

SUMMARY—Establishes requirements relating to suspected substance use by a pupil.
(BDR 34-592)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.

Effect on the State: Yes.

AN ACT relating to education; requiring the Department of Education to adopt a policy concerning the notification of a parent or legal guardian of a pupil who has exhibited signs and behaviors consistent with substance use; requiring public and private schools to comply with that policy; requiring certain staff members of a school to file a report of child abuse or neglect under certain circumstances; requiring the Department to obtain certain data and that certain documents be provided to the Legislature upon request; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires: (1) each school district to adopt a plan to ensure that public schools are safe and free of controlled substances; and (2) each school district, university school for profoundly gifted pupils and charter school to prescribe rules of behavior required of and prohibited for pupils.
(NRS 388A.495, 388C.150, 392.463)

Section 2 of this bill requires the Department of Education to adopt an evidence-based policy concerning the notification of the parent or legal guardian of a pupil who has exhibited signs and



behaviors that are consistent with substance use. **Section 2** requires the policy to include: (1) the completion of a screening questionnaire concerning the mental health and substance use of the pupil; (2) holding at least one meeting to discuss the observed signs and behaviors; and (3) filing certain reports with the school concerning the questionnaire and the meetings. **Sections 2 and 6** of this bill require public and private schools to comply with the policy and destroy certain reports concerning signs and behaviors consistent with substance use by a pupil after the occurrence of certain events that eliminate the need to maintain the reports.

Existing law requires an employee of or volunteer for a public or private school who, in that capacity, knows or has reasonable cause to believe that a child has been subjected to abuse or neglect to report such abuse or neglect to the agency which provides child welfare services in the county in which the school is located and a law enforcement agency. (NRS 392.303) **Sections 2 and 6** require a staff member who witnesses signs and behaviors consistent with substance use and participates in a meeting concerning those signs and behaviors, or an administrator who participates in such a meeting, to file a report of child abuse if the staff member or administrator determines that the parent or guardian of the pupil is providing the substance to the pupil.

Sections 3 and 7 of this bill require: (1) the Department to obtain data from schools on the implementation and effectiveness of the policy adopted pursuant to **section 2** and provide such data to the Legislature upon request; and (2) a school to provide redacted copies of any reports in the possession of the school pursuant to **section 2 or 6**, as applicable, to the Legislature upon request. **Section 4** of this bill makes a conforming change to indicate the proper placement of **sections 2 and 3** in the Nevada Revised Statutes. **Sections 2, 3, 7 and 8** of this bill provide for the



confidentiality of questionnaires completed by pupils, reports concerning signs and behaviors consistent with substance use and the personally identifiable information of pupils and staff. **Section 9** of this bill requires the Department, on or before July 1, 2026, to adopt the policy required by **section 2** and submit that policy to the Director of the Legislative Counsel Bureau for transmittal to the Legislature and Joint Interim Standing Committee on Education.

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

Section 1. Chapter 392 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. *The Department shall adopt an evidence-based policy concerning the notification of the parent or legal guardian of a pupil who exhibits signs and behaviors that are consistent with substance use. The policy must include, without limitation, requirements that:*

(a) An administrator employed at the same school as the witnessing staff member shall contact the parent or legal guardian of the pupil to schedule a meeting with the parent or legal guardian, the pupil, the witnessing staff member, the administrator and, upon the request of the pupil, an employee or volunteer of the school chosen by the pupil.



(b) Before the meeting scheduled pursuant to paragraph (a), the administrator described in paragraph (a) shall provide to the pupil a questionnaire to screen for any mental health issues or substance use by the pupil.

(c) The pupil shall complete the questionnaire provided pursuant to paragraph (b) and return the completed questionnaire to the administrator before the meeting scheduled pursuant to paragraph (a).

(d) At the meeting scheduled pursuant to paragraph (a), the witnessing staff member or the administrator shall:

(1) Discuss the signs and behaviors consistent with substance use exhibited by the pupil and the results of the questionnaire completed pursuant to paragraph (c);

(2) Provide resources and recommendations on treatment for substance use to the parent or legal guardian of the pupil; and

(3) If the administrator determines it to be appropriate, schedule a second meeting to discuss the progress of the pupil and provide additional resources and recommendations.

(e) The witnessing staff member shall file with the school a report which includes, without limitation:

(1) A description of the signs and behaviors consistent with substance use exhibited by the pupil that the staff member has witnessed;

(2) A summary of the meeting scheduled pursuant to paragraph (a) and any additional meeting scheduled pursuant to paragraph (d); and

(3) A copy of the questionnaire completed pursuant to paragraph (c).



