

Senate Bill No. 185–Senator Seevers Gansert

CHAPTER.....

AN ACT relating to education; revising requirements concerning the submission of fingerprints required to become a volunteer at a school; exempting a volunteer from undergoing a background check in certain circumstances; deeming certain students enrolled at an institution of higher education not to be volunteers in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires each volunteer at a public school, including a charter school, achievement charter school or university school for profoundly gifted pupils, and a private school who will have regular or unsupervised contact with pupils to submit his or her fingerprints to the governing body or administrator of the school or the board of trustees of the school district, as applicable, for the purposes of a criminal background check before beginning his or her service as a volunteer and at least once every 5 years thereafter. (NRS 388A.515, 388B.250, 388C.200, 391.104, 394.155) **Sections 1.5, 6.5, 10.5 and 15.5** of this bill specifically define the term “unsupervised contact” for that purpose. **Sections 2, 7, 11 and 16** of this bill define the term “volunteer” to mean any person who, without compensation, works at, assists with or oversees any activity or event conducted or sponsored by a charter school during or outside of school hours.

Sections 4, 9, 14 and 18 of this bill remove the requirement that a volunteer who will have regular, supervised contact with pupils receive a background check. **Sections 3, 8, 12 and 17** of this bill authorize a volunteer to submit his or her fingerprints to another entity authorized to forward fingerprints to the Central Repository for Nevada Records of Criminal History as an alternative to submitting his or her fingerprints to the governing body, administrator or board of trustees. If a volunteer submits his or her fingerprints to such an authorized entity, the Central Repository would still be required to notify the superintendent of the school district, governing body of the charter school or administrator of the private school, as applicable, if the background check reveals that the volunteer has been convicted of certain crimes. (NRS 179A.075)

The State Board of Education adopted a regulation that allows the governing body of a public school or the board of trustees of a school district to exempt a volunteer from a background check if the volunteer submits sufficient evidence or the entity responsible for conducting the background check otherwise determines that the volunteer: (1) has already undergone a background check for the same purpose within the immediately preceding 6 months and has been determined eligible to interact with pupils; or (2) is employed in a position which required a background check and has been approved to have unsupervised meetings with pupils as part of his or her official duties. Additionally, the regulation deems certain students at an institution of higher education who are taking a course that requires them to be present in a classroom not to be volunteers for purposes of the statutes requiring background checks in certain circumstances. (LCB File No. R016-18, effective October 25, 2018) **Section 19** of this bill declares that regulation void and unenforceable, and **sections 3, 8 and 12** of this bill require the governing body of a public school or the board of trustees of a school district to exempt a volunteer from a background check if: (1) the volunteer has been determined by a governmental entity to be eligible to interact with pupils as a volunteer or employee; and (2) it is



the policy of the entity to conduct a background check of volunteers or employees as applicable, that meets the requirements prescribed by the regulation for an exemption and any additional requirements prescribed by regulation of the State Board.

Section 13 of this bill requires the Department of Education to compile a list of entities that require a criminal background check for the purpose of employment, licensure or volunteering that the Department determines to be at least as stringent as the background check normally conducted for a volunteer at a public school. **Sections 3, 8 and 12** require the governing body of a public school or the board of trustees of a school district to exempt a volunteer from a background check if: (1) the volunteer has been determined eligible for employment or licensure or to serve as a volunteer by an entity included on that list; and (2) it is the policy of the entity to conduct a background check of each employee, licensee or volunteer, as applicable, that meets certain requirements. **Sections 3, 8 and 12** additionally authorize the governing body of a public school or the board of trustees of a school district to exempt a volunteer from a background check if the volunteer has been determined eligible for employment or licensure or to serve as a volunteer by an entity that is not a pre-approved entity if the background check is at least as stringent as the background check normally conducted for a volunteer at a public school. **Sections 4, 9 and 14** provide that the governing body of a public school or board of trustees of a school district, as applicable, may not be held liable for damages resulting from refusal to accept such a background check.

Section 17 of this bill authorizes the administrator of a private school to exempt a volunteer from a background check if the volunteer has been determined eligible to serve in a position that requires a background check which involves the submission of fingerprints to the Federal Bureau of Investigation. **Section 18** of this bill provides that the governing body or administrator of a private school may not be held liable for damages resulting from the administrator's refusal to accept such a background check.

Sections 2, 7, 11 and 16 of this bill deem certain students enrolled at an institution of higher education who are taking a course that requires them to be present in a classroom not to be volunteers for purposes of the statutes requiring background checks in the same circumstances as those prescribed by the regulation adopted by the State Board.

Section 5 of this bill makes the new provisions of this bill applicable to volunteers at achievement charter schools.

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

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

Section 1. Chapter 388A of NRS is hereby amended by adding thereto the provisions set forth as sections 1.2 to 3, inclusive, of this act.

Sec. 1.2. *As used in NRS 388A.515 and sections 1.2 to 3, inclusive, of this act, the words and terms defined in sections 1.5 and 2 of this act have the meanings ascribed to them in those sections.*



Sec. 1.5. 1. “Unsupervised contact” means direct contact or interaction with one or more pupils who are not under the direct supervision of an employee of a charter school or other person designated by a charter school as the person responsible for pupils.

