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SENATE BILL NO. 59—COMMITTEE ON EDUCATION

(ON BEHALF OF THE DEPARTMENT OF EDUCATION)

PREFILED NOVEMBER 20, 2024

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Referred to Committee on Education

SUMMARY—Revises provisions governing the licensing of educational personnel. (BDR 34-274)

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

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

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AN ACT relating to education; prohibiting licensed teachers and educational personnel from engaging in certain activities that constitute sexual impropriety with the grooming of a pupil; authorizing the Superintendent of Public Instruction and the State Board of Education to place an administrative hold on the license of a person who commits certain acts that may constitute grounds for disciplinary action; providing requirements governing the placement of an administrative hold; exempting a person with an administrative hold on his or her license from provisions governing the lapse of a license while school is in session; authorizing the State Board to suspend or revoke the license of a person who engages in grooming or sexual impropriety or who seeks or obtains new employment with a school district or charter school while the license of the licensee is subject to an administrative hold; eliminating provisions authorizing the Superintendent of Public Instruction to issue a provisional license to a person pending the receipt of certain criminal history reports; and providing other matters properly relating thereto.



**Legislative Counsel's Digest:**

1 Existing law authorizes the State Board of Education to suspend or revoke the  
2 license of a teacher, administrator or other licensed employee on certain grounds  
3 after notice and an opportunity for hearing. (NRS 391.330) **Section 3** of this bill  
4 authorizes the Superintendent of Public Instruction to place an administrative hold  
5 on a license without a hearing, pending further disciplinary proceedings by the  
6 State Board, if: (1) the licensee has been arrested for, or charged with, certain  
7 crimes or suspended from employment for an act which may be a ground for the  
8 suspension or revocation of a license; and (2) the Superintendent of Public  
9 Instruction finds that the alleged conduct presents a risk to the health, safety or  
10 welfare of pupils. **Section 3** requires the Superintendent of Public Instruction to  
11 immediately notify the licensee and the State Board that an administrative hold has  
12 been placed and transmit a recommendation to maintain the administrative hold.  
13 **Sections 9-12** of this bill authorize the State Board, after notice and an opportunity  
14 for hearing, to maintain an administrative hold on a license pending further  
15 disciplinary proceedings, if: (1) a licensee has been arrested for, or charged with,  
16 certain crimes or suspended from employment for an act which may be a ground  
17 for the suspension or revocation of a license; and (2) the State Board finds that the  
18 alleged conduct presents a risk to the health, safety or welfare of pupils. **Section 10**  
19 provides that an administrative hold remains in effect until: (1) removed by the  
20 State Board; (2) the license is suspended or revoked; or (3) the administrative hold  
21 expires, which occurs 1 year after the administrative hold was originally placed or  
22 maintained by the State Board.

23 **Section 4** of this bill authorizes a licensee who has an administrative hold  
24 placed on his or her license to continue to be employed by a school district or  
25 charter school at the discretion of his or her employer, but prohibits the licensee  
26 from seeking employment with or being employed by any other school district or  
27 charter school in this State while the administrative hold is in effect. **Section 12**  
28 adds a violation of the prohibition in **section 4** against seeking employment or  
29 being employed by another school district or charter school while an administrative  
30 hold is in effect to the list of offenses for which the State Board may suspend or  
31 revoke a license. **Section 4** also: (1) prohibits an administrative hold from being  
32 recorded as a disciplinary action in any permanent employment record; and (2)  
33 requires the Department, if an administrative hold is placed, to notify the school  
34 district or charter school that employs the licensee and make an entry to that effect  
35 in the Educator Identification Clearinghouse maintained by the National  
36 Association of State Directors of Teacher Education and Certification or its  
37 successor organization.

