

SENATE BILL NO. 38—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED NOVEMBER 16, 2022

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to offenses against children. (BDR 15-425)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
Effect on the State: Yes.

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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 crimes; prohibiting certain employees of or volunteers at a school from contacting or communicating with a pupil under certain circumstances; prohibiting certain employees of or volunteers at a school from engaging in conduct intended to cause or encourage a pupil to engage in sexual conduct, transmit or distribute a sexual image of the pupil or engage in certain other behavior; prohibiting a court from ordering a victim or witness of such conduct to be subject to a psychological or psychiatric examination; providing that certain persons who are convicted of engaging in such conduct are subject to various statutory provisions relating to electronic communications devices; revising provisions relating to the licensure and employment of persons convicted of engaging in certain prohibited conduct with pupils; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law prohibits certain employees of or volunteers at a school from
2 engaging in sexual conduct with certain pupils. (NRS 201.540) Existing law also
3 prohibits: (1) a person from possessing a visual representation depicting a sexual
4 portrayal or sexual conduct of certain minors; and (2) a minor from using an
5 electronic communication device to transmit or distribute a sexual image of himself



6 or herself to another person. (NRS 200.730, 200.737) Unless a greater penalty is
7 provided by specific statute, **section 2** of this bill provides that a person in a
8 position of authority is guilty of a category C felony if he or she knowingly contacts
9 or communicates with or attempts to contact or communicate with a pupil with the
10 intent to: (1) engage in the commission of a crime punishable as a felony or gross
11 misdemeanor; or (2) cause or encourage the pupil to engage in sexual conduct, use
12 an electronic communication device to transmit or distribute a sexual image of
13 himself or herself to the person or facilitate the commission of an unlawful act that,
14 if committed by an adult, would be a felony or gross misdemeanor. **Section 2**
15 creates an exemption from the crime prescribed in **section 2** if the person in a
16 position of authority: (1) is married to the pupil at the time an act prohibited by
17 **section 2** is committed; (2) does not have or did not have contact with the pupil in
18 the course of performing any of his or her duties; or (3) takes certain action upon
19 receipt of an unsolicited sexual image or communication of a sexual nature from a
20 pupil. **Section 4** of this bill makes a conforming change to indicate the proper
21 placement of **section 2** in the Nevada Revised Statutes.

22 Existing law makes certain conduct relating to the exhibition or sale to minors
23 of obscene material a misdemeanor offense, unless a greater penalty is provided by
24 specific statute. (NRS 201.265) **Section 3** of this bill adds a violation of **section 2**
25 to the list of specific statutes in which a greater penalty is provided.

26 Existing law prohibits a court from ordering the victim of or a witness to
27 certain sexual offenses to take or submit to a psychological or psychiatric
28 examination. (NRS 50.700) **Section 5** of this bill adds a violation of **section 2** to the
29 list of sexual offenses to which that prohibition applies.

30 Existing law requires a court that grants probation to or suspends the sentence
31 of certain persons convicted of an offense that involved the use of a computer,
32 system or network to order, as a condition of probation or suspension, that the
33 person not own or use a computer. (NRS 176A.413) **Section 9** of this bill: (1) adds
34 certain violations of **section 2** to the list of offenses for which a court is required to
35 issue such an order; and (2) provides that the prohibition on owning or using a
36 computer includes any electronic communication device. Existing law similarly
37 requires the State Board of Parole Commissioners to require that certain persons
38 convicted of an offense that involved the use of a computer, system or network not
39 own or use a computer. (NRS 213.1258) **Section 18** of this bill: (1) adds certain
40 violations of **section 2** to the list of offenses for which the Board is required to
41 impose this condition of parole; and (2) provides that the prohibition on owning or
42 using a computer includes any electronic communication device.

43 Existing law allows a judge to grant an order authorizing the interception of
44 certain communications when the interception may provide evidence of the
45 commission of certain offenses. (NRS 179.460) **Section 12** of this bill adds a
46 violation of **section 2** to the list of offenses for which a judge may grant such an
47 order.

48 **Sections 19-25 and 33** of this bill authorize the board of trustees of a school
49 district, the governing body of a public or private school and the administrator of a
50 private school to use a substantiated report of a violation of **section 2** for purposes
51 of making certain employment decisions and certain other purposes. (NRS 288.150,
52 388A.515, 388A.5342, 388C.200, 391.033, 391.104, 391.281, 394.155)

53 Existing law requires the Superintendent of Public Instruction to grant all
54 licenses for teachers and other educational personnel. (NRS 391.033) **Section 23** of
55 this bill requires the Superintendent to suspend the application process for an
56 applicant for licensure against whom a substantiated report of a violation of **section**
57 **2** is made and take certain other actions related to the report.

58 Existing law authorizes the State Board of Education to suspend or revoke a
59 license issued by the Superintendent if the licensee is convicted of certain offenses
60 or a substantiated report of certain prohibited conduct is made against the licensee.



61 (NRS 391.330) **Section 26** of this bill: (1) adds a violation of **section 2** to the list of
62 offenses for which the State Board may suspend or revoke a license; and (2)
63 authorizes the State Board to suspend or revoke the license of a person against
64 whom a substantiated report of a violation of **section 2** is made. Existing law
65 authorizes the State Board to bill an employee for certain expenses related to a
66 disciplinary hearing if the hearing results from a recommendation to revoke or
67 suspend a license based upon certain convictions described in **section 26**. (NRS
68 391.355) **Section 26.5** of this bill adds a conviction of a violation of **section 2** to
69 the list of hearings for which the State Board may bill an employee.

70 Existing law authorizes the board of trustees of a school district or the
71 governing body of a public school to suspend, dismiss, demote or refuse to employ
72 a teacher or administrator for immorality. (NRS 391.650, 391.750) Existing law
73 also authorizes the superintendent of a school district to suspend a licensed
74 employee who has been charged but not yet convicted of a crime involving
75 immorality. (NRS 391.760) **Sections 27 and 28** of this bill add a violation of
76 **section 2** to the list of immoral acts for which such action may be taken. **Section 28**
77 also provides that a licensed employee who is convicted of a violation of **section 2**
78 forfeits all rights of employment after the date of his or her arrest.

79 Existing law requires an employee of or a volunteer for a school to report
80 certain conduct to an agency which provides child welfare services and to a law
81 enforcement agency. (NRS 392.303) **Section 29** of this bill additionally requires an
82 employee of or a volunteer for a school to make such a report for a violation of
83 **section 2**. **Sections 29-32** of this bill make conforming changes relating to the
84 requirement that an employee or a volunteer make such a report. (NRS 392.317,
85 392.337)

86 **Section 34** of this bill requires the Statewide Central Registry for the Collection
87 of Information Concerning the Abuse or Neglect of a Child to contain the
88 information in any substantiated report of a violation of **section 2**. (NRS 432.100)
89 **Section 36** of this bill requires certain employers to screen employees through the
90 Central Registry to determine whether the person has been the subject of a
91 substantiated report of a violation of **section 2**. (NRS 433.639) **Section 35** of this
92 bill makes a conforming change relating to the inclusion in the Central Registry of
93 information relating to a violation of **section 2**.

94 **Section 37** of this bill makes the amendatory provisions of **sections 1-36** apply
95 to offenses committed on and after October 1, 2023.

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

1 **Section 1.** (Deleted by amendment.)

2 **Sec. 2.** Chapter 201 of NRS is hereby amended by adding
3 thereto a new section to read as follows:

4 *1. Except as otherwise provided in subsection 2 and unless a*
5 *greater penalty is provided by specific statute, a person in a*
6 *position of authority who knowingly contacts or communicates*
7 *with or attempts to contact or communicate with a pupil with the*
8 *intent to:*

9 *(a) Engage in the commission of a crime punishable as a*
10 *felony or gross misdemeanor; or*

11 *(b) Cause or encourage the pupil to:*



1 (1) Engage in sexual conduct, either in person or through
2 the use of an electronic communication device;

3 (2) Use an electronic communication device to transmit or
4 distribute a sexual image of himself or herself to the person;

5 (3) Engage in an unlawful act that, if committed by an
6 adult, would be a felony or gross misdemeanor; or

7 (4) Facilitate the commission by the person in a position of
8 authority of a crime punishable as a felony or gross misdemeanor,
9 ➔ is guilty of a category C felony and shall be punished as
10 provided in NRS 193.130.

11 2. The provisions of this section do not apply if the person in
12 a position of authority:

13 (a) Is married to the pupil at the time an act prohibited by this
14 section is committed;

15 (b) Does not have or did not have contact with the pupil in the
16 course of performing any of his or her duties; or

17 (c) Receives from a pupil, by electronic communication device,
18 an unsolicited sexual image or communication of a sexual nature
19 and reports the image or communication to the principal,
20 administrator or other person in charge of the school at which the
21 person is employed or volunteers as soon as reasonably
22 practicable after receipt of the image or communication.

23 3. As used in this section:

24 (a) "Electronic communication device" has the meaning
25 ascribed to it in NRS 200.737.

26 (b) "Person in a position of authority" means a person who is
27 18 years of age or older and who:

28 (1) Is or was an employee at or volunteer for a public
29 school or private school; and

30 (2) Has had contact with a pupil in the course of
31 performing his or her duties as an employee or volunteer.

32 (c) "Pupil" means a person who is or was enrolled in or
33 attending a public school or private school.

34 (d) "Sexual conduct" has the meaning ascribed to it in NRS
35 201.520 and also includes sexual conduct between two persons
36 who are in different physical locations but who are
37 communicating with each other through the use of an electronic
38 communication device.

39 (e) "Sexual image" means any visual depiction, including,
40 without limitation, any photograph or video of a pupil simulating
41 or engaging in sexual conduct or of the pupil as the subject of a
42 sexual portrayal.

43 (f) "Sexual portrayal" has the meaning ascribed to it in
44 NRS 200.700.



