

(Reprinted with amendments adopted on June 3, 2017)

THIRD REPRINT

A.B. 362

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

MARCH 20, 2017

JOINT SPONSORS: SENATORS DENIS, FORD, GUSTAVSON,
HAMMOND, HARRIS, GANSERT, SEGERBLOM, SPEARMAN
AND WOODHOUSE

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, governing body of a private school 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; authorizing the Superintendent of Public Instruction to deny an application for a license if a report on the criminal history of the applicant indicates that an applicant has been arrested for or charged with a sexual offense involving a minor or pupil; requiring the Superintendent 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 3 *

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. **Section 25** of this bill places the same requirements and
16 penalties on an applicant for employment with a private school.

17 **Section 9** of this bill requires the governing body of a public school, including
18 the board of trustees of a school district, governing body of a charter school and
19 governing body of a university school for profoundly gifted pupils, or an
20 independent contractor who receives the information described in **section 8** to: (1)
21 verify the information received; (2) ensure that the applicant has a license
22 authorizing him or her to teach or perform other educational functions if a license is
23 required; and (3) verify that the Department of Education has not received notice
24 that the applicant is a defendant in a criminal case. **Section 26** of this bill similarly
25 requires the governing body of a private school that receives the information
26 described in **section 25** to verify the information received.

27 **Sections 10 and 27** of this bill require the governing body of a public school,
28 an independent contractor and the governing body of a private school, respectively,
29 to take certain action to obtain additional information if a current or previous
30 employer of an applicant indicates that the applicant is or was the subject of an
31 investigation concerning an alleged sexual offense.

32 **Sections 9, 10, 26 and 27** of this bill also provide that any employer or former
33 employer who is contacted by the governing body of a public school, an
34 independent contractor or the governing body of a private school, respectively, and
35 asked to provide information, but willfully fails to disclose information is subject to
36 discipline, including a civil penalty. **Sections 9, 10, 26 and 27** further provide that,
37 in addition to being subject to discipline, including a civil penalty, a private school
38 that willfully fails to disclose any such information is subject to discipline, which
39 may include being placed on a corrective action plan. **Sections 9, 10, 26 and 27**
40 provide immunity from liability for providing the information and makes the
41 information privileged.

42 **Sections 11 and 28** of this bill authorize the governing body of a public school,
43 an independent contractor and the governing body of a private school, respectively
44 to: (1) consider the information received pursuant to **sections 8-10 and 25-27** when
45 making an employment decision; and (2) report the information received to certain
46 entities. **Sections 11 and 28** of this bill also provide that the board of trustees of a
47 school district, governing body of a charter school, governing body of a university
48 school for profoundly gifted pupils, independent contractor or governing body of a
49 private school: (1) shall not be held liable for any damages resulting from failure of
50 an entity not subject to the jurisdiction of this State to respond to certain requests
51 for information or any inaccuracy or omission in the information submitted; and (2)
52 is immune from civil or criminal liability for considering the information received
53 pursuant to **sections 8-10 or 25-27**, as applicable, when making employment
54 decisions.



55 **Section 12** of this bill requires an independent contractor who employs a
56 person who may have direct contact with pupils to maintain a record for each such
57 employee and, upon request, provide this record to the governing body of the public
58 school at which an employee has been assigned to perform work. **Section 12** also:
59 (1) requires an independent contractor to provide certain information to the
60 governing body of a public school before assigning an employee to perform work at
61 a location; and (2) prohibits an independent contractor from assigning an employee
62 to perform work at a school if the governing body of the school objects to the
63 assignment.

64 **Section 13 and 29** of this bill authorize the governing body of a public school
65 and the governing body of a private school, respectively, to allow provisional
66 employment of a person pending review of the information received pursuant to
67 **sections 8-10 or 25-27**, as applicable, in certain circumstances.

68 **Section 14** of this bill provides that nothing in **sections 2-17** of this bill shall be
69 construed to: (1) prevent a prospective employer from conducting further
70 investigations of a prospective employee; (2) prohibit a person from disclosing
71 more information than is required by this bill; or (3) relieve a person of a duty to
72 report prescribed by state or federal law. **Section 30** of this bill similarly provides
73 that nothing in **sections 22-32** of this bill shall be construed to: (1) prevent a private
74 school from conducting further investigations of a prospective employee; (2)
75 prohibit a person from disclosing more information than is required by this bill; or
76 (3) relieve a person of a duty to report prescribed by state or federal law.