38 **Sections 7 and 8** of this bill make conforming changes to indicate provisions of  
39 existing law that apply to the suspension or revocation of a license and to an  
40 administrative hold on a license. (NRS 391.055, 391.3015)

41 **Section 2** of this bill: (1) prohibits a person licensed by the Superintendent of  
42 Public Instruction from engaging in sexual impropriety with, or grooming, certain  
43 pupils; (2) defines "sexual impropriety" and "grooming" for the purposes of this  
44 prohibition; and (3) provides that consent by a pupil is not a defense to such  
45 conduct in a proceeding before the State Board to suspend, revoke or place an  
46 administrative hold on a license or in a disciplinary action against a licensed  
47 employee of a school district, charter school or university school for profoundly  
48 gifted pupils. **Section 12** adds a violation of **section 2** to the list of offenses for  
49 which the State Board may suspend or revoke a license. **Section 13** of this bill  
50 makes a conforming change to revise an internal reference to a paragraph which  
51 was renumbered by **section 12**.

52 Existing law requires the Superintendent of Public Instruction to grant licenses  
53 for teachers and other educational personnel. (NRS 391.033) **Sections 5 and 6** of  
54 this bill remove the authority of the Superintendent of Public Instruction to issue a



55 provisional license to an applicant if, while awaiting receipt of certain reports on  
56 the criminal history of an applicant, the Superintendent of Public Instruction  
57 determines the applicant is qualified for licensure.

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

1       **Section 1.** Chapter 391 of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 2, 3 and 4 of this act.

3       **Sec. 2. 1.** *A person licensed pursuant to this chapter shall*  
4 *not engage in sexual impropriety with, or actions that constitute*  
5 *the grooming of a pupil:*

6       *(a) Who is enrolled in or attending the public school or private*  
7 *school at which the licensee is employed;*

8       *(b) Who was enrolled in or attending a public school or private*  
9 *school while the licensee was employed at that public school or*  
10 *private school and who has ceased to be enrolled in or attending*  
11 *that public school or private school for a period of less than 12*  
12 *months;*

13       *(c) Who is or was enrolled in or attending a public school or*  
14 *private school while the licensee was employed at that public*  
15 *school or private school if the licensee has ceased to be employed*  
16 *at that public school or private school for a period of less than 12*  
17 *months; or*

18       *(d) With whom the licensee has had contact in the course of*  
19 *performing his or her duties as a licensee if:*

20       *(1) The pupil is enrolled in or attending a public school or*  
21 *private school or was enrolled in or attending a public school or*  
22 *private school within the immediately preceding 12 months; or*

23       *(2) The licensee has ceased to be employed in a position*  
24 *requiring a license pursuant to this chapter for a period of less*  
25 *than 12 months.*

26       **2.** *Consent by a pupil to the conduct described in subsection 1*  
27 *is not a defense in any proceeding brought in accordance with the*  
28 *provisions of NRS 391.320 to 391.361, inclusive, and sections 2, 3*  
29 *and 4 of this act, or against any disciplinary action taken pursuant*  
30 *to NRS 391.650 to 391.826, inclusive.*

31       **3.** *In addition to any penalty prescribed by any other specific*  
32 *statute, a person who violates this section is subject to disciplinary*  
33 *action pursuant to NRS 391.330 or 391.750, or both.*

34       **4.** *As used in this section:*

35       **(a)** *“Grooming” means:*

36       **(1)** *Engaging in a pattern of flirtatious behavior;*

37       **(2)** *Making an effort to gain unreasonable access to, or*  
38 *time alone with, a pupil for no reasonable educational purpose;*



1           (3) *Engaging in behavior that can be reasonably construed*  
2 *as involving inappropriate personal or intimate relationships with,*  
3 *conduct toward or focus on a pupil; or*

4           (4) *Engaging in individualized and special treatment that is*  
5 *not in compliance with generally accepted educational practices.*

6           (b) *“Sexual impropriety” includes, without limitation:*

7           (1) *Telling sexual jokes or stories;*

8           (2) *Engaging in sexual kidding or teasing;*

9           (3) *Using sexual innuendos or making comments*  
10 *containing double entendre;*