1 **Sec. 3.** NRS 201.265 is hereby amended to read as follows:

2 201.265 Except as otherwise provided in NRS 200.720 and
3 201.2655, and unless a greater penalty is provided pursuant to
4 NRS 201.560 ~~§~~ *or section 2 of this act*, a person is guilty of a
5 misdemeanor if the person knowingly:

6 1. Distributes or causes to be distributed to a minor material
7 that is harmful to minors, unless the person is the parent, guardian or
8 spouse of the minor.

9 2. Exhibits for distribution to an adult in such a manner or
10 location as to allow a minor to view or to have access to examine
11 material that is harmful to minors, unless the person is the parent,
12 guardian or spouse of the minor.

13 3. Sells to a minor an admission ticket or pass for or otherwise
14 admits a minor for monetary consideration to any presentation of
15 material that is harmful to minors, unless the minor is accompanied
16 by his or her parent, guardian or spouse.

17 4. Misrepresents that he or she is the parent, guardian or spouse
18 of a minor for the purpose of:

19 (a) Distributing to the minor material that is harmful to minors;
20 or

21 (b) Obtaining admission of the minor to any presentation of
22 material that is harmful to minors.

23 5. Misrepresents his or her age as 18 or over for the purpose of
24 obtaining:

25 (a) Material that is harmful to minors; or

26 (b) Admission to any presentation of material that is harmful to
27 minors.

28 6. Sells or rents motion pictures which contain material that is
29 harmful to minors on the premises of a business establishment open
30 to minors, unless the person creates an area within the establishment
31 for the placement of the motion pictures and any material that
32 advertises the sale or rental of the motion pictures which:

33 (a) Prevents minors from observing the motion pictures or any
34 material that advertises the sale or rental of the motion pictures; and

35 (b) Is labeled, in a prominent and conspicuous location, "Adults
36 Only."

37 **Sec. 4.** NRS 201.470 is hereby amended to read as follows:

38 201.470 As used in NRS 201.470 to 201.550, inclusive, *and*
39 *section 2 of this act*, unless the context otherwise requires, the
40 words and terms defined in NRS 201.480 to 201.530, inclusive,
41 have the meanings ascribed to them in those sections.

42 **Sec. 5.** NRS 50.700 is hereby amended to read as follows:

43 50.700 1. In any criminal or juvenile delinquency action
44 relating to the commission of a sexual offense, a court may not order



1 the victim of or a witness to the sexual offense to take or submit to a
2 psychological or psychiatric examination.

3 2. The court may exclude the testimony of a licensed
4 psychologist, psychiatrist or clinical social worker who performed a
5 psychological or psychiatric examination on the victim or witness if:

6 (a) There is a prima facie showing of a compelling need for an
7 additional psychological or psychiatric examination of the victim or
8 witness by a licensed psychologist, psychiatrist or clinical social
9 worker; and

10 (b) The victim or witness refuses to submit to an additional
11 psychological or psychiatric examination by a licensed psychologist,
12 psychiatrist or clinical social worker.

13 3. In determining whether there is a prima facie showing of a
14 compelling need for an additional psychological or psychiatric
15 examination of the victim or witness pursuant to subsection 2, the
16 court must consider whether:

17 (a) There is a reasonable basis for believing that the mental or
18 emotional state of the victim or witness may have affected his or her
19 ability to perceive and relate events relevant to the criminal
20 prosecution; and

21 (b) Any corroboration of the offense exists beyond the
22 testimony of the victim or witness.

23 4. If the court determines there is a prima facie showing of a
24 compelling need for an additional psychological or psychiatric
25 examination of the victim or witness, the court shall issue a factual
26 finding that details with particularity the reasons why an additional
27 psychological or psychiatric examination of the victim or witness is
28 warranted.

29 5. If the court issues a factual finding pursuant to subsection 4
30 and the victim or witness consents to an additional psychological or
31 psychiatric examination, the court shall set the parameters for the
32 examination consistent with the purpose of determining the ability
33 of the victim or witness to perceive and relate events relevant to the
34 criminal prosecution.

35 6. As used in this section, "sexual offense" includes, without
36 limitation:

37 (a) Sexual assault pursuant to NRS 200.366;

38 (b) Statutory sexual seduction pursuant to NRS 200.368;

39 (c) Battery with intent to commit sexual assault pursuant to
40 NRS 200.400;

41 (d) Abuse of a child pursuant to NRS 200.508, if the abuse
42 involved sexual abuse or sexual exploitation;

43 (e) An offense involving pornography and a minor pursuant to
44 NRS 200.710 to 200.730, inclusive;

45 (f) Incest pursuant to NRS 201.180;



- 1 (g) Open or gross lewdness pursuant to NRS 201.210;
- 2 (h) Indecent or obscene exposure pursuant to NRS 201.220;
- 3 (i) Lewdness with a child pursuant to NRS 201.230;
- 4 (j) Sexual penetration of a dead human body pursuant to
- 5 NRS 201.450;
- 6 (k) An offense involving the administration of a drug to another
- 7 person with the intent to enable or assist the commission of a felony
- 8 pursuant to NRS 200.405, if the felony is an offense listed in this
- 9 section;
- 10 (l) An offense involving the administration of a controlled
- 11 substance to another person with the intent to enable or assist the
- 12 commission of a crime of violence pursuant to NRS 200.408, if the
- 13 crime of violence is an offense listed in this section;
- 14 (m) Luring a child or a person with mental illness pursuant to
- 15 NRS 201.560;
- 16 (n) An offense that is found to be sexually motivated pursuant to
- 17 NRS 175.547 or 207.193;
- 18 (o) Pandering of a child pursuant to NRS 201.300;
- 19 (p) *A violation of section 2 of this act;*
- 20 (q) Any other offense that has an element involving a sexual act
- 21 or sexual conduct with another person; or
- 22 ~~(q)~~ (r) Any attempt or conspiracy to commit an offense listed
- 23 in this subsection.

24 **Sec. 6.** (Deleted by amendment.)

25 **Sec. 7.** (Deleted by amendment.)

26 **Sec. 8.** (Deleted by amendment.)

27 **Sec. 9.** NRS 176A.413 is hereby amended to read as follows:

28 176A.413 1. Except as otherwise provided in subsection 2, if

29 a defendant is convicted of stalking with the use of an Internet or

30 network site, electronic mail, text messaging or any other similar

31 means of communication pursuant to subsection 4 of NRS 200.575,

32 an offense involving pornography and a minor pursuant to NRS

33 200.710 to 200.730, inclusive, ~~for~~ luring a child or a person with

34 mental illness through the use of a computer, system or network

35 pursuant to paragraph (a) or (b) of subsection 4 of NRS 201.560 *or*

36 *a violation of section 2 of this act which involved the use of an*

37 *electronic communication device* and the court grants probation or

38 suspends the sentence, the court shall, in addition to any other

39 condition ordered pursuant to NRS 176A.400, order as a condition

40 of probation or suspension that the defendant not own or use a

41 computer, including, without limitation, use electronic mail, a chat

42 room or the Internet.

43 2. The court is not required to impose a condition of probation

44 or suspension of sentence set forth in subsection 1 if the court finds

45 that:



1 (a) The use of a computer by the defendant will assist a law
2 enforcement agency or officer in a criminal investigation;

3 (b) The defendant will use the computer to provide
4 technological training concerning technology of which the
5 defendant has a unique knowledge; or

6 (c) The use of the computer by the defendant will assist
7 companies that require the use of the specific technological
8 knowledge of the defendant that is unique and is otherwise
9 unavailable to the company.

10 3. Except as otherwise provided in subsection 1, if a defendant
11 is convicted of an offense that involved the use of a computer,
12 system or network and the court grants probation or suspends the
13 sentence, the court may, in addition to any other condition ordered
14 pursuant to NRS 176A.400, order as a condition of probation or
15 suspension that the defendant not own or use a computer, including,
16 without limitation, use electronic mail, a chat room or the Internet.

17 4. As used in this section:

18 (a) "Computer" has the meaning ascribed to it in NRS 205.4735
19 ~~H~~ *and includes, without limitation, an electronic communication*
20 *device.*

21 (b) *"Electronic communication device" has the meaning*
22 *ascribed to it in NRS 200.737.*

23 (c) "Network" has the meaning ascribed to it in NRS 205.4745.

24 ~~H(e)~~ (d) "System" has the meaning ascribed to it in
25 NRS 205.476.

26 ~~H(d)~~ (e) "Text messaging" has the meaning ascribed to it in
27 NRS 200.575.

28 **Sec. 10.** (Deleted by amendment.)

29 **Sec. 11.** (Deleted by amendment.)

30 **Sec. 12.** NRS 179.460 is hereby amended to read as follows:

31 179.460 1. The Attorney General or the district attorney of
32 any county may apply to a Supreme Court justice or to a district
33 judge in the county where the interception is to take place for an
34 order authorizing the interception of wire, electronic or oral
35 communications, and the judge may, in accordance with NRS
36 179.470 to 179.515, inclusive, grant an order authorizing the
37 interception of wire, electronic or oral communications by
38 investigative or law enforcement officers having responsibility for
39 the investigation of the offense as to which the application is made,
40 when the interception may provide evidence of the commission of
41 murder, kidnapping, robbery, extortion, bribery, escape of an
42 offender in the custody of the Department of Corrections,
43 destruction of public property by explosives, a sexual offense
44 against a child, sex trafficking, a violation of NRS 200.463, 200.464
45 or 200.465, trafficking in persons in violation of NRS 200.467 or



1 200.468, the commission of any offense which is made a felony by
2 the provisions of chapter 453 or 454 of NRS or a violation of NRS
3 463.160 or 465.086 ~~[]~~ *or a violation of section 2 of this act.*

4 2. A provider of electronic communication service or a public
5 utility, an officer, employee or agent thereof or another person
6 associated with the provider of electronic communication service or
7 public utility who, pursuant to an order issued pursuant to
8 subsection 1, provides information or otherwise assists an
9 investigative or law enforcement officer in the interception of a
10 wire, electronic or oral communication is immune from any liability
11 relating to any interception made pursuant to the order.

