
ASSEMBLY BILL NO. 362—ASSEMBLYMEN TOLLES, WATKINS;
BENITEZ-THOMPSON, KRASNER, OSCARSON, PICKARD,
WHEELER, WOODBURY AND YEAGER

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; providing that an employer who fails to provide certain information regarding an applicant for employment who may have direct contact with children is subject to certain disciplinary action; 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; requiring the Department of Education to maintain a list of the names of persons whose application for a license has been denied for certain purposes; providing penalties; and providing other matters properly relating thereto.



* A B 3 6 2 R 1 *

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 any
10 action brought by such an applicant for employment based upon information
11 obtained about the applicant to determine his or her fitness for employment must be
12 brought in a court in this State and governed by the laws of this State. Finally,
13 section 8 provides that an applicant for employment who knowingly provides false
14 information or willfully fails to disclose information is subject to discipline and is
15 guilty of a misdemeanor.

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

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

28 Sections 9 and 10 also provide that any person who is contacted by the
29 governing body of a public school or an independent contractor and asked to
30 provide information, but willfully fails to disclose information is subject to
31 discipline, including a civil penalty. Sections 9 and 10 further provide that, in
32 addition to being subject to discipline, including a civil penalty, a private school
33 that willfully fails to disclose any such information is subject to discipline, which
34 may include being placed on a corrective action plan. Sections 9 and 10 provide
35 immunity from liability for providing the information and makes the information
36 privileged.

37 Section 11 of this bill authorizes the governing body of a public school and an
38 independent contractor to: (1) consider the information received pursuant to
39 sections 8-10 when making an employment decision; and (2) report the information
40 received to certain entities. Section 11 also provides that the board of trustees of a
41 school district, governing body of a charter school, governing body of a university
42 school for profoundly gifted pupils or independent contractor: (1) shall not be held
43 liable for any damages resulting from failure of an entity not subject to the
44 jurisdiction of this State to respond to certain requests for information or any
45 inaccuracy or omission in the information submitted; and (2) is immune from civil
46 or criminal liability for considering the information received pursuant to sections 8-
47 10 when making employment decisions.

48 Section 12 of this bill requires an independent contractor who employs a
49 person who may have direct contact with pupils to maintain a record for each such
50 employee and, upon request, provide this record to the governing body of the public
51 school at which an employee has been assigned to perform work. Section 12 also:
52 (1) requires an independent contractor to provide certain information to the
53 governing body of a public school before assigning an employee to perform work at
54 a location; and (2) prohibits an independent contractor from assigning an employee



55 to perform work at a school if the governing body of the school objects to the
56 assignment.

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

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

65 **Section 15** prohibits the governing body of a public school or an independent
66 contractor from entering into any agreement that: (1) has the effect of suppressing
67 information relating to an investigation concerning a report of suspected abuse or
68 sexual misconduct by a current or former employee; (2) affects the ability of the
69 governing body or independent contractor to report suspected abuse or sexual
70 misconduct; or (3) requires the governing body or independent contractor to
71 expunge certain information from any documents maintained by the governing
72 body or independent contractor. **Section 15** also requires an employer to maintain
73 certain documents if the agreement requires the removal of the document from an
74 employee's personnel file.

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

78 **Section 17** provides that any person who willfully violates any provision of
79 **sections 2-17** is subject to a civil penalty, which must be recovered in a civil action.
80 **Section 17** also prohibits the governing body of a public school from contracting
81 with an independent contractor who has been found to have willfully violated the
82 provisions of **sections 2-17**. **Section 19** provides that a teacher or administrator
83 may be subject to disciplinary action for willfully violating the provisions of
84 **sections 2-17**.

85 Existing law requires the Superintendent of Public Instruction to grant all
86 licenses for teachers and other educational personnel. (NRS 391.033) **Section 18**
87 requires the Superintendent to provide notice to a school district or charter school
88 that employs an applicant whenever an application for a license is denied. **Section**
89 **18** also requires the Department of Education to: (1) maintain a list of the names of
90 persons whose application for a license is denied due to conviction of a sexual
91 offense involving a minor; and (2) provide such a list to certain persons upon
92 request.