77 **Sections 15 and 31** of this bill prohibit the governing body of a public school,
78 an independent contractor or the governing body of a private school, respectively,
79 from entering into any agreement that: (1) has the effect of suppressing information
80 relating to an investigation concerning a report of suspected abuse or sexual
81 misconduct by a current or former employee; (2) affects the ability of the governing
82 body or independent contractor to report suspected abuse or sexual misconduct; or
83 (3) requires the governing body or independent contractor to expunge certain
84 information from any documents maintained by the governing body or independent
85 contractor. **Sections 15 and 31** also require an employer to maintain certain
86 documents if the agreement requires the removal of the document from an
87 employee's personnel file.

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

91 **Sections 17 and 32** of this bill provide provides that any person who willfully
92 violates any provision of **sections 2-17 or 22-32**, respectively, is subject to a civil
93 penalty, which must be recovered in a civil action. **Section 17** also prohibits the
94 governing body of a public school from contracting with an independent contractor
95 who has been found to have willfully violated the provisions of **sections 2-17**.
96 **Section 19** provides that a teacher or administrator may be subject to disciplinary
97 action for willfully violating the provisions of **sections 2-17**.

98 Existing law requires the Superintendent of Public Instruction to grant all
99 licenses for teachers and other educational personnel. (NRS 391.033) **Section 18** of
100 this bill authorizes the Superintendent to deny an application for a license if a report
101 on the criminal history of the applicant from the Federal Bureau of Investigation or
102 the Central Repository for Nevada Records of Criminal History indicates that an
103 applicant has been arrested for or charged with a sexual offense involving a minor
104 or pupil. **Section 18** requires the Superintendent or his or her designee to provide
105 written notice of his or her intent to deny the application for a license and
106 authorizes an applicant to whom such notice has been provided to request a hearing
107 within 15 days after receipt of such notice. **Section 18**: (1) requires such a hearing
108 to be conducted in accordance with regulations adopted by the State Board; and



109 (2) authorizes the Superintendent to deny a license if no request for a hearing is
110 filed within the prescribed period of time.

111 **Section 18** also requires the Superintendent to provide notice to a school
112 district or charter school that employs an applicant whenever an application for a
113 license is denied. Finally, **section 18** requires the Department of Education to: (1)
114 maintain a list of the names of persons whose application for a license is denied due
115 to conviction of a sexual offense involving a minor; and (2) provide such a list to
116 certain persons upon request.

117 Existing law requires each private school desiring to operate in this State to
118 apply to the Superintendent of Public Instruction to obtain a license to operate a
119 private school. (NRS 394.451) **Section 33** of this bill requires such an application
120 to be accompanied by documentation of the actions the applicant has taken to
121 comply with the requirements prescribed in **sections 25, 26 and 27**. **Section 33**
122 requires the State Board to deny a license to operate a private school or fail to
123 renew such a license for an applicant who does not provide such documentation.

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 has*
23 *actual or constructive knowledge that such an employee,*
24 *contractor or agent has engaged in sexual misconduct regarding a*
25 *minor or pupil.*

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

27 (a) *The information giving rise to actual or constructive*
28 *knowledge has been properly reported to a law enforcement*



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

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

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

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

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

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

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

40 *(b) Any other contact information for an employer or former*
41 *employer described in paragraph (a) prescribed by the board of*
42 *trustees of the school district, governing body of the charter school*
43 *or governing body of the university school for profoundly gifted*
44 *pupils with which the applicant seeks to obtain employment;*



1 (c) *Written authorization for an employer or former employer*
2 *described in paragraph (a) to release the information prescribed in*
3 *section 9 of this act; and*

4 (d) *A written statement indicating whether the applicant has:*

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

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

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

27 2. *Any action brought by an applicant for employment*
28 *described in subsection 1 against a board of trustees, the*
29 *governing body of a charter school or the governing body of a*
30 *university school for profoundly gifted pupils, or an employee*
31 *thereof, which is based upon information obtained by the board of*
32 *trustees or the governing body with which the applicant seeks*
33 *employment to determine the fitness of the applicant for*
34 *employment, including, without limitation, an action for*
35 *defamation, must be brought in a court in the State of Nevada and*
36 *governed by the laws of this State. The provisions of this*
37 *subsection shall not be deemed to waive any immunity from*
38 *liability to which the board of trustees or governing body, as*
39 *applicable, or employee thereof, is entitled.*

40 3. *An applicant for employment with an independent*
41 *contractor of a school district, charter school or university school*
42 *for profoundly gifted pupils who may have direct contact with*
43 *pupils must, before having direct contact with pupils, submit to the*
44 *independent contractor on a form prescribed by the Department:*



