employee to resign from employment to provide additional information

1 concerning the matter and all records related to the matter, including, without
2 limitation, any documents relating to a disciplinary action taken against the
3 employee, disciplinary records or documents used in the decision made by the
4 employer concerning the investigation.

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

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

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

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

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

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

21 1. May consider the information submitted pursuant to sections 25, 26 and
22 27 of this act when deciding whether to employ an applicant or continue to
23 employ a person.

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

28 3. Shall not be held liable for any damages resulting from the failure of an
29 entity not subject to the jurisdiction of this State to respond to a request for
30 information pursuant to section 26 or 27 of this act or any inaccuracy or
31 omission in the information submitted to the private school pursuant to section 26
32 or 27 of this act.

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

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

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

42 2. The governing body of the private school has no knowledge of
43 information pertaining to the applicant that would disqualify the applicant from
44 employment.

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

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

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

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

1 (a) Conducting further investigations of a prospective employee; or
2 (b) Requiring an applicant to submit additional information or
3 authorizations beyond what is required by sections 25, 26 and 27 of this act.

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

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

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

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

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

15 (c) Requires the private school to expunge information about allegations or
16 findings of suspected abuse or sexual misconduct from any documents
17 maintained by the private school unless, after investigating the alleged violation,
18 the private school determines that the allegations were false, unfounded,
19 unsubstantiated or inconclusive.

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

23 3. Any provisions in an agreement that violate the provisions of this section
24 are void.

25 Sec. 32. Any person who willfully violates any provision of sections 22 to
26 32, inclusive, of this act is subject to a civil penalty of not more than \$10,000 for
27 each violation. This penalty must be recovered in a civil action, brought in the
28 name of the State of Nevada by the Attorney General. In such an action, the
29 Attorney General may recover reasonable attorney's fees and costs.

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

31 394.251 1. Each elementary or secondary educational institution desiring to
32 operate in this State must apply to the Superintendent upon forms provided by the
33 Department. The application must be accompanied by the catalog or brochure
34 published or proposed to be published by the institution. The application must also
35 be accompanied by ~~evidence~~ :

36 (a) Evidence of the required surety bond or certificate of deposit and payment
37 of the fees required by law ~~††~~; and

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

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

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

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

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

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

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

51 4. Except as otherwise provided in this subsection, the term for which
52 authorization is given must not exceed 2 years. A provisional license may be issued
53 for a shorter period of time if the Board finds that the applicant has not fully

1 complied with the standards established by NRS 394.241. Authorization may be
2 given for a term of not more than 4 years if:

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

5 (b) The institution has operated during that period without the filing of a
6 verified complaint against it and without violating any provision of NRS 394.201 to
7 394.351, inclusive, or any regulation adopted pursuant to those sections.

8 5. The license must be issued to the owner or governing body of the applicant
9 institution and is nontransferable. If a change in ownership of the institution occurs,
10 the new owner or governing body must, within 10 days after the change in
11 ownership, apply for a new license, and if it fails to do so, the institution's license
12 terminates. Application for a new license because of a change in ownership of the
13 institution is, for purposes of NRS 394.281, an application for renewal of the
14 institution's license.

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

18 (a) Be reviewed and acted upon as provided in this section, ~~it~~; and
19 (b) Include documentation of the actions the institution has taken to comply
20 with the requirements prescribed in sections 25, 26 and 27 of this act.

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

26 ~~Sec. 21~~ **Sec. 34.** NRS 239.010 is hereby amended to read as follows:

27 239.010 1. Except as otherwise provided in this section and NRS 1.4683,
28 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025,
29 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113,
30 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640,
31 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160,
32 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280,
33 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140,
34 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140,
35 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015,
36 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691,
37 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772,
38 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521,
39 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464,
40 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350,
41 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300,
42 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210,
43 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105,
44 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910,
45 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438,
46 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135,
47 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379,
48 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049,
49 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044,
50 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008,
51 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503,
52 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167,
53 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535,