2. For the purposes of this section:

(a) A pupil is under the direct supervision of an employee of a charter school or other person designated by a charter school as the person responsible for the pupil if the employee or other person:

(1) If indoors, is present in the same room as the pupil or has visual contact with the pupil.

(2) If outdoors, is within 30 yards of the pupil or has visual contact with the pupil.

(b) A person shall not be deemed to have unsupervised contact with pupils if he or she has the potential for only incidental unsupervised contact with pupils in commonly used areas on the grounds of a charter school.

Sec. 2. “Volunteer” means any person who, without compensation, works at, assists with or oversees any activity or event conducted or sponsored by a charter school during or outside of school hours. The term:

1. Includes, without limitation, a coach, assistant coach, director of in-school or extracurricular activities and chaperone of any overnight trip.

2. Does not include a student who is enrolled at an institution of higher education and is:

(a) Taking a course which requires the student to be present in the classroom of the charter school on a limited basis to observe and to be observed in the classroom; and

(b) Under direct supervision of a teacher or his or her professor at all times while in the classroom.

Sec. 3. 1. A volunteer who is likely to have unsupervised contact with pupils is not required to submit fingerprints to the governing body of a charter school pursuant to NRS 388A.515 if the volunteer submits to the governing body a completed verification form prescribed by the Department, a statement from an entity described in this subsection that is acceptable to the governing body or other sufficient evidence, or the governing body otherwise determines, that:

(a) Not more than 6 months before the date on which the volunteer is required by NRS 388A.515 to submit his or her fingerprints, a federal, state or local governmental entity or



nonprofit entity determined the volunteer to be eligible to interact with pupils at school as a volunteer; and

(b) It is the policy of the entity to conduct an investigation into the criminal background of a volunteer who will interact with pupils at school and that investigation:

(1) Includes the submission of fingerprints to the Federal Bureau of Investigation; and

(2) Meets any other requirements prescribed by regulation of the State Board.

2. In addition to the exception described in subsection 1, a volunteer who is likely to have unsupervised contact with pupils is not required to submit fingerprints to the governing body of a charter school pursuant to NRS 388A.515 if the volunteer submits to the governing body a completed verification form prescribed by the Department, a statement from an entity described in this subsection that is acceptable to the governing body or other sufficient evidence, or the governing body otherwise determines that:

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

(b) It is the policy of the entity to conduct an investigation into the criminal background of an employee who will have unrestricted interaction with pupils as part of his or her official duties and that investigation:

(1) Includes the submission of fingerprints to the Federal Bureau of Investigation; and

(2) Meets any other requirements prescribed by regulation of the State Board.

3. In addition to the exceptions described in subsections 1 and 2, a volunteer who is likely to have unsupervised contact with pupils is not required to submit fingerprints to the governing body of a charter school pursuant to NRS 388A.515 if the volunteer submits to the governing body a completed form prescribed by the Department, a statement from an entity described in this subsection that is acceptable to the governing body or other sufficient evidence, or the governing body otherwise determines that:

(a) Not more than 6 months before the date on which the volunteer is required by NRS 388A.515 to submit his or her fingerprints, an entity included on the list of entities compiled by



the Department pursuant to section 13 of this act determined the volunteer to be eligible for employment or licensure or to serve as a volunteer; and

(b) It is the policy of the entity to conduct an investigation into the criminal background of an employee, licensee or volunteer, as applicable, and that investigation:

(1) Includes the submission of fingerprints to the Federal Bureau of Investigation; and

(2) Meets any other requirements prescribed by regulation of the State Board.

4. In addition to the exceptions described in subsections 1, 2 and 3, a volunteer who is likely to have unsupervised contact with pupils is not required to submit fingerprints to the governing body of a charter school pursuant to NRS 388A.515 if:

(a) The volunteer submits to the governing body a completed verification form prescribed by the Department, a statement from an entity described in this subsection that is acceptable to the governing body or other sufficient evidence, or the governing body otherwise determines, that:

(1) Not more than 6 months before the date on which the volunteer is required by NRS 388A.515 to submit his or her fingerprints, an entity that is not included on the list of entities compiled by the Department pursuant to section 13 of this act determined the volunteer to be eligible for employment or licensure or to serve as a volunteer; and

(2) It is the policy of the entity to conduct an investigation into the criminal background of an employee, licensee or volunteer, as applicable, and that investigation:

(I) Includes the submission of fingerprints to the Federal Bureau of Investigation; and

(II) Meets any other requirements prescribed by regulation of the State Board;

(b) The governing body determines that the investigation described in paragraph (a) is at least as stringent as an investigation into the criminal background of a volunteer conducted pursuant to NRS 388A.515; and

(c) The governing body accepts the investigation. A governing body may, in its discretion, accept or reject an investigation described in this subsection for any reason.