11           (4) *Touching, either directly or through the clothing, of the*  
12 *genitalia, anus, groin, breast, inner thigh or buttocks of a pupil;*

13           (5) *Using spoken, written or electronic communication*  
14 *methods to:*

15           (I) *Importune, invite, participate with or entice a pupil*  
16 *to expose or touch his or her genitals or pubic area or those of*  
17 *another person; or*

18           (II) *Observe the genitals or pubic area of a pupil;*

19           (6) *Sexual advances or requests for sexual favors;*

20           (7) *A physically intimate, sexual or romantic relationship;*

21           (8) *Discussion of personal romantic or sexual feelings or*  
22 *activities;*

23           (9) *Except in the context of providing professional teaching*  
24 *or counseling services as required by a school district, discussion*  
25 *of the romantic or sexual feelings or activities of a pupil;*

26           (10) *Displaying, sharing or transmitting materials which*  
27 *are pornographic or sexually explicit and which lack serious*  
28 *literary, artistic, political or scientific value;*

29           (11) *Unless it is required to protect the safety of a pupil, any*  
30 *physical contact with a pupil that the pupil has previously*  
31 *indicated is unwelcome;*

32           (12) *Except as necessary to address violations of a dress*  
33 *code, referencing the physical appearance or clothing of a pupil in*  
34 *a way that could be reasonably interpreted as sexual;*

35           (13) *Self-disclosure or physical exposure of a sexual,*  
36 *romantic or erotic nature; or*

37           (14) *Any act committed with the intent of arousing,*  
38 *appealing to or gratifying the lust, passions or sexual desires of a*  
39 *person licensed pursuant to this chapter.*

40           **Sec. 3. 1. The Superintendent of Public Instruction may**  
41 **place an administrative hold on a license issued pursuant to this**  
42 **chapter, pending further disciplinary proceedings by the State**  
43 **Board pursuant to NRS 391.320 to 391.361, inclusive, and**  
44 **sections 2, 3 and 4 of this act, if:**

45           (a) *The licensee:*



1           (1) *Is arrested for, or charged with, a crime which may be a*  
2 *ground for the suspension or revocation of the person's license*  
3 *pursuant to NRS 391.330; or*

4           (2) *Is suspended from employment for an alleged act that, if*  
5 *proven, may be a ground for the suspension or revocation of the*  
6 *person's license pursuant to NRS 391.330; and*

7           (b) *The Superintendent of Public Instruction finds that the*  
8 *alleged conduct presents a risk to the health, safety or welfare of*  
9 *pupils.*

10          2. *If the Superintendent of Public Instruction places an*  
11 *administrative hold pursuant to this section, the Superintendent of*  
12 *Public Instruction shall immediately notify the licensee and*  
13 *transmit to the State Board a notice of the administrative hold and*  
14 *a recommendation to maintain the administrative hold.*

15          **Sec. 4. 1.** *A licensee who has an administrative hold placed*  
16 *on his or her license by the Superintendent of Public Instruction*  
17 *or the State Board:*

18           (a) *May, if employed by a school district or charter school at*  
19 *the time the administrative hold was placed, continue to be so*  
20 *employed at the discretion of the employing school district or*  
21 *charter school, subject to the terms of any collective bargaining*  
22 *agreement in effect between the licensee and his or her employer;*  
23 *and*

24           (b) *Shall not seek employment with, or be employed by, any*  
25 *other school district or charter school in this State while the*  
26 *administrative hold is in effect.*

27          2. *An administrative hold must not be recorded as a*  
28 *disciplinary action against the licensee in any permanent*  
29 *employment record. The suspension or revocation of a license for*  
30 *an act which served as the basis for the placement of an*  
31 *administrative hold is a disciplinary action and may be recorded as*  
32 *such in a permanent employment record.*

33          3. *If the Superintendent of Public Instruction or the State*  
34 *Board places an administrative hold on a license issued pursuant*  
35 *to this chapter, the Department shall:*

36           (a) *Notify the school district or charter school that employs the*  
37 *licensee that an administrative hold has been placed.*

