

GENERAL PROVISIONS

NAC 62H.010 Definitions. ([NRS 62H.200](#)) As used in [NAC 62H.010](#) to [62H.550](#), inclusive, unless the context otherwise requires, the words and terms defined in [NAC 62H.020](#) to [62H.050](#), inclusive, have the meanings ascribed to them in those sections.

(Added to NAC by Div. of Child & Fam. Services, eff. 7-19-96) — (Substituted in revision for NAC 62.010)

NAC 62H.020 “Child” defined. ([NRS 62H.200](#)) “Child” has the meaning ascribed to it in [NRS 62A.030](#).

(Added to NAC by Div. of Child & Fam. Services, eff. 7-19-96) — (Substituted in revision for NAC 62.020)

NAC 62H.030 “Delinquent act” defined. ([NRS 62H.200](#)) “Delinquent act” means any act designated a crime under Nevada Revised Statutes, other than a traffic offense, with which a child or an adult may be charged.

(Added to NAC by Div. of Child & Fam. Services, eff. 7-19-96) — (Substituted in revision for NAC 62.030)

NAC 62H.040 “Division” defined. ([NRS 62H.200](#)) “Division” means the Division of Child and Family Services of the Department of Health and Human Services.

(Added to NAC by Div. of Child & Fam. Services, eff. 7-19-96) — (Substituted in revision for NAC 62.040)

NAC 62H.050 “Referral” defined. ([NRS 62H.200](#)) “Referral” means the point in time when a child is brought to the attention of the system of juvenile justice in this State and an official record is opened to document the child’s case.

(Added to NAC by Div. of Child & Fam. Services, eff. 7-19-96) — (Substituted in revision for NAC 62.050)

NAC 62H.100 Identification number for referred child. ([NRS 62H.200](#))

1. Each juvenile court and local juvenile probation department shall assign a nine-digit identification number to each child referred to the court or department. The identification number must be unique to the child. When reporting to the Division, the juvenile court and local juvenile probation department shall report the identification number and attach to it one of the following codes for its county:

Code	County
01C	Carson City
01S	Storey
02W	Washoe
03C	Churchill
03L	Lyon
04E	Elko
05M	Mineral
05N	Nye
05E	Esmeralda
06H	Humboldt
06P	Pershing
06L	Lander
07E	Eureka
07L	Lincoln
07W	White Pine
08C	Clark
09D	Douglas

2. If a child who has previously been assigned an identification number pursuant to this section is referred to a juvenile court other than the court that assigned the previous number, the juvenile court shall assign a new identification number to the child and report to the Division all identification numbers previously assigned to the child.

(Added to NAC by Div. of Child & Fam. Services, eff. 7-19-96) — (Substituted in revision for NAC 62.100)

NAC 62H.110 Date of birth and age of child; date of referral. (NRS 62H.200) Each juvenile court and local juvenile probation department shall report to the Division the date of birth and age of each child referred to the court or department and the date of the child’s referral.

(Added to NAC by Div. of Child & Fam. Services, eff. 7-19-96) — (Substituted in revision for NAC 62.110)

NAC 62H.120 Gender. (NRS 62H.200) Each juvenile court and local juvenile probation department shall report to the Division the gender of each child referred to the court or department using the following codes:

Code	Gender
01	Male
02	Female

(Added to NAC by Div. of Child & Fam. Services, eff. 7-19-96) — (Substituted in revision for NAC 62.120)

NAC 62H.130 Race. (NRS 62H.200) Each juvenile court and local juvenile probation department shall report to the Division the race of each child referred to the court or department using the following codes:

Code	Race
01	White: Having origins in any of the original people of Europe, North Africa or the Middle East.
02	Black: Having origins in any of the black racial groups of Africa.
03	American Indian or Alaskan Native: Having origins in any of the original people of North America and maintaining a cultural identification with those people through tribal affiliation or community recognition.
04	Asian or Pacific Islander: Having origins in any of the original people of the Far East, Southeast Asia, the Indian Subcontinent, the Pacific Islands or Samoa.
05	Hispanic: Having origins in any of the original people of Mexico, Puerto Rico, Cuba, Central America or South America.
06	Mixed: Having origins in more than one of the races set forth in codes 01 to 05, inclusive.

(Added to NAC by Div. of Child & Fam. Services, eff. 7-19-96) — (Substituted in revision for NAC 62.130)

NAC 62H.140 Composition of household. (NRS 62H.200) Each juvenile court and local juvenile probation department shall report to the Division the composition of the household in which each child referred to the court or department resides using the following codes:

Code	Composition of Household
01	Both parents present.
02	Only one parent present.

03	Relative or guardian present.
04	Institutional setting.
05	Family foster home or group foster home.
06	Child living independently.

(Added to NAC by Div. of Child & Fam. Services, eff. 7-19-96) — (Substituted in revision for NAC 62.140)

NAC 62H.150 Most serious delinquent act. (NRS 62H.200)

1. Each juvenile court and local juvenile probation department shall report to the Division the following information for each child referred to the court or department:

- (a) The most serious delinquent act with which the child is charged on referral;
- (b) The most serious delinquent act which is set forth in any petition filed regarding the child; and

(c) The most serious delinquent act of which the child is adjudicated delinquent or to which the child pleaded guilty.

2. The court and department shall report the information required by subsection 1 using the codes for delinquent acts set forth in [NAC 62H.160](#) to [62H.190](#), inclusive.

3. If any delinquent act required to be reported pursuant to subsection 1 is for:

- (a) An attempt to commit a delinquent act, the code must be followed by the letter “A.”
- (b) Conspiracy to commit a delinquent act, the code must be followed by the letter “C.”
- (c) An offense which would be a felony if committed by an adult, the code must be followed by the letter “F.”
- (d) An offense which would be a gross misdemeanor if committed by an adult, the code must be followed by the letter “G.”

(Added to NAC by Div. of Child & Fam. Services, eff. 7-19-96) — (Substituted in revision for NAC 62.150)

NAC 62H.160 Codes for reporting delinquent acts committed against persons. (NRS 62H.200) The following codes for delinquent acts committed against the person must be used:

Code	Delinquent Act
01	Manslaughter (NRS 200.040).
	Voluntary manslaughter (NRS 200.050).
02	Involuntary manslaughter (NRS 200.070).
03	Sexual assault (NRS 200.366).
04	Statutory sexual seduction (NRS 200.368).
	Incest (NRS 201.180).
05	Pandering (NRS 201.300 to 201.340 , inclusive).
	Prostitution (NRS 201.354 , 201.358 and 201.360).
	Solicitation of a minor to engage in acts constituting a crime against nature (NRS 201.195).
06	Open or gross lewdness (NRS 201.210).
	Indecent or obscene exposure (NRS 201.220).
	Lewdness with a child under 14 years of age (NRS 201.230).
07	Robbery (NRS 200.380).
08	Battery with a deadly weapon (paragraphs (e) and (g) of subsection 2 of NRS 200.481).
	Battery with intent to commit a crime (NRS 200.400).
	Mayhem (NRS 200.280).
	Assault with a deadly weapon (paragraph (b) of subsection 2 of NRS 200.471).
09	Battery (paragraphs (a) to (d), inclusive, and paragraph (f) of subsection 2 of NRS 200.481).
	Assault (paragraphs (a) and (c) of subsection 2 of NRS 200.471 and NRS 200.490).