5. In addition to the exceptions described in subsections 1 to 4, inclusive, a volunteer who is likely to have unsupervised contact with pupils is not required to submit fingerprints to the governing body of a charter school pursuant to NRS 388A.515 if the



volunteer submits to another entity authorized to forward fingerprints to the Central Repository for Nevada Records of Criminal History a complete set of the volunteer's fingerprints and written permission authorizing the entity to forward the fingerprints to the Central Repository for its report on the criminal history of the volunteer and for submission to the Federal Bureau of Investigation for its report on the criminal history of the volunteer.

Sec. 4. NRS 388A.515 is hereby amended to read as follows:

388A.515 1. Each applicant for employment with and employee at a charter school, except a licensed teacher or other person licensed by the Superintendent of Public Instruction, and , *except as otherwise provided in section 3 of this act*, each volunteer at a charter school who is likely to have unsupervised ~~or regular~~ contact with pupils, must, before beginning his or her employment or service as a volunteer and at least once every 5 years thereafter, submit to the governing body of the charter school:

(a) A complete set of the applicant's, employee's or volunteer's fingerprints and written permission authorizing the governing body to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant, *or* employee or volunteer and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant, employee or volunteer; and

(b) Written authorization for the governing body to obtain any information concerning the applicant, employee or volunteer that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.

2. In conducting an investigation into the background of an applicant, employee or volunteer, the governing body of a charter school may cooperate with any appropriate law enforcement agency to obtain information relating to the background of the applicant, employee or volunteer, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant, employee or volunteer.

3. If the information obtained by the governing body pursuant to subsection 1 or 2 *or subsection 5 of section 3 of this act* indicates that the applicant, employee or volunteer has not been convicted of a crime listed in NRS 388A.5342, the governing body of the charter



school may employ the applicant or employee or accept the volunteer, as applicable.

4. If the information obtained by the governing body pursuant to subsection 1 or 2 *or subsection 5 of section 3 of this act* indicates that the applicant, employee or volunteer has been convicted of a crime listed in NRS 388A.5342, and the governing body of the charter school does not disqualify the applicant or employee from employment or the volunteer from serving as a volunteer on the basis of that information, the governing body shall, upon the written authorization of the applicant, employee or volunteer, forward a copy of the information to the Superintendent of Public Instruction. If the applicant, employee or volunteer refuses to provide his or her written authorization to forward a copy of the information pursuant to this subsection, the charter school shall not employ the applicant or employee or accept the volunteer, as applicable.

5. Not later than 15 days after receiving the information obtained by the governing body pursuant to subsection 1 or 2 *or subsection 5 of section 3 of this act*, the Superintendent of Public Instruction or the Superintendent's designee shall review the information to determine whether the conviction of the applicant, employee or volunteer is related or unrelated to the position with the charter school for which the applicant has applied or in which the employee is employed or the volunteer wishes to serve. The applicant, employee or volunteer shall, upon the request of the Superintendent of Public Instruction or the Superintendent's designee, provide any further information that the Superintendent or the designee determines is necessary to make the determination. If the governing body of the charter school desires to employ the applicant or employee or accept the volunteer, the governing body shall, upon the request of the Superintendent of Public Instruction or the Superintendent's designee, provide any further information that the Superintendent or the designee determines is necessary to make the determination. The Superintendent of Public Instruction or the Superintendent's designee shall provide written notice of the determination to the applicant, employee or volunteer and to the governing body of the charter school.

6. If the Superintendent of Public Instruction or the Superintendent's designee determines that the conviction of the applicant, employee or volunteer is related to the position with the charter school for which the applicant has applied or in which the employee is employed or the volunteer wishes to serve, the governing body of the charter school shall not employ the applicant or employee or accept the volunteer, as applicable. If the



Superintendent of Public Instruction or the Superintendent's designee determines that the conviction of the applicant, employee or volunteer is unrelated to the position with the charter school for which the applicant has applied or in which the employee is employed or the volunteer wishes to serve, the governing body of the charter school may employ the applicant or employee for that position or accept the volunteer, as applicable.

7. The governing body of a charter school may use a substantiated report of the abuse or neglect of a child, as defined in NRS 392.281, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) In making determinations concerning assignments, requiring retraining, imposing discipline, hiring, accepting a volunteer or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

8. The governing body of a charter school:

(a) May accept gifts, grants and donations to carry out the provisions of this section **and section 3 of this act.**

(b) May not be held liable for damages resulting from any action of the governing body authorized by subsection 2 or 7 **or section 3 of this act.**

Sec. 5. NRS 388B.250 is hereby amended to read as follows:

388B.250 1. Except as otherwise provided in this section, the provisions of chapter 388A of NRS are not applicable to an achievement charter school.

2. The provisions of NRS 388A.090, 388A.095, 388A.100, 388A.171, 388A.226, 388A.345, 388A.348, 388A.351, 388A.363, 388A.366, 388A.369, 388A.384, 388A.408 to 388A.420, inclusive, 388A.478 to 388A.527, inclusive, **and sections 2 and 3 of this act**, 388A.547 and 388A.550 to 388A.695, inclusive, apply to an achievement charter school.

