

**REVISED ADOPTED REGULATION OF THE
SUPERINTENDENT OF PUBLIC INSTRUCTION**

LCB File No. R136-15

Effective

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

AUTHORITY:§1, NRS 385.200, 388A.110 and 388A.515, as amended by section 27 of Senate Bill No. 287, chapter 338, Statutes of Nevada 2017, at page 2073, section 9 of Assembly Bill No. 77, chapter 341, Statutes of Nevada 2017, at page 2113, and section 8.2 of Senate Bill No. 213, chapter 493, Statutes of Nevada 2017, at page 3149 and section 8 of Assembly Bill No. 77, chapter 341, Statutes of Nevada 2017, at page 2112; §2, NRS 385.200, 388C.110 and 388C.200; §§3-5, NRS 385.200, 391.033, as amended by section 31 of Senate Bill No. 287, chapter 338, Statutes of Nevada 2017, at page 2077, section 23 of Assembly Bill No. 77, chapter 341, Statutes of Nevada 2017, at page 2121, section 8.7 of Senate Bill No. 213, chapter 493, Statutes of Nevada 2017, at page 3152, and section 18 of Assembly Bill No. 362, chapter 556, Statutes of Nevada 2017, at page 3976, NRS 391.104, as amended by section 33 of Senate Bill No. 287, chapter 338, Statutes of Nevada 2017, at page 2079, and section 9 of Senate Bill No. 213, chapter 493, Statutes of Nevada 2017, at page 3154, and NRS 391.330.

A REGULATION relating to education; prescribing when the Superintendent of Public Instruction will deem a person to have been convicted of a crime involving moral turpitude or offense involving moral turpitude for certain purposes relating to the hiring and licensing of personnel to work in a public school and the acceptance of volunteers at a public school; clarifying that certain other crimes may be grounds for denial of employment or service as a volunteer; authorizing an applicant for a license who has been convicted of a crime to request that the Superintendent or the Superintendent's designee request additional opinions concerning whether those crimes are related to a position with a charter school or county school district; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Superintendent of Public Instruction to prescribe regulations for conducting all necessary proceedings for which the Superintendent is responsible. (NRS 385.200) Existing law also requires each applicant for licensure as a teacher or other educational personnel or for the renewal of such a license, each applicant for employment at a charter school or university school for profoundly gifted pupils who does not hold such a license and each person who wishes to serve as a volunteer for a charter school or county school district to undergo a criminal background check. A license may be granted to the applicant or the applicant

may be employed or allowed to volunteer, as applicable, if: (1) the reports on the criminal history of the applicant do not indicate that the applicant has been convicted of a felony or an offense involving moral turpitude; or (2) the reports on the criminal history of the applicant indicate that the applicant has been convicted of such an offense but the Superintendent determines that the conviction is not related to the position for which the applicant applied or is currently employed, as applicable. (NRS 388A.515, as amended by section 27 of Senate Bill No. 287, chapter 338, Statutes of Nevada 2017, at page 2073, section 9 of Assembly Bill No. 77, chapter 341, Statutes of Nevada 2017, at page 2113, and section 8.2 of Senate Bill No. 213, chapter 493, Statutes of Nevada 2017, at page 3149, NRS 388C.200, as amended by section 28 of Senate Bill No. 287, chapter 338, Statutes of Nevada 2017, at page 2075, and section 8.3 of Senate Bill No. 213, chapter 493, Statutes of Nevada 2017, at page 3150, NRS 391.033, as amended by section 31 of Senate Bill No. 287, chapter 338, Statutes of Nevada 2017, at page 2077, section 23 of Assembly Bill No. 77, chapter 341, Statutes of Nevada 2017, at page 2121, section 8.7 of Senate Bill No. 213, chapter 493, Statutes of Nevada 2017, at page 3152, section 18 of Assembly Bill No. 362, chapter 556, Statutes of Nevada 2017, at page 3976, and NRS 391.104, as amended by section 33 of Senate Bill No. 287, chapter 338, Statutes of Nevada 2017, at page 2079, and section 9 of Senate Bill No. 213, chapter 493, Statutes of Nevada 2017, at page 3154) Existing law also authorizes the board of trustees of a school district to ask the Superintendent to require a person licensed by the Superintendent who has taken a leave of absence from employment to undergo a criminal background check as a condition of return to or continued employment if the board of trustees has probable cause to believe that the person has committed a felony or an offense involving moral turpitude during his or her absence. (NRS 391.104, as amended by section 33 of Senate Bill No. 287, chapter 338, Statutes of Nevada 2017, at page 2079, and section 9 of Senate Bill No. 213, chapter 493, Statutes of Nevada 2017, at page 3154) Existing law additionally provides that conviction of a felony or crime involving moral turpitude is grounds for the suspension or revocation of a license. (NRS 391.330)