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).*



* A B 3 6 2 R 1 *

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

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

8 **Sec. 6. 1.** *Except as otherwise provided in subsection 2, the*
9 *Department, a local educational agency or an employee,*
10 *contractor or agent thereof who works at a public school shall not*
11 *assist an employee, contractor or agent who works at a school to*
12 *obtain new employment, apart from the routine transmission of*
13 *administrative and personnel files, if the person or entity has*
14 *actual or constructive knowledge that such an employee,*
15 *contractor or agent has engaged in sexual misconduct regarding a*
16 *minor or pupil.*

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

18 **(a)** *The information giving rise to actual or constructive*
19 *knowledge has been properly reported to a law enforcement*
20 *agency with jurisdiction over the alleged misconduct and any*
21 *other authorities required by federal, state or local law, including,*
22 *without limitation, Title IX of the Education Amendments Act of*
23 *1972, 20 U.S.C. §§ 1681 et seq., and any regulations adopted*
24 *pursuant thereto, and the matter has been officially closed, or the*
25 *District Attorney or law enforcement agency with jurisdiction over*
26 *the alleged misconduct has investigated the allegations and*
27 *notified school officials that there is insufficient information to*
28 *establish that the employee, contractor or agent engaged in sexual*
29 *misconduct regarding a minor or pupil;*

30 **(b)** *The employee, contractor or agent has been charged with*
31 *and acquitted or otherwise exonerated of the alleged misconduct;*
32 *or*

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

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

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

43 **Sec. 8. 1.** *In addition to fulfilling the requirements for*
44 *employment prescribed by NRS 388A.323, 388A.515, 388C.200,*
45 *391.104 or 391.281, as applicable, or fulfilling the requirements*



1 *for the issuance of a license prescribed by NRS 391.033, any*
2 *applicant for employment with a school district, charter school or*
3 *university school for profoundly gifted pupils who may have direct*
4 *contact with pupils must, as a condition to employment, submit to*
5 *the board of trustees of the school district, governing body of the*
6 *charter school or governing body of the university school for*
7 *profoundly gifted pupils with which the applicant seeks to obtain*
8 *employment, on a form prescribed by the Department:*

9 (a) *The name, address and telephone number for the*
10 *applicant's current employer, any former employer of the*
11 *applicant that was a school or school district and any other former*
12 *employer with whom the applicant was employed in a position that*
13 *involved direct contact with children;*

14 (b) *Any other contact information for the persons described in*
15 *paragraph (a) prescribed by the board of trustees of the school*
16 *district, governing body of the charter school or governing body of*
17 *the university school for profoundly gifted pupils with which the*
18 *applicant seeks to obtain employment;*

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

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

23 (1) *Except as otherwise provided in this subparagraph,*
24 *been the subject of an investigation concerning an alleged sexual*
25 *offense by an employer, licensing agency, law enforcement*
26 *agency, agency which provides child welfare services, agency*
27 *which provides child protective services or a similar agency. A*
28 *person is not required to provide the information described in this*
29 *subparagraph if, after investigating the alleged violation, the*
30 *employer or agency determined that the allegations were false,*
31 *unfounded, unsubstantiated or inconclusive.*

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

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



1 2. Any action brought by an applicant for employment
2 described in subsection 1 which is based upon information
3 obtained by a board of trustees of a school district, the governing
4 body of a charter school or the governing body of a university
5 school for profoundly gifted pupils with which the applicant seeks
6 employment to determine the fitness of the applicant for
7 employment, including, without limitation, an action for
8 defamation, must be brought in a court in the State of Nevada and
9 governed by the laws of this State.

10 3. An applicant for employment with an independent
11 contractor of a school district, charter school or university school
12 for profoundly gifted pupils who may have direct contact with
13 pupils must, before having direct contact with pupils, submit to the
14 independent contractor on a form prescribed by the Department:

15 (a) The information described in paragraphs (a), (c) and (d) of
16 subsection 1; and

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

20 4. Any applicant for employment described in subsection 1 or
21 3 who knowingly provides false information or willfully fails to
22 disclose any information required by this section:

23 (a) Is subject to discipline, including, without limitation,
24 suspension or revocation of the person's license pursuant to NRS
25 391.330 or 391.750, termination of employment or a civil penalty
26 pursuant to section 17 of this act; and

27 (b) Is guilty of a misdemeanor.