3. The governing body of an achievement charter school may submit a written request to the Superintendent of Public Instruction for a waiver from the requirements of paragraphs (f) to (k), inclusive, of subsection 1 of NRS 388A.366 or subsection 2 of that section or, except with regard to a program supported with Title I money, NRS 388A.518, 388A.521 or 388A.524. The Executive Director may grant such a request if the governing body demonstrates to the satisfaction of the Superintendent of Public Instruction that circumstances justify the waiver and that granting



the waiver is in the best interest of the pupils enrolled in the achievement charter school.

Sec. 6. Chapter 388C of NRS is hereby amended by adding thereto the provisions set forth as sections 6.2 to 8, inclusive, of this act.

Sec. 6.2. *As used in NRS 388C.200 and sections 6.2 to 8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 6.5 and 7 of this act have the meanings ascribed to them in those sections.*

Sec. 6.5. 1. *“Unsupervised contact” means direct contact or interaction with one or more pupils who are not under the direct supervision of an employee of a university school for profoundly gifted pupils or other person designated by a university school for profoundly gifted pupils as the person responsible for pupils.*

2. *For the purposes of this section:*

(a) *A pupil is under the direct supervision of an employee of a university school for profoundly gifted pupils or other person designated by a university school for profoundly gifted pupils as the person responsible for the pupil if the employee or other person:*

(1) *If indoors, is present in the same room as the pupil or has visual contact with the pupil.*

(2) *If outdoors, is within 30 yards of the pupil or has visual contact with the pupil.*

(b) *A person shall not be deemed to have unsupervised contact with pupils if he or she has the potential for only incidental unsupervised contact with pupils in commonly used areas on the grounds of a university school for profoundly gifted pupils.*

Sec. 7. *“Volunteer” means any person who, without compensation, works at, assists with or oversees any activity or event conducted or sponsored by a university school for profoundly gifted pupils during or outside of school hours. The term:*

1. *Includes, without limitation, a coach, assistant coach, director of in-school or extracurricular activities and chaperone of an overnight trip.*

2. *Does not include a student who is enrolled at an institution of higher education and is:*

(a) *Taking a course which requires the student to be present in the classroom of the university school for profoundly gifted pupils on a limited basis to observe and to be observed in the classroom; and*



(b) Under direct supervision of a teacher or his or her professor at all times while in the classroom.

Sec. 8. 1. *A volunteer who is likely to have unsupervised contact with pupils is not required to submit fingerprints to the governing body of a university school for profoundly gifted pupils pursuant to NRS 388C.200 if the volunteer submits to the governing body a completed verification form prescribed by the Department, a statement from an entity described in this subsection that is acceptable to the governing body or other sufficient evidence, or the governing body otherwise determines, that:*

(a) Not more than 6 months before the date on which the volunteer is required by NRS 388C.200 to submit his or her fingerprints, a federal, state or local governmental entity or nonprofit entity determined the volunteer to be eligible to interact with pupils at school as a volunteer; and

(b) It is the policy of the entity to conduct an investigation into the criminal background of a volunteer who will interact with pupils at school and that investigation:

(1) Includes the submission of fingerprints to the Federal Bureau of Investigation; and

(2) Meets any other requirements prescribed by regulation of the State Board.

2. *In addition to the exception described in subsection 1, a volunteer who is likely to have unsupervised contact with pupils is not required to submit fingerprints to the governing body of a university school for profoundly gifted pupils pursuant to NRS 388C.200 if the volunteer submits to the governing body a completed verification form prescribed by the Department, a statement from an entity described in this subsection that is acceptable to the governing body or other sufficient evidence, or the governing body otherwise determines that:*

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

(b) It is the policy of the entity to conduct an investigation into the criminal background of an employee who will have unrestricted interaction with pupils as part of his or her official duties and that investigation:

(1) Includes the submission of fingerprints to the Federal Bureau of Investigation; and



(2) Meets any other requirements prescribed by regulation of the State Board.

3. In addition to the exceptions described in subsections 1 and 2, a volunteer who is likely to have unsupervised contact with pupils is not required to submit fingerprints to the governing body of a university school for profoundly gifted pupils pursuant to NRS 388C.200 if the volunteer submits to the governing body a completed form prescribed by the Department, a statement from an entity described in this subsection that is acceptable to the governing body or other sufficient evidence, or the governing body otherwise determines that:

(a) Not more than 6 months before the date on which the volunteer is required by NRS 388C.200 to submit his or her fingerprints, an entity included on the list of entities compiled by the Department pursuant to section 13 of this act determined the volunteer to be eligible for employment or licensure or to serve as a volunteer; and

(b) It is the policy of the entity to conduct an investigation into the criminal background of an employee, licensee or volunteer, as applicable, and that investigation:

(1) Included the submission of fingerprints to the Federal Bureau of Investigation; and

(2) Meets any other requirements prescribed by regulation of the State Board.