2. *A public school shall:*

(a) *Comply with the policy adopted pursuant to subsection 1;*

(b) *Provide the policy adopted pursuant to subsection 1 to each pupil at the beginning of the school year and to each new pupil who enters school during the school year, including, without limitation, notice that the pupil may request an employee or a volunteer of the school be present at the meeting scheduled pursuant to paragraph (a) of subsection 1; and*

(c) *Destroy a report filed pursuant to paragraph (e) of subsection 1 not later than 30 days after the later of:*

(1) *The date on which the pupil to whom the report pertains graduates from the public school; or*

(2) *The date on which the public school provides data from the report to the Department pursuant to section 3 of this act.*

3. *A witnessing staff member or an administrator who attends a meeting scheduled pursuant to paragraph (a) or (d) of subsection 1 shall file a report pursuant to NRS 392.303 if the witnessing staff member or administrator determines that:*

(a) *The pupil is using a substance; and*

(b) *A parent or legal guardian is providing access to the substance.*

4. *A questionnaire completed by a pupil pursuant to paragraph (c) of subsection 1 and a report filed pursuant to paragraph (e) of subsection 1 are confidential and are not public records.*

5. *As used in this section:*



(a) *“Alternative nicotine product” has the meaning ascribed to it in NRS 202.2485.*

(b) *“Nicotine” means cigarettes, cigars, chewing or pipe tobacco or alternative nicotine products.*

(c) *“Substance” means, except as provided in this paragraph, any controlled substance, nicotine, any vapor product or any other mind-altering or addictive substance. The term does not include:*

(1) Caffeine;

(2) A prescription drug that is lawfully prescribed to a pupil and used in accordance with that prescription; or

(3) A medication that is lawfully sold without a prescription and used in accordance with the directions of the manufacturer of the medication.

(d) *“Vapor product” has the meaning ascribed to it in NRS 202.2485.*

(e) *“Witnessing staff member” means a member of the staff of a school who witnesses a pupil exhibiting signs and behaviors consistent with substance use.*

Sec. 3. 1. *The Department shall annually request from each public school, and each public school shall provide, data on the implementation and effectiveness of the policy adopted pursuant to section 2 of this act. Such data must not contain the personally identifiable information of any person.*

2. *Upon the request of the Legislature or any committee thereof:*

(a) *The Department shall provide to the Legislature or committee, as applicable, the data collected by the Department pursuant to subsection 1.*



(b) A public school shall provide to the Legislature or committee, as applicable, a copy of any report in the possession of a public school pursuant to paragraph (e) of subsection 1 of section 2 of this act with any personally identifiable information contained in the report redacted.

Sec. 4. NRS 392.4601 is hereby amended to read as follows:

392.4601 As used in NRS 392.4601 to 392.472, inclusive, *and sections 2 and 3 of this act*, unless the context otherwise requires, the words and terms defined in NRS 392.4603, 392.4605 and 392.4607 have the meanings ascribed to them in those sections.

Sec. 5. Chapter 394 of NRS is hereby amended by adding thereto the provisions set forth as sections 6 and 7 of this act.

Sec. 6. 1. A private school shall:

(a) Comply with the evidence-based policy concerning the notification of the parent or legal guardian of a pupil who exhibits signs and behaviors that are consistent with substance use adopted by the Department pursuant to section 2 of this act;

(b) Provide the policy adopted pursuant to section 2 of this act to each pupil at the beginning of the school year and to each new pupil who enters school during the school year; and

(c) Destroy a report filed pursuant to paragraph (e) of subsection 1 of section 2 of this act 30 days after the later of:

(1) The date on which the pupil to whom the report pertains graduates from the private school; or



(2) The date on which the private school provides data from the report to the Department pursuant to section 7 of this act.

2. A witnessing staff member or an administrator who attends a meeting scheduled pursuant to paragraph (a) or (d) of subsection 1 of section 2 of this act shall file a report pursuant to NRS 392.303 if, during a meeting, the witnessing staff member or administrator determines that:

(a) The pupil is using a substance; and

(b) A parent or legal guardian is providing access to the substance.

3. As used in this section:

(a) "Substance" has the meaning ascribed to it in section 2 of this act.

(b) "Witnessing staff member" has the meaning ascribed to it in section 2 of this act.

Sec. 7. 1. The Department shall annually request from each private school, and each private school shall provide, data on the implementation and effectiveness of the policy adopted pursuant to section 2 of this act. Such data must not contain the personally identifiable information of any person.

2. Upon the request of the Legislature or any committee thereof:

(a) The Department shall provide to the Legislature or committee, as applicable, the data collected by the Department pursuant to subsection 1.

(b) A private school shall provide to the Legislature or committee, as applicable, a copy of any report in the possession of a private school pursuant to subsection 2 of section 6 of this act with any personally identifiable information contained in the report redacted.



Sec. 8. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 164.041, 172.075, 172.245, 176.01334, 176.01385, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 178.5717, 179.495, 179A.070, 179A.165, 179D.160, 180.600, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 218G.615, 224.240, 226.462, 226.796, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1285, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.545, 247.550, 247.560, 250.087, 250.130, 250.140, 250.145, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080,



289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.909, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 353D.250, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 427A.940, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.5282, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655,



587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 604D.500, 604D.600, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.043, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.2687, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.427, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 634B.730, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 670B.680, 671.365, 671.415, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325,



706.1725, 706A.230, 710.159, 711.600, *and section 2 of this act*, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental



entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

- (1) Was not created or prepared in an electronic format; and
- (2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

- (1) Give access to proprietary software; or
- (2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

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

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

Sec. 9. On or before July 1, 2026, the Department of Education shall:

1. Adopt the policy described in section 2 of this act; and



2. Submit to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Education and the 84th Session of the Legislature a copy of the policy adopted pursuant to section 2 of this act.

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

Sec. 11. This act becomes effective upon passage and approval.