10	Kidnapping (NRS 200.310 and 200.359).
	False imprisonment (NRS 200.460).
11	Abuse, neglect, or endangerment of a child (NRS 200.508).
	Harassment (NRS 200.571).
	Stalking (NRS 200.575).
12	Discharging a firearm at or into a structure, vehicle, aircraft or watercraft (NRS 202.285).
	Aiming a firearm at a human being or discharging a weapon where a person might be endangered (NRS 202.290).
	Willfully poisoning or adulterating food, water or medicine (NRS 202.170).
	Possession of a firearm when under the influence of alcohol, a controlled substance or other intoxicating substance (NRS 202.257).
	Discharging a firearm in or upon public streets (NRS 202.280).
	Discharging a firearm out of a motor vehicle (NRS 202.287).

(Added to NAC by Div. of Child & Fam. Services, eff. 7-19-96) — (Substituted in revision for NAC 62.160)

NAC 62H.170 Codes for reporting delinquent acts committed against property. ([NRS 62H.200](#)) The following codes for delinquent acts committed against property must be used:

Code	Delinquent Act
13	Larceny (NRS 205.220).
14	Burglary (NRS 205.060).
	Invasion of the home (NRS 205.067).
	Burglary with explosives (NRS 205.075).
	Possession of an instrument with burglarious intent (NRS 205.080).
15	Trespassing (NRS 207.200).
16	Unlawful taking of a vehicle (NRS 205.2715).
	Receiving or transferring stolen vehicles (NRS 205.273).
	Injuring or tampering with a vehicle (NRS 205.274).
17	Arson (NRS 205.010 to 205.030 , inclusive).
	Use of explosives to damage or destroy property (NRS 202.830).
	Bomb threats (NRS 202.840).
	Unlawful possession of explosives in a state building (NRS 202.810).
18	Malicious mischief (NRS 206.005 to 206.330 , inclusive).
19	Theft (NRS 205.0832).
	Receiving, possessing or withholding stolen goods (NRS 205.275).
20	Fraudulent conveyances (NRS 205.330).
	Sale or removal of goods subject to a security interest by a debtor in possession of the goods without the consent of the secured party (NRS 205.335).
	Sale or creation of a security interest in personal property subject to a security interest or lien without informing the purchaser or secured party (NRS 205.340).
	Destruction or removal of personal property upon which a security interest or lease exists (NRS 205.345).
	Removal or sale of property to defraud creditors (NRS 205.350).
	Fraudulent sale or concealment of personal property after an action is commenced or a judgment is rendered (NRS 205.355).
	Knowingly receiving a fraudulent conveyance (NRS 205.360).
	Fraudulently selling real estate twice (NRS 205.365).
	Swindling (NRS 205.370).
	False written statements to obtain property or credit (NRS 205.375).

	Obtaining money, property, rent or labor by false pretenses (NRS 205.380).
	Obtaining a signature by false pretenses (NRS 205.390).
	False representation concerning title to property (NRS 205.295).
	Fraud by the bailee of an animal (NRS 205.400).
	Falsifying accounts (NRS 205.405).
	Improper use of an insigne (NRS 205.410).
	Collecting for benefit without authority (NRS 205.415).
	Use of a false permit, license or diploma (NRS 205.420).
	Publishing a false statement to affect market price (NRS 205.440).
	Defrauding the proprietor of a hotel, inn, restaurant, motel or similar establishment (NRS 205.445).
	Personating another (NRS 205.450).
	Personating another same as stealing (NRS 205.455).
	Preparation, transfer or use of false identification regarding a person under 21 years (NRS 205.460).
	Possession or sale of a document to establish false status or identity (NRS 205.465).
	Unlawful acts regarding computers (NRS 205.4765).
	Unlawful interference with or denial of access or use of a computer, system or network (NRS 205.477).
	Forgery by creation, alteration or deletion of data (NRS 205.481).
	False statement to procure the issuance of a credit card (NRS 205.680).
	Obtaining or possessing a credit card or an identifying description of a credit card or account without the consent of the cardholder (NRS 205.690).
	Sale or purchase of a credit card or an identifying description of a credit card or account (NRS 205.710).
	Sale of identifying information on a telephone calling card (NRS 205.715).
	Obtaining control of a credit card as security for a debt (NRS 205.720).
	Forgery of a credit card (NRS 205.740).
	Unauthorized signing of a credit card or a related document with the intent to defraud (NRS 205.750).
	Fraudulent use of a credit card or an identifying description of a credit account (NRS 205.760).
	Possession of incomplete credit cards or equipment to produce credit cards (NRS 205.790).
	Receiving property or services obtained by the unlawful use of a credit card (NRS 205.800).
	Forgery of conveyances, negotiable instruments, stock certificates, wills and other instruments (NRS 205.090).
	Other acts constituting forgery (NRS 205.095).
	Making, uttering or possessing with the intent to utter a fictitious bill, note or check (NRS 205.100).
	Forgery of an instrument purporting to have been issued by a corporation or state (NRS 205.105).
	Uttering forged instruments (NRS 205.110).
	True writing signed by a wrongdoer's name or the name of a person not in existence (NRS 205.115).
21	Violation of a county or municipal ordinance or a rule or regulation by a child living or found within the county which would be a crime if committed by an adult (NRS 62B.330).

(Added to NAC by Div. of Child & Fam. Services, eff. 7-19-96) — (Substituted in revision for NAC 62.170)

NAC 62H.180 Codes for reporting delinquent acts involving controlled substances. (NRS 62H.200)

1. The following codes for delinquent acts involving controlled substances must be used:

Code	Delinquent Act
22	Trafficking in controlled substances: Schedule I substances except marijuana (NRS 453.3385).
	Trafficking in controlled substances: Schedule II substances (NRS 453.3395).
	Unlawful possession for sale of substances classified in schedule III, IV or V (NRS 453.338).
23	Unlawful possession of a controlled substance not for purpose of sale (NRS 453.336).
24	Trafficking in controlled substances: Marijuana (NRS 453.339).
25	Offer, attempt or commission of an unauthorized act relating to a controlled or counterfeit substance (NRS 453.321).
	Substitution of a substance in an unlawful transaction.
	Unlawful acts relating to distribution of certain controlled substances by registrants and use of an unauthorized registration number and possession of signed blank prescription forms (NRS 453.331).
	Unlawful possession for sale of substances classified in schedule I or II (NRS 453.337).
26	Opening or maintaining of a place for unlawful sale, gift or use of a controlled substance (NRS 453.316).
	Unlawful acts relating to imitation controlled substances (NRS 453.332).
	Unlawful acts relating to recordkeeping, inspections and knowingly keeping or maintaining a place where controlled substances are unlawfully used (NRS 453.326).