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

3 (b) *Any other contact information for the employers and*
4 *former employers described in paragraph (a) of subsection 1*
5 *requested by the independent contractor with which the applicant*
6 *seeks to obtain employment.*

7 4. *Any applicant for employment described in subsection 1 or*
8 *3 who knowingly provides false information or willfully fails to*
9 *disclose any information required by this section:*

10 (a) *Is subject to discipline, including, without limitation,*
11 *suspension or revocation of the person's license pursuant to NRS*
12 *391.330 or 391.750, termination of employment or a civil penalty*
13 *pursuant to section 17 of this act; and*

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

15 **Sec. 9. 1.** *Upon receipt of the information required by*
16 *section 8 of this act, the board of trustees of a school district,*
17 *governing body of a charter school, governing body of a university*
18 *school for profoundly gifted pupils or independent contractor*
19 *shall:*

20 (a) *Contact each employer and former employer described in*
21 *paragraph (a) of subsection 1 of section 8 of this act and request*
22 *that the employer provide:*

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

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

26 (I) *Except as otherwise provided in this sub-*
27 *subparagraph, been the subject of an investigation concerning an*
28 *alleged sexual offense conducted by the employer. An employer or*
29 *former employer is not required to provide the information*
30 *described in this sub-subparagraph if, after investigating the*
31 *alleged violation, the employer determined that the allegations*
32 *were false, unfounded, unsubstantiated or inconclusive.*

33 (II) *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 (III) *Had a license or certificate suspended or revoked*
41 *or has 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 (b) Ensure that the applicant has a license authorizing him or
2 her to teach or perform other educational functions at the level
3 and, except as otherwise provided in NRS 391.125, in the field for
4 which he or she is applying for employment, if a license is
5 required, and that the applicant is otherwise eligible for
6 employment.

7 (c) Verify that the Department has not received notice,
8 including, without limitation, notice provided pursuant to NRS
9 391.055, that the applicant is a defendant in a criminal case.

10 2. An employer or former employer contacted by a board of
11 trustees of a school district, governing body of a charter school,
12 governing body of a university school for profoundly gifted
13 pupils or independent contractor pursuant to paragraph (a) of
14 subsection 1:

15 (a) Shall provide the information requested not later than 20
16 days after the date on which the board of trustees, governing body
17 or independent contractor contacts the employer or former
18 employer.

19 (b) Is immune from civil and criminal liability for any act
20 relating to the provision of such information, unless the employer
21 or former employer knowingly provides false information. Such
22 information is privileged and must not be used as the basis for any
23 action against the person or entity that provided the information.

24 3. Except as otherwise prohibited by federal or state law, an
25 employer or former employer willfully fails to disclose any
26 information required by subsection 1 is subject to discipline,
27 including, without limitation, a civil penalty pursuant to section 17
28 of this act.

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

34 **Sec. 10.** 1. If a statement provided pursuant to paragraph
35 (d) of subsection 1 of section 8 of this act or subparagraph (2) of
36 paragraph (a) of subsection 2 of section 9 of this act indicates that
37 the applicant meets any of the criteria prescribed in that
38 paragraph or subparagraph, as applicable, the board of trustees of
39 a school district, governing body of a charter school, governing
40 body of a university school for profoundly gifted pupils or
41 independent contractor who receives the statement shall request
42 the employer that conducted the investigation concerning an
43 alleged sexual offense, discharged, disciplined or dismissed the
44 employee or asked the employee to resign from employment to
45 provide additional information concerning the matter and all



1 records related to the matter, including, without limitation, any
2 documents relating to a disciplinary action taken against the
3 employee, disciplinary records or documents used in the decision
4 made by the employer concerning the investigation.

5 2. An employer contacted by the board of trustees of a school
6 district, governing body of a charter school, governing body of a
7 university school for profoundly gifted pupils or independent
8 contractor pursuant to subsection 1:

9 (a) Except as otherwise provided in this subsection, shall
10 provide the information requested not later than 60 days after the
11 date on which the board of trustees, governing body or
12 independent contractor contacts the employer.

13 (b) Is not required to disclose any information or records held
14 by the school police of the school district, if the school district has
15 school police officers.

16 (c) Is immune from civil and criminal liability to the same
17 extent provided in paragraph (b) of subsection 2 of section 9 of
18 this act.

19 3. Except as otherwise prohibited by federal or state law, an
20 employer who willfully fails to disclose any information required
21 by subsection 1 is subject to discipline, including, without
22 limitation, a civil penalty pursuant to section 17 of this act.