38           (b) *In the Educator Identification Clearinghouse maintained*  
39 *by the National Association of State Directors of Teacher*  
40 *Education and Certification or its successor organization, make*  
41 *an entry indicating that an administrative hold has been placed on*  
42 *the license and that such an action does not constitute a*  
43 *disciplinary action against the licensee. If an administrative hold*  
44 *is lifted, the Department shall amend the entry to indicate that the*  
45 *administrative hold was lifted.*



**Sec. 5.** NRS 391.033 is hereby amended to read as follows:

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

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

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

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

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

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

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

~~—6.]~~ Except as otherwise provided in subsection ~~[8,]~~ 7, a license must be issued to, or renewed for, as applicable, an applicant if:

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

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

(1) Does not indicate that the applicant has been convicted of a felony or any offense involving moral turpitude or indicates that the applicant has been convicted of a felony or an offense involving moral turpitude but the Superintendent determines that the conviction is unrelated to the position within the county school district or charter school for which the applicant applied or for which he or she is currently employed, as applicable;



1 (2) Does not indicate that there has been a substantiated  
2 report of abuse or neglect of a child, as defined in NRS 432B.020,  
3 or a violation of NRS 201.540, 201.553, 201.560, 392.4633 or  
4 394.366 made against the applicant in any state; and

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

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

9 ~~7.1~~ 6. If, pursuant to subparagraph (2) of paragraph (b) of  
10 subsection ~~6.1~~ 5, the information indicates that a substantiated  
11 report has been made against the applicant in any state, the  
12 Superintendent shall:

13 (a) Suspend the application process;

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

15 (c) Provide the applicant an opportunity to rebut the  
16 substantiated report.

17 ~~8.1~~ 7. The Superintendent may deny an application for a  
18 license pursuant to this section if:

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

25 (b) The Superintendent provides to the applicant:

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

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

29 ~~9.1~~ 8. To request a hearing pursuant to subsection ~~8.1~~ 7, an  
30 applicant must submit a written request to the Superintendent within  
31 15 days after receipt of the notice by the applicant. Such a hearing  
32 must be conducted in accordance with regulations adopted by the  
33 State Board. If no request for a hearing is filed within that time, the  
34 Superintendent may deny the license.

35 ~~10.1~~ 9. If the Superintendent denies an application for a  
36 license pursuant to this section, the Superintendent must, within 15  
37 days after the date on which the application is denied, provide notice  
38 of the denial to the school district or charter school that employs the  
39 applicant if the applicant is employed by a school district or charter  
40 school. Such a notice must not state the reasons for denial.

41 ~~11.1~~ 10. The Superintendent may not be held liable for  
42 damages resulting from any action of the Superintendent authorized  
43 by subsection 4.



1 ~~[12:]~~ 11. The Superintendent may enter into reciprocal  
2 agreements with appropriate officials of other countries concerning  
3 the licensing of teachers.

4 ~~[13:]~~ 12. As used in this section, "sexual offense" has the  
5 meaning ascribed to it in NRS 179D.097.

6 **Sec. 6.** NRS 391.033 is hereby amended to read as follows:

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

11 2. 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 3. ~~The Superintendent may issue a provisional license pending  
27 receipt of the reports if the Superintendent determines that the  
28 applicant is otherwise qualified.~~

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

35 ~~[5:]~~ 4. Except as otherwise provided in subsection ~~[7:]~~ 6, a  
36 license must be issued to, or renewed for, as applicable, an applicant  
37 if the Superintendent determines that the applicant is qualified and  
38 the information obtained by the Superintendent pursuant to  
39 subsections 2 and ~~[4:]~~ 3:

40 (a) Does not indicate that the applicant has been convicted of a  
41 felony or any offense involving moral turpitude or the  
42 Superintendent determines, in his or her discretion, that any  
43 conviction indicated in the reports on the criminal history of the  
44 applicant is unrelated to the position within the county school





1 district or charter school for which the applicant applied or for  
2 which he or she is currently employed, as applicable;

3 (b) Does not indicate that there has been a substantiated report  
4 of abuse or neglect of a child, as defined in NRS 432B.020, or a  
5 violation of NRS 201.540, ~~for~~ 201.553, 201.560, 392.4633 or  
6 394.366 made against the applicant in any state; and

7 (c) Does not indicate that the applicant has a warrant for his or  
8 her arrest.