28 **Sec. 9. 1.** Upon receipt of the information required by
29 section 8 of this act, the board of trustees of a school district,
30 governing body of a charter school, governing body of a university
31 school for profoundly gifted pupils or independent contractor
32 shall:

33 (a) Contact each person described in paragraph (a) of
34 subsection 1 of section 8 of this act and request that the person
35 provide:

36 (1) The dates of employment of the applicant; and

37 (2) On a form prescribed by the Department, a written
38 statement indicating whether the applicant has:

39 (I) Except as otherwise provided in this sub-
40 subparagraph, been the subject of an investigation concerning an
41 alleged sexual offense by the employer. A person is not required to
42 provide the information described in this sub-subparagraph if,
43 after investigating the alleged violation, the employer determined
44 that the allegations were false, unfounded, unsubstantiated or
45 inconclusive.



1 (ii) Been discharged, disciplined, had a contract not
2 renewed, asked to resign from employment, resigned from
3 employment or otherwise separated from employment while an
4 investigation concerning an alleged sexual offense was pending or
5 upon conclusion of such an investigation and was found, upon
6 conclusion of the investigation, to have committed the sexual
7 offense.

8 (iii) Had a license or certificate suspended or revoked
9 or has been required to surrender a license or certificate while an
10 investigation concerning an alleged sexual offense was pending or
11 upon conclusion of such an investigation and was found, upon
12 conclusion of the investigation, to have committed the sexual
13 offense.

14 (b) Ensure that the applicant has a license authorizing him or
15 her to teach or perform other educational functions at the level
16 and, except as otherwise provided in NRS 391.125, in the field for
17 which he or she is applying for employment, if a license is
18 required, and that the applicant is otherwise eligible for
19 employment.

20 (c) Verify that the Department has not received notice,
21 including, without limitation, notice provided pursuant to NRS
22 391.055, that the applicant is a defendant in a criminal case.

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

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

30 (b) Is immune from civil and criminal liability for any act
31 relating to the provision of such information, unless the person
32 knowingly provides false information. Such information is
33 privileged and must not be used as the basis for any action against
34 the person or entity that provided the information.

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

39 4. In addition to the penalty set forth in subsection 3, a
40 private school that willfully fails to disclose any information
41 required by subsection 1 is subject to discipline, which may
42 include, without limitation, being placed on a plan of corrective
43 action by the Department.

44 **Sec. 10. 1. If a statement provided pursuant to paragraph**
45 **(d) of subsection 1 of section 8 of this act or paragraph (a) of**



1 *subsection 2 of section 8 of this act indicates that the person meets*
2 *any of the criteria prescribed in those paragraphs, the board of*
3 *trustees of a school district, governing body of a charter school,*
4 *governing body of a university school for profoundly gifted pupils*
5 *or independent contractor who receives the statement shall request*
6 *that the employer that conducted the investigation concerning an*
7 *alleged sexual offense, discharged, disciplined or dismissed the*
8 *employee or asked the employee to resign from employment*
9 *provide additional information concerning the matter and all*
10 *records related to the matter, including, without limitation, any*
11 *documents relating to a disciplinary action taken against the*
12 *employee, disciplinary records or documents used in the decision*
13 *made by the employer concerning the investigation.*

14 *2. A person contacted by the board of trustees of a school*
15 *district, governing body of a charter school, governing body of a*
16 *university school for profoundly gifted pupils or independent*
17 *contractor pursuant to subsection 1:*

18 *(a) Except as otherwise provided in this subsection, shall*
19 *provide the information requested not later than 60 days after the*
20 *date on which the board of trustees, governing body or*
21 *independent contractor contacts the person.*

22 *(b) Is not required to disclose any information or records held*
23 *by the school police of the school district, if the school district has*
24 *school police officers.*

25 *(c) Is immune from civil and criminal liability to the same*
26 *extent provided in paragraph (b) of subsection 2 of section 9 of*
27 *this act.*