12 3. As used in this section, "sexual offense against a child"
13 includes any act upon a child constituting:

- 14 (a) Incest pursuant to NRS 201.180;
- 15 (b) Lewdness with a child pursuant to NRS 201.230;
- 16 (c) Sado-masochistic abuse pursuant to NRS 201.262;
- 17 (d) Sexual assault pursuant to NRS 200.366;
- 18 (e) Statutory sexual seduction pursuant to NRS 200.368;
- 19 (f) Open or gross lewdness pursuant to NRS 201.210; or
- 20 (g) Luring a child or a person with mental illness pursuant to
21 NRS 201.560, if punished as a felony.

22 **Sec. 13.** (Deleted by amendment.)

23 **Sec. 14.** (Deleted by amendment.)

24 **Sec. 15.** (Deleted by amendment.)

25 **Sec. 16.** (Deleted by amendment.)

26 **Sec. 17.** (Deleted by amendment.)

27 **Sec. 18.** NRS 213.1258 is hereby amended to read as follows:

28 213.1258 1. Except as otherwise provided in subsection 2, if
29 the Board releases on parole a prisoner convicted of stalking with
30 the use of an Internet or network site, electronic mail, text
31 messaging or any other similar means of communication pursuant to
32 subsection 4 of NRS 200.575, an offense involving pornography
33 and a minor pursuant to NRS 200.710 to 200.730, inclusive, ~~[or]~~
34 luring a child or a person with mental illness through the use of a
35 computer, system or network pursuant to paragraph (a) or (b) of
36 subsection 4 of NRS 201.560 ~~[]~~ *or a violation of section 2 of this
37 act which involved the use of an electronic communication device,*
38 the Board shall, in addition to any other condition of parole, require
39 as a condition of parole that the parolee not own or use a computer,
40 including, without limitation, use electronic mail, a chat room or the
41 Internet.

42 2. The Board is not required to impose a condition of parole set
43 forth in subsection 1 if the Board finds that:

44 (a) The use of a computer by the parolee will assist a law
45 enforcement agency or officer in a criminal investigation;



1 (b) The parolee will use the computer to provide technological
2 training concerning technology of which the defendant has a unique
3 knowledge; or

4 (c) The use of the computer by the parolee will assist companies
5 that require the use of the specific technological knowledge of the
6 parolee that is unique and is otherwise unavailable to the company.

7 3. Except as otherwise provided in subsection 1, if the Board
8 releases on parole a prisoner convicted of an offense that involved
9 the use of a computer, system or network, the Board may, in
10 addition to any other condition of parole, require as a condition of
11 parole that the parolee not own or use a computer, including,
12 without limitation, use electronic mail, a chat room or the Internet.

13 4. As used in this section:

14 (a) "Computer" has the meaning ascribed to it in NRS 205.4735
15 ~~(a)~~ *and includes, without limitation, an electronic communication*
16 *device.*

17 (b) *"Electronic communication device" has the meaning*
18 *ascribed to it in NRS 200.737.*

19 (c) "Network" has the meaning ascribed to it in NRS 205.4745.

20 ~~(e)~~ (d) "System" has the meaning ascribed to it in
21 NRS 205.476.

22 ~~(d)~~ (e) "Text messaging" has the meaning ascribed to it in
23 NRS 200.575.

24 **Sec. 19.** NRS 288.150 is hereby amended to read as follows:

25 288.150 1. Except as otherwise provided in subsection 6 and
26 NRS 354.6241, every local government employer shall negotiate in
27 good faith through one or more representatives of its own choosing
28 concerning the mandatory subjects of bargaining set forth in
29 subsection 2 with the designated representatives of the recognized
30 employee organization, if any, for each appropriate bargaining unit
31 among its employees. If either party so requests, agreements reached
32 must be reduced to writing.

33 2. The scope of mandatory bargaining is limited to:

34 (a) Salary or wage rates or other forms of direct monetary
35 compensation.

36 (b) Sick leave.

37 (c) Vacation leave.

38 (d) Holidays.

39 (e) Other paid or nonpaid leaves of absence.

40 (f) Insurance benefits.

41 (g) Total hours of work required of an employee on each
42 workday or workweek.

43 (h) Total number of days' work required of an employee in a
44 work year.



1 (i) Except as otherwise provided in subsections 8 and 11,
2 discharge and disciplinary procedures.

3 (j) Recognition clause.

4 (k) The method used to classify employees in the bargaining
5 unit.

6 (l) Deduction of dues for the recognized employee organization.

7 (m) Protection of employees in the bargaining unit from
8 discrimination because of participation in recognized employee
9 organizations consistent with the provisions of this chapter.

10 (n) No-strike provisions consistent with the provisions of this
11 chapter.

12 (o) Grievance and arbitration procedures for resolution of
13 disputes relating to interpretation or application of collective
14 bargaining agreements.

15 (p) General savings clauses.

16 (q) Duration of collective bargaining agreements.

17 (r) Safety of the employee.

18 (s) Teacher preparation time.

19 (t) Materials and supplies for classrooms.

20 (u) Except as otherwise provided in subsections 9 and 11, the
21 policies for the transfer and reassignment of teachers.

22 (v) Procedures for reduction in workforce consistent with the
23 provisions of this chapter.

24 (w) Procedures consistent with the provisions of subsection 6
25 for the reopening of collective bargaining agreements for additional,
26 further, new or supplementary negotiations during periods of fiscal
27 emergency.

28 3. Those subject matters which are not within the scope of
29 mandatory bargaining and which are reserved to the local
30 government employer without negotiation include:

31 (a) Except as otherwise provided in paragraph (u) of subsection
32 2, the right to hire, direct, assign or transfer an employee, but
33 excluding the right to assign or transfer an employee as a form of
34 discipline.

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

38 (c) The right to determine:

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

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

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

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



1 (d) Safety of the public.

2 4. The provisions of NRS 245.063, 268.4069 and 391.1605 are
3 not subject to negotiations with an employee organization. Any
4 provision of a collective bargaining agreement negotiated pursuant
5 to this chapter which differs from or conflicts in any way with the
6 provisions of NRS 245.063, 268.4069 or 391.1605 is unenforceable
7 and void.

8 5. If the local government employer is a school district, any
9 money appropriated by the State to carry out increases in salaries or
10 benefits for the employees of the school district is subject to
11 negotiations with an employee organization.

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

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

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

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

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

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



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

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

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

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

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

21 10. Any provision of an agreement negotiated pursuant to this
22 chapter which differs from or conflicts in any way with the
23 provisions of subsection 9 or imposes consequences on the board of
24 trustees of a school district or the principal of a school for taking
25 any action authorized pursuant to subsection 9 is unenforceable and
26 void.

27 11. The board of trustees of a school district or the governing
28 body of a charter school or university school for profoundly gifted
29 pupils may use a substantiated report of the abuse or neglect of a
30 child or a violation of NRS 201.540, 201.560, 392.4633 or 394.366
31 *or section 2 of this act* obtained from the Statewide Central Registry
32 for the Collection of Information Concerning the Abuse or Neglect
33 of a Child established by NRS 432.100 or an equivalent registry
34 maintained by a governmental agency in another jurisdiction for the
35 purposes authorized by NRS 388A.515, 388C.200, 391.033,
36 391.104 or 391.281, as applicable. Such purposes may include,
37 without limitation, making a determination concerning the
38 assignment, discipline or termination of an employee. Any provision
39 of any agreement negotiated pursuant to this chapter which conflicts
40 with the provisions of this subsection is unenforceable and void.

41 12. This section does not preclude, but this chapter does not
42 require, the local government employer to negotiate subject matters
43 enumerated in subsection 3 which are outside the scope of
44 mandatory bargaining. The local government employer shall discuss



1 subject matters outside the scope of mandatory bargaining but it is
2 not required to negotiate those matters.

3 13. Contract provisions presently existing in signed and ratified
4 agreements as of May 15, 1975, at 12 p.m. remain negotiable.

5 14. As used in this section, "abuse or neglect of a child" has
6 the meaning ascribed to it in NRS 392.281.

7 **Sec. 20.** NRS 388A.515 is hereby amended to read as follows:

8 388A.515 1. Each applicant for employment with and
9 employee at a charter school, except a licensed teacher or other
10 person licensed by the Superintendent of Public Instruction, and,
11 except as otherwise provided in NRS 388A.516, each volunteer at a
12 charter school who is likely to have unsupervised contact with
13 pupils, must, before beginning his or her employment or service as a
14 volunteer and at least once every 5 years thereafter, submit to the
15 governing body of the charter school:

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

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

31 2. In conducting an investigation into the background of an
32 applicant, employee or volunteer, the governing body of a charter
33 school may cooperate with any appropriate law enforcement agency
34 to obtain information relating to the background of the applicant,
35 employee or volunteer, including, without limitation, any record of
36 warrants for the arrest of or applications for protective orders
37 against the applicant, employee or volunteer.

38 3. If the information obtained by the governing body pursuant
39 to subsection 1 or 2 or subsection 5 of NRS 388A.516 indicates that
40 the applicant, employee or volunteer has not been convicted of a
41 crime listed in NRS 388A.5342, the governing body of the charter
42 school may employ the applicant or employee or accept the
43 volunteer, as applicable.

44 4. If the information obtained by the governing body pursuant
45 to subsection 1 or 2 or subsection 5 of NRS 388A.516 indicates that



1 the applicant, employee or volunteer has been convicted of a crime
2 listed in NRS 388A.5342, and the governing body of the charter
3 school does not disqualify the applicant or employee from
4 employment or the volunteer from serving as a volunteer on the
5 basis of that information, the governing body shall, upon the written
6 authorization of the applicant, employee or volunteer, forward a
7 copy of the information to the Superintendent of Public Instruction.
8 If the applicant, employee or volunteer refuses to provide his or her
9 written authorization to forward a copy of the information pursuant
10 to this subsection, the charter school shall not employ the applicant
11 or employee or accept the volunteer, as applicable.