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

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

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

34 2. May report the information submitted pursuant to sections
35 8, 9 and 10 of this act to the Department or a licensing agency, law
36 enforcement agency, agency which provides child welfare services,
37 agency which provides child protective services or a similar
38 agency.

39 3. Shall not be held liable for any damages resulting from the
40 failure of an entity not subject to the jurisdiction of this State to
41 respond to a request for information pursuant to section 9 or 10 of
42 this act or any inaccuracy or omission in the information
43 submitted to the school district, charter school, university school
44 for profoundly gifted pupils or independent contractor pursuant to
45 section 9 or 10 of this act.



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

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

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

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

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

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

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 or governmental entity from disclosing*
41 *more information than is required by sections 8, 9 and 10 of this*
42 *act.*

43 3. *Relieve a person of a duty to report prescribed by NRS*
44 *432B.220 or any other provision of state or federal law.*



1 **Sec. 15. 1.** *The board of trustees of a school district,*
2 *governing body of a charter school, governing body of a university*
3 *school for profoundly gifted pupils or the independent contractor*
4 *of a school district, charter school or university school for*
5 *profoundly gifted pupils shall not enter into an agreement that:*

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

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

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

23 *2. If an agreement requires the removal of a document from*
24 *the personnel file of an employee, the employer must maintain the*
25 *document with the agreement.*

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

28 **Sec. 16.** *Any information collected pursuant to section 8, 9 or*
29 *10 of this act is confidential and is not a public book or record*
30 *within the meaning of NRS 239.010.*

31 **Sec. 17. 1.** *Any person who willfully violates any provision*
32 *of sections 2 to 17, inclusive, of this act is subject to a civil penalty*
33 *of not more than \$10,000 for each violation. This penalty must be*
34 *recovered in a civil action, brought in the name of the State of*
35 *Nevada by the Attorney General. In such an action, the Attorney*
36 *General may recover reasonable attorney's fees and costs. If a*
37 *civil penalty is imposed against an independent contractor for*
38 *willfully violating any provision of sections 2 to 17, inclusive, of*
39 *this act, the Attorney General shall, within 30 days after the*
40 *imposition of the civil penalty, notify the Department of the name*
41 *of the independent contractor.*

42 *2. The Department shall maintain a list of any independent*
43 *contractors who have been found to have willfully violated the*
44 *provisions of sections 2 to 17, inclusive, of this act and make the*
45 *list available, upon request, to the board of trustees of a school*



1 *district, governing body of a charter school or governing body of a*
2 *university school for profoundly gifted pupils.*

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

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

9 391.033 1. All licenses for teachers and other educational
10 personnel are granted by the Superintendent of Public Instruction
11 pursuant to regulations adopted by the Commission and as
12 otherwise provided by law.

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

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

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

28 5. ~~1A~~ *Except as otherwise provided in subsection 6, a* license
29 must be issued to, or renewed for, as applicable, an applicant if:

30 (a) The Superintendent determines that the applicant is
31 qualified;

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

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

37 (2) Indicate that the applicant has been convicted of a felony
38 or an offense involving moral turpitude but the Superintendent
39 determines that the conviction is unrelated to the position within the
40 county school district or charter school for which the applicant
41 applied or for which he or she is currently employed, as applicable;
42 and

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



1 6. *The Superintendent may deny an application for a license*
2 *pursuant to this section if a report on the criminal history of the*
3 *applicant from the Federal Bureau of Investigation or the Central*
4 *Repository for Nevada Records of Criminal History indicates that*
5 *the applicant has been arrested for or charged with a sexual*
6 *offense involving a minor or pupil, including, without limitation,*
7 *any attempt, solicitation or conspiracy to commit such an offense.*

8 7. *The Superintendent or his or her designee may deny the*
9 *application for a license after providing written notice of his or*
10 *her intent to deny the application to the applicant and providing*
11 *an opportunity for the applicant to have a hearing.*

12 8. *To request a hearing pursuant to subsection 7, an*
13 *applicant must submit a written request to the Superintendent*
14 *within 15 days after receipt of the notice by the applicant. Such a*
15 *hearing must be conducted in accordance with regulations*
16 *adopted by the State Board. If no request for a hearing is filed*
17 *within that time, the Superintendent may deny the license.*

18 9. *If the Superintendent denies an application for a license*
19 *pursuant to this section, the Superintendent must, within 15 days*
20 *after the date on which the application is denied, provide notice of*
21 *the denial to the school district or charter school that employs the*
22 *applicant if the applicant is employed by a school district or*
23 *charter school. Such a notice must not state the reasons for denial.*

24 10. *The Department shall:*

25 (a) *Maintain a list of the names of persons whose applications*
26 *for a license are denied due to conviction of a sexual offense*
27 *involving a minor;*