2. If code 22, 23, 25 or 26 is reported, it must be followed by one of the following codes denoting whether the controlled substance possessed, used or sold was cocaine, cocaine base, a methamphetamine, lysergic acid diethylamide or heroin:

Code	Controlled Substance
(a)	Cocaine or cocaine base
(b)	Methamphetamines
(c)	Lysergic acid diethylamide
(d)	Heroin

(Added to NAC by Div. of Child & Fam. Services, eff. 7-19-96) — (Substituted in revision for NAC 62.180)

NAC 62H.190 Codes for reporting delinquent acts committed against public peace and law and order. (NRS 62H.200) The following codes for delinquent acts committed against public peace and law and order must be used:

Code	Delinquent Act
27	Sale or furnishing of an alcoholic beverage to a minor (NRS 202.055).
	Preparation, transfer or use of false identification regarding person under 21 years of age (NRS 205.460).
	Sale, gift or disposal of liquor in the capitol (NRS 331.190).
	Sale of liquor within a half mile of an institution of the Department of Corrections (NRS 212.180).

	Furnishing intoxicant to a person lawfully confined in a jail or a detention facility (NRS 212.170).
28	Disturbing the peace (NRS 203.010).
	Assembling to disturb the peace or to commit an unlawful act (NRS 203.020).
	Provoking a commission of the breach of peace (NRS 203.030).
	Publishing matter inciting the breach of peace or other crime (NRS 203.040).
	Affray (NRS 203.050).
	Unlawful assembly (NRS 203.060).
	Rout and riot (NRS 203.070).
	Armed association (NRS 203.080).
	Disturbing meeting (NRS 203.090).
	Offenses in public conveyances (NRS 203.100).
	Forcible entry and detainer (NRS 203.110).
	Criminal anarchy (NRS 203.115).
	Criminal syndicalism (NRS 203.117).
	Commission of an act in a public building or an area interfering with the peaceful conduct of activities (NRS 203.119).
29	Possession, manufacture or disposition of a short-barreled rifle or a short-barreled shotgun (NRS 202.275).
	Manufacture or importation of a dangerous weapon; possession or use of a silencer or a dangerous weapon; carrying a concealed weapon without a permit (NRS 202.350).
	Sale or possession of tear gas bombs or weapons which are not permitted under NRS 202.370 to 202.440 , inclusive (NRS 202.380).
	Furnishing a weapon, facsimile, intoxicant or controlled substance to a state prisoner (NRS 212.160).
	Use or possession of a firearm by a child under age of 18 years (NRS 202.300).
	Drawing a deadly weapon in a threatening manner (NRS 202.320).
	Changing, altering, removing or obliterating a serial number of a firearm (NRS 202.277).
30	Aiding or concealing the escape of an inmate (NRS 63.610).
	Rescuing a prisoner (NRS 199.100).
31	Acts or omissions constituting contempts (NRS 22.010).
	Refusal to obey an order of the court (NRS 35.240).
	Disobedience as a witness (NRS 50.195).
	Resisting a public officer (NRS 199.280).
	Intimidating a public officer, public employee, juror, referee, arbitrator, appraiser, assessor or similar person (NRS 199.300).
	Preventing or dissuading a witness or victim from reporting a crime or commencing prosecution (NRS 199.305).
	Criminal contempt (NRS 199.340).
	Failure to appear after admission to bail (NRS 199.335).
	Perjury and subornation of perjury (NRS 199.120).
	Destroying evidence (NRS 199.220).
	Preventing or dissuading a person from testifying or producing evidence (NRS 199.230).
	Bribing or intimidating a witness to influence testimony (NRS 199.240).
	Bribery of a judicial officer (NRS 199.010).

(Added to NAC by Div. of Child & Fam. Services, eff. 7-19-96) — (Substituted in revision for NAC 62.190)

NAC 62H.200 Most serious status offense. (NRS 62H.200)

1. Each juvenile court and local juvenile probation department shall report to the Division the following information for each child referred to the court or department:
 - (a) The most serious status offense with which the child is charged on referral;
 - (b) The most serious status offense which is set forth in any petition filed regarding the child; and
 - (c) The most serious status offense of which the child is adjudicated delinquent or to which the child pleaded guilty.
2. The court and department shall report the information required by subsection 1 using the following codes:

Code	Status Offense
32	Deserts, abandons or runs away from his or her home or usual place of abode (paragraph (c) of subsection 1 of NRS 62B.320).
33	Habitual truancy by a child who is subject to compulsory school attendance (paragraph (a) of subsection 1 of NRS 62B.320).
34	Violation of a county or municipal ordinance or a rule or regulation by a child living or found within the county which would not be a crime if committed by an adult (NRS 62B.330).
35	Habitually disobeys the reasonable and lawful demands of his or her parents, guardian, or other custodian, and is unmanageable (paragraph (b) of subsection 1 of NRS 62B.320).
36	Purchase, consumption or possession of an alcoholic beverage by a minor (NRS 202.020).
	Minor loitering in a place where alcoholic beverages are sold (NRS 202.030).
	False representation by a minor to obtain intoxicating liquor (NRS 202.040).

3. If code 35 is reported, it must be followed by one of the following codes denoting whether the violation concerned gaming, tobacco or a curfew.

Code	Subject Matter
(a)	Gaming
(b)	Tobacco
(c)	Curfew

4. As used in this section, “status offense” means:
 - (a) A delinquent act as defined in [NRS 62B.330](#) which would not be a crime if committed by an adult;
 - (b) An act indicating a child is in need of supervision pursuant to [NRS 62B.320](#); or
 - (c) An offense with which only children may be charged because an element of the offense is the status of age.(Added to NAC by Div. of Child & Fam. Services, eff. 7-19-96) — (Substituted in revision for NAC 62.200)

NAC 62H.210 Most serious traffic offense. (NRS 62H.200)

1. Each juvenile court and local juvenile probation department shall report to the Division the following information for each child referred to the court or department:
 - (a) The most serious traffic offense with which the child is charged on referral;
 - (b) The most serious traffic offense which is set forth in any petition filed regarding the child; and
 - (c) The most serious traffic offense of which the child is adjudicated delinquent or to which the child pleaded guilty.

2. The court and department shall report the information required by subsection 1 using the following codes:

Code	Offense
37	Driving under the influence of an intoxicating liquor or a controlled substance (NRS 484C.110 and 484C.430).
38	Failure to stop at the scene of an accident involving death (NRS 484E.010).
	Failure to stop at the scene of an accident involving damage to a vehicle or property (NRS 484E.020).