28 *3. Except as otherwise prohibited by federal or state law, a*
29 *person who willfully fails to disclose any information required by*
30 *subsection 1 is subject to discipline, including, without limitation,*
31 *a civil penalty pursuant to section 17 of this act.*

32 *4. In addition to the penalty set forth in subsection 3, a*
33 *private school that willfully fails to disclose any information*
34 *required by subsection 1 is subject to discipline, which may*
35 *include, without limitation, being placed on a plan of corrective*
36 *action by the Department.*

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

40 *1. May consider the information submitted pursuant to*
41 *sections 8, 9 and 10 of this act when deciding whether to employ*
42 *an applicant or continue to employ a person.*

43 *2. May report the information submitted pursuant to sections*
44 *8, 9 and 10 of this act to the Department or a licensing agency, law*
45 *enforcement agency, agency which provides child welfare services,*



1 *an agency which provides child protective services or a similar*
2 *agency.*

3 *3. Shall not be held liable for any damages resulting from the*
4 *failure of an entity not subject to the jurisdiction of this State to*
5 *respond to a request for information pursuant to section 9 or 10 of*
6 *this act or any inaccuracy or omission in the information*
7 *submitted to the school district, charter school, university school*
8 *for profoundly gifted pupils or independent contractor pursuant to*
9 *section 9 or 10 of this act.*

10 *4. Is immune from civil or criminal liability for considering*
11 *the information submitted pursuant to sections 8, 9 and 10 of this*
12 *act when deciding whether to employ an applicant or continue to*
13 *employ a person.*

14 **Sec. 12. 1. An independent contractor of a school district,**
15 **charter school or university school for profoundly gifted pupils**
16 **who employs a person who may have direct contact with pupils**
17 **shall:**

18 *(a) Maintain a record for each such employee that includes,*
19 *without limitation, the information submitted pursuant to*
20 *subsection 2 of section 8 of this act and the information submitted*
21 *pursuant to subsection 2 of section 9 of this act; and*

22 *(b) Upon request, provide the record maintained pursuant to*
23 *paragraph (a) to the board of trustees of the school district,*
24 *governing body of the charter school or governing body of the*
25 *university school for profoundly gifted pupils, as applicable, for*
26 *the school at which an employee has been assigned to perform*
27 *work.*

28 *2. Before assigning an employee to perform work at a*
29 *location where the employee may have direct contact with pupils,*
30 *an independent contractor shall inform the board of trustees of the*
31 *school district, governing body of the charter school or governing*
32 *body of the university school for profoundly gifted pupils, as*
33 *applicable, with which the employee will be assigned to perform*
34 *work of any instance known in which the employee:*

35 *(a) Except as otherwise provided in this paragraph, has been*
36 *the subject of an investigation concerning an alleged sexual*
37 *offense by an employer. A person is not required to provide the*
38 *information described in this paragraph if, after investigating the*
39 *alleged violation, the employer determined that the allegations*
40 *were false, unfounded, unsubstantiated or inconclusive.*

41 *(b) Has ever been discharged, disciplined, had a contract not*
42 *renewed, asked to resign from employment, resigned from*
43 *employment or otherwise separated from employment while an*
44 *investigation concerning an alleged sexual offense was pending or*
45 *upon conclusion of such an investigation and was found, upon*



1 conclusion of the investigation, to have committed the sexual
2 offense.

3 (c) Had a license or certificate suspended or revoked or has
4 been required to surrender a license or certificate while an
5 investigation concerning an alleged sexual offense was pending or
6 upon conclusion of such an investigation and was found, upon
7 conclusion of the investigation, to have committed the sexual
8 offense.

9 3. An independent contractor may not assign an employee to
10 perform work at a public school, charter school or university
11 school for profoundly gifted pupils if the board of trustees
12 of the school district in which the school is located, governing
13 body of the charter school or governing body of the university
14 school for profoundly gifted pupils, as applicable, objects to such
15 an assignment upon receiving the notification required by
16 subsection 2.