28 (b) *Update the list maintained pursuant to paragraph (a)*
29 *monthly; and*

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

32 11. *As used in this section, "sexual offense" has the meaning*
33 *ascribed to it in NRS 179D.097.*

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

35 391.750 1. A teacher may be suspended, dismissed or not
36 reemployed and an administrator may be demoted, suspended,
37 dismissed or not reemployed for the following reasons:

38 (a) Inefficiency;

39 (b) Immorality;

40 (c) Unprofessional conduct;

41 (d) Insubordination;

42 (e) Neglect of duty;

43 (f) Physical or mental incapacity;

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



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



1 4. As used in this section, “gross misconduct” includes any act
2 or omission that is in wanton, willful, reckless or deliberate
3 disregard of the interests of a school or school district or a pupil
4 thereof.

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

6 391.755 1. Whenever an administrator charged with
7 supervision of a licensed employee believes it is necessary to
8 admonish the employee for a reason that the administrator believes
9 may lead to demotion or dismissal or may cause the employee not to
10 be reemployed under the provisions of NRS 391.750, the
11 administrator shall:

12 (a) Except as otherwise provided in subsection 3, bring the
13 matter to the attention of the employee involved, in writing, stating
14 the reasons for the admonition and that it may lead to the
15 employee’s demotion, dismissal or a refusal to reemploy him or her,
16 and make a reasonable effort to assist the employee to correct
17 whatever appears to be the cause for the employee’s potential
18 demotion, dismissal or a potential recommendation not to reemploy
19 him or her; and

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

23 ➔ The admonition must include a description of the deficiencies of
24 the teacher and the action that is necessary to correct those
25 deficiencies.

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

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

36 4. A licensed employee is subject to immediate dismissal or a
37 refusal to reemploy according to the procedures provided in NRS
38 391.650 to 391.830, inclusive, without the admonition required by
39 this section, on grounds contained in paragraphs (b), (f), (g), (h), (p),
40 (s), ~~and~~ (t) **and (u)** of subsection 1 of NRS 391.750.

41 **Sec. 21.** Chapter 394 of NRS is hereby amended by adding
42 thereto the provisions set forth as sections 22 to 32, inclusive, of this
43 act.

44 **Sec. 22.** *As used in sections 22 to 32, inclusive, of this act,*
45 *unless the context otherwise requires, the words and terms defined*



1 *in sections 23 and 24 of this act have the meanings ascribed to*
2 *them in those sections.*

3 **Sec. 23.** *“Sexual misconduct” has the meaning ascribed to it*
4 *in section 4 of this act.*

5 **Sec. 24.** *“Sexual offense” has the meaning ascribed to it in*
6 *NRS 179D.097.*

7 **Sec. 25. 1.** *Any applicant for employment with a private*
8 *school who may have direct contact with pupils must, as a*
9 *condition to employment, submit to the governing body of the*
10 *private school with which the applicant seeks to obtain*
11 *employment, on a form prescribed by the Department:*

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

17 (b) *Any other contact information for the employer or former*
18 *employer described in paragraph (a) prescribed by the governing*
19 *body of the school with which the applicant seeks to obtain*
20 *employment;*

21 (c) *Written authorization for the employer or former employer*
22 *described in paragraph (a) to release the information prescribed in*
23 *section 26 of this act; and*

24 (d) *A written statement indicating whether the applicant has:*

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

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

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



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

3 2. *Any action brought by an applicant for employment*
4 *described in subsection 1 against the governing body of a private*
5 *school or an employee thereof which is based upon information*
6 *obtained by the governing body of the private school with which*
7 *the applicant seeks employment to determine the fitness of the*
8 *applicant for employment, including, without limitation, an action*
9 *for defamation, must be brought in a court in the State of Nevada*
10 *and governed by the laws of this State.*

11 3. *Any applicant for employment described in subsection 1*
12 *who knowingly provides false information or willfully fails to*
13 *disclose any information required by this section:*

14 (a) *Is subject to discipline, including, without limitation,*
15 *termination of employment or a civil penalty pursuant to section*
16 *32 of this act; and*

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

18 **Sec. 26.** 1. *Upon receipt of the information required by*
19 *section 25 of this act, the governing body of a private school shall*
20 *contact each employer and former employer described in*
21 *paragraph (a) of subsection 1 of section 25 of this act and request*
22 *that the employer provide:*

23 (a) *The dates of employment of the applicant; and*

24 (b) *On a form prescribed by the Department, a written*
25 *statement indicating whether the applicant has:*