(Added to NAC by Div. of Child & Fam. Services, eff. 7-19-96) — (Substituted in revision for NAC 62.210)

NAC 62H.220 Administrative charge. ([NRS 62H.200](#)) Each juvenile court and local juvenile probation department shall report to the Division any administrative charge made against a child referred to the court or department using the following codes:

Code	Administrative Charge
39	Hold the child for proceedings in a juvenile court in another judicial district.
40	Issuance of a bench warrant for the arrest of the child for a violation of any condition of probation.
41	Violation of a condition of parole after institutionalization in a regional facility for children or violation of a condition of probation which does not constitute a crime.
42	Violation of a condition of parole set by the Youth Parole Bureau of the Division which does not constitute a crime.

(Added to NAC by Div. of Child & Fam. Services, eff. 7-19-96) — (Substituted in revision for NAC 62.220)

NAC 62H.230 Detention; dates of admission and release. ([NRS 62H.200](#)) Each juvenile court and local juvenile probation department shall report to the Division whether a child referred to the court or department was detained and if so, the month, day and year the child was admitted to detention and the month, day and year the child was released from detention.

(Added to NAC by Div. of Child & Fam. Services, eff. 7-19-96) — (Substituted in revision for NAC 62.230)

NAC 62H.240 Disposition of referral. ([NRS 62H.200](#)) Each juvenile court and local juvenile probation department shall report to the Division the disposition of the referral of each child using the following codes:

Code	Disposition
01	Transferred for trial as an adult upon certification by the juvenile court (NRS 62B.390).
02	Proceeding filed directly in district court with no juvenile proceeding.
03	Prosecution deferred for the child to satisfy a condition set by the court.
04	Released from detention and from further court proceedings and transferred to the jurisdiction of a public or private institution or agency.
05	Unconditionally released or referred to receive services on a voluntary basis.

06	Imposition of a fine, costs, restitution or a requirement to forfeit the tools of the crime, but no requirement for supervision.
07	Assigned to the local juvenile probation department for probation.
08	Placement in a regional facility for children or a facility for the detention of children that is administered or financed by the county, that has locked or continually monitored exits and that monitors and restricts the daily movements of the children placed in the facility.
09	Placement in a regional facility for children or a facility for the detention of children that is administered or financed by the county, that does not have locked or continually monitored exits and that monitors the daily movements of the children placed in the facility on a random basis only.
10	Assigned to a group or family foster home or other residential placement.
11	Assigned to the custody of the Division.
12	Given a single sanction, the satisfaction of which releases the child from all further involvement in the system of juvenile justice in this State.

(Added to NAC by Div. of Child & Fam. Services, eff. 7-19-96) — (Substituted in revision for NAC 62.240)

NAC 62H.250 Disposition of petition. (NRS 62H.200) Each juvenile court and local juvenile probation department shall report to the Division:

1. Whether a petition is filed regarding a child referred to the court or department and, if so, the date of the petition; and
2. The disposition of each petition filed using the following codes:

Code	Disposition
01	Child adjudicated delinquent and made a ward of the court.
02	Child found not guilty and the petition dismissed with prejudice.
03	Adjudication deferred until the child has satisfied a condition imposed by the court.
04	Child adjudicated delinquent and committed to the Division for correctional care.
05	Petition was dismissed because the child accepted a plea bargain on another petition.
06	Petition was dismissed after the child satisfied a condition of the court.

(Added to NAC by Div. of Child & Fam. Services, eff. 7-19-96) — (Substituted in revision for NAC 62.250)

Reporting of Information by Youth Correctional Services

NAC 62H.300 Most serious delinquent act or offense. (NRS 62H.200) The staff of the youth correctional services shall report to the Division the most serious delinquent act or offense which resulted in a child's placement in the custody of the Division using the appropriate code set forth in [NAC 62H.160](#) to [62H.210](#), inclusive.

(Added to NAC by Div. of Child & Fam. Services, eff. 7-19-96) — (Substituted in revision for NAC 62.300)

NAC 62H.310 Date of placement in and release from facility. (NRS 62H.200) The staff of the youth correctional services shall report to the Division the date a child is placed in a facility by the Division and the date he or she is released.

(Added to NAC by Div. of Child & Fam. Services, eff. 7-19-96) — (Substituted in revision for NAC 62.310)

NAC 62H.320 Placement. (NRS 62H.200) The staff of the youth correctional services shall report to the Division information on the placement of each child committed to or otherwise placed in the custody of the Division using the following codes:

Code	Placement
01	Placed with the Nevada Youth Training Center Bureau.
02	Placed with the Caliente Youth Center Bureau.
03	Placed pursuant to NRS 62E.520 and 63.440 for psychiatric services or other residential services for mental health.
04	Placed in a residential treatment program for children under 12 years of age.
05	Placed in a private facility pursuant to NRS 63.440 .

(Added to NAC by Div. of Child & Fam. Services, eff. 7-19-96) — (Substituted in revision for NAC 62.320)

NAC 62H.330 Education received. (NRS 62H.200) The staff of the youth correctional services shall report to the Division information regarding the education received by a child committed to or otherwise placed in the custody of the Division while in a placement facility or while on parole using the following codes:

Code	Education
Academic education	
01(a)	High school education.
01(b)	Junior high or middle school education.
02	Special education.
03	Classes required for a general equivalency diploma.
Vocational education	
04(a)	Classes on operating and programming computers.
04(b)	Classes on learning the trade of construction.
04(c)	Classes on learning the trade of food service.
04(d)	Classes on learning to work on motor vehicles.
04(e)	Classes on learning the trade of graphic design.
04(f)	Classes on learning the trade of an electrician.
04(g)	Classes on learning the trade of the hotel industry.
04(h)	Classes on learning the trade of landscaping.
04(i)	Classes on learning how to repair and work on small engines.
05	Tutoring.
06	Screening and assessment to determine learning difficulties and needs for education.
07	Other education services.

(Added to NAC by Div. of Child & Fam. Services, eff. 7-19-96) — (Substituted in revision for NAC 62.330)

NAC 62H.340 Vocational training received. (NRS 62H.200) The staff of the youth correctional services shall report to the Division information regarding any vocational training received by a child committed to or otherwise placed in the custody of the Division while in a placement facility or on parole using the following codes:

Code	Vocational Training
08	General vocational training.
09	Training to update employment skills.
10	Training to develop new employment skills.
11	Other vocational services.

(Added to NAC by Div. of Child & Fam. Services, eff. 7-19-96) — (Substituted in revision for NAC 62.340)

NAC 62H.350 Services for mental health received. ([NRS 62H.200](#)) The staff of the youth correctional services shall report to the Division information regarding any services for mental health received by a child committed to or otherwise placed in the custody of the Division while in a placement facility or on parole using the following codes:

Code	Services for Mental Health
12	Counseling on general mental health issues, administered on an individual basis.
13	Counseling on general mental health issues, administered on a group basis.
14	Counseling on mental health issues affecting a family.
15	Counseling and support from peers on general mental health issues.
16	Training or therapy received for the development of cognitive skills.
17	Counseling on mental health issues common to sex offenders.