9 ~~6.1~~ 5. If, pursuant to paragraph (b) of subsection ~~5.1~~ 4, the  
10 information indicates that a substantiated report has been made  
11 against the applicant in any state, the Superintendent shall:

12 (a) Suspend the application process;

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

14 (c) Provide the applicant an opportunity to rebut the  
15 substantiated report.

16 ~~7.1~~ 6. The Superintendent may deny an application for a  
17 license pursuant to this section if:

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

24 (b) The Superintendent provides to the applicant:

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

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

28 ~~8.1~~ 7. To request a hearing pursuant to subsection ~~7.1~~ 6, an  
29 applicant must submit a written request to the Superintendent within  
30 15 days after receipt of the notice by the applicant. Such a hearing  
31 must be conducted in accordance with regulations adopted by the  
32 State Board. If no request for a hearing is filed within that time, the  
33 Superintendent may deny the license.

34 ~~9.1~~ 8. If the Superintendent denies an application for a license  
35 pursuant to this section, the Superintendent must, within 15 days  
36 after the date on which the application is denied, provide notice of  
37 the denial to the school district or charter school that employs the  
38 applicant if the applicant is employed by a school district or charter  
39 school. Such a notice must not state the reasons for denial.

40 ~~10.1~~ 9. The Superintendent may not be held liable for  
41 damages resulting from any action of the Superintendent authorized  
42 by subsection ~~4.1~~ 3.

43 ~~11.1~~ 10. The Superintendent may enter into reciprocal  
44 agreements with appropriate officials of other countries concerning  
45 the licensing of teachers.



1 ~~H2-1~~ **II.** As used in this section, “sexual offense” has the  
2 meaning ascribed to it in NRS 179D.097.

3 **Sec. 7.** NRS 391.055 is hereby amended to read as follows:

4 391.055 1. The Department shall adopt regulations that  
5 establish a procedure for the notification, tracking and monitoring of  
6 the status of criminal cases involving persons who are licensed  
7 pursuant to this chapter. The procedure must include, without  
8 limitation:

9 (a) A method by which the superintendent of schools of a school  
10 district and the administrative head of a charter school must notify  
11 the Department in a timely manner of the arrest of a person who is  
12 licensed pursuant to this chapter if:

13 (1) The act for which the licensee is arrested:

14 (I) May be a ground for the suspension or revocation of  
15 the person’s license pursuant to NRS 391.330; and

16 (II) Is not excluded by the Department from the  
17 notification requirements of this section; and

18 (2) The school district or charter school has knowledge of  
19 that arrest.

20 (b) A method by which the superintendent of schools of a school  
21 district and the administrative head of a charter school must notify  
22 the Department in a timely manner of:

23 (1) Each action, if any, taken against the licensee by the  
24 school district or charter school after the arrest; and

25 (2) The conviction of the licensee, if the licensee is convicted  
26 of the act for which he or she was arrested.

27 (c) The steps that the Department must follow in response to the  
28 receipt of notice pursuant to this section, including, without  
29 limitation, the preparation of a separate file on the licensee for the  
30 documentation and monitoring of the status of the case.

