

Steve Sisolak
Governor

Jhone M. Ebert
Superintendent of
Public Instruction



Southern Nevada Office
2080 East Flamingo Rd,
Suite 210
Las Vegas, Nevada 89119-0811
Phone: (702) 486-6458
Fax: (702) 486-6450

STATE OF NEVADA
DEPARTMENT OF EDUCATION
700 E. Fifth Street | Carson City, Nevada 89701-5096
Phone: (775) 687-9200 | www.doe.nv.gov | Fax: (775) 687-9101

January 29, 2020

MEMORANDUM

TO: Private School Administrators

FROM: Seng-Dao Yang Keo, Ed.L.D, Director, Office of Student and School Supports

SUBJECT: FBI Fingerprint Background Check Requirements for Private School Employees and Volunteers (NRS 394.155 as amended by Senate Bill 185)

During the 2019 Legislative Session, Senate Bill 185 (SB 185) was adopted and effective on June 1, 2019. SB 185 amends NRS 394.155 to include requiring private school volunteers to complete a Federal Bureau of Investigation (FBI) fingerprint background check prior to having unsupervised contact with pupils.

Unsupervised contact is defined in NRS 394.153 as direct contact with one or more pupils who are not under the direct supervision of an employee of a private school or other person designated by a private school as the person responsible for pupils. Pupils are under direct supervision when an employee of a private school or other person designated by the private school is present in the same room as the pupil or has visual contact with the pupil, or if outdoors, is within 30 yards of the pupil with visual contact.

All private schools, including exempt private schools as defined in NRS 394.130, are required to collect the fingerprints for volunteers who are likely to have unsupervised contact with pupils and submit them to the Central Repository for Nevada Records of Criminal History and the FBI. There are two exemptions in which private school administrators are not required to collect fingerprints from volunteers who may have unsupervised contact with pupils. The volunteer is not required to submit fingerprints to the private school administrator if:

- The volunteer submits a statement from an entity that is deemed acceptable by the private school administrator that has determined, through an FBI fingerprint background check, that the volunteer was/is eligible for employment or licensure or to serve as a volunteer
 - A private school administrator may accept or reject an investigation conducted under this section.
- The volunteer submits to another entity authorized to forward fingerprints to the Central Repository for Nevada Records of Criminal History a complete set of the volunteer's fingerprints and written permission authorizing the entity to forward the fingerprints to the FBI for its report on the criminal history of the volunteer.

The FBI fingerprint background check must be repeated every five years for volunteers with

unsupervised contact with pupils. Documentation of the FBI fingerprint background check for each volunteer with unsupervised pupil contact must be on file at the private school for review by the Nevada Department of Education (NDE). The documentation may include, but is not limited to, a statement from an entity that determined the volunteer to be eligible for employment or licensure or to serve as a volunteer or the report on criminal history from the FBI.

NRS 394.155 also includes a requirement that each applicant for employment or employee at a private school, including exempt private schools, who is likely to have unsupervised contact with pupils must, before beginning employment at the private school, complete an FBI fingerprint background check. The applicant or employee must submit a complete set of the applicant or employee's fingerprints and written permission authorizing the private school administrator to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for processing. Teachers who are currently licensed by the Superintendent of Public Instruction are exempt from this requirement.

Private school administrators are responsible for ensuring FBI fingerprint background checks are conducted on current and prospective employees who will likely have unsupervised contact with pupils. The Nevada Department of Public Safety (DPS) has a prescribed form (attached) to be used by private school administrators to submit employee fingerprints for processing through the Central Repository for Nevada Records of Criminal History. The DPS will run the fingerprints through the Nevada Records of Criminal History and will forward the fingerprints to the FBI for processing.

The administrator or governing body of a private school may use the reports from the Central Repository for Nevada Records of Criminal History and the FBI in making determinations concerning hiring. The administrator or governing body of a private school may use the reports from the Central Repository for Nevada Records of Criminal History and the FBI or an entity determined to be acceptable by the private school administrator in making determinations concerning accepting a volunteer.

Private school administrators must complete the attached Nevada Department of Public Safety Fingerprint Background Waiver and ensure all the appropriate signatures are gathered before submitting this waiver to the DPS along with the fingerprints of the employee or volunteer. Fingerprints may be submitted using a fingerprint card (FD-258 form) or via Livescan. If fingerprints are collected via Livescan, the employee or volunteer being fingerprinted must have the fingerprints submitted to DPS and the FBI through the vendor on behalf of the private school. The DPS also has a sample Fingerprint Request Form (attached) that can be adapted for use by private school administrators when sending an employee or volunteer to get fingerprints done. Fingerprints can be taken at your local law enforcement agency or any private fingerprinting agency in the state. Private schools have the discretion to determine if the school pays for the fingerprinting fees or if that responsibility is on the employee or volunteer.

Documentation of the FBI fingerprint background check investigation for each employee and volunteer with unsupervised pupil contact must be on file at the private school for review by the NDE. The NDE will audit volunteer and employee background check documents during licensing site visits beginning July 1, 2020.

Please contact Melissa Schroeder, Ph.D. at mschroeder@doe.nv.gov or 702-486-8259 with any questions.

CC: Gabrielle Lamarre, Esq., Title I Director and Federal Liaison
Melissa Schroeder, Ph.D., Education Program Professional