Sections 1-4 of this regulation prescribe the crimes that are deemed crimes or offenses involving moral turpitude for the purposes of: (1) issuing a license; (2) employment of an unlicensed person by a charter school, university school for profoundly gifted pupils or county school district; (3) acceptance of a volunteer by a charter school or county school district; (4) performing a background check on a licensed employee who has taken a leave of absence; or (5) suspending or revoking a license. **Sections 1-4** also clarify that the Superintendent may determine that a felony that is not a crime of moral turpitude is relevant to a position with a charter school, university school for profoundly gifted pupils or county school district and deny a person convicted of such a felony employment or the opportunity to serve as a volunteer. If the Superintendent determines that conviction of such a crime or a felony is related to the position for which an applicant for licensure has applied or is currently employed, **section 5** of this regulation authorizes such an applicant for the issuance or renewal of a license to request the Superintendent or the Superintendent's designee to request an additional opinion from certain persons. If, after considering such an opinion, the Superintendent or the Superintendent's designee determines that the conviction is not related to the position for which the applicant has applied or in which the applicant is currently employed, **section 5** provides that the Superintendent or the Superintendent's designee will issue or renew a license, as applicable.

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

1. As used in section 8 of Assembly Bill No. 77, chapter 341, Statutes of Nevada 2017, at page 2112, and NRS 388A.515, as amended by section 27 of Senate Bill No. 287, chapter 338, Statutes of Nevada 2017, at page 2073, section 9 of Assembly Bill No. 77, chapter 341, Statutes of Nevada 2017, at page 2113, and section 8.2 of Senate Bill No. 213, chapter 493, Statutes of Nevada 2017, at page 3149, the Superintendent of Public Instruction will consider a person to have been convicted of a crime involving moral turpitude or an offense involving moral turpitude, as applicable, if the person has been convicted of:

(a) An offense of a sexual nature in violation of NRS 200.364 to 200.373, inclusive, 200.378, 200.700 to 200.790, inclusive, 201.160 to 201.190, inclusive, 201.210, 201.220, 201.230, 201.235 to 201.254, inclusive, 201.256 to 201.2655, inclusive, 201.295 to 201.450, inclusive, or 201.470 to 201.560, inclusive.

(b) An offense involving involuntary servitude or trafficking in persons in violation of NRS 200.463 to 200.469, inclusive.

(c) An offense of a violent nature in violation of NRS 200.010 to 200.300, inclusive, 200.380 to 200.450, inclusive, or 200.471 to 200.490, inclusive, but not including a first violation of NRS 200.481 or 200.485 if that violation is punishable as a misdemeanor.

(d) Unlawful possession or use of a firearm, explosive or other weapon in violation of NRS 202.255 to 202.440, inclusive, or 202.750 to 202.840, inclusive.

(e) Terrorism in violation of NRS 202.441 to 202.449, inclusive.

- (f) Abuse, neglect or endangerment of a child or abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person in violation of NRS 200.508 to 200.5085, inclusive, 200.5099, 200.50995 or 201.110.*
- (g) Arson in violation of NRS 205.010 to 205.055, inclusive.*
- (h) Burglary or receipt of stolen property in violation of NRS 205.060 to 205.080, inclusive, 205.273, 205.2745 or 205.275.*
- (i) Kidnapping or false imprisonment in violation of NRS 200.310 to 200.359, inclusive, or 200.460.*
- (j) Aiding another person in the commission of an offense punishable as a felony or gross misdemeanor or rescuing a prisoner from lawful custody in violation of NRS 195.030 or 199.100.*
- (k) Identity theft in violation of NRS 205.461 to 205.4651, inclusive.*
- (l) An offense committed under color of authority in violation of NRS 197.200.*
- (m) Bribery, extortion or coercion in violation of NRS 197.010 to 197.110, inclusive, 201.570, 205.320, 205.322 or 207.190.*
- (n) Manufacturing, cultivation or distribution of a controlled substance in violation of NRS 453.316 to 453.348, inclusive.*
- (o) Cruelty to animals in violation of NRS 574.100 to 574.120, inclusive.*
- (p) Attempt, conspiracy or solicitation to commit any offense listed in paragraphs (a) to (o), inclusive.*
- (q) Any offense that is substantially similar to an offense listed in paragraphs (a) to (o), inclusive, whether committed in this State or another jurisdiction.*
- (r) If the person was convicted within the immediately preceding 10 years:*