31 2. Each file that is maintained on a licensee pursuant to  
32 subsection 1 must include, without limitation:

33 (a) The date on which the person was arrested and the date on  
34 which the Department received notice of the arrest from the school  
35 district or charter school;

36 (b) The reason why the licensee was arrested;

37 (c) The steps taken by the Department in response to all notices  
38 received by the Department from a school district or charter school  
39 pursuant to subsection 1;

40 (d) An indication whether the case was referred to the Attorney  
41 General’s office for review and the date of the referral, if any;

42 (e) An indication whether the Superintendent of Public  
43 Instruction has presented the case to the State Board for action and  
44 the type of action recommended by the Superintendent, if any;



1 (f) A description of any action taken by the State Board against  
2 the licensee and the reason for that action or, if no action is taken by  
3 the State Board, the reason for the inaction; and

4 (g) The final resolution of the case and the date of resolution.

5 3. If the Department receives notice of a conviction of a  
6 licensee and the conviction is for an act which is a ground for the  
7 suspension or revocation of a license, the Superintendent of Public  
8 Instruction shall immediately recommend that the State Board  
9 ~~proceed~~ *suspend or revoke the license* in accordance with the  
10 provisions of NRS 391.320 to 391.361, inclusive ~~§~~, *and sections*  
11 *2, 3 and 4 of this act.*

12 4. If the Department maintains a file on a licensee pursuant to  
13 this section and the State Board determines that there is not  
14 sufficient evidence to suspend or revoke the license, the file and any  
15 related documents must not be made a part of that licensee's  
16 permanent employment record.

17 **Sec. 8.** NRS 391.3015 is hereby amended to read as follows:

18 391.3015 1. Except as otherwise provided by subsection 3, if  
19 the license of an employee lapses during a time that school is in  
20 session:

21 (a) The school district that employs him or her shall provide  
22 written notice to the employee of the lapse of the employee's license  
23 and of the provisions of this section;

24 (b) The employee must not be suspended from employment for  
25 the lapsed license for a period of 90 days after the date of the notice  
26 pursuant to paragraph (a) or the end of the school year, whichever is  
27 longer; and

28 (c) The employee's license shall be deemed valid for the period  
29 described in paragraph (b) for purposes of the employee's continued  
30 employment with the school district during that period.

31 2. If a school district complies with subsection 1 and an  
32 employee fails to reinstate his or her license within the time  
33 prescribed in paragraph (b) of subsection 1, his or her employment  
34 shall be deemed terminated at the end of the period described in  
35 paragraph (b) of subsection 1 and the school district is not otherwise  
36 required to comply with NRS 391.301 to 391.309, inclusive.

37 3. The provisions of this section do not apply to an employee  
38 whose:

39 (a) License has been *placed on an administrative hold or has*  
40 *been* suspended or revoked by the State Board pursuant to NRS  
41 391.320 to 391.361, inclusive ~~§~~, *and sections 2, 3 and 4 of this*  
42 *act;* or

43 (b) Application for renewal was denied by the Superintendent of  
44 Public Instruction pursuant to NRS 391.033.



1     **Sec. 9.** NRS 391.320 is hereby amended to read as follows:  
2     391.320 The State Board of Education may *place on*  
3     *administrative hold or* suspend or revoke the license of any teacher  
4     for any cause specified by law.

5     **Sec. 10.** NRS 391.322 is hereby amended to read as follows:  
6     391.322 1. If the board of trustees of a school district, the  
7     governing body of a charter school or the Superintendent of Public  
8     Instruction or the Superintendent's designee submits a  
9     recommendation to the State Board for the suspension or revocation  
10    of a license issued pursuant to this chapter ~~[ ]~~ *or the Superintendent*  
11    *of Public Instruction submits a recommendation to maintain an*  
12    *administrative hold placed by the Superintendent of Public*  
13    *Instruction on a license pursuant to section 3 of this act*, the State  
14    Board shall send written notice of the recommendation to the person  
15    to whom the license has been issued at the address on file with the  
16    Department.