17 **Sec. 13.** The board of trustees of a school district, governing
18 body of a charter school or governing body of a university school
19 for profoundly gifted pupils may authorize provisional
20 employment of a person for a period not to exceed 90 days pending
21 the review of information submitted pursuant to sections 8, 9 and
22 10 of this act if the board of trustees or the governing body
23 determines the applicant is otherwise qualified and:

24 1. The applicant provided the statement described in
25 paragraph (d) of subsection 1 of section 8 of this act.

26 2. The board of trustees of the school district, governing body
27 of the charter school or governing body of the university school
28 for profoundly gifted pupils, as applicable, has no knowledge of
29 information pertaining to the applicant that would disqualify the
30 applicant from employment.

31 3. The applicant swears or affirms that he or she is not
32 disqualified from employment.

33 4. The applicant is directly supervised by a permanent
34 employee in any duties that involve direct contact with pupils. The
35 supervision must be such that the applicant is in the immediate
36 location of the permanent employee and is readily available
37 during such times as supervision is required.

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

40 1. Prevent a board of trustees of a school district, governing
41 body of a charter school, governing body of a university school for
42 profoundly gifted pupils or independent contractor from:

43 (a) Conducting further investigations of a prospective
44 employee; or



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

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

6 ***3. Relieve a person of a duty to report prescribed by NRS***
7 ***432B.220 or any other provision of state or federal law.***

8 ***Sec. 15. 1. The board of trustees of a school district,***
9 ***governing body of a charter school, governing body of a university***
10 ***school for profoundly gifted pupils or the independent contractor***
11 ***of a school district, charter school or university school for***
12 ***profoundly gifted pupils shall not enter into an agreement that:***

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

16 ***(b) Affects the ability of the school district, charter school,***
17 ***university school for profoundly gifted pupils or independent***
18 ***contractor to report suspected abuse or sexual misconduct to the***
19 ***appropriate authorities.***

20 ***(c) Requires the school district, charter school, university***
21 ***school for profoundly gifted pupils or independent contractor to***
22 ***expunge information about allegations or findings of suspected***
23 ***abuse or sexual misconduct from any documents maintained by***
24 ***the school district, charter school, university school for profoundly***
25 ***gifted pupils or independent contractor, unless, after investigating***
26 ***the alleged violation, the school district, charter school, university***
27 ***school for profoundly gifted pupils or independent contractor***
28 ***determines that the allegations were false, unfounded,***
29 ***unsubstantiated or inconclusive.***

30 ***2. If an agreement requires the removal of a document from***
31 ***the personnel file of an employee, the employer must maintain the***
32 ***document with the agreement.***

33 ***3. Any provisions in an agreement that violate the provisions***
34 ***of this section are void.***

35 ***Sec. 16. Any information collected pursuant to section 8, 9 or***
36 ***10 of this act is confidential and is not a public book or record***
37 ***within the meaning of NRS 239.010.***

38 ***Sec. 17. 1. Any person who willfully violates any provision***
39 ***of sections 2 to 17, inclusive, of this act, is subject to a civil penalty***
40 ***of not more than \$10,000 for each violation. This penalty must be***
41 ***recovered in a civil action, brought in the name of the State of***
42 ***Nevada by the Attorney General. In such an action, the Attorney***
43 ***General may recover reasonable attorney's fees and costs. If a***
44 ***civil penalty is imposed against an independent contractor for***
45 ***willfully violating any provision of sections 2 to 17, inclusive, of***



1 *this act, the Attorney General shall, within 30 days after the*
2 *imposition of the civil penalty, notify the Department of the name*
3 *of the independent contractor.*

4 *2. The Department shall maintain a list of any independent*
5 *contractors who have been found to have willfully violated the*
6 *provisions of sections 2 to 17, inclusive, of this act and make the*
7 *list available, upon request, to the board of trustees of a school*
8 *district, governing body of a charter school or governing body of a*
9 *university school for profoundly gifted pupils.*

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

15 **Sec. 18.** NRS 391.033 is hereby amended to read as follows:

16 391.033 1. All licenses for teachers and other educational
17 personnel are granted by the Superintendent of Public Instruction
18 pursuant to regulations adopted by the Commission and as
19 otherwise provided by law.

