

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:

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)



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.

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

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

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

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

388A.510 “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 ~~fa~~:

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

~~fa~~ (I) 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



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

3 *(b) An employee of a business, agency or organization that*
4 *participates in a work-based learning program pursuant to NRS*
5 *389.167, other than an employee who directly oversees the*
6 *participation of a pupil in the work-based learning program.*

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

8 389.167 1. A pupil enrolled at a public school must be
9 allowed to apply one or more credits toward the total number of
10 credits required for graduation from high school if the pupil
11 successfully completes the number of hours in a work-based
12 learning program required by regulation of the State Board to earn
13 such credits. Any credits earned for successful completion of a
14 work-based learning program must be applied toward the pupil's
15 elective course credits and not toward a course that is required for
16 graduation from high school.

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

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

24 (b) The qualifications of a pupil to participate in the work-based
25 learning program. Such qualifications must allow a majority of
26 pupils to be eligible to participate in the work-based learning
27 program.

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

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

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

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

40 (a) Designate an employee of the school district or charter
41 school, as applicable, to serve as a work-based learning coordinator
42 to coordinate and oversee work-based learning programs. Such an
43 employee must ensure that each business, agency or organization
44 that will offer employment and supervision of a pupil as part of the



1 work-based learning program is suitable for participation in a work-
2 based learning program.

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

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

9 (a) A detailed training agreement and training plan be completed
10 for each pupil participating in the work-based learning program for
11 credit that identifies the specific tasks in which the pupil will
12 participate that will develop competency of the pupil in the
13 workplace;

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

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

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

22 *(1) Identifying and reporting harassment in the workplace;*
23 *and*

24 *(2) Developing and maintaining healthy relationships in*
25 *the workplace.*

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

29 6. On or before January 15 of each odd-numbered year, the
30 board of trustees of a school district and the governing body of a
31 charter school that offers a work-based learning program shall
32 prepare a report concerning the manner in which the work-based
33 learning program has been carried out and submit the report to the
34 State Board and the Legislature. The report must include, without
35 limitation:

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

38 (b) The types of work-based learning offered through the work-
39 based learning program.

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

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



- 1 (b) Gender of pupils;
- 2 (c) Pupils who are migrants; and
- 3 (d) Pupils who are members of special populations, as defined in
- 4 20 U.S.C. § 2302(48).

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

7 *1. The Department shall prescribe by regulation a method for*
8 *the board of trustees of a school district to determine if a business,*
9 *agency or organization that is seeking to employ and supervise a*
10 *pupil as a part of a work-based learning program pursuant to NRS*
11 *389.167 should be subject to the provisions of NRS 391.104*
12 *requiring a volunteer who is likely to have unsupervised contact*
13 *with pupils to submit his or her fingerprints for an investigation*
14 *into the criminal background of the volunteer.*

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

18 *(a) Examine a business, agency or organization seeking to*
19 *participate in a work-based learning program pursuant to NRS*
20 *389.167; and*

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

25 *3. If the board of trustees of a school district determines the*
26 *employment of a pupil in a work-based learning program*
27 *pursuant to this section is appropriate for the pupil pursuant to*
28 *subsection 2, the board of trustees may exempt any volunteers*
29 *employed by the business, agency or organization from the*
30 *requirements of NRS 391.104 requiring a volunteer who is likely*
31 *to have unsupervised contact with pupils to submit his or her*
32 *fingerprints for an investigation into the criminal background of*
33 *the volunteer.*

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

35 391.1025 As used in NRS 391.1025 to 391.106, inclusive, *and*
36 *section 2 of this act*, unless the context otherwise requires, the
37 words and terms defined in NRS 391.103 and 391.1035 have the
38 meanings ascribed to them in those sections.

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

40 391.1035 “Volunteer” means any person who, without
41 compensation, works at, assists with or oversees any activity or
42 event conducted or sponsored by a public school during or outside
43 of school hours. The term:



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

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

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

7 ~~[(a)]~~ (1) Taking a course which requires the student to be
8 present in the classroom of the public school on a limited basis to
9 observe and to be observed in the classroom; and

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

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

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

17 391.104 1. Except as otherwise provided in NRS 391.105 ~~[(1)]~~
18 *and section 2 of this act*, each applicant for employment pursuant to
19 NRS 391.100 or employee, except a teacher or other person licensed
20 by the Superintendent of Public Instruction, or volunteer who is
21 likely to have unsupervised contact with pupils, must, before
22 beginning his or her employment or service as a volunteer and at
23 least once every 5 years thereafter, submit to the school district:

24 (a) A full set of the applicant's, employee's or volunteer's
25 fingerprints and written permission authorizing the school district to
26 forward the fingerprints to the Central Repository for Nevada
27 Records of Criminal History for its report on the criminal history of
28 the applicant, employee or volunteer and for submission to the
29 Federal Bureau of Investigation for its report on the criminal history
30 of the applicant, employee or volunteer; and

31 (b) Written authorization for the board of trustees of the school
32 district to obtain any information concerning the applicant,
33 employee or volunteer that may be available from the Statewide
34 Central Registry and any equivalent registry maintained by a
35 governmental entity in a jurisdiction in which the applicant,
36 employee or volunteer has resided within the immediately preceding
37 5 years.

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



1 3. The board of trustees of a school district may use a
2 substantiated report of the abuse or neglect of a child, as defined in
3 NRS 392.281, or a violation of NRS 201.540, 201.560, 392.4633 or
4 394.366 obtained from the Statewide Central Registry or an
5 equivalent registry maintained by a governmental agency in another
6 jurisdiction:

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

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

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

18 (a) Sick leave;

19 (b) Sabbatical leave;

20 (c) Personal leave;

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

23 (e) Maternity leave; and

24 (f) Leave permitted by the Family and Medical Leave Act of
25 1993, 29 U.S.C. §§ 2601 et seq.,

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

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

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

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

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

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



- 1 2. Section 2 of this act becomes effective:
2 (a) Upon passage and approval for the purpose of adopting any
3 regulations and performing any other preparatory administrative
4 tasks that are necessary to carry out the provisions of this act; and
5 (b) On July 1, 2023, for all other purposes.
6 3. Sections 1, 1.5, 3, 4 and 5 of this act become effective on
7 July 1, 2023.

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