17    2. A notice given pursuant to subsection 1 must contain:

18    (a) A statement of the charge upon which the recommendation is  
19    based;

20    (b) A copy of the recommendation received by the State Board;

21    (c) A statement that the licensee is entitled to a hearing before a  
22    hearing officer if the licensee makes a written request for the  
23    hearing as provided by subsection 3; ~~[and]~~

24    (d) *If an administrative hold has been placed on a license*  
25    *pursuant to section 3 of this act, the effective date of the*  
26    *administrative hold; and*

27    (e) A statement that the grounds and procedure for the  
28    *placement of an administrative hold on or the* suspension or  
29    revocation of a license are set forth in NRS 391.320 to 391.361,  
30    inclusive ~~[ ]~~, *and sections 2, 3 and 4 of this act.*

31    3. A licensee to whom notice has been given pursuant to this  
32    section may request a hearing before a hearing officer selected  
33    pursuant to subsection 4. Such a request must be in writing and must  
34    be filed with the Superintendent of Public Instruction within 15 days  
35    after receipt of the notice by the licensee.

36    4. Upon receipt of a request filed pursuant to subsection 3, the  
37    Superintendent of Public Instruction shall request from the Hearings  
38    Division of the Department of Administration a list of potential  
39    hearing officers. The licensee requesting a hearing and the  
40    Superintendent of Public Instruction shall select a person to serve as  
41    hearing officer from the list provided by the Hearings Division of  
42    the Department of Administration by alternately striking one name  
43    until the name of only one hearing officer remains. The  
44    Superintendent of Public Instruction shall strike the first name.



1 5. Except as otherwise provided in subsection 6, if no request  
2 for a hearing is filed within the time specified in subsection 3, the  
3 State Board may *maintain an administrative hold on the license,*  
4 suspend or revoke the license or take no action on the  
5 recommendation. *If the State Board takes no action on a*  
6 *recommendation to maintain an administrative hold placed by the*  
7 *Superintendent of Public Instruction, the administrative hold is*  
8 *lifted.*

9 6. If the Department receives notice of a conviction of a  
10 licensee and the conviction is for an act which is a ground for the  
11 suspension or revocation of a license, the State Board shall  
12 immediately process the recommendation *for the suspension or*  
13 *revocation* in accordance with the provisions of NRS 391.320 to  
14 391.361, inclusive ~~§~~, *and sections 2, 3 and 4 of this act.* If no  
15 request for a hearing is filed within the time specified in subsection  
16 3, the State Board may accept, reject or modify the  
17 recommendation.

18 7. *If the State Board maintains an administrative hold placed*  
19 *by the Superintendent of Public Instruction, the administrative*  
20 *hold remains in effect until the earlier of the date on which:*

21 (a) *The administrative hold is removed by the State Board*  
22 *upon the determination of the State Board that there is not*  
23 *sufficient evidence to suspend or revoke the license for the alleged*  
24 *act for which the administrative hold was placed;*

25 (b) *The State Board suspends or revokes the license in*  
26 *accordance with the provisions of NRS 391.320 to 391.361,*  
27 *inclusive, and sections 2, 3 and 4 of this act; or*

28 (c) *The administrative hold expires, which occurs 1 year after*  
29 *the date on which the administrative hold was originally placed or*  
30 *maintained by the State Board.*

31 **Sec. 11.** NRS 391.323 is hereby amended to read as follows:

32 391.323 1. Unless the parties agree to a later date, within 30  
33 days after the selection of a hearing officer pursuant to NRS  
34 391.322, the hearing officer shall conduct a hearing. Within 15 days  
35 after the conclusion of the hearing, the hearing officer shall prepare  
36 and file with the Superintendent of Public Instruction a report  
37 containing:

38 (a) A recommendation as to whether the license of the licensee  
39 should *have or continue to have an administrative hold placed on*  
40 *it or* be suspended or revoked; and

41 (b) Findings of fact and conclusions of law which support the  
42 recommendation.

43 2. The State Board may accept or reject the recommendation or  
44 refer the report back to the hearing officer for further evidence and  
45 recommendation, and shall notify the teacher, administrator or other



1 licensed employee in writing of its decision. ~~The~~ *Except for a*  
2 *decision to maintain an administrative hold, the* decision of the  
3 State Board is a final decision in a contested case.

