

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

LCB File No. R016-18

August 7, 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; establishing when a volunteer at a public school will be deemed to have regular contact with pupils; exempting a volunteer from undergoing a background check if the volunteer has undergone a background check by another entity in 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 establishes when a volunteer will be deemed to have regular contact with pupils, thereby requiring a criminal background check. This regulation also allows a school to exempt a volunteer from a background check if the volunteer submits sufficient evidence or the entity responsible for conducting the background check otherwise determines that the volunteer has already undergone a background check for the same purpose within the immediately preceding 6 months and has been determined eligible to interact with pupils. In addition, this regulation allows a school to exempt a volunteer from a background check if the volunteer is employed in a position which required a background check and has been approved to have unsupervised meetings with pupils as part of his or her official duties.

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 4 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 sufficient evidence to the governing body or the governing body otherwise determines that:

(a) Not more than 6 months 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 or nonprofit entity conducted an investigation into the criminal background of the volunteer that included the submission of fingerprints to the Federal Bureau of Investigation for the purpose of interacting with pupils at school as a volunteer; and

(b) The person was determined eligible to interact with pupils as a volunteer after the investigation.

3. In addition to the exception described in subsection 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 sufficient evidence or the governing body otherwise determines that:

(a) The volunteer is employed by a federal, state or local governmental entity which 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 employer subsequently determined that the person is eligible to have unrestricted interaction with pupils as part of his or her official duties, which may include an unsupervised meeting with a pupil at a school.

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 4 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 sufficient evidence to the governing body or the governing body otherwise determines that:

(a) Not more than 6 months 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 or nonprofit entity conducted an investigation into the criminal background of the volunteer that included the submission of fingerprints to the Federal Bureau of Investigation for the purpose of interacting with pupils at school as a volunteer; and

(b) The person was determined eligible to interact with pupils as a volunteer after the investigation.

3. In addition to the exception described in subsection 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 sufficient evidence or the governing body otherwise determines that:

(a) The volunteer is employed by a federal, state or local governmental entity which 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 employer subsequently determined that the person is eligible to have unrestricted interaction with children as part of his or her official duties, which may include an unsupervised meeting with a pupil at a school.

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 4 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 sufficient evidence to the board of trustees or the board of trustees otherwise determines that:

(a) Not more than 6 months 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 or nonprofit entity conducted an investigation into the criminal background of the volunteer that included the submission of fingerprints to the Federal Bureau of Investigation for the purpose of interacting with pupils at school as a volunteer; and

(b) The person was determined eligible to interact with pupils as a volunteer after the investigation.

3. In addition to the exception described in subsection 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 sufficient evidence or the board of trustees otherwise determines that:

(a) The volunteer is employed by a federal, state or local governmental entity which 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 employer subsequently determined that the person is eligible to have unrestricted interaction with pupils as part of his or her official duties, which may include an unsupervised meeting with a pupil at a school.