

PROPOSED REGULATION OF THE DEPARTMENT OF EDUCATION

LCB File No. R031-14

Nevada Department of Education

Proposed Regulation Concerning Criminal Proceeding Notifications

Authority: NRS 391.055 - The Department will establish a procedure for the notification, tracking and monitoring of the status of criminal cases involving persons who are licensed pursuant to NRS Chapter 391; and NRS 385.200 - allows the Superintendent to prescribe regulations for making reports and conducting proceedings.

NAC Chapter 391 is amended by adding new sections as follows:

Sec. 1 - *“Timely manner” defined.*

“Timely manner” is defined as fifteen (15) calendar days.

Sec. 2 - *Procedure for the notification, tracking and monitoring of the status of criminal cases involving persons who are licensed pursuant to NRS Chapter 391*

- 1. Upon knowledge or notification of an arrest, pursuant to the policy adopted by the Board of Trustees, the superintendent of schools of a school district, or the administrative head of each charter school must notify the Department in writing in a timely manner by submitting a form prescribed by the Department.*
- 2. The form shall include information required by NRS 391.055, to include the following:*
 - a. The act for which the licensee was arrested;*
 - b. The date of the arrest;*
 - c. The alleged violation(s) or crime(s);*
 - d. If charging documents have been filed, the date they were filed, court case number(s), and the name and address of the court;*
 - e. Whether the alleged act(s) or violation(s) may be grounds for suspension or revocation of the person’s license pursuant to NRS 391.330, specifying which ground;*
 - f. Whether the alleged victim(s) of the alleged act or violation was a minor involved?*
 - g. Each action, if any, taken against the licensee by the school district or charter school after the arrest;*
 - h. The conviction of the licensee, if the licensee is convicted of the act for which he or she was arrested;*
 - i. If the case was resolved without a conviction, details of the resolution;*

- j. Whether the board of trustees of the school district or the governing body of the charter school recommends suspension or revocation of the licensee's license.*
- 3. After an initial submission of the form, with available information at the time of submittal, the superintendent or administrative head may update and amend the form with additional information as required.*
- 4. The superintendent of schools of a school district or the administrative head of a charter school shall update the form, in writing, in a timely manner, each time any information required by the form is received by the school district or charter school.*
- 5. Within a timely manner of receipt of this form, the Department shall send a copy of the form and any supporting documentation to the affected licensee by certified mail, allowing him or her to submit a written response within a timely manner.*
- 6. The Department will create, maintain, and monitor a file on a licensee pursuant to NRS 391.055(1) that is separate from the licensee's permanent license record.*
- 7. Arrests for the following types of acts are excluded from the reporting requirements of this subsection:*
 - a. minor traffic violation, or*
 - b. misdemeanor not involving a minor.*

Sec. 3 - Confidential Records Related to Criminal Cases (NRS 391.055, NRS 385.200)

- 1. Except as otherwise provided in this subsection, the following types of information and documents, which are maintained by the Department, are confidential including without limitation:*
 - a. The records or files submitted to the Department pursuant to subsections 1 through 3 of section 2;*
 - b. Any response received from the licensee pursuant to subsection 4 of NAC section 2; and*
 - c. The records and files created and maintained by the Department pursuant to subsection 5 of section 2.*
- 2. Except as otherwise provided by law, the following types of information, which may be included in the records and files created and maintained by the Department pursuant to subsection 5 of section 2, are not deemed confidential by this subsection:*
 - a. Court documents deemed by law to be public records, including without limitation arrest reports, charging documents, plea agreements, judgments of conviction or other documents showing final resolution of a case; and*
 - b. Documents presented to the State Board of Education in relation to the suspension or revocation of a license issued pursuant to NRS Chapter 391.*