(1) Possession of a controlled substance in violation of NRS 453.336 but excluding any conviction for possession of an amount of marijuana deemed to be for personal use in the jurisdiction where the conviction occurred.

(2) Contributing to the delinquency of a minor in violation of NRS 201.110.

(3) Fraud in violation of NRS 205.2747, 205.330 to 205.460, inclusive, 205.46513 to 205.4657, inclusive, 205.506, 205.520 to 205.810, inclusive, 205.880, 205.900, 205.920, 205.940, 205.950 or 205.960.

(4) Embezzlement in violation of NRS 205.300 to 205.312, inclusive.

(5) Forgery or counterfeiting in violation of NRS 205.085 to 205.217, inclusive, 205.2705, 205.481, 205.492 or 205.965.

(6) Grand larceny in violation of NRS 205.220 to 205.230, inclusive.

(7) Theft or facilitating theft in violation of NRS 205.0821 to 205.0835, inclusive, 205.267, 205.270, 205.2707, 205.2715, 205.860, 205.910, 205.930 or 205.970.

(8) Driving under the influence of alcohol or a prohibited substance in violation of NRS 484C.110, 484C.120, 484C.130 or 488.400 to 488.520, inclusive, if the offense is a second or subsequent offense or is punishable as a felony.

(9) Petit larceny in violation of NRS 205.240, if the offense is a second or subsequent offense.

(10) Attempt, conspiracy or solicitation to commit any offense listed in subparagraphs (1) to (9), inclusive.

(11) Any offense that is substantially similar to an offense listed in subparagraphs (1) to (9), inclusive, whether committed in this State or another jurisdiction.

2. A conviction of a crime punishable as a felony in this State that is not listed in subsection 1:

(a) Will not be considered a conviction of a crime involving moral turpitude or offense involving moral turpitude; and

(b) May be deemed by the Superintendent to be related to a position with the charter school for which an applicant has applied, an employee is employed or a volunteer wishes to serve pursuant to NRS 388A.515, as amended by section 27 of Senate Bill No. 287, chapter 338, Statutes of Nevada 2017, at page 2073, section 9 of Assembly Bill No. 77, chapter 341, Statutes of Nevada 2017, at page 2113, and section 8.2 of Senate Bill No. 213, chapter 493, Statutes of Nevada 2017, at page 3149.

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

1. As used in NRS 388C.100 and 388C.200, as amended by section 28 of Senate Bill No. 287, chapter 338, Statutes of Nevada 2017, at page 2075, and section 8.3 of Senate Bill No. 213, chapter 493, Statutes of Nevada 2017, at page 3150, the Superintendent of Public Instruction will consider a person to have been convicted of a crime involving moral turpitude or an offense involving moral turpitude, as applicable, if the person has been convicted of:

(a) An offense of a sexual nature in violation of NRS 200.364 to 200.373, inclusive, 200.378, 200.700 to 200.790, inclusive, 201.160 to 201.190, inclusive, 201.210, 201.220, 201.230, 201.235 to 201.254, inclusive, 201.256 to 201.2655, inclusive, 201.295 to 201.450, inclusive, or 201.470 to 201.560, inclusive.

(b) An offense involving involuntary servitude or trafficking in persons in violation of NRS 200.463 to 200.469, inclusive.

(c) An offense of a violent nature in violation of NRS 200.010 to 200.300, inclusive, 200.380 to 200.450, inclusive, or 200.471 to 200.490, inclusive, but not including a first violation of NRS 200.481 or 200.485 if that violation is punishable as a misdemeanor.

(d) Unlawful possession or use of a firearm, explosive or other weapon in violation of NRS 202.255 to 202.440, inclusive, or 202.750 to 202.840, inclusive.

