

ASSEMBLY BILL NO. 256—ASSEMBLYWOMAN MOSCA

MARCH 7, 2023

Referred to Committee on Education

SUMMARY—Revises provisions relating to work-based learning programs. (BDR 34-534)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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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; requiring the Department of Education to adopt regulations prescribing a method for the board of trustees of a school district to determine whether the employment and supervision of a pupil in a work-based learning program is appropriate; requiring certain volunteers participating in a work-based learning program to be exempted from submitting fingerprints for the purpose of a criminal background check; deeming certain employees of a business, agency or organization that participates in a work-based learning program not to be volunteers at a school for the purposes of certain fingerprinting requirements; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 Existing law requires each volunteer at a public school, including a charter
- 2 school or university school for profoundly gifted pupils, and a private school who is
- 3 likely to have unsupervised contact with pupils to submit his or her fingerprints to
- 4 the governing body of a charter school or university school for profoundly gifted
- 5 pupils, the administrator of the private school or the board of trustees of the school
- 6 district, as applicable, for the purposes of a criminal background check before
- 7 beginning his or her service as a volunteer and at least once every 5 years
- 8 thereafter. (NRS 388A.515, 388C.200, 391.104, 394.155) Existing law defines the
- 9 term “volunteer” to mean any person who, without compensation, works at, assists
- 10 with or oversees any activity or event conducted or sponsored by the school during
- 11 or outside of school hours. (NRS 388A.510, 388C.190, 391.1035, 394.154)
- 12 Existing law authorizes the board of trustees of a school district or the
- 13 governing body of a charter school to offer a work-based learning program upon
- 14 application to and with the approval of the State Board of Education.



15 (NRS 389.167) **Section 2** of this bill requires the Department of Education to
 16 prescribe by regulation a method for the board of trustees of a school district to: (1)
 17 examine a business, agency or organization seeking to participate in a work-based
 18 learning program; and (2) determine if the employment and supervision of a pupil
 19 by the business, agency or organization would be appropriate. If the board of
 20 trustees of a school district determines the employment and supervision of a pupil
 21 in a work-based learning program by the business, agency or organization is
 22 appropriate, **section 2** exempts a volunteer employed by the business, agency or
 23 organization from submitting his or her fingerprints for the purposes of a criminal
 24 background check. **Section 5** of this bill makes a conforming change to specifically
 25 exempt such a volunteer from submitting his or her fingerprints for the purposes of
 26 a criminal background check. **Section 3** of this bill makes a conforming change to
 27 indicate the proper placement of **section 2** in the Nevada Revised Statutes.
 28 **Sections 1 and 4** of this bill revise the definition of the term “volunteer” for the
 29 purposes of public schools to exclude an employee of a business, agency or
 30 organization that participates in a work-based learning program, other than an
 31 employee who directly oversees the participation of a pupil in the work-based
 32 learning program, thereby excluding such an employee from the requirement to
 33 submit his or her fingerprints for the purposes of a criminal background check.

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

1 **Section 1.** NRS 388A.510 is hereby amended to read as
 2 follows:

3 388A.510 “Volunteer” means any person who, without
 4 compensation, works at, assists with or oversees any activity or
 5 event conducted or sponsored by a charter school during or outside
 6 of school hours. The term:

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

10 2. Does not include ~~[(a)]~~:

11 *(a) A student who is enrolled at an institution of higher
 12 education and is:*

13 ~~[(a)]~~ *(1) Taking a course which requires the student to be
 14 present in the classroom of the charter school on a limited basis to
 15 observe and to be observed in the classroom; and*

16 ~~[(b)]~~ *(2) Under direct supervision of a teacher or his or her
 17 professor at all times while in the classroom.*

18 *(b) An employee of a business, agency or organization that
 19 participates in a work-based learning program pursuant to NRS
 20 389.167, other than an employee who directly oversees the
 21 participation of a pupil in the work-based learning program.*

22 **Sec. 2.** Chapter 391 of NRS is hereby amended by adding
 23 thereto a new section to read as follows:

24 *1. The Department shall prescribe by regulation a method for
 25 the board of trustees of a school district to determine if a business,*



1 *agency or organization that is seeking to employ and supervise a*
2 *pupil as a part of a work-based learning program pursuant to NRS*
3 *389.167 should be subject to the provisions of NRS 391.104*
4 *requiring a volunteer who is likely to have unsupervised contact*
5 *with pupils to submit his or her fingerprints for an investigation*
6 *into the criminal background of the volunteer.*

7 2. *The method prescribed by the Department pursuant to*
8 *subsection 1 must include, without limitation, a process outlining*
9 *how the board of trustees of a school district shall:*

