

Amendment No. 559

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| Senate Amendment to Assembly Bill No. 256 First Reprint | (BDR 34-534) |
| Proposed by: Senate Committee on Education | |
| Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes | |

| ASSEMBLY ACTION | | | Initial and Date | SENATE ACTION | | | Initial and Date | | |
|-----------------|--------------------------|------|--------------------------|---------------|--------------|--------------------------|------------------|--------------------------|-------|
| Adopted | <input type="checkbox"/> | Lost | <input type="checkbox"/> | _____ | Adopted | <input type="checkbox"/> | Lost | <input type="checkbox"/> | _____ |
| Concurred In | <input type="checkbox"/> | Not | <input type="checkbox"/> | _____ | Concurred In | <input type="checkbox"/> | Not | <input type="checkbox"/> | _____ |
| Receded | <input type="checkbox"/> | Not | <input type="checkbox"/> | _____ | Receded | <input type="checkbox"/> | Not | <input type="checkbox"/> | _____ |

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

MPP/AAK



Date: 5/21/2023

A.B. No. 256—Revises provisions relating to work-based learning programs.
(BDR 34-534)



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; revising the requirements to receive approval from the State Board of Education to offer a work-based learning program; 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; authorizing the board of trustees of a school district to exempt certain volunteers participating in a work-based learning program 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; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires each volunteer at a public school, including a charter school or university school for profoundly gifted pupils, and a private school who is likely to have unsupervised contact with pupils to submit his or her fingerprints to the governing body of a charter school or university school for profoundly gifted pupils, the administrator of the private 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, 388C.200, 391.104, 394.155) Existing law defines the term “volunteer” to mean any person who, without compensation, works at, assists with or oversees any activity or event conducted or sponsored by the school during or outside of school hours. (NRS 388A.510, 388C.190, 391.1035, 394.154)

Existing law authorizes the board of trustees of a school district or the governing body of a charter school to offer a work-based learning program upon application to and with the approval of the State Board of Education. Under existing law, a work-based learning program must include certain requirements to receive approval from the State Board to offer a work-based learning program. (NRS 389.167) **Section 1.5** of this bill requires a work-based learning program to additionally include a requirement that each pupil participating in the work-based learning program complete training on: (1) identifying and reporting harassment in the workplace; ~~and~~ (2) developing and maintaining healthy relationships in the workplace ~~;~~ **and (3) identifying the signs of certain predatory behavior.**

20 **Section 2** of this bill requires the Department of Education to prescribe by regulation a
 21 method for the board of trustees of a school district to: (1) examine a business, agency or
 22 organization seeking to participate in a work-based learning program; and (2) determine if the
 23 employment and supervision of a pupil by the business, agency or organization would be
 24 appropriate. If the board of trustees of a school district determines the employment and
 25 supervision of a pupil in a work-based learning program by the business, agency or
 26 organization is appropriate, **section 2** authorizes a board of trustees of a school district to
 27 exempt a volunteer employed by the business, agency or organization from submitting his or
 28 her fingerprints for the purposes of a criminal background check. **Section 5** of this bill makes
 29 a conforming change to specifically exempt such a volunteer from submitting his or her
 30 fingerprints for the purposes of a criminal background check. **Section 3** of this bill makes a
 31 conforming change to indicate the proper placement of **section 2** in the Nevada Revised
 32 Statutes.

33 **Sections 1 and 4** of this bill revise the definition of the term “volunteer” for the purposes
 34 of public schools to exclude an employee of a business, agency or organization that
 35 participates in a work-based learning program, other than an employee who directly oversees
 36 the participation of or has unsupervised contact with a pupil in the work-based learning
 37 program.

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 follows:

2 388A.510 “Volunteer” means any person who, without compensation, works
 3 at, assists with or oversees any activity or event conducted or sponsored by a
 4 charter school during or outside of school hours. The term:

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

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

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

9 ~~(a)~~ (1) Taking a course which requires the student to be present in the
 10 classroom of the charter school on a limited basis to observe and to be observed in
 11 the classroom; and

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

14 (b) *An employee of a business, agency or organization that participates in a*
 15 *work-based learning program pursuant to NRS 389.167, other than an employee*
 16 *who directly oversees the participation of or has unsupervised contact with a*
 17 *pupil in the work-based learning program.*

18 **Sec. 1.5.** NRS 389.167 is hereby amended to read as follows:

19 389.167 1. A pupil enrolled at a public school must be allowed to apply one
 20 or more credits toward the total number of credits required for graduation from high
 21 school if the pupil successfully completes the number of hours in a work-based
 22 learning program required by regulation of the State Board to earn such credits.
 23 Any credits earned for successful completion of a work-based learning program
 24 must be applied toward the pupil’s elective course credits and not toward a course
 25 that is required for graduation from high school.

26 2. The board of trustees of a school district or the governing body of a charter
 27 school may offer a work-based learning program upon application to and with the
 28 approval of the State Board. An application to offer a work-based learning program
 29 must include, without limitation:

30 (a) The fields, trades or occupations in which a work-based learning program
 31 will be offered.

1 (b) The qualifications of a pupil to participate in the work-based learning
2 program. Such qualifications must allow a majority of pupils to be eligible to
3 participate in the work-based learning program.

4 (c) A description of the process that will be used by pupils to apply to
5 participate in a work-based learning program.

6 (d) A description of the manner in which participation in a work-based learning
7 program and completion of the requirements of a work-based learning program will
8 be verified.

