

**PROPOSED REGULATION OF THE
DEPARTMENT OF EDUCATION**

LCB File No. R011-18

February 6, 2018

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

AUTHORITY: §1, NRS 391.055.

A REGULATION relating to education; revising provisions concerning the reporting of arrests of licensed employees of a school district or charter school; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Department of Education to adopt regulations that establish a procedure for the notification, tracking and monitoring of the status of criminal cases involving licensed educational personnel. (NRS 391.055) Existing law also requires the board of trustees of each school district and the governing body of each charter school to adopt a policy which requires a licensed employee to report to the school district or charter school if the employee is arrested for or convicted of a crime. (NRS 391.056) Existing regulations require each superintendent of a school district or administrative head of a charter school who receives such a report of the arrest of a licensed employee to notify the Department of the arrest on a form prescribed by the Department. (NAC 391.480) This regulation requires that form to include whether the victim of the alleged crime for which the licensed employee was arrested was a pupil enrolled at any public school or private school in this State.

Existing regulations provide that the superintendent of a school district or administrative head of a charter school is not required to submit such a form if the crime for which the licensed employee is arrested is a minor traffic violation. (NAC 391.480) This regulation instead provides that the superintendent of a school district or administrative head of a charter school is not required to submit such a form if the crime for which the licensed employee is arrested is a traffic violation punishable as a misdemeanor in this State other than driving under the influence of an intoxicating liquor or controlled substance.

Section 1. NAC 391.480 is hereby amended to read as follows:

391.480 1. Except as otherwise provided in subsection 6, not later than 15 calendar days after receiving notification or obtaining knowledge of the arrest of a licensed employee pursuant

to the policy adopted by the board of trustees of the school district or the governing body of the charter school, as applicable, pursuant to NRS 391.056 the superintendent of schools of the school district or the administrative head of the charter school, as applicable, must submit notification of the arrest of the licensed employee to the Department on a form prescribed by the Department.

2. The form prescribed by the Department for notification pursuant to subsection 1 must require the superintendent of schools of a school district or the administrative head of a charter school, as applicable, to provide:

(a) The act for which the licensed employee was arrested.

(b) The date on which the licensed employee was arrested.

(c) The alleged crime for which the licensed employee was arrested.

(d) If a charge has been filed against the licensed employee, each charge against the licensed employee, the date on which the charging document was filed, the name and address of the court in which the charging document was filed and the case number assigned by the court.

(e) Whether the alleged crime for which the licensed employee was arrested may be grounds for suspension or revocation of the license of the licensed employee pursuant to NRS 391.330 and, if so, the grounds for the suspension or revocation of the license.

(f) Whether the board of trustees of the school district or the governing body of the charter school recommends the suspension or revocation of the license of the licensed employee.

(g) Whether the victim of the alleged crime for which the licensed employee was arrested was a minor **H** *or a pupil enrolled at any public school or private school in this State.*

(h) Each action, if any, taken against the licensed employee by the school district or charter school after the arrest of the licensed employee.

(i) If the licensed employee is convicted of a crime, the crime for which he or she was convicted.

(j) If a charge against the licensed employee is resolved without a conviction, details of the resolution of the charge.

3. The superintendent of schools of a school district or the administrative head of a charter school, as applicable, must include in the initial form submitted pursuant to subsection 1 any information required by the form that is available to the superintendent or administrative head at the time the form is submitted. The superintendent or administrative head, as applicable:

(a) May update or amend a form submitted pursuant to subsection 1 as necessary.

(b) Not later than 15 calendar days after receiving notification or obtaining knowledge of any information required by subsection 2 that has not been submitted to the Department, shall update the form to include that information.

4. Upon receipt of an initial form pursuant to subsection 1, the Department will create, maintain and monitor a file concerning the licensed employee for whom the notification was received that is separate from the permanent license record of the licensed employee. Upon receipt of an update or amendment of the form pursuant to subsection 3, the Department will update the file maintained pursuant to this subsection.

5. Not later than 15 calendar days after receiving an initial form pursuant to subsection 1 or an update or amendment of the form pursuant to subsection 3, the Department will send by certified mail a copy of the form and any supporting documentation to the licensed employee named on the form. Not later than 15 calendar days after receiving a copy of the form and any supporting documentation pursuant to this subsection, the licensed employee may submit a written response to the information to the Department.

6. The superintendent of schools of a school district or the administrative head of a charter school, as applicable, is not required to submit the form required by subsection 1 if the violation or crime for which a licensed employee is arrested is ~~{a minor}~~ :

(a) *A traffic violation punishable as a misdemeanor in this State, other than driving under the influence of an intoxicating liquor or controlled substance as provided in NRS 484C.110;*
or ~~{a}~~

(b) *Any other* misdemeanor that does not involve a minor.

7. As used in this section:

(a) “Arrest” has the meaning ascribed to it in NRS 391.053.

(b) “License” means a license issued pursuant to chapter 391 of NRS.

(c) “Licensed employee” means an employee of a school district or charter school who is licensed pursuant to chapter 391 of NRS.

(d) “Minor” means a person who is under 18 years of age.