(e) Terrorism in violation of NRS 202.441 to 202.449, inclusive.

(f) Abuse, neglect or endangerment of a child or abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person in violation of NRS 200.508 to 200.5085, inclusive, 200.5099, 200.50995 or 201.110.

(g) Arson in violation of NRS 205.010 to 205.055, inclusive.

(h) Burglary or receipt of stolen property in violation of NRS 205.060 to 205.080, inclusive, 205.273, 205.2745 or 205.275.

(i) Kidnapping or false imprisonment in violation of NRS 200.310 to 200.359, inclusive, or 200.460.

(j) Aiding another person in the commission of an offense punishable as a felony or gross misdemeanor or rescuing a prisoner from lawful custody in violation of NRS 195.030 or 199.100.

(k) Identity theft in violation of NRS 205.461 to 205.4651, inclusive.

(l) An offense committed under color of authority in violation of NRS 197.200.

(m) Bribery, extortion or coercion in violation of NRS 197.010 to 197.110, inclusive, 201.570, 205.320, 205.322 or 207.190.

(n) Manufacturing, cultivation or distribution of a controlled substance in violation of NRS 453.316 to 453.348, inclusive.

(o) Cruelty to animals in violation of NRS 574.100 to 574.120, inclusive.

(p) Attempt, conspiracy or solicitation to commit any offense listed in paragraphs (a) to (o), inclusive.

(q) Any offense that is substantially similar to an offense listed in paragraphs (a) to (o), inclusive, whether committed in this State or another jurisdiction.

(r) If the person was convicted within the immediately preceding 10 years:

(1) Possession of a controlled substance in violation of NRS 453.336 but excluding any conviction for possession of an amount of marijuana deemed to be for personal use in the jurisdiction where the conviction occurred.

(2) Contributing to the delinquency of a minor in violation of NRS 201.110.

(3) Fraud in violation of NRS 205.2747, 205.330 to 205.460, inclusive, 205.46513 to 205.4657, inclusive, 205.506, 205.520 to 205.810, inclusive, 205.880, 205.900, 205.920, 205.940, 205.950 or 205.960.

(4) Embezzlement in violation of NRS 205.300 to 205.312, inclusive.

(5) Forgery or counterfeiting in violation of NRS 205.085 to 205.217, inclusive, 205.2705, 205.481, 205.492 or 205.965.

(6) Grand larceny in violation of NRS 205.220 to 205.230, inclusive.

(7) Theft or facilitating theft in violation of NRS 205.0821 to 205.0835, inclusive, 205.267, 205.270, 205.2707, 205.2715, 205.860, 205.910, 205.930 or 205.970.

(8) Driving under the influence of alcohol or a prohibited substance in violation of NRS 484C.110, 484C.120, 484C.130 or 488.400 to 488.520, inclusive, if the offense is a second or subsequent offense or is punishable as a felony.

(9) Petit larceny in violation of NRS 205.240, if the offense is a second or subsequent offense.

(10) Attempt, conspiracy or solicitation to commit any offense listed in subparagraphs (1) to (9), inclusive.

(11) Any offense that is substantially similar to an offense listed in subparagraphs (1) to (9), inclusive, whether committed in this State or another jurisdiction.

2. A conviction of a crime punishable as a felony in this State that is not listed in subsection 1:

(a) Will not be considered a conviction of a crime involving moral turpitude or offense involving moral turpitude; and

(b) May be deemed by the Superintendent to be related to a position with the university school for profoundly gifted pupils for which an applicant has applied pursuant to NRS 388C.200.

Sec. 3. Chapter 391 of NAC is hereby amended by adding thereto the provisions set forth as sections 4 and 5 of this regulation.