12 5. Not later than 15 days after receiving the information
13 obtained by the governing body pursuant to subsection 1 or 2 or
14 subsection 5 of NRS 388A.516, the Superintendent of Public
15 Instruction or the Superintendent's designee shall review the
16 information to determine whether the conviction of the applicant,
17 employee or volunteer is related or unrelated to the position with the
18 charter school for which the applicant has applied or in which the
19 employee is employed or the volunteer wishes to serve. The
20 applicant, employee or volunteer shall, upon the request of the
21 Superintendent of Public Instruction or the Superintendent's
22 designee, provide any further information that the Superintendent or
23 the designee determines is necessary to make the determination. If
24 the governing body of the charter school desires to employ the
25 applicant or employee or accept the volunteer, the governing body
26 shall, upon the request of the Superintendent of Public Instruction or
27 the Superintendent's designee, provide any further information that
28 the Superintendent or the designee determines is necessary to
29 make the determination. The Superintendent of Public Instruction or
30 the Superintendent's designee shall provide written notice of the
31 determination to the applicant, employee or volunteer and to the
32 governing body of the charter school.

33 6. If the Superintendent of Public Instruction or the
34 Superintendent's designee determines that the conviction of the
35 applicant, employee or volunteer is related to the position with
36 the charter school for which the applicant has applied or in which
37 the employee is employed or the volunteer wishes to serve, the
38 governing body of the charter school shall not employ the applicant
39 or employee or accept the volunteer, as applicable. If the
40 Superintendent of Public Instruction or the Superintendent's
41 designee determines that the conviction of the applicant, employee
42 or volunteer is unrelated to the position with the charter school for
43 which the applicant has applied or in which the employee is
44 employed or the volunteer wishes to serve, the governing body of



1 the charter school may employ the applicant or employee for that
2 position or accept the volunteer, as applicable.

3 7. The governing body of a charter school may use a
4 substantiated report of the abuse or neglect of a child, as defined in
5 NRS 392.281, or a violation of NRS 201.540, 201.560, 392.4633 or
6 394.366 *or section 2 of this act* obtained from the Statewide Central
7 Registry or an equivalent registry maintained by a governmental
8 agency in another jurisdiction:

9 (a) In making determinations concerning assignments, requiring
10 retraining, imposing discipline, hiring, accepting a volunteer or
11 termination; and

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

14 8. The governing body of a charter school:

15 (a) May accept gifts, grants and donations to carry out the
16 provisions of this section and NRS 388A.516.

17 (b) May not be held liable for damages resulting from any action
18 of the governing body authorized by subsection 2 or 7 or
19 NRS 388A.516.

20 **Sec. 21.** NRS 388A.5342 is hereby amended to read as
21 follows:

22 388A.5342 The governing body of a charter school shall
23 terminate the employment of any teacher or administrator who is
24 employed by the charter school but is not licensed pursuant to
25 chapter 391 of NRS upon his or her conviction of a:

26 1. Felony or crime involving moral turpitude; ~~for~~

27 2. Sex offense pursuant to NRS 200.366, 200.368, 201.190,
28 201.220, 201.230, 201.540 or 201.560 ~~or~~; *or*

29 **3. Violation of section 2 of this act.**

30 **Sec. 22.** NRS 388C.200 is hereby amended to read as follows:

31 388C.200 1. Except as otherwise provided in NRS 388C.205,
32 each applicant for employment with and employee at a university
33 school for profoundly gifted pupils, except a licensed teacher or
34 other person licensed by the Superintendent of Public Instruction,
35 and each volunteer at a university school for profoundly gifted
36 pupils who is likely to have unsupervised contact with pupils, must,
37 before beginning his or her employment or service as a volunteer
38 and at least once every 5 years thereafter, submit to the governing
39 body of the university school:

40 (a) A complete set of his or her fingerprints and written
41 permission authorizing the governing body to forward the
42 fingerprints to the Central Repository for Nevada Records of
43 Criminal History for its report on the criminal history of the
44 applicant, employee or volunteer and for submission to the Federal



1 Bureau of Investigation for its report on the criminal history of the
2 applicant, employee or volunteer; and

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

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

19 3. If the information obtained by the governing body pursuant
20 to subsection 1 or 2 or subsection 5 of NRS 388C.205 indicates that
21 the applicant, employee or volunteer has not been convicted of a
22 felony or an offense involving moral turpitude, the governing body
23 of the university school for profoundly gifted pupils may employ the
24 applicant or employee or accept the volunteer, as applicable.

25 4. If the information obtained by the governing body pursuant
26 to subsection 1 or 2 or subsection 5 of NRS 388C.205 indicates that
27 the applicant, employee or volunteer has been convicted of a felony
28 or an offense involving moral turpitude and the governing body of
29 the university school for profoundly gifted pupils does not
30 disqualify the applicant or employee from employment or the
31 volunteer from serving as a volunteer on the basis of that report, the
32 governing body shall, upon the written authorization of
33 the applicant, employee or volunteer forward a copy of the
34 information to the Superintendent of Public Instruction. If the
35 applicant, employee or volunteer refuses to provide his or her
36 written authorization to forward a copy of the report pursuant to this
37 subsection, the university school shall not employ the applicant or
38 employee or accept the volunteer, as applicable.

39 5. The Superintendent of Public Instruction or the
40 Superintendent's designee shall promptly review the information to
41 determine whether the conviction of the applicant, employee or
42 volunteer is related or unrelated to the position with the university
43 school for profoundly gifted pupils for which the applicant has
44 applied or in which the employee is employed or the volunteer
45 wishes to serve. The applicant, employee or volunteer shall, upon



1 the request of the Superintendent of Public Instruction or the
2 Superintendent's designee, provide any further information that the
3 Superintendent or the designee determines is necessary to make
4 the determination. If the governing body of the university school
5 desires to employ the applicant or employee or accept the volunteer,
6 the governing body shall, upon the request of the Superintendent of
7 Public Instruction or the Superintendent's designee, provide any
8 further information that the Superintendent or the designee
9 determines is necessary to make the determination. The
10 Superintendent of Public Instruction or the Superintendent's
11 designee shall provide written notice of the determination to the
12 applicant, employee or volunteer and to the governing body of the
13 university school.

14 6. If the Superintendent of Public Instruction or the
15 Superintendent's designee determines that the conviction of the
16 applicant, employee or volunteer is related to the position with
17 the university school for profoundly gifted pupils for which the
18 applicant has applied or in which the employee is employed or the
19 volunteer wishes to serve, the governing body of the university
20 school shall not employ the applicant or employee or accept the
21 volunteer, as applicable. If the Superintendent of Public Instruction
22 or the Superintendent's designee determines that the conviction of
23 the applicant, employee or volunteer is unrelated to the position with
24 the university school for which the applicant has applied or in
25 which the employee is employed or the volunteer wishes to serve,
26 the governing body of the university school may employ the
27 applicant or employee for that position or accept the volunteer, as
28 applicable.

29 7. The governing body of a university school for profoundly
30 gifted pupils may use a substantiated report of the abuse or neglect
31 of a child, as defined in NRS 392.281, or a violation of NRS
32 201.540, 201.560, 392.4633 or 394.366 *or section 2 of this act*
33 obtained from the Statewide Central Registry or an equivalent
34 registry maintained by a governmental agency in another
35 jurisdiction:

36 (a) In making determinations concerning assignments, requiring
37 retraining, imposing discipline, hiring, accepting a volunteer or
38 termination; and

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

41 8. The governing body of a university school for profoundly
42 gifted pupils:

43 (a) May accept any gifts, grants and donations to carry out the
44 provisions of this section and NRS 388C.205.



1 (b) May not be held liable for damages resulting from any action
2 of the governing body authorized by subsection 2 or 7 or
3 NRS 388C.205.

4 **Sec. 23.** NRS 391.033 is hereby amended to read as follows:

5 391.033 1. All licenses for teachers and other educational
6 personnel are granted by the Superintendent of Public Instruction
7 pursuant to regulations adopted by the Commission and as
8 otherwise provided by law.

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

11 3. Every applicant for a license must submit with his or her
12 application:

13 (a) A complete set of his or her fingerprints and written
14 permission authorizing the Superintendent to forward the
15 fingerprints to the Central Repository for Nevada Records of
16 Criminal History for its initial report on the criminal history of the
17 applicant and for reports thereafter upon renewal of the license
18 pursuant to subsection 8 of NRS 179A.075, and for submission to
19 the Federal Bureau of Investigation for its report on the criminal
20 history of the applicant; and

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

26 4. In conducting an investigation into the background of an
27 applicant for a license, the Superintendent may cooperate with any
28 appropriate law enforcement agency to obtain information relating
29 to the criminal history of the applicant, including, without
30 limitation, any record of warrants for the arrest of or applications for
31 protective orders against the applicant.

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

36 6. Except as otherwise provided in subsection 8, a license must
37 be issued to, or renewed for, as applicable, an applicant if:

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

40 (b) The information obtained by the Superintendent pursuant to
41 subsections 3 and 4:

42 (1) Does not indicate that the applicant has been convicted of
43 a felony or any offense involving moral turpitude or indicates that
44 the applicant has been convicted of a felony or an offense involving
45 moral turpitude but the Superintendent determines that the



1 conviction is unrelated to the position within the county school
2 district or charter school for which the applicant applied or for
3 which he or she is currently employed, as applicable;

4 (2) Does not indicate that there has been a substantiated
5 report of abuse or neglect of a child, as defined in NRS 432B.020,
6 or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 *or*
7 *section 2 of this act* made against the applicant in any state; and

8 (3) Does not indicate that the applicant has a warrant for his
9 or her arrest; and

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

12 7. If, pursuant to subparagraph (2) of paragraph (b) of
13 subsection 6, the information indicates that a substantiated report
14 has been made against the applicant in any state, the Superintendent
15 shall:

16 (a) Suspend the application process;

17 (b) Notify the applicant of the substantiated report; and

18 (c) Provide the applicant an opportunity to rebut the
19 substantiated report.

