
ASSEMBLY BILL NO. 362—ASSEMBLYMEN TOLLES AND WATKINS

MARCH 20, 2017

JOINT SPONSORS: SENATORS GANSERT; AND SPEARMAN

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to educational personnel.
(BDR 34-1144)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

CONTAINS UNFUNDED MANDATE (§§ 9, 10)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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

AN ACT relating to education; prohibiting certain persons from assisting certain employees, contractors or agents who work at a public school to obtain new employment; prohibiting a local educational agency or public school from entering into certain agreements; requiring an applicant for employment who may have direct contact with pupils to provide certain information and written authorizations; requiring the board of trustees of a school district, governing body of a charter school, governing body of a university school for profoundly gifted pupils and certain independent contractors to take certain action regarding persons who may have direct contact with children; requiring certain employers to provide certain information regarding an applicant for employment who may have direct contact with children; authorizing the Department of Education to impose an administrative penalty; providing that a teacher or administrator may be subject to disciplinary action for certain violations; requiring the Superintendent of Public Instruction to provide certain notice when an application for a license is denied; providing penalties; and providing other matters properly relating thereto.



* A B 3 6 2 *

Legislative Counsel's Digest:

1 Sections 6, 7 and 22 of this bill incorporate in state law certain provisions of
2 federal law designed to prevent persons who have engaged in sexual misconduct
3 with a minor from obtaining new employment.

4 Section 8 of this bill requires an applicant for employment with a school
5 district, charter school, university school for profoundly gifted pupils and certain
6 independent contractors who may have direct contact with pupils to provide to the
7 prospective employer: (1) information relating to his or her employment history;
8 and (2) written authorization for a current or previous employer to release
9 information relating to his or her employment. Section 8 also provides that an
10 applicant for employment who knowingly provides false information or willfully
11 fails to disclose information is subject to discipline and is guilty of a misdemeanor.

12 Section 9 of this bill requires the governing body of a public school, including
13 the board of trustees of a school district, governing body of a charter school and
14 governing body of a university school for profoundly gifted pupils, or an
15 independent contractor who receives the information described in section 8 to: (1)
16 verify the information received; (2) ensure that the applicant has a license
17 authorizing him or her to teach or perform other educational functions if a license is
18 required; and (3) verify that the Department of Education has not received notice
19 that the applicant is a defendant in a criminal case.

20 Section 10 of this bill requires the governing body of a public school and an
21 independent contractor to take certain action to obtain additional information if a
22 current or previous employer of an applicant indicates that the applicant is or was
23 the subject of an investigation concerning an alleged sexual offense.

24 Sections 9 and 10 also provide that any person who is contacted by the
25 governing body of a public school or an independent contractor and asked to
26 provide information, but willfully fails to disclose information is subject to
27 discipline, including a civil penalty.

28 Section 11 of this bill authorizes the governing body of a public school and an
29 independent contractor to: (1) consider the information received pursuant to
30 sections 8-10 when making an employment decision; and (2) report the information
31 received to certain entities.

32 Section 12 of this bill requires an independent contractor who employs a
33 person who may have direct contact with pupils to maintain a record for each such
34 employee and, upon request, provide this record to the governing body of the public
35 school at which an employee has been assigned to perform work. Section 12 also:
36 (1) requires an independent contractor to provide certain information to the
37 governing body of a public school before assigning an employee to perform work at
38 a location; and (2) prohibits an independent contractor from assigning an employee
39 to perform work at a school if the governing body of the school objects to the
40 assignment.

41 Section 13 of this bill authorizes the governing body of a public school to allow
42 provisional employment of a person pending review of the information received
43 pursuant to sections 8-10 in certain circumstances.

44 Section 14 of this bill provides that nothing in sections 2-17 of this bill shall be
45 construed to: (1) prevent a prospective employer from conducting further
46 investigations of a prospective employee; (2) prohibit a person from disclosing
47 more information than is required by this bill; or (3) relieve a person of a duty to
48 report prescribed by state or federal law.

49 Section 15 prohibits the governing body of a public school or an independent
50 contractor from entering into any agreement that: (1) has the effect of suppressing
51 information relating to an investigation concerning a report of suspected abuse or
52 sexual misconduct by a current or former employee; (2) affects the ability of the
53 governing body or independent contractor to report suspected abuse or sexual
54 misconduct; or (3) requires the governing body or independent contractor to



55 expunge certain information from any documents maintained by the governing
56 body or independent contractor.

57 **Sections 16 and 21** provide that any information collected from an applicant
58 for employment or an employer pursuant to **sections 8-10** is confidential and is not
59 a public book or record.

60 **Section 17** authorizes the Department of Education to impose an administrative
61 penalty on any person found, after notice and a hearing, to have willfully violated
62 the provisions of **sections 2-17**. **Section 17** also prohibits the governing body of a
63 public school from contracting with an independent contractor who has been found
64 to have willfully violated the provisions of **sections 2-17**. **Section 19** provides that
65 a teacher or administrator may be subject to disciplinary action for willfully
66 violating the provisions of **sections 2-17**.