4. In addition to the exceptions described in subsections 1, 2 and 3, a volunteer who is likely to have unsupervised contact with pupils is not required to submit fingerprints to the governing body of a university school for profoundly gifted pupils pursuant to NRS 388C.200 if:

(a) The volunteer submits to the governing body a completed verification form prescribed by the Department, a statement from an entity described in this subsection that is acceptable to the governing body or other sufficient evidence, or the governing body otherwise determines, that:

(1) Not more than 6 months before the date on which the volunteer is required by NRS 388C.200 to submit his or her fingerprints, an entity that is not included on the list of entities compiled by the Department pursuant to section 13 of this act determined the volunteer to be eligible for employment or licensure or to serve as a volunteer; and

(2) It is the policy of the entity to conduct an investigation into the criminal background of an employee, licensee or volunteer, as applicable, and that investigation:



(I) Included the submission of fingerprints to the Federal Bureau of Investigation; and

(II) Meets any other requirements prescribed by regulation of the State Board;

(b) The governing body determines that the investigation described in paragraph (a) is at least as stringent as an investigation into the criminal background of a volunteer conducted pursuant to NRS 388C.200; and

(c) The governing body accepts the investigation. A governing body may, in its discretion, accept or reject an investigation described in this subsection for any reason.

5. In addition to the exceptions described in subsections 1 to 4, inclusive, a volunteer who is likely to have unsupervised contact with pupils is not required to submit fingerprints to the governing body of a university school for profoundly gifted pupils pursuant to NRS 388C.200 if the volunteer submits to another entity authorized to forward fingerprints to the Central Repository for Nevada Records of Criminal History a complete set of the volunteer's fingerprints and written permission authorizing the entity to forward the fingerprints to the Central Repository for its report on the criminal history of the volunteer and for submission to the Federal Bureau of Investigation for its report on the criminal history of the volunteer.

Sec. 9. NRS 388C.200 is hereby amended to read as follows:

388C.200 1. ~~Each~~ *Except as otherwise provided in section 8 of this act, each* applicant for employment with and employee at a university school for profoundly gifted pupils, except a licensed teacher or other person licensed by the Superintendent of Public Instruction, and each volunteer at a university school for profoundly gifted pupils who is likely to have ~~regular or~~ unsupervised contact with pupils, must, before beginning his or her employment or service as a volunteer and at least once every 5 years thereafter, submit to the governing body of the university school:

(a) A complete set of his or her fingerprints and written permission authorizing the governing body to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant, employee or volunteer and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant, employee or volunteer; and

(b) Written authorization for the governing body to obtain any information concerning the applicant, employee or volunteer that may be available from the Statewide Central Registry for the



Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.

2. In conducting an investigation into the background of an applicant, employee or volunteer, the governing body of a university school for profoundly gifted pupils may cooperate with any appropriate law enforcement agency to obtain information relating to the background of the applicant, employee or volunteer, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant, employee or volunteer.

3. If the information obtained by the governing body pursuant to subsection 1 or 2 *or subsection 5 of section 8 of this act* indicates that the applicant, employee or volunteer has not been convicted of a felony or an offense involving moral turpitude, the governing body of the university school for profoundly gifted pupils may employ the applicant or employee or accept the volunteer, as applicable.

4. If the information obtained by the governing body pursuant to subsection 1 or 2 *or subsection 5 of section 8 of this act* indicates that the applicant, employee or volunteer has been convicted of a felony or an offense involving moral turpitude and the governing body of the university school for profoundly gifted pupils does not disqualify the applicant or employee from employment or the volunteer from serving as a volunteer on the basis of that report, the governing body shall, upon the written authorization of the applicant, employee or volunteer forward a copy of the information to the Superintendent of Public Instruction. If the applicant, employee or volunteer refuses to provide his or her written authorization to forward a copy of the report pursuant to this subsection, the university school shall not employ the applicant or employee or accept the volunteer, as applicable.

5. The Superintendent of Public Instruction or the Superintendent's designee shall promptly review the information to determine whether the conviction of the applicant, employee or volunteer is related or unrelated to the position with the university school for profoundly gifted pupils for which the applicant has applied or in which the employee is employed or the volunteer wishes to serve. The applicant, employee or volunteer shall, upon the request of the Superintendent of Public Instruction or the Superintendent's designee, provide any further information that the Superintendent or the designee determines is necessary to make



the determination. If the governing body of the university school desires to employ the applicant or employee or accept the volunteer, the governing body shall, upon the request of the Superintendent of Public Instruction or the Superintendent's designee, provide any further information that the Superintendent or the designee determines is necessary to make the determination. The Superintendent of Public Instruction or the Superintendent's designee shall provide written notice of the determination to the applicant, employee or volunteer and to the governing body of the university school.

6. If the Superintendent of Public Instruction or the Superintendent's designee determines that the conviction of the applicant, employee or volunteer is related to the position with the university school for profoundly gifted pupils for which the applicant has applied or in which the employee is employed or the volunteer wishes to serve, the governing body of the university school shall not employ the applicant or employee or accept the volunteer, as applicable. If the Superintendent of Public Instruction or the Superintendent's designee determines that the conviction of the applicant, employee or volunteer is unrelated to the position with the university school for which the applicant has applied or in which the employee is employed or the volunteer wishes to serve, the governing body of the university school may employ the applicant or employee for that position or accept the volunteer, as applicable.