20 8. The Superintendent may deny an application for a license
21 pursuant to this section if:

22 (a) A report on the criminal history of the applicant from the
23 Federal Bureau of Investigation or the Central Repository for
24 Nevada Records of Criminal History indicates that the applicant has
25 been arrested for or charged with a sexual offense involving a minor
26 or pupil, including, without limitation, any attempt, solicitation or
27 conspiracy to commit such an offense; and

28 (b) The Superintendent provides to the applicant:

29 (1) Written notice of his or her intent to deny the application;
30 and

31 (2) An opportunity for the applicant to have a hearing.

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

38 10. If the Superintendent denies an application for a license
39 pursuant to this section, the Superintendent must, within 15 days
40 after the date on which the application is denied, provide notice of
41 the denial to the school district or charter school that employs the
42 applicant if the applicant is employed by a school district or charter
43 school. Such a notice must not state the reasons for denial.

44 11. The Department shall:



1 (a) Maintain a list of the names of persons whose applications
2 for a license are denied due to conviction of a sexual offense
3 involving a minor;

4 (b) Update the list maintained pursuant to paragraph (a)
5 monthly; and

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

8 12. The Superintendent shall forward all information obtained
9 from an investigation of an applicant pursuant to subsections 3 and 4
10 to the board of trustees of a school district, the governing body of a
11 charter school or university school for profoundly gifted pupils or
12 the administrator of a private school where the applicant is
13 employed or seeking employment. Except as otherwise provided in
14 this section, any information shared with the board of trustees of
15 a school district, the governing body of a charter school or
16 university school for profoundly gifted pupils or the administrator of
17 a private school is confidential and must not be disclosed to any
18 person other than the applicant. The board of trustees, governing
19 body or administrator, as applicable, may use a substantiated report
20 of the abuse or neglect of a child, as defined in NRS 392.281, or a
21 violation of NRS 201.540, 201.560, 392.4633 or 394.366 *or section*
22 *2 of this act* obtained from the Statewide Central Registry or an
23 equivalent registry maintained by a governmental agency in another
24 jurisdiction:

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

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

29 13. The Superintendent, the board of trustees of a school
30 district, the governing body of a charter school or university school
31 for profoundly gifted pupils or the administrator of a private
32 school may not be held liable for damages resulting from any action
33 of the Superintendent, board of trustees, governing body or
34 administrator, as applicable, authorized by subsection 4 or 12.

35 14. The Superintendent may enter into reciprocal agreements
36 with appropriate officials of other countries concerning the licensing
37 of teachers.

38 15. As used in this section, "sexual offense" has the meaning
39 ascribed to it in NRS 179D.097.

40 **Sec. 24.** NRS 391.104 is hereby amended to read as follows:

41 391.104 1. Except as otherwise provided in NRS 391.105,
42 each applicant for employment pursuant to NRS 391.100 or
43 employee, except a teacher or other person licensed by the
44 Superintendent of Public Instruction, or volunteer who is likely to
45 have unsupervised contact with pupils, must, before beginning his or



1 her employment or service as a volunteer and at least once every 5
2 years thereafter, submit to the school district:

3 (a) A full set of the applicant's, employee's or volunteer's
4 fingerprints and written permission authorizing the school district to
5 forward the fingerprints to the Central Repository for Nevada
6 Records of Criminal History for its report on the criminal history of
7 the applicant, employee or volunteer and for submission to the
8 Federal Bureau of Investigation for its report on the criminal history
9 of the applicant, employee or volunteer; and

10 (b) Written authorization for the board of trustees of the school
11 district to obtain any information concerning the applicant,
12 employee or volunteer that may be available from the Statewide
13 Central Registry and any equivalent registry maintained by a
14 governmental entity in a jurisdiction in which the applicant,
15 employee or volunteer has resided within the immediately preceding
16 5 years.

17 2. In conducting an investigation into the background of an
18 applicant, employee or volunteer, a school district may cooperate
19 with any appropriate law enforcement agency to obtain information
20 relating to the criminal history of the applicant, employee or
21 volunteer, including, without limitation, any record of warrants for
22 the arrest of or applications for protective orders against the
23 applicant, employee or volunteer.

24 3. The board of trustees of a school district may use a
25 substantiated report of the abuse or neglect of a child, as defined in
26 NRS 392.281, or a violation of NRS 201.540, 201.560, 392.4633 or
27 394.366 *or section 2 of this act* obtained from the Statewide Central
28 Registry or an equivalent registry maintained by a governmental
29 agency in another jurisdiction:

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

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

35 4. Except as otherwise provided in subsection 5, the board of
36 trustees of a school district shall not require a licensed teacher or
37 other person licensed by the Superintendent of Public Instruction
38 pursuant to NRS 391.033 who has taken a leave of absence from
39 employment authorized by the school district, including, without
40 limitation:

41 (a) Sick leave;

42 (b) Sabbatical leave;

43 (c) Personal leave;

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



1 (e) Maternity leave; and

2 (f) Leave permitted by the Family and Medical Leave Act of
3 1993, 29 U.S.C. §§ 2601 et seq.,

4 → to submit a set of his or her fingerprints as a condition of return
5 to or continued employment with the school district if the employee
6 is in good standing when the employee began the leave.

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

16 6. The board of trustees of a school district:

17 (a) May accept any gifts, grants and donations to carry out the
18 provisions of subsections 1 and 2 and NRS 391.105.

19 (b) May not be held liable for damages resulting from any action
20 of the board of trustees authorized by subsection 2 or 3 or
21 NRS 391.105.

22 **Sec. 25.** NRS 391.281 is hereby amended to read as follows:

23 391.281 1. Each applicant for employment or appointment
24 pursuant to this section or employee, except a teacher or other
25 person licensed by the Superintendent of Public Instruction, must,
26 before beginning his or her employment or appointment and at least
27 once every 5 years thereafter, submit to the school district:

28 (a) A full set of the applicant's or employee's fingerprints and
29 written permission authorizing the school district to forward the
30 fingerprints to the Central Repository for Nevada Records of
31 Criminal History for its report on the criminal history of the
32 applicant or employee and for submission to the Federal Bureau of
33 Investigation for its report on the criminal history of the applicant or
34 employee.

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

41 2. In conducting an investigation into the background of an
42 applicant or employee, a school district may cooperate with any
43 appropriate law enforcement agency to obtain information relating
44 to the criminal history of the applicant or employee, including,



1 without limitation, any record of warrants for the arrest of or
2 applications for protective orders against the applicant or employee.

3 3. The board of trustees of a school district may use a
4 substantiated report of the abuse or neglect of a child, as defined in
5 NRS 392.281, or a violation of NRS 201.540, 201.560, 392.4633 or
6 394.366 *or section 2 of this act* obtained from the Statewide Central
7 Registry or an equivalent registry maintained by a governmental
8 agency in another jurisdiction:

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

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

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

14 (a) May accept any gifts, grants and donations to carry out the
15 provisions of subsections 1 and 2.

16 (b) May not be held liable for damages resulting from any action
17 of the board of trustees authorized by subsection 2 or 3.

18 5. The board of trustees of a school district may employ or
19 appoint persons to serve as school police officers. If the board of
20 trustees of a school district employs or appoints persons to serve as
21 school police officers, the board of trustees shall employ a law
22 enforcement officer to serve as the chief of school police who is
23 supervised by the superintendent of schools of the school district.
24 The chief of school police shall supervise each person appointed or
25 employed by the board of trustees as a school police officer,
26 including any school police officer that provides services to a
27 charter school pursuant to a contract entered into with the board of
28 trustees pursuant to NRS 388A.384. In addition, persons who
29 provide police services pursuant to subsection 6 or 7 shall be
30 deemed school police officers.

31 6. The board of trustees of a school district in a county that has
32 a metropolitan police department created pursuant to chapter 280 of
33 NRS may contract with the metropolitan police department for the
34 provision and supervision of police services in the public schools
35 within the jurisdiction of the metropolitan police department and on
36 property therein that is owned by the school district and on property
37 therein that is owned or occupied by a charter school if the board of
38 trustees has entered into a contract with the charter school for the
39 provision of school police officers pursuant to NRS 388A.384. If a
40 contract is entered into pursuant to this subsection, the contract must
41 make provision for the transfer of each school police officer
42 employed by the board of trustees to the metropolitan police
43 department. If the board of trustees of a school district contracts
44 with a metropolitan police department pursuant to this subsection,
45 the board of trustees shall, if applicable, cooperate with appropriate



1 local law enforcement agencies within the school district for the
2 provision and supervision of police services in the public schools
3 within the school district, including, without limitation, any charter
4 school with which the school district has entered into a contract for
5 the provision of school police officers pursuant to NRS 388A.384,
6 and on property owned by the school district and, if applicable, the
7 property owned or occupied by the charter school, but outside the
8 jurisdiction of the metropolitan police department.

9 7. The board of trustees of a school district in a county that
10 does not have a metropolitan police department created pursuant to
11 chapter 280 of NRS may contract with the sheriff of that county for
12 the provision of police services in the public schools within the
13 school district, including, without limitation, in any charter school
14 with which the board of trustees has entered into a contract for the
15 provision of school police officers pursuant to NRS 388A.384, and
16 on property therein that is owned by the school district and, if
17 applicable, the property owned or occupied by the charter school.

18 8. The board of trustees of a school district shall ensure that
19 each school police officer receives training in the prevention of
20 suicide before beginning his or her service as a school police officer.

21 **Sec. 26.** NRS 391.330 is hereby amended to read as follows:

22 391.330 1. The State Board may suspend or revoke the
23 license of any teacher, administrator or other licensed employee, or
24 may issue a letter of reprimand to any teacher, administrator or other
25 licensed employee, after notice and an opportunity for hearing have
26 been provided pursuant to NRS 391.322 and 391.323, for:

27 (a) Unprofessional conduct.

28 (b) Immorality, as defined in NRS 391.650.

29 (c) Evident unfitness for service.

30 (d) Physical or mental incapacity which renders the teacher,
31 administrator or other licensed employee unfit for service.

32 (e) Conviction of a felony or crime involving moral turpitude.

33 (f) Conviction of a sex offense under NRS 200.366, 200.368,
34 201.190, 201.220, 201.230, 201.540 or 201.560 in which a pupil
35 enrolled in a school of a county school district was the victim.