Sec. 4. 1. *As used in NRS 391.033, as amended by section 31 of Senate Bill No. 287, chapter 338, Statutes of Nevada 2017, at page 2077, section 23 of Assembly Bill No. 77, chapter 341, Statutes of Nevada 2017, at page 2121, section 8.7 of Senate Bill No. 213, chapter 493, Statutes of Nevada 2017, at page 3152, and section 18 of Assembly Bill No. 362, chapter 556, Statutes of Nevada 2017, at page 3976, NRS 391.104, as amended by section 33 of Senate Bill No. 287, chapter 338, Statutes of Nevada 2017, at page 2079, and section 9 of Senate Bill No. 213, chapter 493, Statutes of Nevada 2017, at page 3154, and NRS 391.330, the Superintendent of Public Instruction will consider a person to have been convicted of a crime*

involving moral turpitude or an offense involving moral turpitude, as applicable, if the person has been convicted of:

(a) An offense of a sexual nature in violation of NRS 200.364 to 200.373, inclusive, 200.378, 200.700 to 200.790, inclusive, 201.160 to 201.190, inclusive, 201.210, 201.220, 201.230, 201.235 to 201.254, inclusive, 201.256 to 201.2655, inclusive, 201.295 to 201.450, inclusive, or 201.470 to 201.560, inclusive.

(b) An offense involving involuntary servitude or trafficking in persons in violation of NRS 200.463 to 200.469, inclusive.

(c) An offense of a violent nature in violation of NRS 200.010 to 200.300, inclusive, 200.380 to 200.450, inclusive, or 200.471 to 200.490, inclusive, but not including a first violation of NRS 200.481 or 200.485 if that violation is punishable as a misdemeanor.

(d) Unlawful possession or use of a firearm, explosive or other weapon in violation of NRS 202.255 to 202.440, inclusive, or 202.750 to 202.840, inclusive.

(e) Terrorism in violation of NRS 202.441 to 202.449, inclusive.

(f) Abuse, neglect or endangerment of a child or abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person in violation of NRS 200.508 to 200.5085, inclusive, 200.5099, 200.50995 or 201.110.

(g) Arson in violation of NRS 205.010 to 205.055, inclusive.

(h) Burglary or receipt of stolen property in violation of NRS 205.060 to 205.080, inclusive, 205.273, 205.2745 or 205.275.

(i) Kidnapping or false imprisonment in violation of NRS 200.310 to 200.359, inclusive, or 200.460.

(j) Aiding another person in the commission of an offense punishable as a felony or gross misdemeanor or rescuing a prisoner from lawful custody in violation of NRS 195.030 or 199.100.

(k) Identity theft in violation of NRS 205.461 to 205.4651, inclusive.

(l) An offense committed under color of authority in violation of NRS 197.200.

(m) Bribery, extortion or coercion in violation of NRS 197.010 to 197.110, inclusive, 201.570, 205.320, 205.322 or 207.190.

(n) Manufacturing, cultivation or distribution of a controlled substance in violation of NRS 453.316 to 453.348, inclusive.

(o) Cruelty to animals in violation of NRS 574.100 to 574.120, inclusive.

(p) Attempt, conspiracy or solicitation to commit any offense listed in paragraphs (a) to (o), inclusive.

(q) Any offense that is substantially similar to an offense listed in paragraphs (a) to (o), inclusive, whether committed in this State or another jurisdiction.

(r) If the person was convicted within the immediately preceding 10 years:

(1) Possession of a controlled substance in violation of NRS 453.336 but excluding any conviction for possession of an amount of marijuana deemed to be for personal use in the jurisdiction where the conviction occurred.

(2) Contributing to the delinquency of a minor in violation of NRS 201.110.

(3) Fraud in violation of NRS 205.2747, 205.330 to 205.460, inclusive, 205.46513 to 205.4657, inclusive, 205.506, 205.520 to 205.810, inclusive, 205.880, 205.900, 205.920, 205.940, 205.950 or 205.960.

(4) Embezzlement in violation of NRS 205.300 to 205.312, inclusive.

(5) Forgery or counterfeiting in violation of NRS 205.085 to 205.217, inclusive, 205.2705, 205.481, 205.492 or 205.965.

(6) Grand larceny in violation of NRS 205.220 to 205.230, inclusive.

(7) Theft or facilitating theft in violation of NRS 205.0821 to 205.0835, inclusive, 205.267, 205.270, 205.2707, 205.2715, 205.860, 205.910, 205.930 or 205.970.

(8) Driving under the influence of alcohol or a prohibited substance in violation of NRS 484C.110, 484C.120, 484C.130 or 488.400 to 488.520, inclusive, if the offense is a second or subsequent offense or is punishable as a felony.

(9) Petit larceny in violation of NRS 205.240, if the offense is a second or subsequent offense.

(10) Attempt, conspiracy or solicitation to commit any offense listed in subparagraphs (1) to (9), inclusive.