67 Existing law requires the Superintendent of Public Instruction to grant all
68 licenses for teachers and other educational personnel. (NRS 391.033) **Section 18**
69 requires the Superintendent to provide notice to a school district or charter school
70 that employs an applicant whenever an application for a license is denied.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 391 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 17, inclusive, of this
3 act.

4 **Sec. 2.** *As used in sections 2 to 17, inclusive, of this act,*
5 *unless the context otherwise requires, the words and terms defined*
6 *in sections 3, 4 and 5 of this act have the meanings ascribed to*
7 *them in those sections.*

8 **Sec. 3.** *“Local educational agency” has the meaning*
9 *ascribed to it in 20 U.S.C. § 7801(30)(A).*

10 **Sec. 4.** *“Sexual misconduct” means any act, including,*
11 *without limitation, any verbal, nonverbal, written or electronic*
12 *communication or physical activity, directed toward or with a*
13 *child, regardless of the age of the child, that is designed to*
14 *establish a romantic or sexual relationship with the child.*

15 **Sec. 5.** *“Sexual offense” has the meaning ascribed to it in*
16 *NRS 179D.097.*

17 **Sec. 6. 1.** *Except as otherwise provided in subsection 2, the*
18 *Department, a local educational agency or an employee,*
19 *contractor or agent thereof who works at a public school shall not*
20 *assist an employee, contractor or agent who works at a school to*
21 *obtain new employment, apart from the routine transmission of*
22 *administrative and personnel files, if the person or entity knows*
23 *or has probable cause to believe that such an employee, contractor*
24 *or agent has engaged in sexual misconduct regarding a minor or*
25 *pupil.*

26 **2.** *The provisions of subsection 1 do not apply if:*



1 (a) *The information giving rise to probable cause has been*
2 *properly reported to a law enforcement agency with jurisdiction*
3 *over the alleged misconduct and any other authorities required by*
4 *federal, state or local law, including, without limitation, Title IX of*
5 *the Education Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq.,*
6 *and any regulations adopted pursuant thereto, and the matter has*
7 *been officially closed, or the District Attorney or law enforcement*
8 *agency with jurisdiction over the alleged misconduct has*
9 *investigated the allegations and notified school officials that there*
10 *is insufficient information to establish probable cause that the*
11 *employee, contractor or agent engaged in sexual misconduct*
12 *regarding a minor or pupil;*

13 (b) *The employee, contractor or agent has been charged with*
14 *and acquitted or otherwise exonerated of the alleged misconduct;*
15 *or*

16 (c) *The case or investigation remains open and there have*
17 *been no charges filed against, or indictment of, the employee,*
18 *contractor or agent within 4 years after the date on which the*
19 *information was reported to a law enforcement agency.*

20 3. *The State Board may adopt regulations to enforce the*
21 *provisions of this section.*

22 **Sec. 7.** *A local educational agency or a public school shall*
23 *not enter into any agreement with a person convicted of a sexual*
24 *offense involving a minor to keep the conviction or the*
25 *circumstances surrounding the offense confidential.*

26 **Sec. 8. 1.** *In addition to fulfilling the requirements for*
27 *employment prescribed by NRS 388A.323, 388A.515, 388C.200,*
28 *391.104 or 391.281, as applicable, or fulfilling the requirements*
29 *for the issuance of a license prescribed by NRS 391.033, any*
30 *applicant for employment with a school district, charter school or*
31 *university school for profoundly gifted pupils who may have direct*
32 *contact with pupils must, as a condition to employment, submit to*
33 *the board of trustees of the school district, governing body of the*
34 *charter school or governing body of the university school for*
35 *profoundly gifted pupils with which the applicant seeks to obtain*
36 *employment, on a form prescribed by the Department:*

37 (a) *The name, address and telephone number for the*
38 *applicant's current employer, any former employer of the*
39 *applicant that was a school or school district and any other former*
40 *employer with whom the applicant was employed in a position that*
41 *involved direct contact with children;*

42 (b) *Any other contact information for the persons described in*
43 *paragraph (a) prescribed by the board of trustees of the school*
44 *district, governing body of the charter school or governing body of*



1 *the university school for profoundly gifted pupils with which the*
2 *applicant seeks to obtain employment;*

3 *(c) Written authorization for the persons described in*
4 *paragraph (a) to release the information prescribed in section 9 of*
5 *this act; and*

6 *(d) A written statement indicating whether the person has:*

7 *(1) Except as otherwise provided in this subparagraph,*
8 *been the subject of an investigation concerning an alleged sexual*
9 *offense by an employer, licensing agency, law enforcement*
10 *agency, agency which provides child welfare services, agency*
11 *which provides child protective services or a similar agency. A*
12 *person is not required to provide the information described in this*
13 *subparagraph if, after investigating the alleged violation, the*
14 *employer or agency determined that the allegations were false.*