36 (g) *Conviction of a violation of section 2 of this act.*

37 (h) Knowingly advocating the overthrow of the Federal
38 Government or of the State of Nevada by force, violence or
39 unlawful means.

40 ~~(h)~~ (i) Persistent defiance of or refusal to obey the regulations
41 of the State Board, the Commission or the Superintendent of Public
42 Instruction, defining and governing the duties of teachers,
43 administrators and other licensed employees.

44 ~~(h)~~ (j) Breaches in the security or confidentiality of the
45 questions and answers of the examinations that are administered



1 pursuant to NRS 390.105 and the college and career readiness
2 assessment administered pursuant to NRS 390.610.

3 ~~[(k)]~~ *(k)* Intentional failure to observe and carry out the
4 requirements of a plan to ensure the security of examinations and
5 assessments adopted pursuant to NRS 390.270 or 390.275.

6 ~~[(l)]~~ *(l)* An intentional violation of NRS 388.497 or 388.499.

7 ~~[(m)]~~ *(m)* Knowingly and willfully failing to comply with the
8 provisions of NRS 388.1351.

9 ~~[(n)]~~ *(n)* A substantiated report of abuse or neglect of a child,
10 as defined in NRS 432B.020, or a violation of NRS 201.540,
11 201.560, 392.4633 or 394.366 *or section 2 of this act* made against
12 the applicant in any state.

13 2. The State Board shall adopt regulations governing the
14 process by which a letter of reprimand may be issued to a teacher,
15 administrator or other licensed employee pursuant to this section,
16 including, without limitation, regulations concerning the time period
17 during which a letter of reprimand will remain on the record of the
18 teacher, administrator or other licensed employee.

19 3. A teacher, administrator or other licensed employee whose
20 license is suspended pursuant to this section:

21 (a) May apply to reinstate his or her license after the period of
22 suspension, as determined by the State Board, is completed; and

23 (b) If he or she applies to reinstate his or her license pursuant to
24 paragraph (a), shall:

25 (1) Submit a new application for licensure to the Department;
26 and

27 (2) Pay the appropriate fee for licensure.

28 4. A teacher, administrator or other licensed employee whose
29 license is revoked may not apply to reinstate his or her license and
30 the Department shall not grant a new license to such a person.

31 **Sec. 26.5.** NRS 391.355 is hereby amended to read as follows:

32 391.355 1. The State Board shall adopt rules of procedure for
33 the conduct of hearings conducted pursuant to NRS 391.323.

34 2. The rules of procedure must provide for boards of trustees of
35 school districts, governing bodies of charter schools or the
36 Superintendent of Public Instruction or the Superintendent's
37 designee to bring charges, when cause exists.

38 3. The rules of procedure must provide that:

39 (a) The licensed employee, board of trustees of a school district,
40 governing body of a charter school and Superintendent are entitled
41 to be heard, to be represented by an attorney and to call witnesses in
42 their behalf.

43 (b) The hearing officer selected pursuant to NRS 391.322 is
44 entitled to be reimbursed for his or her reasonable actual expenses.



1 (c) If requested by the hearing officer selected pursuant to NRS
2 391.322, an official transcript must be made.

3 (d) Except as otherwise provided in paragraph (e), the State
4 Board, licensed employee and the Department, board of trustees of a
5 school district or governing body of a charter school which initiated
6 the complaint resulting in the hearing are equally responsible for the
7 expense of and compensation for the hearing officer selected
8 pursuant to NRS 391.322 and the expense of the official transcript.
9 The State Board may bill the licensed employee or the Department,
10 board of trustees of a school district or governing body of a charter
11 school which initiated the complaint resulting in the hearing for
12 their percentage of any expenses incurred pursuant to this
13 paragraph.

14 (e) If the hearing results from a recommendation to revoke or
15 suspend a license based upon a conviction which is a ground for the
16 suspension or revocation of a license pursuant to paragraph (e), ~~for~~
17 (f) *or (g)* of subsection 1 of NRS 391.330, the licensed employee is
18 fully responsible for the expense of and compensation for the
19 hearing officer selected pursuant to NRS 391.322 and the expense of
20 the official transcript. The State Board may bill the licensed
21 employee for such expenses.

22 4. A hearing officer selected pursuant to NRS 391.322 shall,
23 upon the request of a party, issue subpoenas to compel the
24 attendance of witnesses and the production of books, records,
25 documents or other pertinent information to be used as evidence in
26 hearings conducted pursuant to NRS 391.323.

27 **Sec. 27.** NRS 391.650 is hereby amended to read as follows:

28 391.650 As used in NRS 391.650 to 391.826, inclusive, unless
29 the context otherwise requires:

30 1. "Administrator" means any employee who holds a license as
31 an administrator and who is employed in that capacity by a school
32 district.

33 2. "Board" means the board of trustees of the school district in
34 which a licensed employee affected by NRS 391.650 to 391.826,
35 inclusive, is employed.

36 3. "Demotion" means demotion of an administrator to a
37 position of lesser rank, responsibility or pay and does not include
38 transfer or reassignment for purposes of an administrative
39 reorganization.

40 4. "Immorality" means:

41 (a) An act forbidden by NRS 200.366, 200.368, 200.400,
42 200.508, 201.180, 201.190, 201.210, 201.220, 201.230, 201.265,
43 201.540, 201.560, 207.260, 453.316 to 453.336, inclusive, except an
44 act forbidden by NRS 453.337, 453.338, 453.3385 to 453.3405,
45 inclusive, 453.560 or 453.562; or



1 (b) An act forbidden by NRS 201.540 *or section 2 of this act* or
2 any other sexual conduct or attempted sexual conduct with a pupil
3 enrolled in an elementary or secondary school. As used in this
4 paragraph, "sexual conduct" has the meaning ascribed to it in
5 NRS 201.520.

6 5. "Postprobationary employee" means an administrator or a
7 teacher who has completed the probationary period as provided in
8 NRS 391.820 and has been given notice of reemployment. The term
9 does not include a person who is deemed to be a probationary
10 employee pursuant to NRS 391.730.

11 6. "Probationary employee" means:

12 (a) An administrator or a teacher who is employed for the period
13 set forth in NRS 391.820; and

14 (b) A person who is deemed to be a probationary employee
15 pursuant to NRS 391.730.

16 7. "Superintendent" means the superintendent of a school
17 district or a person designated by the board or superintendent to act
18 as superintendent during the absence of the superintendent.

19 8. "Teacher" means a licensed employee the majority of whose
20 working time is devoted to the rendering of direct educational
21 service to pupils of a school district.

22 **Sec. 28.** NRS 391.760 is hereby amended to read as follows:

23 391.760 1. If a superintendent has reason to believe that
24 cause exists for the dismissal of a licensed employee and the
25 superintendent is of the opinion that the immediate suspension of
26 the employee is necessary in the best interests of the pupils in the
27 district, the superintendent may suspend the employee without
28 notice and without a hearing. Within 10 days after the suspension
29 becomes effective, the superintendent shall begin proceedings
30 pursuant to NRS 391.680 to 391.800, inclusive, to carry out the
31 employee's dismissal. The employee is entitled to continue to
32 receive his or her salary and other benefits after the suspension
33 becomes effective until the date on which the dismissal proceedings
34 are commenced.

35 2. Notwithstanding the provisions of NRS 391.750, a
36 superintendent may suspend a licensed employee who has been
37 officially charged but not yet convicted of a felony or a crime
38 involving moral turpitude or immorality. If the charge is dismissed
39 or if the employee is found not guilty, the employee must be
40 reinstated with back pay, plus interest, and normal seniority. The
41 superintendent shall notify the employee in writing of the
42 suspension. Within 10 days after the date on which the employee
43 receives such notice, the superintendent shall provide the employee
44 with the opportunity for an informal hearing to address the
45 circumstances relating to the charges and any other circumstances



1 relating to the suspension. The superintendent shall issue a written
2 decision concerning the continuation of the suspension based on the
3 information presented at the hearing. The employee is entitled to
4 continue to receive his or her salary and other benefits after the
5 suspension becomes effective until the date on which the
6 superintendent issues the written decision. The superintendent may
7 recommend that an employee who has been charged with a felony or
8 a crime involving immorality be dismissed for another ground set
9 forth in NRS 391.750.

10 3. If sufficient grounds for dismissal are not found to exist at
11 the conclusion of the proceedings conducted pursuant to subsection
12 1 or 2, the employee must be reinstated with full compensation, plus
13 interest.

14 4. A licensed employee who furnishes to the school district a
15 bond or other form of security which is acceptable to the board as a
16 guarantee that the employee will repay any amounts paid to him or
17 her pursuant to this subsection as salary during a period of
18 suspension is entitled to continue to receive his or her salary from
19 the date on which the dismissal proceedings are commenced until
20 the decision of the board or the report of the hearing officer, if the
21 report is final and binding. The board shall not unreasonably refuse
22 to accept a form of security other than a bond. An employee who
23 receives a salary pursuant to this subsection shall repay it if the
24 employee is dismissed or not reemployed as a result of a decision of
25 the board or a report of a hearing officer.

26 5. A licensed employee who is convicted of a crime which
27 requires registration pursuant to NRS 179D.010 to 179D.550,
28 inclusive, or is convicted of an act forbidden by NRS 200.508,
29 201.190, 201.265, 201.540, 201.560 or 207.260 *or section 2 of this*
30 *act* forfeits all rights of employment from the date of his or her
31 arrest.

32 6. A licensed employee who is convicted of any crime and who
33 is sentenced to and serves any sentence of imprisonment forfeits all
34 rights of employment from the date of his or her arrest or the date on
35 which his or her employment terminated, whichever is later.

36 7. A licensed employee who is charged with a felony or a
37 crime involving immorality or moral turpitude and who waives his
38 or her right to a speedy trial while suspended may receive no more
39 than 12 months of back pay and seniority upon reinstatement if the
40 employee is found not guilty or the charges are dismissed, unless
41 proceedings have been begun to dismiss the employee upon one of
42 the other grounds set forth in NRS 391.750.