7. The governing body of a university school for profoundly gifted pupils may use a substantiated report of the abuse or neglect of a child, as defined in NRS 392.281, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) In making determinations concerning assignments, requiring retraining, imposing discipline, hiring, accepting a volunteer or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

8. The governing body of a university school for profoundly gifted pupils:

(a) May accept any gifts, grants and donations to carry out the provisions of this section **§** and **section 8 of this act**.

(b) May not be held liable for damages resulting from any action of the governing body authorized by subsection 2 or 7 **§** or **section 8 of this act**.



Sec. 10. Chapter 391 of NRS is hereby amended by adding thereto the provisions set forth as sections 10.2 to 13, inclusive, of this act.

Sec. 10.2. *As used in NRS 391.104 and sections 10.2 to 13, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 10.5 and 11 of this act have the meanings ascribed to them in those sections.*

Sec. 10.5. 1. *“Unsupervised contact” means direct contact or interaction with one or more pupils who are not under the direct supervision of an employee of a school district or other person designated by a public school as the person responsible for pupils.*

2. For the purposes of this section:

(a) A pupil is under the direct supervision of an employee of a school district or other person designated by a public school as the person responsible for the pupil if the employee or other person:

(1) If indoors, is present in the same room as the pupil or has visual contact with the pupil.

(2) If outdoors, is within 30 yards of the pupil or has visual contact with the pupil.

(b) A person shall not be deemed to have unsupervised contact with pupils if he or she has the potential for only incidental unsupervised contact with pupils in commonly used areas on the grounds of a public school.

Sec. 11. *“Volunteer” means any person who, without compensation, works at, assists with or oversees any activity or event conducted or sponsored by a public school during or outside of school hours. The term:*

1. Includes, without limitation, a coach, assistant coach, director of in-school or extracurricular activities and chaperone of an overnight trip.

2. Does not include a student who is enrolled at an institution of higher education and is:

(a) Taking a course which requires the student to be present in the classroom of the public school on a limited basis to observe and to be observed in the classroom; and

(b) Under direct supervision of a teacher or his or her professor at all times while in the classroom.

Sec. 12. 1. *A volunteer who is likely to have unsupervised contact with pupils is not required to submit fingerprints to the board of trustees of a school district pursuant to NRS 391.104 if the volunteer submits to the board of trustees a completed verification form prescribed by the Department, a statement from*



an entity described in this subsection that is acceptable to the board of trustees or other sufficient evidence, or the board of trustees otherwise determines, that:

(a) Not more than 6 months before the date on which the volunteer is required by NRS 391.104 to submit his or her fingerprints, a federal, state or local governmental entity or nonprofit entity determined the volunteer to be eligible to interact with pupils at school as a volunteer; and

(b) It is the policy of the entity to conduct an investigation into the criminal background of a volunteer who will interact with pupils at school and that investigation:

(1) Includes the submission of fingerprints to the Federal Bureau of Investigation; and

(2) Meets any other requirements prescribed by regulation of the State Board.

2. In addition to the exception described in subsection 1, a volunteer who is likely to have unsupervised contact with pupils is not required to submit fingerprints to the board of trustees of a school district pursuant to NRS 391.104 if the volunteer submits to the board of trustees a completed verification form prescribed by the Department, a statement from an entity described in this subsection that is acceptable to the board of trustees or other sufficient evidence, or the board of trustees otherwise determines that:

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

(b) It is the policy of the entity to conduct an investigation into the criminal background of an employee who will have unrestricted interaction with pupils as part of his or her official duties and that investigation:

(1) Includes the submission of fingerprints to the Federal Bureau of Investigation; and

(2) Meets any other requirements prescribed by regulation of the State Board.

3. In addition to the exceptions described in subsections 1 and 2, a volunteer who is likely to have unsupervised contact with pupils is not required to submit fingerprints to the board of trustees of a school district pursuant to NRS 391.104 if the volunteer submits to the board of trustees a completed form prescribed by the Department, a statement from an entity



described in this subsection that is acceptable to the board of trustees or other sufficient evidence, or the board of trustees otherwise determines that:

(a) Not more than 6 months before the date on which the volunteer is required by NRS 391.104 to submit his or her fingerprints, an entity included on the list of entities compiled by the Department pursuant to section 13 of this act determined the volunteer to be eligible for employment or licensure or to serve as a volunteer; and

(b) It is the policy of the entity to conduct an investigation into the criminal background of an employee, licensee or volunteer, as applicable, and that investigation:

(1) Included the submission of fingerprints to the Federal Bureau of Investigation; and

(2) Meets any other requirements prescribed by regulation of the State Board.