26 (1) *Except as otherwise provided in this subparagraph,*
27 *been the subject of an investigation concerning an alleged sexual*
28 *offense conducted by the employer. An employer or former*
29 *employer is not required to provide the information described in*
30 *this subparagraph if, after investigating the alleged violation, the*
31 *employer determined that the allegations were false, unfounded,*
32 *unsubstantiated or inconclusive.*

33 (2) *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 (3) *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 2. *An employer or former employer contacted by a governing*
2 *body of a private school pursuant to subsection 1:*

3 (a) *Shall provide the information requested not later than 20*
4 *days after the date on which the governing body contacts the*
5 *employer or former employer.*

6 (b) *Is immune from civil and criminal liability for any act*
7 *relating to the provision of such information, unless the employer*
8 *or former employer knowingly provides false information. Such*
9 *information is privileged and must not be used as the basis for any*
10 *action against the person or entity that provided the information.*

11 3. *Except as otherwise prohibited by federal or state law, an*
12 *employer or former employer that willfully fails to disclose any*
13 *information required by subsection 1 is subject to discipline,*
14 *including, without limitation, a civil penalty pursuant to section 32*
15 *of this act.*

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

21 **Sec. 27.** 1. *If a statement provided pursuant to paragraph*
22 *(d) of subsection 1 of section 25 of this act or paragraph (b) of*
23 *subsection 1 of section 26 of this act indicates that the applicant*
24 *meets any of the criteria prescribed in those paragraphs, the*
25 *governing body of the private school that receives the statement*
26 *shall request the employer that conducted the investigation*
27 *concerning an alleged sexual offense, discharged, disciplined or*
28 *dismissed the employee or asked the employee to resign from*
29 *employment to provide additional information concerning the*
30 *matter and all records related to the matter, including, without*
31 *limitation, any documents relating to a disciplinary action taken*
32 *against the employee, disciplinary records or documents used in*
33 *the decision made by the employer concerning the investigation.*

34 2. *An employer contacted by the governing body of a private*
35 *school pursuant to subsection 1:*

36 (a) *Except as otherwise provided in this subsection, shall*
37 *provide the information requested not later than 60 days after the*
38 *date on which the governing body contacts the employer.*

39 (b) *Is immune from civil and criminal liability to the same*
40 *extent provided in paragraph (b) of subsection 2 of section 26 of*
41 *this act.*

42 3. *Except as otherwise prohibited by federal or state law, an*
43 *employer who willfully fails to disclose any information required*
44 *by subsection 1 is subject to discipline, including, without*
45 *limitation, a civil penalty pursuant to section 32 of this act.*



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

6 **Sec. 28.** *The governing body of a private school:*

7 1. *May consider the information submitted pursuant to*
8 *sections 25, 26 and 27 of this act when deciding whether to employ*
9 *an applicant or continue to employ a person.*

10 2. *May report the information submitted pursuant to sections*
11 *25, 26 and 27 of this act to the Department or a licensing agency,*
12 *law enforcement agency, agency which provides child welfare*
13 *services, agency which provides child protective services or a*
14 *similar agency.*

15 3. *Shall not be held liable for any damages resulting from the*
16 *failure of an entity not subject to the jurisdiction of this State to*
17 *respond to a request for information pursuant to section 26 or 27*
18 *of this act or any inaccuracy or omission in the information*
19 *submitted to the private school pursuant to section 26 or 27 of this*
20 *act.*

21 4. *Is immune from civil or criminal liability for considering*
22 *the information submitted pursuant to sections 25, 26 and 27 of*
23 *this act when deciding whether to employ an applicant or continue*
24 *to employ a person.*

25 **Sec. 29.** *The governing body of a private school may*
26 *authorize provisional employment of a person for a period not to*
27 *exceed 90 days pending the review of information submitted*
28 *pursuant to sections 25, 26 and 27 of this act if the governing body*
29 *determines the applicant is otherwise qualified and:*

30 1. *The applicant provided the statement described in*
31 *paragraph (d) of subsection 1 of section 25 of this act.*

32 2. *The governing body of the private school has no*
33 *knowledge of information pertaining to the applicant that would*
34 *disqualify the applicant from employment.*

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

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

42 **Sec. 30.** *Nothing in sections 22 to 32, inclusive, of this act*
43 *shall be construed to:*

44 1. *Prevent a governing body of a private school from:*



1 (a) Conducting further investigations of a prospective
2 employee; or

3 (b) Requiring an applicant to submit additional information or
4 authorizations beyond what is required by sections 25, 26 and 27
5 of this act.