43 8. A superintendent may discipline a licensed employee by
44 suspending the employee with loss of pay at any time after a hearing
45 has been held which affords the due process provided for in this



1 chapter. The grounds for suspension are the same as the grounds
2 contained in NRS 391.750. An employee may be suspended more
3 than once during the employee's contract year, but the total number
4 of days of suspension may not exceed 20 in 1 contract year. Unless
5 circumstances require otherwise, the suspensions must be
6 progressively longer.

7 9. A licensed employee may be suspended pursuant to this
8 section and admonished pursuant to NRS 391.755 for the same
9 conduct.

10 **Sec. 29.** NRS 392.303 is hereby amended to read as follows:

11 392.303 1. In addition to the reporting required by NRS
12 432B.220, if, in his or her capacity as an employee of or volunteer
13 for a public school or private school, such an employee or volunteer
14 knows or has reasonable cause to believe that a child has been
15 subjected to:

16 (a) Abuse or neglect, sexual conduct in violation of NRS
17 201.540 , ~~for~~ luring in violation of NRS 201.560 by another
18 employee of or volunteer for a public school or private school ~~or~~ *or*
19 *a violation of section 2 of this act by another employee of or*
20 *volunteer for a public or private school*, the employee or volunteer
21 who has such knowledge or reasonable cause to believe shall report
22 the abuse or neglect, sexual conduct , ~~for~~ luring *or other violation*
23 to the agency which provides child welfare services in the county in
24 which the school is located and a law enforcement agency.

25 (b) Corporal punishment in violation of NRS 392.4633 or
26 394.366 by another employee of or volunteer for a public school or
27 private school, the employee or volunteer who has such knowledge
28 or reasonable cause to believe shall report the corporal punishment
29 to the agency which provides child welfare services in the county in
30 which the school is located.

31 2. A report pursuant to subsection 1 must be made as soon as
32 reasonably practicable but not later than 24 hours after the person
33 knows or has reasonable cause to believe that the child has been
34 subjected to abuse or neglect or a violation of NRS 201.540,
35 201.560, 392.4633 or 394.366 ~~or~~ *or section 2 of this act*.

36 3. If a law enforcement agency that receives a report pursuant
37 to paragraph (a) of subsection 1 concludes that there is not probable
38 cause to believe that the person allegedly responsible for the abuse
39 or neglect or who allegedly violated NRS 201.540 or 201.560 *or*
40 *section 2 of this act* committed the act of which he or she is
41 accused, the law enforcement agency shall notify the agency which
42 provides child welfare services of that determination.

43 4. If a school police officer receives a report pursuant to this
44 section of an offense that is punishable as a category A felony, the



1 school police officer shall notify the local law enforcement agency
2 that has jurisdiction over the school.

3 5. A law enforcement agency, other than a school police
4 officer, shall notify a school police officer, if such an officer is
5 employed in the school district, if the law enforcement agency
6 receives a report pursuant to this section of an offense that is
7 punishable as a felony and:

8 (a) Allegedly occurred:

9 (1) On the property of a public school for which the board of
10 trustees of the school district has employed or appointed school
11 police officers;

12 (2) At an activity sponsored by such a school; or

13 (3) On a school bus while the school bus was being used by
14 such a school for an official school-related purpose; or

15 (b) Was allegedly committed by a person who the law
16 enforcement agency has reasonable cause to believe is an employee
17 or volunteer of such a school.

18 6. An agency which provides child welfare services shall
19 assess all allegations contained in any report made pursuant to this
20 section and, if the agency deems appropriate, assign the matter for
21 investigation.

22 7. Nothing in NRS 392.275 to 392.365, inclusive, shall be
23 construed to prohibit an agency which provides child welfare
24 services and a law enforcement agency from undertaking
25 simultaneous investigations of the abuse or neglect of a child or a
26 violation of NRS 201.540 or 201.560 **or section 2 of this act.**

27 **Sec. 30.** NRS 392.317 is hereby amended to read as follows:

28 392.317 Except as otherwise provided in NRS 392.317 to
29 392.337, inclusive, and in addition to information provided pursuant
30 to NRS 392.337, information maintained by an agency which
31 provides child welfare services pursuant to NRS 392.275 to
32 392.365, inclusive, may, at the discretion of the agency which
33 provides child welfare services, be made available only to:

34 1. The child who is the subject of the report, the parent or
35 guardian of the child and an attorney for the child or the parent or
36 guardian of the child, if the identity of the person responsible for
37 reporting the abuse or neglect of the child or the violation of NRS
38 201.540, 201.560, 392.4633 or 394.366 **or section 2 of this act** to a
39 public agency and the identity of any child witness are kept
40 confidential and the information is reasonably necessary to promote
41 the safety, permanency and well-being of the child who is the
42 subject of the report;

43 2. A physician, if the physician has before him or her a child
44 who the physician has reasonable cause to believe has been abused



1 or neglected or subject to a violation of NRS 201.540, 201.560,
2 392.4633 or 394.366 ~~§~~ *or section 2 of this act*;

3 3. An agency, including, without limitation, an agency in
4 another jurisdiction, responsible for or authorized to undertake the
5 care or treatment or supervision of the child or investigate the
6 allegations in the report;

7 4. A district attorney or other law enforcement officer who
8 requires the information in connection with an investigation or
9 prosecution of the conduct alleged in the report;

10 5. A court, other than a juvenile court, for in camera inspection
11 only, unless the court determines that public disclosure of the
12 information is necessary for the determination of an issue before it;

13 6. A person engaged in bona fide research or an audit, but
14 information identifying the subjects of a report must not be made
15 available to the person;

16 7. A grand jury upon its determination that access to these
17 records and the information is necessary in the conduct of its official
18 business;

19 8. A federal, state or local governmental entity, or an agency of
20 such an entity, or a juvenile court, that needs access to the
21 information to carry out its legal responsibilities to protect children
22 from abuse and neglect and violations of NRS 201.540, 201.560,
23 392.4633 or 394.366 *or section 2 of this act* or similar statutes in
24 another jurisdiction;

25 9. A person or an organization that has entered into a written
26 agreement with an agency which provides child welfare services to
27 provide assessments or services and that has been trained to make
28 such assessments or provide such services;

29 10. A team organized pursuant to NRS 432B.405 to review the
30 death of a child;

31 11. Upon written consent of the parent, any officer of this State
32 or a city or county thereof or Legislator authorized by the agency or
33 department having jurisdiction or by the Legislature, acting within
34 its jurisdiction, to investigate the activities or programs of an agency
35 which provides child welfare services if:

36 (a) The identity of the person making the report is kept
37 confidential; and

38 (b) The officer, Legislator or a member of the family of the
39 officer or Legislator is not the person alleged to have engaged in the
40 conduct described in the report;

41 12. The Division of Parole and Probation of the Department of
42 Public Safety for use pursuant to NRS 176.135 in making a
43 presentence investigation and report to the district court or pursuant
44 to NRS 176.151 in making a general investigation and report;



1 13. A public school, private school, school district or
2 governing body of a charter school or private school in this State or
3 any other jurisdiction that employs a person named in the report,
4 allows such a person to serve as a volunteer or is considering
5 employing such a person or accepting such a person as a volunteer;

6 14. The school attended by the child who is the subject of the
7 report and the board of trustees of the school district in which the
8 school is located or the governing body of the school, as applicable;

9 15. An employer in accordance with subsection 3 of
10 NRS 432.100; and

11 16. The Committee to Review Suicide Fatalities created by
12 NRS 439.5104.

13 **Sec. 31.** NRS 392.325 is hereby amended to read as follows:

14 392.325 1. An agency which provides child welfare services
15 investigating a report made pursuant to NRS 392.303 shall, upon
16 request, provide to a person named in the report as allegedly causing
17 the abuse or neglect of a child or violating the provisions of NRS
18 201.540, 201.560, 392.4633 or 394.366 ~~§~~ *or section 2 of this act:*

19 (a) A copy of:

20 (1) Any statement made in writing to an investigator for the
21 agency by the person; or

22 (2) Any recording made by the agency of any statement
23 made orally to an investigator for the agency by the person; or

24 (b) A written summary of the allegations made against the
25 person. The summary must not identify the person who made the
26 report, any child witnesses to the allegations contained in the report
27 or any collateral sources and reporting parties.

28 2. A person may authorize the release of information
29 maintained by an agency which provides child welfare services
30 pursuant to NRS 392.275 to 392.365, inclusive, about himself or
31 herself, but may not waive the confidentiality of such information
32 concerning any other person.

33 3. An agency which provides child welfare services may
34 provide a summary of the outcome of an investigation of the
35 allegations in a report made pursuant to NRS 392.303 to the person
36 who made the report.

37 **Sec. 32.** NRS 392.337 is hereby amended to read as follows:

38 392.337 1. An agency which provides child welfare services
39 investigating a report made pursuant to NRS 392.303 shall, upon
40 completing the investigation, notify the parent or guardian of the
41 child who is the subject of the report of the disposition assigned to
42 the report pursuant to NRS 392.339.

43 2. If the report is substantiated, the agency shall:

44 (a) Forward the report to the Department of Education, the board
45 of trustees of the school district in which the school is located or the



1 governing body of the charter school or private school, as
2 applicable, the appropriate local law enforcement agency within the
3 county and the district attorney's office within the county for further
4 investigation.

5 (b) Provide written notification to the person who is named in
6 the report as allegedly causing the abuse or neglect of the child or
7 violating NRS 201.540, 201.560, 392.4633 or 394.366 *or section 2*
8 *of this act* which includes statements indicating that:

9 (1) The report made against the person has been
10 substantiated and the agency which provides child welfare services
11 intends to place the person's name in the Central Registry pursuant
12 to paragraph (a); and

13 (2) The person may request an administrative appeal of the
14 substantiation of the report and the agency's intention to place the
15 person's name in the Central Registry by submitting a written
16 request to the agency which provides child welfare services within
17 the time required by NRS 392.345.