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

22 3. Every applicant for a license must submit with his or her
23 application a complete set of his or her fingerprints and written
24 permission authorizing the Superintendent to forward the
25 fingerprints to the Central Repository for Nevada Records of
26 Criminal History for its initial report on the criminal history of the
27 applicant and for reports thereafter upon renewal of the license
28 pursuant to subsection 7 of NRS 179A.075, and for submission to
29 the Federal Bureau of Investigation for its report on the criminal
30 history of the applicant.

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

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

37 (a) The Superintendent determines that the applicant is
38 qualified;

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

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

44 (2) Indicate that the applicant has been convicted of a felony
45 or an offense involving moral turpitude but the Superintendent



1 determines that the conviction is unrelated to the position within the
2 county school district or charter school for which the applicant
3 applied or for which he or she is currently employed, as applicable;
4 and

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

7 ***6. If the Superintendent denies an application for a license***
8 ***pursuant to this section, the Superintendent must, within 15 days***
9 ***after the date on which the application is denied, provide notice of***
10 ***the denial to the school district or charter school that employs the***
11 ***applicant if the applicant is employed by a school district or***
12 ***charter school. Such a notice must not state the reasons for denial.***

13 ***7. The Department shall:***

14 ***(a) Maintain a list of the names of persons whose application***
15 ***for a license is denied due to conviction of a sexual offense***
16 ***involving a minor;***

17 ***(b) Update the list maintained pursuant to paragraph (a)***
18 ***monthly; and***

19 ***(c) Provide this list to the board of trustees of a school district***
20 ***or the governing body of a charter school upon request.***

21 ***8. As used in this section, "sexual offense" has the meaning***
22 ***ascribed to it in NRS 179D.097.***

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

24 391.750 1. A teacher may be suspended, dismissed or not
25 reemployed and an administrator may be demoted, suspended,
26 dismissed or not reemployed for the following reasons:

27 (a) Inefficiency;

28 (b) Immorality;

29 (c) Unprofessional conduct;

30 (d) Insubordination;

31 (e) Neglect of duty;

32 (f) Physical or mental incapacity;

33 (g) A justifiable decrease in the number of positions due to
34 decreased enrollment or district reorganization;

35 (h) Conviction of a felony or of a crime involving moral
36 turpitude;

37 (i) Inadequate performance;

38 (j) Evident unfitness for service;

39 (k) Failure to comply with such reasonable requirements as a
40 board may prescribe;

41 (l) Failure to show normal improvement and evidence of
42 professional training and growth;

43 (m) Advocating overthrow of the Government of the United
44 States or of the State of Nevada by force, violence or other unlawful



1 means, or the advocating or teaching of communism with the intent
2 to indoctrinate pupils to subscribe to communistic philosophy;

3 (n) Any cause which constitutes grounds for the revocation of a
4 teacher's license;

5 (o) Willful neglect or failure to observe and carry out the
6 requirements of this title;

7 (p) Dishonesty;

8 (q) Intentional failure to observe and carry out the requirements
9 of a plan to ensure the security of examinations and assessments
10 adopted pursuant to NRS 390.270 or 390.275;

11 (r) An intentional violation of NRS 388.497 or 388.499;

12 (s) Knowingly and willfully failing to comply with the
13 provisions of NRS 388.1351;

14 (t) *Knowingly and willfully violating any provision of sections*
15 *2 to 17, inclusive, of this act;*

16 (u) Gross misconduct; or

17 ~~(u)~~ (v) An intentional failure to report a violation of NRS
18 388.135 if the teacher or administrator witnessed the violation.

19 2. If a teacher or administrator is found, through an
20 investigation of a testing irregularity, to have willfully breached the
21 security or confidentiality of the questions and answers of the
22 examinations that are administered pursuant to NRS 390.105 or
23 390.600 or the college and career readiness assessment administered
24 pursuant to NRS 390.610, the board of trustees of a school district,
25 governing body of a charter school or governing body of a
26 university school for profoundly gifted pupils, as applicable, shall:

27 (a) Suspend, dismiss or fail to reemploy the teacher; or

28 (b) Demote, suspend, dismiss or fail to reemploy the
29 administrator.