1 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749,
2 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205,
3 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534,
4 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330,
5 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164,
6 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555,
7 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790,
8 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575,
9 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285,
10 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070,
11 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350,
12 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327,
13 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133,
14 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283,
15 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085,
16 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730,
17 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191,
18 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050,
19 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135,
20 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947,
21 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130,
22 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340,
23 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285,
24 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873,
25 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010,
26 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538,
27 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320,
28 704B.325, 706.1725, 706A.230, 710.159, 711.600, *and section 16 of this act*,
29 sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of
30 chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be
31 confidential, all public books and public records of a governmental entity must be
32 open at all times during office hours to inspection by any person, and may be fully
33 copied or an abstract or memorandum may be prepared from those public books
34 and public records. Any such copies, abstracts or memoranda may be used to
35 supply the general public with copies, abstracts or memoranda of the records or
36 may be used in any other way to the advantage of the governmental entity or of the
37 general public. This section does not supersede or in any manner affect the federal
38 laws governing copyrights or enlarge, diminish or affect in any other manner the
39 rights of a person in any written book or record which is copyrighted pursuant to
40 federal law.

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

43 3. A governmental entity that has legal custody or control of a public book or
44 record shall not deny a request made pursuant to subsection 1 to inspect or copy or
45 receive a copy of a public book or record on the basis that the requested public
46 book or record contains information that is confidential if the governmental entity
47 can redact, delete, conceal or separate the confidential information from the
48 information included in the public book or record that is not otherwise confidential.

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

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

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

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

8 432B.220 1. Any person who is described in subsection 4 and who, in his or
9 her professional or occupational capacity, knows or has reasonable cause to believe
10 that a child has been abused or neglected shall:

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

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

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

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

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

29 3. Any person who is described in paragraph (a) of subsection 4 who delivers
30 or provides medical services to a newborn infant and who, in his or her professional
31 or occupational capacity, knows or has reasonable cause to believe that the
32 newborn infant has been affected by prenatal illegal substance abuse or has
33 withdrawal symptoms resulting from prenatal drug exposure shall, as soon as
34 reasonably practicable but not later than 24 hours after the person knows or has
35 reasonable cause to believe that the newborn infant is so affected or has such
36 symptoms, notify an agency which provides child welfare services of the condition
37 of the infant and refer each person who is responsible for the welfare of the infant
38 to an agency which provides child welfare services for appropriate counseling,
39 training or other services. A notification and referral to an agency which provides
40 child welfare services pursuant to this subsection shall not be construed to require
41 prosecution for any illegal action.

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

43 (a) A person providing services licensed or certified in this State pursuant to,
44 without limitation, chapter 450B, 630, 630A, 631, 632, 633, 634, 634A, 635, 636,
45 637, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B or 641C of
46 NRS.

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

52 (c) A coroner.

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

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

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

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

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

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

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

17 (k) Any person who is employed by or serves as a volunteer for a youth shelter.
18 As used in this paragraph, "youth shelter" has the meaning ascribed to it in NRS
19 244.427.

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

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

24 6. If a person who is required to make a report pursuant to subsection 1 knows
25 or has reasonable cause to believe that a child has died as a result of abuse or
26 neglect, the person shall, as soon as reasonably practicable, report this belief to an
27 agency which provides child welfare services or a law enforcement agency. If such
28 a report is made to a law enforcement agency, the law enforcement agency shall
29 notify an agency which provides child welfare services and the appropriate medical
30 examiner or coroner of the report. If such a report is made to an agency which
31 provides child welfare services, the agency which provides child welfare services
32 shall notify the appropriate medical examiner or coroner of the report. The medical
33 examiner or coroner who is notified of a report pursuant to this subsection shall
34 investigate the report and submit his or her written findings to the appropriate
35 agency which provides child welfare services, the appropriate district attorney and a
36 law enforcement agency. The written findings must include, if obtainable, the
37 information required pursuant to the provisions of subsection 2 of NRS 432B.230.

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

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

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

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

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

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

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

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

5 ~~Sec. 22.~~ **Sec. 36.** The provisions of ~~section~~ sections 15 and 31 of this
6 act do not apply to any agreement entered into before July 1, 2017, until the
7 agreement is extended or renewed.

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

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