15 *(2) Been discharged, disciplined, had a contract not*
16 *renewed, asked to resign from employment, resigned from*
17 *employment or otherwise separated from employment while an*
18 *investigation concerning an alleged sexual offense was pending or*
19 *upon conclusion of such an investigation, and was found, upon*
20 *conclusion of the investigation, to have committed the sexual*
21 *offense.*

22 *(3) Had a license or certificate suspended or revoked or has*
23 *been required to surrender a license or certificate while an*
24 *investigation concerning an alleged sexual offense was pending or*
25 *upon conclusion of such an investigation and was found, upon*
26 *conclusion of the investigation, to have committed the sexual*
27 *offense.*

28 *2. An applicant for employment with an independent*
29 *contractor of a school district, charter school or university school*
30 *for profoundly gifted pupils who may have direct contact with*
31 *pupils must, before having direct contact with pupils, submit to the*
32 *independent contractor on a form prescribed by the Department:*

33 *(a) The information described in paragraphs (a), (c) and (d) of*
34 *subsection 1; and*

35 *(b) Any other contact information for the persons described in*
36 *paragraph (a) of subsection 1 requested by the independent*
37 *contractor with which the applicant seeks to obtain employment.*

38 *3. Any applicant for employment described in subsection 1 o*
39 *2 who knowingly provides false information or willfully fails to*
40 *disclose any information required by this section:*

41 *(a) Is subject to discipline, including, without limitation,*
42 *suspension or revocation of the person's license pursuant to NRS*
43 *391.330 or 391.750, termination of employment or a civil penalty*
44 *prescribed by the Department pursuant to section 17 of this act;*
45 *and*



1 (b) *Is guilty of a misdemeanor.*

2 **Sec. 9. 1.** *Upon receipt of the information required by*
3 *section 8 of this act, the board of trustees of a school district,*
4 *governing body of a charter school, governing body of a university*
5 *school for profoundly gifted pupils or independent contractor*
6 *shall:*

7 (a) *Contact each person described in paragraph (a) of*
8 *subsection 1 of section 8 of this act and request that the person*
9 *provide:*

10 (1) *The dates of employment of the applicant; and*

11 (2) *On a form prescribed by the Department, a written*
12 *statement indicating whether the applicant has:*

13 (I) *Except as otherwise provided in this sub-*
14 *subparagraph, been the subject of an investigation concerning an*
15 *alleged sexual offense by the employer. A person is not required to*
16 *provide the information described in this sub-subparagraph if,*
17 *after investigating the alleged violation, the employer determined*
18 *that the allegations were false.*

19 (II) *Been discharged, disciplined, had a contract not*
20 *renewed, asked to resign from employment, resigned from*
21 *employment or otherwise separated from employment while an*
22 *investigation concerning an alleged sexual offense was pending or*
23 *upon conclusion of such an investigation and was found, upon*
24 *conclusion of the investigation, to have committed the sexual*
25 *offense.*

26 (III) *Had a license or certificate suspended or revoked*
27 *or has been required to surrender a license or certificate while an*
28 *investigation concerning an alleged sexual offense was pending or*
29 *upon conclusion of such an investigation and was found, upon*
30 *conclusion of the investigation, to have committed the sexual*
31 *offense.*

32 (b) *Ensure that the applicant has a license authorizing him or*
33 *her to teach or perform other educational functions at the level*
34 *and, except as otherwise provided in NRS 391.125, in the field for*
35 *which he or she is applying for employment, if a license is*
36 *required, and that the applicant is otherwise eligible for*
37 *employment.*

38 (c) *Verify that the Department has not received notice,*
39 *including, without limitation, notice provided pursuant to NRS*
40 *391.055, that the applicant is a defendant in a criminal case.*

41 2. *A person contacted by a board of trustees of a school*
42 *district, governing body of a charter school, governing body of a*
43 *university school for profoundly gifted pupils or independent*
44 *contractor pursuant to paragraph (a) of subsection 1:*



1 (a) Shall provide the information requested not later than 20
2 days after the date on which the board of trustees, governing body
3 or independent contractor contacts the person.

4 (b) Is immune from civil and criminal liability for providing
5 such information, unless the person knowingly provides false
6 information.

7 3. Except as otherwise prohibited by federal or state law, a
8 person who willfully fails to disclose any information required by
9 subsection 1 is subject to discipline, including, without limitation,
10 a civil penalty prescribed by the Department pursuant to section 17
11 of this act.

12 **Sec. 10. 1.** If a statement provided pursuant to paragraph
13 (d) of subsection 1 of section 8 of this act or paragraph (a) of
14 subsection 2 of section 8 of this act indicates that the person meets
15 any of the criteria prescribed in those paragraphs, the board of
16 trustees of a school district, governing body of a charter school,
17 governing body of a university school for profoundly gifted pupils
18 or independent contractor who receives the statement shall request
19 that the employer that conducted the investigation concerning an
20 alleged sexual offense, discharged, disciplined or dismissed the
21 employee or asked the employee to resign from employment
22 provide additional information concerning the matter and all
23 records related to the matter.