(Added to NAC by Div. of Child & Fam. Services, eff. 7-19-96) — (Substituted in revision for NAC 62.350)

NAC 62H.360 Services for special needs received. ([NRS 62H.200](#)) The staff of the youth correctional services shall report to the Division information regarding any services for special needs received by a child committed to or otherwise placed in the custody of the Division while in a placement facility or on parole using the following codes:

Code	Services for Special Needs
18	Counseling for sex offenders.
19	Counseling on managing anger.
20	Counseling on handling aggression.
21	Counseling on dealing with gangs and recognizing the dangers and effects of associating with gangs.
22	Counseling on preventing the spread of the human immunodeficiency virus.
23	Counseling on preventing the perpetration of domestic abuse.
24	Counseling on preventing the perpetration of sexual abuse.
25	Counseling on preventing the perpetration of arson.
26	Other counseling for a special need.

(Added to NAC by Div. of Child & Fam. Services, eff. 7-19-96) — (Substituted in revision for NAC 62.360)

NAC 62H.370 Education or counseling for prevention of drug and alcohol abuse received. ([NRS 62H.200](#)) The staff of the youth correctional services shall report to the Division information regarding any education or counseling for the prevention of drug and alcohol abuse received by a child committed to or otherwise placed in the custody of the Division while in a placement facility or on parole using the following codes:

Code	Education or Counseling
27	Education on the prevention of drug or alcohol abuse.
28	Treatment for drug or alcohol abusers, administered on an individual basis.
29	Treatment for drug or alcohol abusers, administered on a group basis.
30(a)	Treatment received from "Narcotics Anonymous."
30(b)	Treatment received from "Cocaine Anonymous World Services."
30(c)	Treatment received from "Alcoholics Anonymous World Services."
30(d)	Treatment received from "Rational Recovery Systems."

(Added to NAC by Div. of Child & Fam. Services, eff. 7-19-96) — (Substituted in revision for NAC 62.370)

NAC 62H.380 Training in social skills received. (NRS 62H.200) The staff of the youth correctional services shall report to the Division information regarding any training in social skills received by a child committed to or otherwise placed in the custody of the Division while in a placement facility or on parole using the following codes:

Code	Training
31	Training in the skills of communication and interaction.
32	Training in the skill of interacting with peers.
33	Training in the skill of parenting for teenagers.
34	Training in the skill of living independently.
35	Training on dealing with persons of different cultures.
36	Other training in social skills.

(Added to NAC by Div. of Child & Fam. Services, eff. 7-19-96) — (Substituted in revision for NAC 62.380)

NAC 62H.390 Medical education or services received. (NRS 62H.200) The staff of the youth correctional services shall report to the Division information regarding any medical education and services received by a child committed to or otherwise placed in the custody of the Division while in a placement facility or on parole using the following codes:

Code	Medical Education or Services
37	Education on the risk of exposure to and infection with the human immunodeficiency virus and contraction of the acquired immune deficiency syndrome.
38	Education on avoiding health complications.
39	General medical services.
40	Education on dealing with the effects of sexual abuse.
41	Education on dealing with the effects of domestic abuse.

(Added to NAC by Div. of Child & Fam. Services, eff. 7-19-96) — (Substituted in revision for NAC 62.390)

NAC 62H.400 Training on understanding position of victim of crime. (NRS 62H.200)

The staff of the youth correctional services shall report to the Division information regarding any training on understanding the position of a victim of crime received by a child committed to or otherwise placed in the custody of the Division while in a placement facility or on parole using the following codes:

Code	Training
42	Training on empathizing with the victim of a crime.
43	Training to be aware of the effects of an act of crime.
44	Other training regarding sensitivity towards victims of crime.

(Added to NAC by Div. of Child & Fam. Services, eff. 7-19-96) — (Substituted in revision for NAC 62.400)

NAC 62H.410 Activities. (NRS 62H.200) The staff of the youth correctional services shall report to the Division information regarding any activities engaged in by a child committed to or otherwise placed in the custody of the Division while in a placement facility or on parole using the following codes:

Code	Activities
45	Recreational or athletic programs.
46	Community service.
47	Time served as a volunteer for the forestry crew of the Bureau of Land Management.
48	Time served as a volunteer for the fire crew of the Division of Forestry of the State Department of Conservation and Natural Resources.

(Added to NAC by Div. of Child & Fam. Services, eff. 7-19-96) — (Substituted in revision for NAC 62.410)

NAC 62H.420 Date of placement on and termination of parole. (NRS 62H.200) The staff of the youth correctional services shall report to the Division the date a child committed to or otherwise placed in the custody of the Division is placed on parole and the date the child's parole is terminated by a court.

(Added to NAC by Div. of Child & Fam. Services, eff. 7-19-96) — (Substituted in revision for NAC 62.420)

NAC 62H.430 Other services received or activities required. (NRS 62H.200) In addition to the information required by [NAC 62H.320](#) to [62H.410](#), inclusive, the staff of the youth correctional services shall report to the Division if any of the following services were received by or activities were required of a child committed to or otherwise placed in the custody of the Division while on parole, using the following codes:

Code	Services
49(a)	Services of a foster home.
49(b)	Services of placement pursuant to a contract with the Division.
49(c)	Treatment for substance abuse.
49(d)	Treatment for problems with mental health.
50	Participation in community services.
51	Referrals for employment opportunities.
52	Assistance in locating housing for a family.
53	Payment of restitution to the family of the victim.
54	Counseling for groups of parents on issues related to raising a family.

55	Treatment for mental health issues common to persons who have committed a specific offense, administered through a program offered during the day outside of an institution.
56	Specialized services performed by a private entity which has a contract with the Division to perform the services.
57	Testing for general medical problems.

(Added to NAC by Div. of Child & Fam. Services, eff. 7-19-96) — (Substituted in revision for NAC 62.430)

NAC 62H.440 Level of intensity of services received. ([NRS 62H.200](#)) The staff of the youth correctional services shall report to the Division the level of intensity of the services received by a child committed to or otherwise placed in the custody of the Division from parole officers while on parole using the following codes:

Code	Level of Intensity
58(a)	Intensive
58(b)	Standard
58(c)	Minimal

(Added to NAC by Div. of Child & Fam. Services, eff. 7-19-96) — (Substituted in revision for NAC 62.440)

NAC 62H.450 Nature of discharge. ([NRS 62H.200](#)) The staff of the youth correctional services shall report to the Division the nature of the discharge of each child from the custody of the Division, using the following codes:

Code	Nature of Discharge
Positive Termination	
01(a)	Employed and living independently.
01(b)	Attending school and living with parents or guardians.
01(c)	Attending school, employed and living independently.
01(d)	Employed and living with parents or guardians.
01(e)	Attending college or trade school and living on the campus of that school.
01(f)	Completion of all conditions of parole and living with parents or guardians.
01(g)	Completion of all conditions of parole and living independently.
General Termination	
02(a)	Living with parents or guardians and there has been no subsequent arrest, but there has been a technical violation of parole.
02(b)	Child is at least 18 years of age, is living away from home, has not been subsequently arrested for a felony, and did not complete the educational or work program, or both, required pursuant to NRS 63.730 .
02(c)	Child is at least 18 years of age, is living with parents or guardians, has not been subsequently arrested for a felony, and did not complete the educational or work program, or both, required pursuant to NRS 63.730 .
Negative Termination	
03(a)	Arrested as an adult and a court proceeding is pending regarding the arrest.

