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ASSEMBLY BILL NO. 40—COMMITTEE ON EDUCATION

(ON BEHALF OF THE COMMISSION ON  
POSTSECONDARY EDUCATION)

PREFILED DECEMBER 14, 2010

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Referred to Committee on Education

**SUMMARY**—Revises the requirements concerning background investigations of certain applicants for employment or contracts with private postsecondary educational institutions. (BDR 34-442)

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

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

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AN ACT relating to private postsecondary educational institutions; revising the requirements concerning background investigations of certain applicants for employment or contracts with private postsecondary educational institutions; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law requires certain persons who apply for employment or a contract  
2 with a private postsecondary educational institution to submit a completed  
3 fingerprint card that must be taken by an agency of law enforcement and  
4 authorization for the postsecondary institution to conduct an investigation of the  
5 background of the applicants. (NRS 394.465) This bill allows the fingerprint card  
6 and authorization to be submitted electronically to the Central Repository for  
7 Nevada Records of Criminal History. This bill also exempts an applicant from the  
8 background check if the applicant will provide instruction from a location outside  
9 this State through a licensed program of distance education.



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

- 1       **Section 1.** NRS 394.465 is hereby amended to read as follows:  
2       394.465 1. Except as otherwise provided in subsection ~~[4.]~~ **6,**  
3 before a postsecondary educational institution employs or contracts  
4 with a person:  
5       (a) To occupy an instructional position;  
6       (b) To occupy an administrative or financial position, including  
7 a position as school director, personnel officer, counselor, admission  
8 representative, solicitor, canvasser, surveyor, financial aid officer or  
9 any similar position; or  
10       (c) To act as an agent for the institution,  
11       ➔ the applicant must submit to the Administrator ~~[completed~~  
12 ~~fingerprint cards]~~ *the information set forth in subsection 2.*  
13       **2. The applicant must submit to the Administrator:**  
14       (a) *A complete set of fingerprints taken by a law enforcement*  
15 *agency and [a—form] written permission authorizing [an*  
16 ~~investigation of the applicant's background and the submission of a~~  
17 ~~complete set of]~~ *the Administrator to submit the* applicant's  
18 fingerprints to the Central Repository for Nevada Records of  
19 Criminal History for ~~[its report and for]~~ submission to the Federal  
20 Bureau of Investigation for ~~[its] a report [—The fingerprint cards and~~  
21 ~~authorization form submitted must be those which are provided to~~  
22 ~~the applicant by the Administrator. The applicant's fingerprints must~~  
23 ~~be taken by an agency of law enforcement.~~  
24 *—2.] on the applicant's background and to such other law*  
25 *enforcement agencies as the Administrator deems necessary; or*  
26       (b) *Written verification, on a form prescribed by the*  
27 *Administrator, stating that the fingerprints of the applicant were*  
28 *taken and directly forwarded electronically or by another means to*  
29 *the Central Repository and that the applicant has given written*  
30 *permission to the law enforcement agency or other authorized*  
31 *entity taking the fingerprints to submit the fingerprints to the*  
32 *Central Repository for submission to the Federal Bureau of*  
33 *Investigation for a report on the applicant's background and to*  
34 *such other law enforcement agencies as the Administrator deems*  
35 *necessary.*  
36       **3. The Administrator may:**  
37       (a) *Unless the applicant's fingerprints are directly forwarded*  
38 *pursuant to paragraph (b) of subsection 2, submit those*  
39 *fingerprints to the Central Repository for submission to the*  
40 *Federal Bureau of Investigation and to such other law*  
41 *enforcement agencies as the Administrator deems necessary; and*



1 *(b) Request from each such agency any information regarding*  
2 *the applicant's background as the Administrator deems necessary.*

3 **4.** Except as otherwise provided in NRS 239.0115, the  
4 Administrator shall keep the results of the investigation confidential.

5 ~~[3.]~~ **5.** The applicant shall pay the cost of the investigation.

6 ~~[4.]~~ **6.** An applicant is not required to satisfy the requirements  
7 of ~~[subsection 1]~~ *this section* if the applicant:

8 (a) Is licensed by the Superintendent of Public Instruction;

9 (b) Is an employee of the United States Department of Defense;

10 (c) Is a member of the faculty of an accredited postsecondary  
11 educational institution in another state who is domiciled in a state  
12 other than Nevada and is present in Nevada for a temporary period  
13 to teach at a branch of that accredited institution; ~~[or]~~

14 (d) *Is an instructor who provides instruction from a location*  
15 *outside this State through a program of distance education for a*  
16 *postsecondary educational institution licensed by the Commission;*  
17 *or*

18 (e) Has satisfied the requirements of subsection 1 within the  
19 immediately preceding 5 years.

20 **7.** *As used in this section, "distance education" means*  
21 *instruction delivered by means of video, computer, television, or*  
22 *the Internet or other electronic means of communication, or any*  
23 *combination thereof, in such a manner that the person supervising*  
24 *or providing the instruction and the student receiving the*  
25 *instruction are separated geographically.*

26 **Sec. 2.** This act becomes effective upon passage and approval.