24 2. A person contacted by the board of trustees of a school
25 district, governing body of a charter school, governing body of a
26 university school for profoundly gifted pupils or independent
27 contractor pursuant to subsection 1:

28 (a) Shall provide the information requested not later than 60
29 days after the date on which the board of trustees, governing body
30 or independent contractor contacts the person.

31 (b) Is immune from civil and criminal liability for providing
32 such information, unless the person knowingly provides false
33 information.

34 3. Except as otherwise prohibited by federal or state law, a
35 person who willfully fails to disclose any information required by
36 subsection 1 is subject to discipline, including, without limitation,
37 a civil penalty prescribed by the Department pursuant to section 17
38 of this act.

39 **Sec. 11.** The board of trustees of a school district, governing
40 body of a charter school, governing body of a university school for
41 profoundly gifted pupils or independent contractor may:

42 1. Consider the information submitted pursuant to sections 8,
43 9 and 10 of this act when deciding whether to employ an applicant
44 or continue to employ a person; and



1 2. *Report the information submitted pursuant to sections 8, 9*
2 *and 10 of this act to the Department or a licensing agency, law*
3 *enforcement agency, agency which provides child welfare services,*
4 *an agency which provides child protective services or a similar*
5 *agency.*

6 **Sec. 12.** *1. An independent contractor of a school district,*
7 *charter school or university school for profoundly gifted pupils*
8 *who employs a person who may have direct contact with pupils*
9 *shall:*

10 (a) *Maintain a record for each such employee that includes,*
11 *without limitation, the information submitted pursuant to*
12 *subsection 2 of section 8 of this act and the information submitted*
13 *pursuant to subsection 2 of section 9 of this act; and*

14 (b) *Upon request, provide the record maintained pursuant to*
15 *paragraph (a) to the board of trustees of the school district,*
16 *governing body of the charter school or governing body of the*
17 *university school for profoundly gifted pupils, as applicable, for*
18 *the school at which an employee has been assigned to perform*
19 *work.*

20 2. *Before assigning an employee to perform work at a*
21 *location where the employee may have direct contact with pupils,*
22 *an independent contractor shall inform the board of trustees of the*
23 *school district, governing body of the charter school or governing*
24 *body of the university school for profoundly gifted pupils, as*
25 *applicable, with which the employee will be assigned to perform*
26 *work of any instance known in which the employee:*

27 (a) *Except as otherwise provided in this subparagraph, has*
28 *been the subject of an investigation concerning an alleged sexual*
29 *offense by an employer. A person is not required to provide the*
30 *information described in this subparagraph if, after investigating*
31 *the alleged violation, the employer determined that the allegations*
32 *were false.*

33 (b) *Has ever been discharged, disciplined, had a contract not*
34 *renewed, asked to resign from employment, resigned from*
35 *employment or otherwise separated from employment while an*
36 *investigation concerning an alleged sexual offense was pending or*
37 *upon conclusion of such an investigation and was found, upon*
38 *conclusion of the investigation, to have committed the sexual*
39 *offense.*

40 (c) *Had a license or certificate suspended or revoked or has*
41 *been required to surrender a license or certificate while an*
42 *investigation concerning an alleged sexual offense was pending or*
43 *upon conclusion of such an investigation and was found, upon*
44 *conclusion of the investigation, to have committed the sexual*
45 *offense.*



1 3. *An independent contractor may not assign an employee to*
2 *perform work at a public school, charter school or university*
3 *school for profoundly gifted pupils if the board of trustees*
4 *of the school district in which the school is located, governing*
5 *body of the charter school or governing body of the university*
6 *school for profoundly gifted pupils, as applicable, objects to such*
7 *an assignment upon receiving the notification required by*
8 *subsection 2.*

9 **Sec. 13.** *The board of trustees of a school district, governing*
10 *body of a charter school or governing body of a university school*
11 *for profoundly gifted pupils may authorize provisional*
12 *employment of a person for a period not to exceed 90 days pending*
13 *the review of information submitted pursuant to sections 8, 9 and*
14 *10 of this act if the board of trustees or the governing body*
15 *determines the applicant is otherwise qualified and:*

16 1. *The applicant provided the statement described in*
17 *paragraph (d) of subsection 1 of section 8 of this act.*

18 2. *The board of trustees of the school district, governing body*
19 *of the charter school or governing body of the university school*
20 *for profoundly gifted pupils, as applicable, has no knowledge of*
21 *information pertaining to the applicant that would disqualify the*
22 *applicant from employment.*

23 3. *The applicant swears or affirms that he or she is not*
24 *disqualified from employment.*

25 4. *The applicant is directly supervised by a permanent*
26 *employee in any duties that involve direct contact with pupils. The*
27 *supervision must be such that the applicant is in the immediate*
28 *location of the permanent employee and is readily available*
29 *during such times as supervision is required.*

30 **Sec. 14.** *Nothing in sections 2 to 17, inclusive, of this act*
31 *shall be construed to:*