6 2. Prohibit a person or governmental entity from disclosing
7 more information than is required by sections 25, 26 and 27 of this
8 act.

9 3. Relieve a person of a duty to report prescribed by NRS
10 432B.220 or any other provision of state or federal law.

11 **Sec. 31.** 1. The governing body of a private school shall not
12 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 private school to report suspected
17 abuse or sexual misconduct to the appropriate authorities.

18 (c) Requires the private school to expunge information about
19 allegations or findings of suspected abuse or sexual misconduct
20 from any documents maintained by the private school unless, after
21 investigating the alleged violation, the private school determines
22 that the allegations were false, unfounded, unsubstantiated or
23 inconclusive.

24 2. If an agreement requires the removal of a document from
25 the personnel file of an employee, the private school must
26 maintain the document with the agreement.

27 3. Any provisions in an agreement that violate the provisions
28 of this section are void.

29 **Sec. 32.** Any person who willfully violates any provision of
30 sections 22 to 32, inclusive, of this act is subject to a civil penalty
31 of not more than \$10,000 for each violation. This penalty must be
32 recovered in a civil action, brought in the name of the State of
33 Nevada by the Attorney General. In such an action, the Attorney
34 General may recover reasonable attorney's fees and costs.

35 **Sec. 33.** NRS 394.251 is hereby amended to read as follows:

36 394.251 1. Each elementary or secondary educational
37 institution desiring to operate in this State must apply to the
38 Superintendent upon forms provided by the Department. The
39 application must be accompanied by the catalog or brochure
40 published or proposed to be published by the institution. The
41 application must also be accompanied by ~~evidence~~ :

42 (a) Evidence of the required surety bond or certificate of deposit
43 and payment of the fees required by law ~~+~~ ; and



1 ***(b) Documentation of the actions the institution has taken to***
2 ***comply with the requirements prescribed in sections 25, 26 and 27***
3 ***of this act.***

4 2. After review of the application and any further information
5 required by the Superintendent, and an investigation of the applicant
6 if necessary, the Board shall either grant or deny a license to operate
7 to the applicant. ***The Board must deny a license to operate to an***
8 ***applicant who does not provide the documentation required by***
9 ***paragraph (b) of subsection 1.***

10 3. The license must state in a clear and conspicuous manner at
11 least the following information:

12 (a) The date of issuance, effective date and term of the license.

13 (b) The correct name and address of the institution licensed to
14 operate.

15 (c) The authority for approval and conditions of operation.

16 (d) Any limitation of the authorization, as considered necessary
17 by the Board.

18 4. Except as otherwise provided in this subsection, the term for
19 which authorization is given must not exceed 2 years. A provisional
20 license may be issued for a shorter period of time if the Board finds
21 that the applicant has not fully complied with the standards
22 established by NRS 394.241. Authorization may be given for a term
23 of not more than 4 years if:

24 (a) The institution has been licensed to operate for not less than
25 4 years preceding the authorization; and

26 (b) The institution has operated during that period without the
27 filing of a verified complaint against it and without violating any
28 provision of NRS 394.201 to 394.351, inclusive, or any regulation
29 adopted pursuant to those sections.

30 5. The license must be issued to the owner or governing body
31 of the applicant institution and is nontransferable. If a change in
32 ownership of the institution occurs, the new owner or governing
33 body must, within 10 days after the change in ownership, apply for a
34 new license, and if it fails to do so, the institution's license
35 terminates. Application for a new license because of a change in
36 ownership of the institution is, for purposes of NRS 394.281, an
37 application for renewal of the institution's license.

38 6. At least 60 days before the expiration of a license, the
39 institution must complete and file with the Superintendent an
40 application form for renewal of its license. The renewal application
41 must ~~be~~ :

42 ***(a) Be*** reviewed and acted upon as provided in this section ***H*** ;
43 ***and***



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1 ***(b) Include documentation of the actions the institution has***
2 ***taken to comply with the requirements prescribed in sections 25,***
3 ***26 and 27 of this act.***

4 7. An institution not yet in operation when its application for a
5 license is filed may not begin operation until the license is issued.
6 An institution in operation when its application for a license is filed
7 may continue operation until its application is acted upon by the
8 Board, and thereafter its authority to operate is governed by the
9 action of the Board.