18 (c) After the conclusion of any administrative appeal pursuant to
19 NRS 392.345 or the expiration of the time period prescribed by that
20 section for requesting an administrative appeal, whichever is later,
21 report to the Central Registry:

22 (1) Identifying and demographic information on the child
23 who is the subject of the report, the parents of the child, any other
24 person responsible for the welfare of the child and the person
25 allegedly responsible for the conduct alleged in the report;

26 (2) The facts of the alleged conduct, including the date and
27 type of alleged conduct, a description of the alleged conduct, the
28 severity of any injuries and, if applicable, any information
29 concerning the death of the child; and

30 (3) The disposition of the case.

31 (d) Provide to the parent or guardian of the child who is the
32 subject of the report:

33 (1) A written summary of the outcome of the investigation of
34 the allegations in the report which must not identify the person who
35 made the report, any child witnesses to the allegations in the report
36 or any collateral sources and reporting parties; and

37 (2) A summary of any disciplinary action taken against the
38 person who is named in the report as allegedly causing the abuse or
39 neglect of the child or violating NRS 201.540, 201.560, 392.4633 or
40 394.366 *or section 2 of this act* which is known by the agency,
41 including, without limitation, whether the name of such person will
42 be placed in the Central Registry.

43 3. A parent or guardian who receives information pursuant to
44 paragraph (d) of subsection 2 may disclose the information to an



1 attorney for the child who is the subject of the report or the parent or
2 guardian of the child.

3 **Sec. 33.** NRS 394.155 is hereby amended to read as follows:

4 394.155 1. Except as otherwise provided in NRS 394.157,
5 each applicant for employment with or employee at a private school,
6 except a licensed teacher or other person licensed by the
7 Superintendent of Public Instruction, or volunteer at a private school
8 who is likely to have unsupervised contact with pupils, must, before
9 beginning his or her employment or service as a volunteer and at
10 least once every 5 years thereafter, submit to the administrator of the
11 private school:

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

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

27 2. The administrator of the private school shall:

28 (a) Submit the fingerprints of the applicant to the Central
29 Repository for submission to the Federal Bureau of Investigation
30 and to such other law enforcement agencies as the administrator
31 deems necessary; and

32 (b) Request any information that may be available from the
33 Statewide Central Registry for the Collection of Information
34 Concerning the Abuse or Neglect of a Child established by NRS
35 432.100 and any equivalent registry maintained by a governmental
36 entity in a jurisdiction in which the applicant, employee or volunteer
37 has resided within the immediately preceding 5 years.

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

44 4. The administrator or governing body of a private school may
45 use a substantiated report of the abuse or neglect of a child, as



1 defined in NRS 392.281, or a violation of NRS 201.540, 201.560,
2 392.4633 or 394.366 *or section 2 of this act* obtained from the
3 Statewide Central Registry or an equivalent registry maintained by a
4 governmental agency in another jurisdiction:

5 (a) In making determinations concerning assignments, requiring
6 retraining, imposing discipline, hiring, accepting a volunteer or
7 termination; and

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

10 5. The administrator or governing body of a private school may
11 not be held liable for damages resulting from taking any action
12 authorized by subsection 3 or 4 or NRS 394.157.

13 **Sec. 34.** NRS 432.100 is hereby amended to read as follows:

14 432.100 1. There is hereby established a Statewide Central
15 Registry for the Collection of Information Concerning the Abuse or
16 Neglect of a Child. This Central Registry must be maintained by the
17 Division.

18 2. The Central Registry must contain:

19 (a) The information in any substantiated report of child abuse or
20 neglect made pursuant to NRS 392.303 or 432B.220;

21 (b) The information in any substantiated report of a violation of
22 NRS 201.540, 201.560, 392.4633 or 394.366 *or section 2 of this act*
23 made pursuant to NRS 392.303;

24 (c) Statistical information on the protective services provided in
25 this State; and

26 (d) Any other information which the Division determines to be
27 in furtherance of NRS 392.275 to 392.365, inclusive, 432.097 to
28 432.130, inclusive, and 432B.010 to 432B.400, inclusive.

29 3. The Division may release information contained in the
30 Central Registry to an employer if:

31 (a) The person who is the subject of a background investigation
32 by the employer provides written authorization for the release of the
33 information; and

34 (b) Either:

35 (1) The employer is required by law to conduct the
36 background investigation of the person for employment purposes; or

37 (2) The person who is the subject of the background
38 investigation could, in the course of his or her employment, have
39 regular and substantial contact with children or regular and
40 substantial contact with elderly persons who require assistance or
41 care from other persons,

42 ➔ but only to the extent necessary to inform the employer whether
43 the person who is the subject of the background investigation has
44 been found to have abused or neglected a child.



1 4. Except as otherwise provided in this section or by specific
2 statute, information in the Central Registry may be accessed only
3 by:

4 (a) An employee of the Division;

5 (b) An agency which provides child welfare services;

6 (c) An employee of the Division of Public and Behavioral
7 Health of the Department who is obtaining information in
8 accordance with NRS 432A.170; and

9 (d) With the approval of the Administrator, an employee or
10 contractor of any other state or local governmental agency
11 responsible for the welfare of children who requests access to the
12 information and who demonstrates to the satisfaction of the
13 Administrator a bona fide need to access the information. Any
14 approval or denial of a request submitted in accordance with this
15 paragraph is at the sole discretion of the Administrator.

16 **Sec. 35.** NRS 432.120 is hereby amended to read as follows:

17 432.120 1. Information contained in the Central Registry
18 must not be released unless the right of the applicant to the
19 information is confirmed, the information concerning the report of
20 abuse or neglect of the child or a violation of NRS 201.540,
21 201.560, 392.4633 or 394.366 *or section 2 of this act* has been
22 reported pursuant to NRS 392.337 or 432B.310, as applicable, the
23 released information discloses the disposition of the case and, if the
24 information is being provided pursuant to subsection 3 of NRS
25 432.100, the person who is the subject of the background
26 investigation provides written authorization for the release of the
27 information.

28 2. The information contained in the Central Registry
29 concerning cases in which a report of abuse or neglect of a child has
30 been substantiated by an agency which provides child welfare
31 services must be deleted from the Central Registry not later than 10
32 years after the child who is the subject of the report reaches the age
33 of 18 years.

34 3. The Division shall not release information from the Central
35 Registry regarding a report of child abuse or neglect made pursuant
36 to NRS 392.303 or 432B.220 that received a disposition other than
37 substantiated to any person or entity except for an agency which
38 provides child welfare services.

39 4. The Division shall adopt regulations to carry out the
40 provisions of this section.

41 **Sec. 36.** NRS 433.639 is hereby amended to read as follows:

42 433.639 1. Not later than 3 days after employing a person to
43 provide or supervise the provision of peer recovery support services
44 in a position where the person has regular and substantial contact
45 with minors or retaining a person as an independent contractor to



1 provide or supervise the provision of peer recovery support services
2 in such a position and every 5 years thereafter, an employer, or
3 person or entity who retained the independent contractor, shall:

4 (a) Obtain from the employee or independent contractor written
5 authorization for the release of any information that may be
6 available from the Statewide Central Registry for the Collection of
7 Information Concerning the Abuse or Neglect of a Child established
8 pursuant to NRS 432.100; and

9 (b) Complete a child abuse and neglect screening through the
10 Central Registry to determine whether there has been a substantiated
11 report of child abuse or neglect or a violation of NRS 201.540,
12 201.560, 392.4633 or 394.366 *or section 2 of this act* made against
13 the person.

14 2. Except as otherwise provided in any regulations adopted
15 pursuant to subsection 4, upon receiving information pursuant to
16 subsection 1 from the Central Registry or from any other source that
17 an employee or independent contractor described in subsection 1
18 has, within the immediately preceding 5 years, had a substantiated
19 report of child abuse or neglect or a violation of NRS 201.540,
20 201.560, 392.4633 or 394.366 *or section 2 of this act* made against
21 him or her, the employer or person or entity who retained the
22 independent contractor shall terminate the employment or contract
23 of the employee or independent contractor, as applicable, after
24 allowing the employee or independent contractor time to correct the
25 information as required pursuant to subsection 3.

26 3. If an employee or independent contractor described in
27 subsection 1 believes that the information provided to the employer
28 or person or entity who retained the independent contractor pursuant
29 to subsection 2 is incorrect, the employee or independent contractor
30 must inform the employer, person or entity immediately. The
31 employer, person or entity shall give any such employee or
32 independent contractor 30 days to correct the information.

33 4. The Division, in consultation with each agency which
34 provides child welfare services, may establish by regulation a
35 process by which it may review evidence upon request to determine
36 whether an employee or independent contractor described in
37 subsection 1 who has, within the immediately preceding 5 years,
38 had a substantiated report of child abuse or neglect or a violation of
39 NRS 201.540, 201.560, 392.4633 or 394.366 *or section 2 of this act*
40 made against him or her may continue to provide or supervise the
41 provision of peer recovery support services and have regular and
42 substantial contact with minors despite the report. Any such review
43 must be conducted in a manner which does not discriminate against
44 a person in violation of 42 U.S.C. §§ 2000e et seq.



1 5. If a process for review is established pursuant to subsection
2 4, an employee or independent contractor described in subsection 1
3 may request such a review in the manner established by the
4 Division. Any determination made by the Division is final for
5 purposes of judicial review.

6 6. During any period in which an employee or independent
7 contractor seeks to correct information pursuant to subsection 3 or
8 requests a review of information pursuant to subsection 5, it is
9 within the discretion of the employer or person or entity who
10 retained the independent contractor whether to allow the employee
11 or independent contractor to continue to work for the employer,
12 person or entity, as applicable, except that the employee or
13 independent contractor shall not have regular and substantial contact
14 with minors without supervision during such a period.

15 7. The Division shall adopt regulations to establish civil
16 penalties to be imposed against any person or entity that fails to
17 comply with the requirements of this section.

18 8. As used in this section, "agency which provides child
19 welfare services" has the meaning ascribed to it in NRS 424.011.

20 **Sec. 37.** The amendatory provisions of sections 1 to 36,
21 inclusive, of this act apply to offenses committed on or after
22 October 1, 2023.