32 1. *Prevent a board of trustees of a school district, governing*
33 *body of a charter school, governing body of a university school for*
34 *profoundly gifted pupils or independent contractor from:*

35 (a) *Conducting further investigations of a prospective*
36 *employee; or*

37 (b) *Requiring an applicant to submit additional information or*
38 *authorizations beyond what is required by sections 8, 9 and 10 of*
39 *this act.*

40 2. *Prohibit a person from disclosing more information than is*
41 *required by sections 8, 9 and 10 of this act.*

42 3. *Relieve a person of a duty to report prescribed by NRS*
43 *432B.220 or any other provision of state or federal law.*

44 **Sec. 15.** 1. *The board of trustees of a school district,*
45 *governing body of a charter school, governing body of a university*



1 *school for profoundly gifted pupils or the independent contractor*
2 *of a school district, charter school or university school for*
3 *profoundly gifted pupils shall not enter into an agreement that:*

4 *(a) Has the effect of suppressing information relating to an*
5 *investigation concerning a report of suspected abuse or sexual*
6 *misconduct by a current or former employee.*

7 *(b) Affects the ability of the school district, charter school,*
8 *university school for profoundly gifted pupils or independent*
9 *contractor to report suspected abuse or sexual misconduct to the*
10 *appropriate authorities.*

11 *(c) Requires the school district, charter school, university*
12 *school for profoundly gifted pupils or independent contractor to*
13 *expunge information about allegations or findings of suspected*
14 *abuse or sexual misconduct from any documents maintained by*
15 *the school district, charter school, university school for profoundly*
16 *gifted pupils or independent contractor, unless, after investigating*
17 *the alleged violation, the school district, charter school, university*
18 *school for profoundly gifted pupils or independent contractor*
19 *determines that the allegations were false.*

20 *2. Any provisions in an agreement that violate the provisions*
21 *of this section are void.*

22 **Sec. 16.** *Any information collected pursuant to section 8, 9 or*
23 *10 of this act is confidential and is not a public book or record*
24 *within the meaning of NRS 239.010.*

25 **Sec. 17.** *1. If any person is found after notice and a*
26 *hearing to have willfully violated any provision of sections 2 to 17,*
27 *inclusive, of this act, the Department may impose an*
28 *administrative penalty against the person of not more than*
29 *\$10,000 for each violation.*

30 *2. The Department shall maintain a list of any independent*
31 *contractors who have been found to have willfully violated the*
32 *provisions of sections 2 to 17, inclusive, of this act and make the*
33 *list available, upon request, to the board of trustees of a school*
34 *district, governing body of a charter school or governing body of a*
35 *university school for profoundly gifted pupils.*

36 *3. The board of trustees of a school district, governing body*
37 *of a charter school or governing body of a university school for*
38 *profoundly gifted pupils shall not contract with an independent*
39 *contractor who has been found to have willfully violated the*
40 *provisions of sections 2 to 17, inclusive, of this act.*

41 **Sec. 18.** *NRS 391.033 is hereby amended to read as follows:*
42 *391.033 1. All licenses for teachers and other educational*
43 *personnel are granted by the Superintendent of Public Instruction*
44 *pursuant to regulations adopted by the Commission and as*
45 *otherwise provided by law.*



1 2. An application for the issuance of a license must include the
2 social security number of the applicant.

3 3. Every applicant for a license must submit with his or her
4 application a complete set of his or her fingerprints and written
5 permission authorizing the Superintendent to forward the
6 fingerprints to the Central Repository for Nevada Records of
7 Criminal History for its initial report on the criminal history of the
8 applicant and for reports thereafter upon renewal of the license
9 pursuant to subsection 7 of NRS 179A.075, and for submission to
10 the Federal Bureau of Investigation for its report on the criminal
11 history of the applicant.

12 4. The Superintendent may issue a provisional license pending
13 receipt of the reports of the Federal Bureau of Investigation and the
14 Central Repository for Nevada Records of Criminal History if the
15 Superintendent determines that the applicant is otherwise qualified.

16 5. A license must be issued to, or renewed for, as applicable, an
17 applicant if:

18 (a) The Superintendent determines that the applicant is
19 qualified;

20 (b) The reports on the criminal history of the applicant from the
21 Federal Bureau of Investigation and the Central Repository for
22 Nevada Records of Criminal History:

23 (1) Do not indicate that the applicant has been convicted of a
24 felony or any offense involving moral turpitude; or

25 (2) Indicate that the applicant has been convicted of a felony
26 or an offense involving moral turpitude but the Superintendent
27 determines that the conviction is unrelated to the position within the
28 county school district or charter school for which the applicant
29 applied or for which he or she is currently employed, as applicable;
30 and

31 (c) For initial licensure, the applicant submits the statement
32 required pursuant to NRS 391.034.