9 (e) A description of the manner in which the performance of a pupil who
10 participates in the work-based learning program will be evaluated, which must
11 include, without limitation, an on-site evaluation of the performance of the pupil.

12 3. Upon approval by the State Board of an application to offer a work-based
13 learning program submitted pursuant to subsection 2, the board of trustees or the
14 governing body shall:

15 (a) Designate an employee of the school district or charter school, as
16 applicable, to serve as a work-based learning coordinator to coordinate and oversee
17 work-based learning programs. Such an employee must ensure that each business,
18 agency or organization that will offer employment and supervision of a pupil as
19 part of the work-based learning program is suitable for participation in a work-
20 based learning program.

21 (b) Establish and maintain a list of businesses, agencies and organizations that
22 have been found suitable by the work-based learning coordinator pursuant to
23 paragraph (a).

24 4. To receive approval from the State Board to offer a work-based learning
25 program, the work-based learning program must include, without limitation,
26 requirements that:

27 (a) A detailed training agreement and training plan be completed for each pupil
28 participating in the work-based learning program for credit that identifies the
29 specific tasks in which the pupil will participate that will develop competency of
30 the pupil in the workplace;

31 (b) A pupil participating in the work-based learning program be allowed to
32 leave the public school in which he or she is enrolled during the school day to
33 participate in such a program; ~~and~~

34 (c) Participation by a pupil in the work-based learning program will develop a
35 broad range of skills and will allow a pupil to focus on his or her chosen career
36 pathway ~~;~~ ~~and~~

37 (d) *Training be completed by each pupil participating in the work-based*
38 *learning program on:*

39 (1) *Identifying and reporting harassment in the workplace;* ~~and~~

40 (2) *Developing and maintaining healthy relationships in the workplace*
41 ~~;~~ ~~and~~

42 (3) *Identifying the signs of a person engaging in predatory conduct to*
43 *prepare a pupil for sexual activity or to foster an inappropriate personal or*
44 *professional relationship with a pupil, including, without limitation, through*
45 *communicating or attempting to befriend or establish a relationship or other*
46 *connection with a parent or legal guardian of a pupil in furtherance of such*
47 *conduct.*

48 5. A school district or charter school may allow a pupil who successfully
49 completes a work-based learning program to earn dual credit for participation in the
50 work-based learning program.

51 6. On or before January 15 of each odd-numbered year, the board of trustees
52 of a school district and the governing body of a charter school that offers a work-
53 based learning program shall prepare a report concerning the manner in which the

1 work-based learning program has been carried out and submit the report to the State
2 Board and the Legislature. The report must include, without limitation:

3 (a) The number of pupils participating in the work-based learning program;
4 and

5 (b) The types of work-based learning offered through the work-based learning
6 program.

7 7. The number of pupils participating in the work-based learning program
8 reported pursuant to paragraph (a) of subsection 6 must be disaggregated on the
9 basis of the following characteristics:

10 (a) Pupils who are American Indian or Alaska Native, Asian, Black or African
11 American, Hispanic or Latino, Native Hawaiian or Pacific Islander, white or two or
12 more races;

13 (b) Gender of pupils;

14 (c) Pupils who are migrants; and

15 (d) Pupils who are members of special populations, as defined in 20 U.S.C. §
16 2302(48).

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

19 **1. *The Department shall prescribe by regulation a method for the board of***
20 ***trustees of a school district to determine if a business, agency or organization that***
21 ***is seeking to employ and supervise a pupil as a part of a work-based learning***
22 ***program pursuant to NRS 389.167 should be subject to the provisions of NRS***
23 ***391.104 requiring a volunteer who is likely to have unsupervised contact with***
24 ***pupils to submit his or her fingerprints for an investigation into the criminal***
25 ***background of the volunteer.***

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

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

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

34 **3. *If the board of trustees of a school district determines the employment of***
35 ***a pupil in a work-based learning program pursuant to this section is appropriate***
36 ***for the pupil pursuant to subsection 2, the board of trustees may exempt any***
37 ***volunteers employed by the business, agency or organization from the***
38 ***requirements of NRS 391.104 requiring a volunteer who is likely to have***
39 ***unsupervised contact with pupils to submit his or her fingerprints for an***
40 ***investigation into the criminal background of the volunteer.***

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

42 391.1025 As used in NRS 391.1025 to 391.106, inclusive, ***and section 2 of***
43 ***this act***, unless the context otherwise requires, the words and terms defined in NRS
44 391.103 and 391.1035 have the meanings ascribed to them in those sections.

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

46 391.1035 “Volunteer” means any person who, without compensation, works
47 at, assists with or oversees any activity or event conducted or sponsored by a public
48 school during or outside of school hours. The term:

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

51 2. Does not include ~~fa~~:

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

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

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

6 *(b) An employee of a business, agency or organization that participates in a*
7 *work-based learning program pursuant to NRS 389.167, other than an employee*
8 *who directly oversees the participation of or has unsupervised contact with a*
9 *pupil in the work-based learning program.*

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

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

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

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

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

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

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

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

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

48 (a) Sick leave;

49 (b) Sabbatical leave;

50 (c) Personal leave;

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

53 (e) Maternity leave; and

1 (f) Leave permitted by the Family and Medical Leave Act of 1993, 29 U.S.C.
2 §§ 2601 et seq.,

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

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

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

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

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

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

20 2. Section 2 of this act becomes effective:

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

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

25 3. Sections 1, 1.5, 3, 4 and 5 of this act become effective on July 1, 2023.