4. In addition to the exceptions described in subsections 1, 2 and 3, a volunteer who is likely to have unsupervised contact with pupils is not required to submit fingerprints to the board of trustees of a school district pursuant to NRS 391.104 if:

(a) The volunteer submits to the board of trustees a completed verification form prescribed by the Department, a statement from an entity described in this subsection that is acceptable to the board of trustees or other sufficient evidence, or the board of trustees otherwise determines, that:

(1) Not more than 6 months before the date on which the volunteer is required by NRS 391.104 to submit his or her fingerprints, an entity that is not included on the list of entities compiled by the Department pursuant to section 13 of this act determined the volunteer to be eligible for employment or licensure or to serve as a volunteer; and

(2) It is the policy of the entity to conduct an investigation into the criminal background of an employee, licensee or volunteer, as applicable, and that investigation:

(I) Included the submission of fingerprints to the Federal Bureau of Investigation; and

(II) Meets any other requirements prescribed by regulation of the State Board;

(b) The board of trustees determines that the investigation described in paragraph (a) is at least as stringent as an investigation into the criminal background of a volunteer conducted pursuant to NRS 391.104; and



(c) The board of trustees accepts the investigation. The board of trustees of a school district may, in its discretion, accept or reject an investigation described in this subsection for any reason.

5. In addition to the exceptions described in subsections 1 to 4, inclusive, a volunteer who is likely to have unsupervised contact with pupils is not required to submit fingerprints to the board of trustees of a school district pursuant to NRS 391.104 if the volunteer submits to another entity authorized to forward fingerprints to the Central Repository for Nevada Records of Criminal History a complete set of the volunteer's fingerprints and written permission authorizing the entity to forward the fingerprints to the Central Repository for its report on the criminal history of the volunteer and for submission to the Federal Bureau of Investigation for its report on the criminal history of the volunteer.

Sec. 13. *The Department shall compile a list of entities for which it approves a school to allow a volunteer of the entity to be a volunteer for the school without submitting fingerprints or an investigation into his or her criminal background. The Department shall:*

1. Include on the list any entity that:

(a) Requires an investigation into the criminal background of a person for the purpose of employment, licensure or volunteering that the Department determines to be at least as stringent as an investigation into the criminal background of a volunteer conducted pursuant to NRS 388A.515, 388C.200 or 391.104; and

(b) Meets any other requirements prescribed by regulation of the Department; and

2. Remove from the list any entity that the Department determines no longer meets the requirements of subsection 1.

Sec. 14. NRS 391.104 is hereby amended to read as follows:

391.104 1. ~~Each~~ *Except as otherwise provided in section 12 of this act, each* applicant for employment pursuant to NRS 391.100 or employee, except a teacher or other person licensed by the Superintendent of Public Instruction, or volunteer who is likely to have unsupervised ~~for regular~~ contact with pupils, must, before beginning his or her employment or service as a volunteer and at least once every 5 years thereafter, submit to the school district:

(a) A full set of the applicant's, employee's or volunteer's fingerprints and written permission authorizing the school district to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant, employee or volunteer and for submission to the



Federal Bureau of Investigation for its report on the criminal history of the applicant, employee or volunteer; and

(b) Written authorization for the board of trustees of the school district to obtain any information concerning the applicant, employee or volunteer that may be available from the Statewide Central Registry and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.

2. In conducting an investigation into the background of an applicant, employee or volunteer, a school district may cooperate with any appropriate law enforcement agency to obtain information relating to the criminal history of the applicant, employee or volunteer, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant, employee or volunteer.

3. The board of trustees of a school district may use a substantiated report of the abuse or neglect of a child, as defined in NRS 392.281, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) When making determinations concerning assignments, requiring retraining, imposing discipline, hiring, accepting a volunteer or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

4. Except as otherwise provided in subsection 5, the board of trustees of a school district shall not require a licensed teacher or other person licensed by the Superintendent of Public Instruction pursuant to NRS 391.033 who has taken a leave of absence from employment authorized by the school district, including, without limitation:

(a) Sick leave;

(b) Sabbatical leave;

(c) Personal leave;

(d) Leave for attendance at a regular or special session of the Legislature of this State if the employee is a member thereof;

(e) Maternity leave; and

(f) Leave permitted by the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq.,



↳ to submit a set of his or her fingerprints as a condition of return to or continued employment with the school district if the employee is in good standing when the employee began the leave.

5. A board of trustees of a school district may ask the Superintendent of Public Instruction to require a person licensed by the Superintendent of Public Instruction pursuant to NRS 391.033 who has taken a leave of absence from employment authorized by the school district to submit a set of his or her fingerprints as a condition of return to or continued employment with the school district if the board of trustees has probable cause to believe that the person has committed a felony or an offense involving moral turpitude during the period of his or her leave of absence.

6. The board of trustees of a school district:

(a) May accept any gifts, grants and donations to carry out the provisions of subsections 1 and 2 **and section 12 of this act.**

(b) May not be held liable for damages resulting from any action of the board of trustees authorized by subsection 2 or 3 **or section 12 of this act.**

Sec. 15. Chapter 394 of NRS is hereby amended by adding thereto the provisions set forth as sections 15.2 to 17, inclusive, of this act.