33 ***6. If the Superintendent denies an application for a license***
34 ***pursuant to this section, the Superintendent must, within 15 days***
35 ***after the date on which the application is denied, provide notice of***
36 ***the denial to the school district or charter school that employs the***
37 ***applicant if the applicant is employed by a school district or***
38 ***charter school.***

39 **Sec. 19.** NRS 391.750 is hereby amended to read as follows:

40 391.750 1. A teacher may be suspended, dismissed or not
41 reemployed and an administrator may be demoted, suspended,
42 dismissed or not reemployed for the following reasons:

43 (a) Inefficiency;

44 (b) Immorality;

45 (c) Unprofessional conduct;



- 1 (d) Insubordination;
- 2 (e) Neglect of duty;
- 3 (f) Physical or mental incapacity;
- 4 (g) A justifiable decrease in the number of positions due to
- 5 decreased enrollment or district reorganization;
- 6 (h) Conviction of a felony or of a crime involving moral
- 7 turpitude;
- 8 (i) Inadequate performance;
- 9 (j) Evident unfitness for service;
- 10 (k) Failure to comply with such reasonable requirements as a
- 11 board may prescribe;
- 12 (l) Failure to show normal improvement and evidence of
- 13 professional training and growth;
- 14 (m) Advocating overthrow of the Government of the United
- 15 States or of the State of Nevada by force, violence or other unlawful
- 16 means, or the advocating or teaching of communism with the intent
- 17 to indoctrinate pupils to subscribe to communistic philosophy;
- 18 (n) Any cause which constitutes grounds for the revocation of a
- 19 teacher's license;
- 20 (o) Willful neglect or failure to observe and carry out the
- 21 requirements of this title;
- 22 (p) Dishonesty;
- 23 (q) Intentional failure to observe and carry out the requirements
- 24 of a plan to ensure the security of examinations and assessments
- 25 adopted pursuant to NRS 390.270 or 390.275;
- 26 (r) An intentional violation of NRS 388.497 or 388.499;
- 27 (s) Knowingly and willfully failing to comply with the
- 28 provisions of NRS 388.1351;
- 29 (t) ***Knowingly and willfully violating any provision of sections***
- 30 ***2 to 17, inclusive, of this act;***
- 31 (u) Gross misconduct; or
- 32 ~~(v)~~ (v) An intentional failure to report a violation of NRS
- 33 388.135 if the teacher or administrator witnessed the violation.
- 34 2. If a teacher or administrator is found, through an
- 35 investigation of a testing irregularity, to have willfully breached the
- 36 security or confidentiality of the questions and answers of the
- 37 examinations that are administered pursuant to NRS 390.105 or
- 38 390.600 or the college and career readiness assessment administered
- 39 pursuant to NRS 390.610, the board of trustees of a school district,
- 40 governing body of a charter school or governing body of a
- 41 university school for profoundly gifted pupils, as applicable, shall:
- 42 (a) Suspend, dismiss or fail to reemploy the teacher; or
- 43 (b) Demote, suspend, dismiss or fail to reemploy the
- 44 administrator.



1 3. In determining whether the professional performance of a
2 licensed employee is inadequate, consideration must be given to the
3 regular and special evaluation reports prepared in accordance with
4 the policy of the employing school district and to any written
5 standards of performance which may have been adopted by the
6 board.

7 4. As used in this section, "gross misconduct" includes any act
8 or omission that is in wanton, willful, reckless or deliberate
9 disregard of the interests of a school or school district or a pupil
10 thereof.

11 **Sec. 20.** NRS 391.755 is hereby amended to read as follows:

12 391.755 1. Whenever an administrator charged with
13 supervision of a licensed employee believes it is necessary to
14 admonish the employee for a reason that the administrator believes
15 may lead to demotion or dismissal or may cause the employee not to
16 be reemployed under the provisions of NRS 391.750, the
17 administrator shall:

18 (a) Except as otherwise provided in subsection 3, bring the
19 matter to the attention of the employee involved, in writing, stating
20 the reasons for the admonition and that it may lead to the
21 employee's demotion, dismissal or a refusal to reemploy him or her,
22 and make a reasonable effort to assist the employee to correct
23 whatever appears to be the cause for the employee's potential
24 demotion, dismissal or a potential recommendation not to reemploy
25 him or her; and

26 (b) Except as otherwise provided in NRS 391.760, allow
27 reasonable time for improvement, which must not exceed 3 months
28 for the first admonition.

29 ➤ The admonition must include a description of the deficiencies of
30 the teacher and the action that is necessary to correct those
31 deficiencies.

32 2. An admonition issued to a licensed employee who, within
33 the time granted for improvement, has met the standards set for the
34 employee by the administrator who issued the admonition must be
35 removed from the records of the employee together with all
36 notations and indications of its having been issued. The admonition
37 must be removed from the records of the employee not later than 3
38 years after it is issued.

39 3. An administrator need not admonish an employee pursuant
40 to paragraph (a) of subsection 1 if his or her employment will be
41 terminated pursuant to NRS 391.820.