30 3. In determining whether the professional performance of a
31 licensed employee is inadequate, consideration must be given to the
32 regular and special evaluation reports prepared in accordance with
33 the policy of the employing school district and to any written
34 standards of performance which may have been adopted by the
35 board.

36 4. As used in this section, "gross misconduct" includes any act
37 or omission that is in wanton, willful, reckless or deliberate
38 disregard of the interests of a school or school district or a pupil
39 thereof.

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

41 391.755 1. Whenever an administrator charged with
42 supervision of a licensed employee believes it is necessary to
43 admonish the employee for a reason that the administrator believes
44 may lead to demotion or dismissal or may cause the employee not to



1 be reemployed under the provisions of NRS 391.750, the
2 administrator shall:

3 (a) Except as otherwise provided in subsection 3, bring the
4 matter to the attention of the employee involved, in writing, stating
5 the reasons for the admonition and that it may lead to the
6 employee's demotion, dismissal or a refusal to reemploy him or her,
7 and make a reasonable effort to assist the employee to correct
8 whatever appears to be the cause for the employee's potential
9 demotion, dismissal or a potential recommendation not to reemploy
10 him or her; and

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

14 ➤ The admonition must include a description of the deficiencies of
15 the teacher and the action that is necessary to correct those
16 deficiencies.

17 2. An admonition issued to a licensed employee who, within
18 the time granted for improvement, has met the standards set for the
19 employee by the administrator who issued the admonition must be
20 removed from the records of the employee together with all
21 notations and indications of its having been issued. The admonition
22 must be removed from the records of the employee not later than 3
23 years after it is issued.

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

27 4. A licensed employee is subject to immediate dismissal or a
28 refusal to reemploy according to the procedures provided in NRS
29 391.650 to 391.830, inclusive, without the admonition required by
30 this section, on grounds contained in paragraphs (b), (f), (g), (h), (p),
31 (s), ~~and~~ (t) and (u) of subsection 1 of NRS 391.750.

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

33 239.010 1. Except as otherwise provided in this section and
34 NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440,
35 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320,
36 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246,
37 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355,
38 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730,
39 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260,
40 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370,
41 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161,
42 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817,
43 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015,
44 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715,
45 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160,



1 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651,
2 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040,
3 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350,
4 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270,
5 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300,
6 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140,
7 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020,
8 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130,
9 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195,
10 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438,
11 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558,
12 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335,
13 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420,
14 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100,
15 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610,
16 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008,
17 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259,
18 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147,
19 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460,
20 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885,
21 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749,
22 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872,
23 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430,
24 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170,
25 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665,
26 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720,
27 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866,
28 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240,
29 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170,
30 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070,
31 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655,
32 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070,
33 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315,
34 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110,
35 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230,
36 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336,
37 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301,
38 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085,
39 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075,
40 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190,
41 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524,
42 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082,
43 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135,
44 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945,
45 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110,



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1 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310,
2 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243,
3 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690,
4 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873,
5 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115,
6 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190,
7 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615,
8 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230,
9 710.159, 711.600, *and section 16 of this act*, sections 35, 38 and 41
10 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter
11 391, Statutes of Nevada 2013 and unless otherwise declared by law
12 to be confidential, all public books and public records of a
13 governmental entity must be open at all times during office hours to
14 inspection by any person, and may be fully copied or an abstract or
15 memorandum may be prepared from those public books and public
16 records. Any such copies, abstracts or memoranda may be used to
17 supply the general public with copies, abstracts or memoranda of the
18 records or may be used in any other way to the advantage of the
19 governmental entity or of the general public. This section does not
20 supersede or in any manner affect the federal laws governing
21 copyrights or enlarge, diminish or affect in any other manner the
22 rights of a person in any written book or record which is
23 copyrighted pursuant to federal law.

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

26 3. A governmental entity that has legal custody or control of a
27 public book or record shall not deny a request made pursuant to
28 subsection 1 to inspect or copy or receive a copy of a public book or
29 record on the basis that the requested public book or record contains
30 information that is confidential if the governmental entity can
31 redact, delete, conceal or separate the confidential information from
32 the information included in the public book or record that is not
33 otherwise confidential.