Sec. 15.2. *As used in NRS 391.104 and sections 15.5 to 17, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 15.5 and 16 of this act have the meanings ascribed to them in those sections.*

Sec. 15.5. 1. *“Unsupervised contact” means direct contact or interaction with one or more pupils who are not under the direct supervision of an employee of a private school or other person designated by a private school as the person responsible for pupils.*

2. *For the purposes of this section:*

(a) *A pupil is under the direct supervision of an employee of a private school or other person designated by a public school as the person responsible for the pupil if the employee or other person:*

(1) *If indoors, is present in the same room as the pupil or has visual contact with the pupil.*

(2) *If outdoors, is within 30 yards of the pupil or has visual contact with the pupil.*

(b) *A person shall not be deemed to have unsupervised contact with pupils if he or she has the potential for only incidental unsupervised contact with pupils in commonly used areas on the grounds of a private school.*



Sec. 16. *“Volunteer” means any person who, without compensation, works at, assists with or oversees any activity or event conducted or sponsored by a private school during or outside of school hours. The term:*

1. Includes, without limitation, a coach, assistant coach, director of in-school or extracurricular activities and chaperone of an overnight trip.

2. Does not include a student who is enrolled at an institution of higher education and is:

(a) Taking a course which requires the student to be present in the classroom of the private school on a limited basis to observe and to be observed in the classroom; and

(b) Under direct supervision of a teacher or his or her professor at all times while in the classroom.

Sec. 17. *1. A volunteer at a private school who is likely to have unsupervised contact with pupils is not required to submit fingerprints to the administrator of the private school pursuant to NRS 394.155 if:*

(a) The volunteer submits a statement from an entity described in this subsection that is acceptable to the administrator or other sufficient evidence to the administrator of the private school or the administrator otherwise determines that, within a time period deemed acceptable by the administrator, another entity determined the volunteer to be eligible for employment or licensure or to serve as a volunteer;

(b) It is the policy of the entity to conduct an investigation into the criminal background of an employee, licensee or volunteer, as applicable, and that investigation includes the submission of fingerprints to the Federal Bureau of Investigation; and

(c) The administrator accepts the investigation. An administrator may, in his or her discretion, accept or reject an investigation described in this section for any reason.

2. In addition to the exceptions described in subsection 1, a volunteer at a private school who is likely to have unsupervised contact with pupils is not required to submit fingerprints to the administrator of the private school pursuant to NRS 394.155 if the volunteer submits to another entity authorized to forward fingerprints to the Central Repository for Nevada Records of Criminal History a complete set of the volunteer’s fingerprints and written permission authorizing the entity to forward the fingerprints to the Central Repository for its report on the criminal history of the volunteer and for submission to the Federal Bureau



of Investigation for its report on the criminal history of the volunteer.

Sec. 18. NRS 394.155 is hereby amended to read as follows:

394.155 1. ~~Each~~ *Except as otherwise provided in section 17 of this act, each* applicant for employment with or employee at a private school, except a licensed teacher or other person licensed by the Superintendent of Public Instruction, or volunteer at a private school who is likely to have unsupervised ~~for regular~~ contact with pupils, must, before beginning his or her employment or service as a volunteer and at least once every 5 years thereafter, submit to the administrator of the private school:

(a) A complete set of the applicant's, employee's or volunteer's fingerprints and written permission authorizing the administrator to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant, employee or volunteer and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant, employee or volunteer; and

(b) Written authorization for the administrator to obtain any information concerning the applicant, employee or volunteer that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.

2. The administrator of the private school shall:

(a) Submit the fingerprints of the applicant to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the administrator deems necessary; and

(b) Request any information that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.

3. In conducting an investigation into the criminal history of an applicant, employee or volunteer, the administrator of a private school may cooperate with any appropriate law enforcement agency to obtain information relating to the criminal history of the applicant, employee or volunteer, including, without limitation, any record of warrants or applications for protective orders.



4. The administrator or governing body of a private school may use a substantiated report of the abuse or neglect of a child, as defined in NRS 392.281, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) In making determinations concerning assignments, requiring retraining, imposing discipline, hiring, accepting a volunteer or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

5. The administrator or governing body of a private school may not be held liable for damages resulting from taking any action authorized by subsection 3 or 4 ~~H~~ *or section 17 of this act.*

Sec. 19. 1. The regulation adopted by the State Board of Education, LCB File No. R016-18, is hereby declared to be void and unenforceable on the effective date of this act. In preparing supplements to the Nevada Administrative Code on or after the effective date of this act, the Legislative Counsel shall remove that regulation.

2. Any person authorized to serve as a volunteer at a public school, including, without limitation, a charter school or university school for profoundly gifted pupils, or a private school under the provisions of the regulation adopted by the State Board of Education, LCB File No. R016-18, shall be deemed to have been authorized to serve in that capacity under the provisions of this act.

Sec. 20. This act becomes effective upon passage and approval.