42 4. A licensed employee is subject to immediate dismissal or a
43 refusal to reemploy according to the procedures provided in NRS
44 391.650 to 391.830, inclusive, without the admonition required by



1 this section, on grounds contained in paragraphs (b), (f), (g), (h), (p),
2 (s), ~~and~~ (t) **and (u)** of subsection 1 of NRS 391.750.

3 **Sec. 21.** NRS 239.010 is hereby amended to read as follows:

4 239.010 1. Except as otherwise provided in this section and
5 NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440,
6 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320,
7 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246,
8 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355,
9 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730,
10 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260,
11 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370,
12 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161,
13 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817,
14 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015,
15 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715,
16 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160,
17 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651,
18 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040,
19 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350,
20 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270,
21 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300,
22 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140,
23 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020,
24 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130,
25 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195,
26 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438,
27 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558,
28 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335,
29 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420,
30 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100,
31 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610,
32 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008,
33 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259,
34 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147,
35 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460,
36 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885,
37 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749,
38 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872,
39 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430,
40 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170,
41 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665,
42 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720,
43 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866,
44 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240,
45 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170,



1 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070,
2 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655,
3 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070,
4 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315,
5 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110,
6 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230,
7 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336,
8 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301,
9 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085,
10 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075,
11 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190,
12 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524,
13 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082,
14 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135,
15 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945,
16 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110,
17 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310,
18 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243,
19 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690,
20 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873,
21 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115,
22 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190,
23 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615,
24 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230,
25 710.159, 711.600, *and section 16 of this act*, sections 35, 38 and 41
26 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter
27 391, Statutes of Nevada 2013 and unless otherwise declared by law
28 to be confidential, all public books and public records of a
29 governmental entity must be open at all times during office hours to
30 inspection by any person, and may be fully copied or an abstract or
31 memorandum may be prepared from those public books and public
32 records. Any such copies, abstracts or memoranda may be used to
33 supply the general public with copies, abstracts or memoranda of the
34 records or may be used in any other way to the advantage of the
35 governmental entity or of the general public. This section does not
36 supersede or in any manner affect the federal laws governing
37 copyrights or enlarge, diminish or affect in any other manner the
38 rights of a person in any written book or record which is
39 copyrighted pursuant to federal law.

40 2. A governmental entity may not reject a book or record
41 which is copyrighted solely because it is copyrighted.

42 3. A governmental entity that has legal custody or control of a
43 public book or record shall not deny a request made pursuant to
44 subsection 1 to inspect or copy or receive a copy of a public book or
45 record on the basis that the requested public book or record contains



1 information that is confidential if the governmental entity can
2 redact, delete, conceal or separate the confidential information from
3 the information included in the public book or record that is not
4 otherwise confidential.

5 4. A person may request a copy of a public record in any
6 medium in which the public record is readily available. An officer,
7 employee or agent of a governmental entity who has legal custody
8 or control of a public record:

9 (a) Shall not refuse to provide a copy of that public record in a
10 readily available medium because the officer, employee or agent has
11 already prepared or would prefer to provide the copy in a different
12 medium.

13 (b) Except as otherwise provided in NRS 239.030, shall, upon
14 request, prepare the copy of the public record and shall not require
15 the person who has requested the copy to prepare the copy himself
16 or herself.

17 **Sec. 22.** NRS 432B.220 is hereby amended to read as follows:

18 432B.220 1. Any person who is described in subsection 4
19 and who, in his or her professional or occupational capacity, knows
20 or has reasonable cause to believe that a child has been abused or
21 neglected shall:

22 (a) Except as otherwise provided in subsection 2, report the
23 abuse or neglect of the child to an agency which provides child
24 welfare services or to a law enforcement agency; and

25 (b) Make such a report as soon as reasonably practicable but not
26 later than 24 hours after the person knows or has reasonable cause to
27 believe that the child has been abused or neglected.

28 2. If a person who is required to make a report pursuant to
29 subsection 1 knows or has reasonable cause to believe that the abuse
30 or neglect of the child involves an act or omission of:

31 (a) A person directly responsible or serving as a volunteer for or
32 an employee of a public or private home, institution or facility
33 where the child is receiving child care outside of the home for a
34 portion of the day, the person shall make the report to a law
35 enforcement agency.

36 (b) An agency which provides child welfare services or a law
37 enforcement agency, the person shall make the report to an agency
38 other than the one alleged to have committed the act or omission,
39 and the investigation of the abuse or neglect of the child must be
40 made by an agency other than the one alleged to have committed the
41 act or omission.

42 3. Any person who is described in paragraph (a) of subsection
43 4 who delivers or provides medical services to a newborn infant and
44 who, in his or her professional or occupational capacity, knows or
45 has reasonable cause to believe that the newborn infant has been



1 affected by prenatal illegal substance abuse or has withdrawal
2 symptoms resulting from prenatal drug exposure shall, as soon as
3 reasonably practicable but not later than 24 hours after the person
4 knows or has reasonable cause to believe that the newborn infant is
5 so affected or has such symptoms, notify an agency which provides
6 child welfare services of the condition of the infant and refer each
7 person who is responsible for the welfare of the infant to an agency
8 which provides child welfare services for appropriate counseling,
9 training or other services. A notification and referral to an agency
10 which provides child welfare services pursuant to this subsection
11 shall not be construed to require prosecution for any illegal action.