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

38 (a) Shall not refuse to provide a copy of that public record in a
39 readily available medium because the officer, employee or agent has
40 already prepared or would prefer to provide the copy in a different
41 medium.

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



1 **Sec. 22.** NRS 432B.220 is hereby amended to read as follows:
2 432B.220 1. Any person who is described in subsection 4
3 and who, in his or her professional or occupational capacity, knows
4 or has reasonable cause to believe that a child has been abused or
5 neglected shall:

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

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

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

15 (a) A person directly responsible or serving as a volunteer for or
16 an employee of a public or private home, institution or facility
17 where the child is receiving child care outside of the home for a
18 portion of the day, the person shall make the report to a law
19 enforcement agency.

20 (b) An agency which provides child welfare services or a law
21 enforcement agency, the person shall make the report to an agency
22 other than the one alleged to have committed the act or omission,
23 and the investigation of the abuse or neglect of the child must be
24 made by an agency other than the one alleged to have committed the
25 act or omission.

26 3. Any person who is described in paragraph (a) of subsection
27 4 who delivers or provides medical services to a newborn infant and
28 who, in his or her professional or occupational capacity, knows or
29 has reasonable cause to believe that the newborn infant has been
30 affected by prenatal illegal substance abuse or has withdrawal
31 symptoms resulting from prenatal drug exposure shall, as soon as
32 reasonably practicable but not later than 24 hours after the person
33 knows or has reasonable cause to believe that the newborn infant is
34 so affected or has such symptoms, notify an agency which provides
35 child welfare services of the condition of the infant and refer each
36 person who is responsible for the welfare of the infant to an agency
37 which provides child welfare services for appropriate counseling,
38 training or other services. A notification and referral to an agency
39 which provides child welfare services pursuant to this subsection
40 shall not be construed to require prosecution for any illegal action.

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

43 (a) A person providing services licensed or certified in this State
44 pursuant to, without limitation, chapter 450B, 630, 630A, 631, 632,



1 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C,
2 640D, 640E, 641, 641A, 641B or 641C of NRS.

3 (b) Any personnel of a medical facility licensed pursuant to
4 chapter 449 of NRS who are engaged in the admission, examination,
5 care or treatment of persons or an administrator, manager or other
6 person in charge of such a medical facility upon notification of
7 suspected abuse or neglect of a child by a member of the staff of the
8 medical facility.

9 (c) A coroner.

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

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

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

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

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

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

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

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

31 (l) Any adult person who is employed by an entity that provides
32 organized activities for children **H**, *including, without limitation, a*
33 *person who is employed by a school district or public school as*
34 *defined in NRS 385.007.*

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

36 6. If a person who is required to make a report pursuant to
37 subsection 1 knows or has reasonable cause to believe that a child
38 has died as a result of abuse or neglect, the person shall, as soon as
39 reasonably practicable, report this belief to an agency which
40 provides child welfare services or a law enforcement agency. If such
41 a report is made to a law enforcement agency, the law enforcement
42 agency shall notify an agency which provides child welfare services
43 and the appropriate medical examiner or coroner of the report. If
44 such a report is made to an agency which provides child welfare
45 services, the agency which provides child welfare services shall



1 notify the appropriate medical examiner or coroner of the report.
2 The medical examiner or coroner who is notified of a report
3 pursuant to this subsection shall investigate the report and submit
4 his or her written findings to the appropriate agency which provides
5 child welfare services, the appropriate district attorney and a law
6 enforcement agency. The written findings must include, if
7 obtainable, the information required pursuant to the provisions of
8 subsection 2 of NRS 432B.230.

9 7. The agency, board, bureau, commission, department,
10 division or political subdivision of the State responsible for the
11 licensure, certification or endorsement of a person who is described
12 in subsection 4 and who is required in his or her professional or
13 occupational capacity to be licensed, certified or endorsed in this
14 State shall, at the time of initial licensure, certification or
15 endorsement:

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

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

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

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

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

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

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

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

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

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