4 **Sec. 12.** NRS 391.330 is hereby amended to read as follows:

5 391.330 1. The State Board may suspend or revoke the  
6 license of any teacher, administrator or other licensed employee, or  
7 may issue a letter of reprimand to any teacher, administrator or other  
8 licensed employee, after notice and an opportunity for hearing have  
9 been provided pursuant to NRS 391.322 and 391.323, for:

10 (a) Unprofessional conduct.

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

12 (c) Evident unfitness for service.

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

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

16 (f) Conviction of a sex offense under NRS 200.366, 200.368,  
17 201.190, 201.220, 201.230, 201.540 or 201.560 in which a pupil  
18 enrolled in a school of a county school district was the victim.

19 (g) *A violation of section 2 of this act.*

20 (h) Conviction of a violation of NRS 201.553.

21 ~~(i)~~ (i) Knowingly advocating the overthrow of the Federal  
22 Government or of the State of Nevada by force, violence or  
23 unlawful means.

24 ~~(j)~~ (j) Persistent defiance of or refusal to obey the regulations  
25 of the State Board, the Commission or the Superintendent of Public  
26 Instruction, defining and governing the duties of teachers,  
27 administrators and other licensed employees.

28 ~~(k)~~ (k) Breaches in the security or confidentiality of the  
29 questions and answers of the examinations that are administered  
30 pursuant to NRS 390.105 and the college and career readiness  
31 assessment administered pursuant to NRS 390.610.

32 ~~(l)~~ (l) Intentional failure to observe and carry out the  
33 requirements of a plan to ensure the security of examinations and  
34 assessments adopted pursuant to NRS 390.270 or 390.275.

35 ~~(m)~~ (m) An intentional violation of NRS 388.497 or 388.499.

36 ~~(n)~~ (n) Knowingly and willfully failing to comply with the  
37 provisions of NRS 388.1351.

38 ~~(o)~~ (o) A substantiated report of abuse or neglect of a child, as  
39 defined in NRS 432B.020, or a violation of NRS 201.540, 201.553,  
40 201.560, 392.4633 or 394.366 made against the applicant in any  
41 state.

42 (p) *A violation of paragraph (b) of subsection 1 of section 4 of*  
43 *this act.*

44 2. *The State Board may, after notice and an opportunity for*  
45 *hearing have been provided pursuant to NRS 391.322 and*



1 *391.323, maintain an administrative hold on a license issued*  
2 *pursuant to this chapter, pending further disciplinary proceedings*  
3 *by the State Board pursuant to NRS 391.320 to 391.361, inclusive,*  
4 *and sections 2, 3 and 4 of this act if:*

5 (a) *The licensee:*

6 (1) *Is arrested for, or charged with, a crime which may be a*  
7 *ground for the suspension or revocation of the person's license*  
8 *pursuant to this section; or*

9 (2) *Is suspended from employment for an alleged act that, if*  
10 *proven, may be a ground for the suspension or revocation of the*  
11 *person's license pursuant to this section; and*

12 (b) *The State Board finds that the alleged conduct presents a*  
13 *risk to the health, safety or welfare of pupils.*

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

20 ~~3.3~~ 4. A teacher, administrator or other licensed employee  
21 whose license is suspended pursuant to this section:

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

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

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

28 (2) Pay the appropriate fee for licensure.

29 ~~4.4~~ 5. A teacher, administrator or other licensed employee  
30 whose license is revoked may not apply to reinstate his or her  
31 license and the Department shall not grant a new license to such a  
32 person.

33 **Sec. 13.** NRS 391.355 is hereby amended to read as follows:

34 391.355 1. The State Board shall adopt rules of procedure for  
35 the conduct of hearings conducted pursuant to NRS 391.323.

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

40 3. The rules of procedure must provide that:

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





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

3 (c) If requested by the hearing officer selected pursuant to NRS  
4 391.322, an official transcript must be made.

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

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

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

29 **Sec. 14.** This act becomes effective upon passage and  
30 approval.