10 (a) *Examine a business, agency or organization seeking to*
11 *participate in a work-based learning program pursuant to NRS*
12 *389.167; and*

13 (b) *Determine if the employment and supervision of a pupil in*
14 *the work-based learning program by the business, agency or*
15 *organization examined pursuant to paragraph (a) would be*
16 *appropriate for the pupil.*

17 3. *If the board of trustees of a school district determines the*
18 *employment of a pupil in a work-based learning program*
19 *pursuant to this section is appropriate for the pupil pursuant to*
20 *subsection 2, any volunteers employed by the business, agency or*
21 *organization are exempt from the requirements of NRS 391.104*
22 *requiring a volunteer who is likely to have unsupervised contact*
23 *with pupils to submit his or her fingerprints for an investigation*
24 *into the criminal background of the volunteer.*

25 **Sec. 3.** NRS 391.1025 is hereby amended to read as follows:

26 391.1025 As used in NRS 391.1025 to 391.106, inclusive, *and*
27 *section 2 of this act*, unless the context otherwise requires, the
28 words and terms defined in NRS 391.103 and 391.1035 have the
29 meanings ascribed to them in those sections.

30 **Sec. 4.** NRS 391.1035 is hereby amended to read as follows:

31 391.1035 "Volunteer" means any person who, without
32 compensation, works at, assists with or oversees any activity or
33 event conducted or sponsored by a public school during or outside
34 of school hours. The term:

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

38 2. Does not include ~~(a)~~:

39 (a) ~~A~~ student who is enrolled at an institution of higher
40 education and is:

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

44 ~~(b)~~ (2) Under direct supervision of a teacher or his or her
45 professor at all times while in the classroom.



1 *(b) An employee of a business, agency or organization that*
2 *participates in a work-based learning program pursuant to NRS*
3 *389.167, other than an employee who directly oversees the*
4 *participation of a pupil in the work-based learning program.*

5 **Sec. 5.** NRS 391.104 is hereby amended to read as follows:

6 391.104 1. Except as otherwise provided in NRS 391.105 ~~H~~
7 *and section 2 of this act*, each applicant for employment pursuant to
8 NRS 391.100 or employee, except a teacher or other person licensed
9 by the Superintendent of Public Instruction, or volunteer who is
10 likely to have unsupervised contact with pupils, must, before
11 beginning his or her employment or service as a volunteer and at
12 least once every 5 years thereafter, submit to the school district:

13 (a) A full set of the applicant's, employee's or volunteer's
14 fingerprints and written permission authorizing the school district to
15 forward the fingerprints to the Central Repository for Nevada
16 Records of Criminal History for its report on the criminal history of
17 the applicant, employee or volunteer and for submission to the
18 Federal Bureau of Investigation for its report on the criminal history
19 of the applicant, employee or volunteer; and

20 (b) Written authorization for the board of trustees of the school
21 district to obtain any information concerning the applicant,
22 employee or volunteer that may be available from the Statewide
23 Central Registry and any equivalent registry maintained by a
24 governmental entity in a jurisdiction in which the applicant,
25 employee or volunteer has resided within the immediately preceding
26 5 years.

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

34 3. The board of trustees of a school district may use a
35 substantiated report of the abuse or neglect of a child, as defined in
36 NRS 392.281, or a violation of NRS 201.540, 201.560, 392.4633 or
37 394.366 obtained from the Statewide Central Registry or an
38 equivalent registry maintained by a governmental agency in another
39 jurisdiction:

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

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



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

7 (a) Sick leave;

8 (b) Sabbatical leave;

9 (c) Personal leave;

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

12 (e) Maternity leave; and

13 (f) Leave permitted by the Family and Medical Leave Act of
14 1993, 29 U.S.C. §§ 2601 et seq.,

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

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

27 6. The board of trustees of a school district:

28 (a) May accept any gifts, grants and donations to carry out the
29 provisions of subsections 1 and 2 and NRS 391.105.

30 (b) May not be held liable for damages resulting from any action
31 of the board of trustees authorized by subsection 2 or 3 or
32 NRS 391.105.

33 **Sec. 6.** 1. This section becomes effective upon passage and
34 approval.

35 2. Section 2 of this act becomes effective:

36 (a) Upon passage and approval for the purpose of adopting any
37 regulations and performing any other preparatory administrative
38 tasks that are necessary to carry out the provisions of this act; and

39 (b) On July 1, 2023, for all other purposes.

40 3. Sections 1, 3, 4 and 5 of this act become effective on July 1,
41 2023.