(11) Any offense that is substantially similar to an offense listed in subparagraphs (1) to (9), inclusive, whether committed in this State or another jurisdiction.

2. A conviction of a crime punishable as a felony in this State that is not listed in subsection 1:

(a) Will not be considered a conviction crime involving moral turpitude or offense involving moral turpitude; and

(b) May be deemed by the Superintendent to be related to a position within the county school district or charter school for which an applicant has applied, an employee is employed or a volunteer wishes to serve pursuant to NRS 391.033, as amended by section 31 of Senate Bill No. 287, chapter 338, Statutes of Nevada 2017, at page 2077, section 23 of Assembly Bill No. 77, chapter 341, Statutes of Nevada 2017, at page 2121, section 8.7 of Senate Bill No. 213,

chapter 493, Statutes of Nevada 2017, at page 3152, and section 18 of Assembly Bill No. 362, chapter 556, Statutes of Nevada 2017, at page 3976, or NRS 391.104, as amended by section 33 of Senate Bill No. 287, chapter 338, Statutes of Nevada 2017, at page 2079, and section 9 of Senate Bill No. 213, chapter 493, Statutes of Nevada 2017, at page 3154.

Sec. 5. 1. If the Superintendent of Public Instruction or the Superintendent's designee determines pursuant to NRS 391.033, as amended by section 31 of Senate Bill No. 287, chapter 338, Statutes of Nevada 2017, at page 2077, section 23 of Assembly Bill No. 77, chapter 341, Statutes of Nevada 2017, at page 2121, section 8.7 of Senate Bill No. 213, chapter 493, Statutes of Nevada 2017, at page 3152, and section 18 of Assembly Bill No. 362, chapter 556, Statutes of Nevada 2017, at page 3976, that the conviction of an applicant for licensure is related to the position with the county school district or charter school for which the applicant has applied, the applicant may request the Superintendent or the Superintendent's designee to seek an additional opinion from a person listed in subsection 2. Such a request must include, without limitation, written authorization pursuant to NRS 391.035 for the Superintendent or the Superintendent's designee to disclose the information included in the application and associated documents submitted by the applicant to each person whose opinion is sought.

2. The Superintendent or the Superintendent's designee may seek not more than three additional opinions pursuant to a request for an additional opinion submitted by the applicant pursuant to subsection 1. The Superintendent or the Superintendent's designee may request such an opinion from:

(a) A member of the Commission on Professional Standards in Education created by NRS 391.011, as amended by section 15 of Assembly Bill No. 77, chapter 341, Statutes of Nevada 2017, at page 2115;

(b) An employee of the Office for a Safe and Respectful Learning Environment created by NRS 388.1323;

(c) Any person licensed pursuant to chapter 391 of NRS;

(d) A parent or guardian of a pupil enrolled at a public school in this State; or

(e) A peace officer as defined in NRS 289.010.

3. The Superintendent or the Superintendent's designee may consider any opinion obtained pursuant to this section that is received within 30 days after the date on which the opinion was requested. After considering any such opinion, the Superintendent or the Superintendent's designee will determine whether the conviction of the applicant is related to the position with the county school district or charter school for which the applicant has applied. If the Superintendent or the Superintendent's designee determines that the conviction is not related to the position for which the applicant has applied and the applicant meets the other requirements for licensure set forth in NRS 391.033, as amended by section 31 of Senate Bill No. 287, chapter 338, Statutes of Nevada 2017, at page 2077, section 23 of Assembly Bill No. 77, chapter 341, Statutes of Nevada 2017, at page 2121, section 8.7 of Senate Bill No. 213, chapter 493, Statutes of Nevada 2017, at page 3152, and section 18 of Assembly Bill No. 362, chapter 556, Statutes of Nevada 2017, at page 3976, and any regulations adopted pursuant thereto, the Superintendent or the Superintendent's designee will issue a license to the applicant or renew the applicant's license, as applicable.

4. An opinion provided pursuant to this section may be provided verbally or in writing. If such an opinion is provided in writing, the opinion must:

(a) Be destroyed after the Superintendent or the Superintendent's designee makes a final determination concerning whether the conviction is related to the position with the county school district or charter school for which the applicant has applied; and

(b) Not be included in the application file of the applicant.

5. A determination of the Superintendent or the Superintendent's designee pursuant to this section is final and is not subject to review.