10 **Sec. 34.** NRS 239.010 is hereby amended to read as follows:

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



1 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430,
2 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170,
3 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665,
4 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720,
5 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866,
6 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240,
7 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170,
8 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070,
9 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655,
10 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070,
11 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315,
12 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110,
13 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230,
14 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336,
15 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301,
16 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085,
17 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075,
18 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190,
19 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524,
20 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082,
21 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135,
22 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945,
23 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110,
24 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310,
25 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243,
26 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690,
27 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873,
28 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115,
29 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190,
30 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615,
31 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230,
32 710.159, 711.600, *and section 16 of this act*, sections 35, 38 and 41
33 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter
34 391, Statutes of Nevada 2013 and unless otherwise declared by law
35 to be confidential, all public books and public records of a
36 governmental entity must be open at all times during office hours to
37 inspection by any person, and may be fully copied or an abstract or
38 memorandum may be prepared from those public books and public
39 records. Any such copies, abstracts or memoranda may be used to
40 supply the general public with copies, abstracts or memoranda of the
41 records or may be used in any other way to the advantage of the
42 governmental entity or of the general public. This section does not
43 supersede or in any manner affect the federal laws governing
44 copyrights or enlarge, diminish or affect in any other manner the



1 rights of a person in any written book or record which is
2 copyrighted pursuant to federal law.

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

5 3. A governmental entity that has legal custody or control of a
6 public book or record shall not deny a request made pursuant to
7 subsection 1 to inspect or copy or receive a copy of a public book or
8 record on the basis that the requested public book or record contains
9 information that is confidential if the governmental entity can
10 redact, delete, conceal or separate the confidential information from
11 the information included in the public book or record that is not
12 otherwise confidential.

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

17 (a) Shall not refuse to provide a copy of that public record in a
18 readily available medium because the officer, employee or agent has
19 already prepared or would prefer to provide the copy in a different
20 medium.

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

25 **Sec. 35.** NRS 432B.220 is hereby amended to read as follows:

26 432B.220 1. Any person who is described in subsection 4
27 and who, in his or her professional or occupational capacity, knows
28 or has reasonable cause to believe that a child has been abused or
29 neglected shall:

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

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

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

39 (a) A person directly responsible or serving as a volunteer for or
40 an employee of a public or private home, institution or facility
41 where the child is receiving child care outside of the home for a
42 portion of the day, the person shall make the report to a law
43 enforcement agency.

44 (b) An agency which provides child welfare services or a law
45 enforcement agency, the person shall make the report to an agency



1 other than the one alleged to have committed the act or omission,
2 and the investigation of the abuse or neglect of the child must be
3 made by an agency other than the one alleged to have committed the
4 act or omission.

5 3. Any person who is described in paragraph (a) of subsection
6 4 who delivers or provides medical services to a newborn infant and
7 who, in his or her professional or occupational capacity, knows or
8 has reasonable cause to believe that the newborn infant has been
9 affected by prenatal illegal substance abuse or has withdrawal
10 symptoms resulting from prenatal drug exposure shall, as soon as
11 reasonably practicable but not later than 24 hours after the person
12 knows or has reasonable cause to believe that the newborn infant is
13 so affected or has such symptoms, notify an agency which provides
14 child welfare services of the condition of the infant and refer each
15 person who is responsible for the welfare of the infant to an agency
16 which provides child welfare services for appropriate counseling,
17 training or other services. A notification and referral to an agency
18 which provides child welfare services pursuant to this subsection
19 shall not be construed to require prosecution for any illegal action.

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

22 (a) A person providing services licensed or certified in this State
23 pursuant to, without limitation, chapter 450B, 630, 630A, 631, 632,
24 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C,
25 640D, 640E, 641, 641A, 641B or 641C of NRS.

26 (b) Any personnel of a medical facility licensed pursuant to
27 chapter 449 of NRS who are engaged in the admission, examination,
28 care or treatment of persons or an administrator, manager or other
29 person in charge of such a medical facility upon notification of
30 suspected abuse or neglect of a child by a member of the staff of the
31 medical facility.

32 (c) A coroner.

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

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

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

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

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



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

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

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

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

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

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

32 7. The agency, board, bureau, commission, department,
33 division or political subdivision of the State responsible for the
34 licensure, certification or endorsement of a person who is described
35 in subsection 4 and who is required in his or her professional or
36 occupational capacity to be licensed, certified or endorsed in this
37 State shall, at the time of initial licensure, certification or
38 endorsement:

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

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



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

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

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

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

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

16 **Sec. 36.** The provisions of sections 15 and 31 of this act do not
17 apply to any agreement entered into before July 1, 2017, until the
18 agreement is extended or renewed.

19 **Sec. 37.** The provisions of NRS 354.599 do not apply to any
20 additional expenses of a local government that are related to the
21 provisions of this act.

22 **Sec. 38.** This act becomes effective on July 1, 2017.