03(b)	Child did not complete the educational or work program, or both, required pursuant to NRS 63.730 and is not amenable to services provided by the system of juvenile justice in this State.
03(c)	Child is absent without leave at the time of termination.
Death	
04(a)	Death by natural causes.
04(b)	Death by accident.
04(c)	Death by suicide.
04(d)	Death by homicide.

(Added to NAC by Div. of Child & Fam. Services, eff. 7-19-96) — (Substituted in revision for NAC 62.450)

Miscellaneous Provisions

NAC 62H.500 Authorization to collect and report further information. ([NRS 62H.200](#)) The provisions of [NAC 62H.010](#) to [62H.550](#), inclusive, do not prohibit the collection and reporting of information that is not required to be collected and reported by those provisions.

(Added to NAC by Div. of Child & Fam. Services, eff. 7-19-96) — (Substituted in revision for NAC 62.500)

NAC 62H.510 Proper method for reporting information. ([NRS 62H.200](#)) Each juvenile court and local juvenile probation department which reports information pursuant to [NAC 62H.010](#) to [62H.550](#), inclusive:

1. On paper and not by electronic or computer transmission shall report the information on a form provided by the Division of Child and Family Services.

2. Electronically shall report the information in the format required by the Division of Enterprise Information Technology Services of the Department of Administration or in any other format required by the Division of Child and Family Services.

(Added to NAC by Div. of Child & Fam. Services, eff. 7-19-96) — (Substituted in revision for NAC 62.510)

NAC 62H.520 Maintenance by juvenile court and local juvenile probation department of list of identification numbers and confidentiality of children's names. ([NRS 62H.200](#)) Each juvenile court and local juvenile probation department shall maintain:

1. A list that correlates the name of each child referred to the court or department with the child's unique identification number.

2. The confidentiality of each child's name and shall not report the name or address of any child to the Division.

(Added to NAC by Div. of Child & Fam. Services, eff. 7-19-96) — (Substituted in revision for NAC 62.520)

NAC 62H.530 Availability of information to certain state agencies. ([NRS 62H.200](#)) A state agency which provides information to the Division pursuant to [NAC 62H.010](#) to [62H.550](#), inclusive, may obtain any information collected pursuant to [NAC 62H.010](#) to [62H.550](#), inclusive, from the central office of the Division in Las Vegas, Nevada. The information will be stored on computer and will be provided to a requesting agency electronically by modem or on a diskette.

(Added to NAC by Div. of Child & Fam. Services, eff. 7-19-96) — (Substituted in revision for NAC 62.530)

NAC 62H.540 Published reports of compiled information by Division. ([NRS 62H.200](#)) The Division will compile the information received by it pursuant to [NAC 62H.010](#) to [62H.550](#), inclusive, and will publish once in each calendar year and once in each fiscal year a report of the information, organized into the following categories:

1. The ages of the children:

(a) Who are first referred to the system of juvenile justice in this State.

- (b) Who are committed to a regional facility for children.
 - (c) Who are committed to a center for youths that is administered by the State.
 - 2. The race or other ethnic background of the children.
 - (a) Who are first referred to the system of juvenile justice in this State.
 - (b) Who are committed to a regional facility for children.
 - (c) Who are committed to a state center for youths that is administered by the State.
- (Added to NAC by Div. of Child & Fam. Services, eff. 7-19-96) — (Substituted in revision for NAC 62.540)

NAC 62H.550 Quarterly report by juvenile courts and local juvenile probation departments; monthly report by youth correctional services. (NRS 62H.200)

1. Each juvenile court and local juvenile probation department shall, for each quarter of each fiscal year:

(a) Report to the Division the information required by [NAC 62H.010](#) to [62H.550](#), inclusive, for each child referred to the court or department whose case is closed or wardship terminated during the quarter; and

(b) Submit such information electronically or manually to the Division no later than the 15th of the month following the close of each quarter.

2. The staff of the youth correctional services shall, for each month:

(a) Report to the Division the information required by [NAC 62H.010](#) to [62H.550](#), inclusive, for each child committed to or otherwise placed in the custody of the Division whose case has been closed or wardship terminated during the month by the Nevada Youth Training Center, the Caliente Youth Center, or the Youth Parole Bureau of the Division; and

(b) Submit such information electronically or manually to the Division no later than the 15th of the following month.

(Added to NAC by Div. of Child & Fam. Services, eff. 7-19-96) — (Substituted in revision for NAC 62.550)

NAC 202.010 Definitions. (NRS 202.369) As used in [NAC 202.010](#) to [202.040](#), inclusive, unless the context otherwise requires:

1. “Concealed firearm” has the meaning ascribed to it in subsection 1 of [NRS 202.3653](#).

2. “Permit” has the meaning ascribed to it in subsection 3 of [NRS 202.3653](#).

(Added to NAC by Dep’t of Motor Veh. & Pub. Safety, eff. 9-6-96)

NAC 202.020 Application for permit. (NRS 202.369)

1. In addition to the requirements of subsection 2, the application form for a permit to carry a concealed firearm must contain the following sections, which must be in substantially the following form:

GENERAL INFORMATION

The sheriff shall issue or renew a permit to carry a concealed firearm for no more than two specific firearms to any person who is qualified to possess a firearm under state and federal law.

A permittee shall carry the permit together with proper identification whenever he or she is in actual possession of a concealed firearm. Both the permit and proper identification must be presented to a peace officer upon request.

Except as otherwise provided in [NRS 202.265](#) and subsections 2 and 3 of [NRS 202.3673](#), a permittee shall not carry a concealed firearm into:

1. Any facility of a law enforcement agency;

2. A prison, county or city jail or detention facility;

3. A courthouse or courtroom;

4. Any facility of a public or private school;

5. Any facility of a vocational or technical school, or of the Nevada System of Higher Education;

6. Any other building owned or occupied by the Federal Government, the State or a local government; or

7. Any other place in which the carrying of a concealed firearm is prohibited by state or federal law.

Unless suspended or revoked by the sheriff, a permit expires on the fifth anniversary of the permittee's birthday, measured from the birthday nearest the date of issuance or renewal. If the date of birth of a permittee is on February 29 in a leap year, for the purposes of [NRS 202.3653](#) to [202.369](#), inclusive, his or her date of birth shall be deemed to be on February 28.

A permittee shall notify the sheriff who issued the permit, in writing, within 30 days if his or her permanent address changes or if the permit is lost, stolen or destroyed.

ELIGIBILITY

The sheriff shall conduct an investigation of an applicant, including a check of the applicant's fingerprints, to determine if the person is eligible for a permit.

