

**PROPOSED REGULATION OF THE  
STATE BOARD OF EDUCATION**

**LCB File No. R016-18**

March 27, 2018

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

AUTHORITY: §1, NRS 385.080 and 388A.515; §2, NRS 385.080 and 388C.200; §3, NRS 385.075, 385.080 and 391.104.

A REGULATION relating to education; prescribing the circumstances under which a volunteer at a public school will be deemed to have regular contact with pupils; providing that the governing body of a public school is not required to forward the fingerprints of a volunteer to the Central Repository for Nevada Records of Criminal History under certain circumstances; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law requires each volunteer at a charter school, university school for profoundly gifted pupils or other public school who is likely to have unsupervised or regular contact with pupils, before beginning his or her service as a volunteer and at least once every 5 years thereafter, to submit to the governing body of the school a complete set of fingerprints for the purpose of undergoing a criminal background check. (NRS 388A.515, 388C.200, 391.104) This regulation prescribes the circumstances under which a volunteer will be deemed to have regular contact with pupils, thus requiring a criminal background check. This regulation also provides that the governing body of a public school is not required to forward the fingerprints of a volunteer to the Central Repository for Nevada Records of Criminal History if the volunteer submits to the governing body evidence that he or she has passed a similar background check conducted by a federal, state or local governmental entity not more than 30 days before the fingerprints are required to be submitted.

**Section 1.** Chapter 388A of NAC is hereby amended by adding thereto a new section to read as follows:

*1. A volunteer at a charter school, including, without limitation, a parent or guardian of a pupil, student teacher, unpaid coach, advisor, tutor or mentor, shall be deemed to have regular*

*contact with pupils for the purposes of NRS 388A.515 if the volunteer interacts with pupils at the same charter school:*

*(a) At least four times in 1 month; or*

*(b) At least once each week for 2 or more consecutive weeks.*

*2. The governing body of a charter school is not required to forward fingerprints submitted by a volunteer pursuant to NRS 388A.515 to the Central Repository for Nevada Records of Criminal History if the volunteer submits to the governing body evidence acceptable to the governing body that:*

*(a) Not more than 30 days before the date on which the volunteer is required by NRS 388A.515 to submit his or her fingerprints, a federal, state or local governmental entity conducted an investigation into the criminal background of the volunteer that included the submission of fingerprints to the Federal Bureau of Investigation; and*

*(b) The criminal background investigation described in paragraph (a) did not indicate that the volunteer has been convicted of an offense listed in section 8 of Assembly Bill No. 77, chapter 341, Statutes of Nevada 2017, at page 2112 (NRS 388A.5342).*

**Sec. 2.** Chapter 388C of NAC is hereby amended by adding thereto a new section to read as follows:

*1. A volunteer at a university school for profoundly gifted pupils, including, without limitation, a parent or guardian of a pupil, student teacher, unpaid coach, advisor, tutor or mentor, shall be deemed to have regular contact with pupils for the purposes of NRS 388C.200 if the volunteer interacts with pupils at the same university school for profoundly gifted pupils:*

*(a) At least four times in 1 month; or*

*(b) At least once each week for 2 or more consecutive weeks.*

*2. The governing body of a university school for profoundly gifted pupils is not required to forward fingerprints submitted by a volunteer pursuant to NRS 388C.200 to the Central Repository for Nevada Records of Criminal History if the volunteer submits to the governing body evidence acceptable to the governing body that:*

*(a) Not more than 30 days before the date on which the volunteer is required by NRS 388C.200 to submit his or her fingerprints, a federal, state or local governmental entity conducted an investigation into the criminal background of the volunteer that included the submission of fingerprints to the Federal Bureau of Investigation; and*

*(b) The criminal background investigation described in paragraph (a) did not indicate that the volunteer has been convicted of a felony or an offense involving moral turpitude.*

**Sec. 3.** Chapter 391 of NAC is hereby amended by adding thereto a new section to read as follows:

*1. A volunteer at a public school, including, without limitation, a parent or guardian of a pupil, student teacher, unpaid coach, advisor, tutor or mentor, shall be deemed to have regular contact with pupils for the purposes of NRS 391.104 if the volunteer interacts with pupils at the same public school:*

*(a) At least four times in 1 month; or*

*(b) At least once each week for 2 or more consecutive weeks.*

*2. The board of trustees of a school district is not required to forward fingerprints submitted by a volunteer pursuant to NRS 391.104 to the Central Repository for Nevada Records of Criminal History if the volunteer submits to the board of trustees evidence acceptable to the board of trustees that:*

*(a) Not more than 30 days before the date on which the volunteer is required by NRS 391.104 to submit his or her fingerprints, a federal, state or local governmental entity conducted an investigation into the criminal background of the volunteer that included the submission of fingerprints to the Federal Bureau of Investigation; and*

*(b) The criminal background investigation described in paragraph (a) did not indicate that the volunteer has been convicted of a felony or an offense involving moral turpitude.*