
ASSEMBLY BILL NO. 40—COMMITTEE ON EDUCATION

(ON BEHALF OF THE COMMISSION ON
POSTSECONDARY EDUCATION)

PREFILED DECEMBER 14, 2010

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.

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: (1) the applicant will provide instruction from a location
9 outside this State through a licensed program of distance education; (2) the
10 applicant previously underwent a background check; and (3) the Administrator of
11 the Commission on Postsecondary Education determines that an additional
12 background check is not necessary.



* A B 4 0 R 1 *

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 *who previously underwent an investigation of his or her*
18 *background and the Administrator determines that an additional*
19 *investigation is not necessary; or*

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

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

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