Except as otherwise provided in [NRS 202.3657](#), a person is eligible to carry a concealed firearm if he or she:

1. Is a resident of the State of Nevada and of the county in which the permit is sought;
2. Is 21 years of age or older;
3. Is not prohibited from possessing a firearm pursuant to [NRS 202.360](#); and

4. Demonstrates competence with a firearm by presenting a certificate or other documentation which shows that the applicant has successfully completed a course approved by the sheriff, or successfully completed a course in firearm safety offered by a federal, state or local law enforcement agency, community college, university or national organization that certifies instructors in firearm safety. Any such course must include instruction in the use of each firearm to which the application pertains and in the laws of the State of Nevada relating to the proper use of a firearm.

The sheriff shall deny an application or revoke a permit to carry a concealed firearm if the sheriff determines that the applicant or permittee:

1. Has an outstanding warrant for his or her arrest.
2. Has been judicially declared incompetent or insane.
3. Has been voluntarily or involuntarily admitted to a mental health facility during the immediately preceding 5 years.

4. Has been habitually using intoxicating liquor or a controlled substance to the extent that his or her normal faculties are impaired. Such use is presumed if, during the immediately preceding 5 years, the applicant or permittee has been convicted of driving under the influence of intoxicating liquor or a controlled substance pursuant to [NRS 484C.110](#), or has been ordered by a court to enter a program for treatment of drug or alcohol abuse pursuant to [NRS 458.290](#) to [458.350](#), inclusive.

5. Has been convicted of a crime involving the use or threatened use of force or violence punishable as a misdemeanor under the laws of this State or any other state, territory or possession of the United States at any time during the immediately preceding 3 years.

6. Has been convicted of a felony in this State or under the laws of any state, territory or possession of the United States.

7. Has been convicted of a crime involving domestic violence or stalking, or is currently subject to a restraining order, injunction or other order for protection against domestic violence.

8. Is currently on parole or probation from a conviction obtained in this State or in any other state or territory or possession of the United States.

9. Has, within the immediately preceding 5 years, been subject to any requirements imposed by a court of this State or any other state or territory or possession of the United States, as a condition to the court's withholding the entry of judgment for a conviction of a felony or the court's suspending a sentence for the conviction of a felony.

10. Has made a false statement on any application for a permit or for the renewal of a permit.

The sheriff may deny an application or revoke a permit if he or she receives a sworn affidavit stating articulable facts based upon personal knowledge from any natural person who is 18 years of age or older that the applicant or permittee has or may have committed

an offense or engaged in any other activity specified in subsection 3 of [NRS 202.3657](#) which would preclude the issuance of a permit to the applicant or require the revocation of a permit pursuant to [NRS 202.3657](#).

If an application for a permit is denied by the sheriff, the sheriff shall send the applicant written notification setting forth the reasons for the denial. The applicant may seek judicial review of the denial by filing a petition in the district court for the county in which the applicant resides.

INFORMATION REGARDING THE APPLICANT

Last name.....
First name..... Middle initial
Any alias used or former name

Current resident address.....
City..... Zip.....

Any previous addresses for the past 5 years,
Address
City..... Zip.....

From..... To.....
Address
City.....

From..... To.....
Address
City..... Zip.....

From..... To.....
If different from resident address,
Mailing address.....
City..... Zip.....

Residence telephone number

Date of birth..... Place of birth
Citizenship..... Social security number.....

Race..... Sex Height
Weight..... Hair color..... Eye color.....

Driver's license number or identification card number

Occupation.....
Employer's name
Employer's address.....
City..... Zip.....

Employer's telephone number

Provide the following information concerning each firearm to which the application pertains:

Make.....
Model
Caliber.....

Make.....

Model
Caliber.....

The following questions are to be answered either "yes" or "no":

1. Are there currently any outstanding warrants for your arrest?.....
2. Have you been judicially declared incompetent or insane?.....
3. During the 5 years immediately preceding the date of this application, have you been voluntarily or involuntarily committed to a mental health facility?.....
4. During the 5 years immediately preceding the date of this application, have you been convicted of driving under the influence of alcohol or a controlled substance?.....
5. During the 5 years immediately preceding the date of this application, has a court ordered you to enter a program for the treatment of alcohol or drug abuse?.....
6. During the 3 years immediately preceding the date of this application, have you been charged with or convicted of a crime involving the use or threatened use of force or violence?.....
7. Have you ever been convicted of a felony?.....
8. Have you ever been convicted of a crime involving domestic violence or stalking?...
9. Are you currently subject to a restraining order, injunction or other order for protection against domestic violence?.....
10. Are you currently on parole or probation?.....
11. During the 5 years immediately preceding the date of this application, have you been subject to any requirements imposed by a court as a condition to the court's withholding the entry of judgment or suspension of a sentence for conviction of a felony?.....

If you answered "yes" to any of the above questions, attach to your application a written statement explaining in detail the circumstances of the incident.

CERTIFICATION

I declare under penalty of perjury that the foregoing application is true and correct.

Executed on..... (date) (signature)

Subscribed and sworn to before me this(day) of(month) of(year)

Notary Public or Employee of the Sheriff

2. The application form for a permit to carry a concealed firearm must contain a section entitled "INSTRUCTIONS" that advises the applicant:
 - (a) As to the nonrefundable fees that must be submitted;
 - (b) As to the method by which payment of fees must be made;
 - (c) That a complete set of his or her fingerprints taken by the sheriff or an agent thereof must accompany the application;
 - (d) That a front-view colored photograph of the applicant taken by the sheriff or the agent must accompany his or her application;
 - (e) That a certificate or other document that certifies that the applicant has successfully completed a course in firearm safety must accompany the application; and
 - (f) Of any other information required to process the application.(Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 9-6-96)

NAC 202.030 Application for renewal of permit. ([NRS 202.369](#))

1. In addition to the requirements of subsection 2, the application form for the renewal of a permit to carry a concealed firearm must contain the following sections, which must be in substantially the following form:

GENERAL INFORMATION

The sheriff shall issue or renew a permit to carry a concealed firearm for no more than two specific firearms to any person who is qualified to possess a firearm under state and federal law.

A permittee shall carry the permit together with proper identification whenever he or she is in actual possession of a concealed firearm. Both the permit and proper identification must be presented to a peace officer upon request.

Except as otherwise provided in [NRS 202.265](#) and subsections 2 and 3 of [NRS 202.3673](#), a permittee shall not carry a concealed firearm into:

1. Any facility of a law enforcement agency;
2. A prison, county or city jail or detention facility;
3. A courthouse or courtroom;
4. Any facility of a public or private school;
5. Any facility of a vocational or technical school, or of the Nevada System of Higher Education;
6. Any other building owned or occupied by the Federal Government, the State or a local government; or
7. Any other place in which the carrying of a concealed firearm is prohibited by state or federal law.

Unless suspended or revoked by the sheriff, a permit expires on the fifth anniversary of the permittee's birthday, measured from the birthday nearest the date of issuance or renewal. If the date of birth of a permittee is on February 29 in a leap year, for the purposes of [NRS 202.3653](#) to [202.369](#), inclusive, his or her date of birth shall be deemed to be on February 28.