12 4. A report must be made pursuant to subsection 1 by the
13 following persons:

14 (a) A person providing services licensed or certified in this State
15 pursuant to, without limitation, chapter 450B, 630, 630A, 631, 632,
16 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C,
17 640D, 640E, 641, 641A, 641B or 641C of NRS.

18 (b) Any personnel of a medical facility licensed pursuant to
19 chapter 449 of NRS who are engaged in the admission, examination,
20 care or treatment of persons or an administrator, manager or other
21 person in charge of such a medical facility upon notification of
22 suspected abuse or neglect of a child by a member of the staff of the
23 medical facility.

24 (c) A coroner.

25 (d) A member of the clergy, practitioner of Christian Science or
26 religious healer, unless the person has acquired the knowledge of the
27 abuse or neglect from the offender during a confession.

28 (e) A person working in a school who is licensed or endorsed
29 pursuant to chapter 391 or 641B of NRS.

30 (f) Any person who maintains or is employed by a facility or
31 establishment that provides care for children, children's camp or
32 other public or private facility, institution or agency furnishing care
33 to a child.

34 (g) Any person licensed pursuant to chapter 424 of NRS to
35 conduct a foster home.

36 (h) Any officer or employee of a law enforcement agency or an
37 adult or juvenile probation officer.

38 (i) Except as otherwise provided in NRS 432B.225, an attorney.

39 (j) Any person who maintains, is employed by or serves as a
40 volunteer for an agency or service which advises persons regarding
41 abuse or neglect of a child and refers them to persons and agencies
42 where their requests and needs can be met.

43 (k) Any person who is employed by or serves as a volunteer for
44 a youth shelter. As used in this paragraph, "youth shelter" has the
45 meaning ascribed to it in NRS 244.427.



1 (l) Any adult person who is employed by an entity that provides
2 organized activities for children ~~H~~, ***including, without limitation, a***
3 ***person who is employed by a school district or public school as***
4 ***defined in NRS 385.007.***

5 5. A report may be made by any other person.

6 6. If a person who is required to make a report pursuant to
7 subsection 1 knows or has reasonable cause to believe that a child
8 has died as a result of abuse or neglect, the person shall, as soon as
9 reasonably practicable, report this belief to an agency which
10 provides child welfare services or a law enforcement agency. If such
11 a report is made to a law enforcement agency, the law enforcement
12 agency shall notify an agency which provides child welfare services
13 and the appropriate medical examiner or coroner of the report. If
14 such a report is made to an agency which provides child welfare
15 services, the agency which provides child welfare services shall
16 notify the appropriate medical examiner or coroner of the report.
17 The medical examiner or coroner who is notified of a report
18 pursuant to this subsection shall investigate the report and submit
19 his or her written findings to the appropriate agency which provides
20 child welfare services, the appropriate district attorney and a law
21 enforcement agency. The written findings must include, if
22 obtainable, the information required pursuant to the provisions of
23 subsection 2 of NRS 432B.230.

24 7. The agency, board, bureau, commission, department,
25 division or political subdivision of the State responsible for the
26 licensure, certification or endorsement of a person who is described
27 in subsection 4 and who is required in his or her professional or
28 occupational capacity to be licensed, certified or endorsed in this
29 State shall, at the time of initial licensure, certification or
30 endorsement:

31 (a) Inform the person, in writing or by electronic
32 communication, of his or her duty as a mandatory reporter pursuant
33 to this section;

34 (b) Obtain a written acknowledgment or electronic record from
35 the person that he or she has been informed of his or her duty
36 pursuant to this section; and

37 (c) Maintain a copy of the written acknowledgment or electronic
38 record for as long as the person is licensed, certified or endorsed in
39 this State.

40 8. The employer of a person who is described in subsection 4
41 and who is not required in his or her professional or occupational
42 capacity to be licensed, certified or endorsed in this State must, upon
43 initial employment of the person:



1 (a) Inform the person, in writing or by electronic
2 communication, of his or her duty as a mandatory reporter pursuant
3 to this section;

4 (b) Obtain a written acknowledgment or electronic record from
5 the person that he or she has been informed of his or her duty
6 pursuant to this section; and

7 (c) Maintain a copy of the written acknowledgment or electronic
8 record for as long as the person is employed by the employer.

9 **Sec. 23.** The provisions of section 15 of this act do not apply
10 to any agreement entered into before July 1, 2017, until the
11 agreement is extended or renewed.

12 **Sec. 24.** The provisions of NRS 354.599 do not apply to any
13 additional expenses of a local government that are related to the
14 provisions of this act.

15 **Sec. 25.** This act becomes effective on July 1, 2017.

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