A permittee shall notify the sheriff who issued the permit in writing within 30 days if his or her permanent address changes or if the permit is lost, stolen or destroyed.

ELIGIBILITY

Except as otherwise provided in [NRS 202.3657](#), a person is eligible to renew a permit to carry a concealed firearm if he or she:

1. Is a resident of the State of Nevada and of the county in which the permit is sought;
2. Is 21 years of age or older;
3. Is not prohibited from possessing a firearm pursuant to [NRS 202.360](#); and
4. Demonstrates continued competence with a firearm by presenting a certificate or other documentation which shows that the applicant for renewal of a permit has successfully completed a course in firearm safety prescribed by the sheriff renewing the permit.

The sheriff shall deny an application for renewal of a permit or revoke a permit to carry a concealed firearm if the sheriff determines that the applicant for renewal of a permit or permittee:

1. Has an outstanding warrant for his or her arrest.
2. Has been judicially declared incompetent or insane.
3. Has been voluntarily or involuntarily admitted to a mental health facility during the immediately preceding 5 years.
4. Has been habitually using intoxicating liquor or a controlled substance to the extent that his or her normal faculties are impaired. Such use is presumed if, during the immediately preceding 5 years, the applicant for renewal of a permit or permittee has been convicted of driving under the influence of intoxicating liquor or a controlled substance pursuant to [NRS 484C.110](#), or has been ordered by a court to enter a program for treatment of drug or alcohol abuse pursuant to [NRS 458.290](#) to [458.350](#), inclusive.
5. Has been convicted of a crime involving the use or threatened use of force or violence punishable as a misdemeanor under the laws of this State or any other state,

territory or possession of the United States at any time during the immediately preceding 3 years.

6. Has been convicted of a felony in this State or under the laws of any state, territory or possession of the United States.

7. Has been convicted of a crime involving domestic violence or stalking, or is currently subject to a restraining order, injunction or other order for protection against domestic violence.

8. Is currently on parole or probation from a conviction obtained in this State or in any other state or territory or possession of the United States.

9. Has, within the immediately preceding 5 years, been subject to any requirements imposed by a court of this State or any other state or territory or possession of the United States, as a condition to the court's withholding the entry of judgment for a conviction of a felony or the court's suspending a sentence for the conviction of a felony.

10. Has made a false statement on any application for a permit or for the renewal of a permit.

The sheriff may deny an application for renewal of a permit or revoke a permit if he or she receives a sworn affidavit stating articulable facts based upon personal knowledge from any natural person who is 18 years of age or older that the applicant for renewal of a permit or permittee has or may have committed an offense or engaged in any other activity specified in subsection 3 of [NRS 202.3657](#) which would preclude the renewal of a permit or require the revocation of a permit pursuant to [NRS 202.3657](#).

If an application for renewal of a permit is denied by the sheriff, the sheriff shall send the applicant for renewal of a permit written notification setting forth the reasons for the denial. The applicant for renewal of a permit may seek judicial review of the denial by filing a petition in the district court for the county in which the applicant resides.

INFORMATION REGARDING THE APPLICANT

Last name.....

First name..... Middle initial

Any alias used or former name

Current resident address.....

City..... Zip.....

If different from resident address,

Mailing address.....

City..... Zip.....

Residence telephone number

Date of birth..... Place of birth

Citizenship Social security number

Race..... Sex

Weight..... Hair color..... Eye

color.....

Driver's license number or identification card number

Occupation.....

Employer's name

Employer's address.....

City..... Zip.....

Employer's telephone number

Provide the following information concerning each firearm to which the application for renewal of a permit pertains:

Make.....
Model
Caliber.....

Make.....
Model
Caliber.....

The following questions are to be answered either "yes" or "no":

1. Are there currently any outstanding warrants for your arrest?.....
2. Have you been judicially declared incompetent or insane?.....
3. During the 5 years immediately preceding the date of this application, have you been voluntarily or involuntarily committed to a mental health facility?.....
4. During the 5 years immediately preceding the date of this application, have you been convicted of driving under the influence of alcohol or a controlled substance?.....
5. During the 5 years immediately preceding the date of this application, has a court ordered you to enter a program for the treatment of alcohol or drug abuse?.....
6. During the 3 years immediately preceding the date of this application, have you been charged with or convicted of a crime involving the use or threatened use of force or violence?.....
7. Have you ever been convicted of a felony?.....
8. Have you ever been convicted of a crime involving domestic violence or stalking?...
9. Are you currently subject to a restraining order, injunction or other order for protection against domestic violence?.....
10. Are you currently on parole or probation?.....
11. During the 5 years immediately preceding the date of this application, have you been subject to any requirements imposed by a court as a condition to the court's withholding the entry of judgment or suspension of a sentence for conviction of a felony?.....

If you answered "yes" to any of the above questions, attach to your application a written statement explaining in detail the circumstances of the incident.

CERTIFICATION

I declare under penalty of perjury that the foregoing application is true and correct.

Executed on..... (date) (signature)

Subscribed and sworn to before me this(day) of(month) of(year)

Notary Public or Employee of the Sheriff

2. The application form for the renewal of a permit to carry a concealed firearm must contain a section entitled "INSTRUCTIONS" that advises the applicant for renewal of a permit:
 - (a) As to the nonrefundable fees that must be submitted, including the fee imposed if the permittee fails to renew the permit on or before the date of expiration of the permit;
 - (b) As to the method by which payment of fees must be made;
 - (c) That he or she must demonstrate continued competence with a firearm by presenting with the application for renewal of a permit a certificate or other documentation which shows that he

or she has successfully completed a course in firearm safety prescribed by the sheriff renewing the permit; and

- (d) Of any other information required to process the application for renewal of a permit.
(Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 9-6-96)

NAC 202.040 Combined form for permit and renewal. (NRS 202.369) The sheriff may combine the application form for a permit to carry a concealed firearm and the application form for the renewal of a permit to carry a concealed firearm into a single application form. If the application form for a permit to carry a concealed firearm and the application form for the renewal of a permit to carry a concealed firearm are combined into a single application form, the sheriff shall include a provision in the combined application form allowing the applicant to indicate whether the application is for a new permit or for the renewal of an existing permit.

(Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 9-6-96)

IMMUNIZATION AGAINST DISEASE

NAC 392.105 Mumps, hepatitis A, hepatitis B, varicella and Bordetella pertussis. (NRS 392.435, 439.200)

1. The State Board of Health hereby declares the diseases of:
 - (a) Mumps;
 - (b) Hepatitis A;
 - (c) Hepatitis B;
 - (d) Varicella; and
 - (e) Bordetella pertussis if a child is 6 years of age or older,
Ê to be communicable diseases.
2. Unless excused because of religious belief or medical condition, a child may not be enrolled in a public school in this State unless he has been immunized against the mumps.
3. Except as otherwise provided in subsection 5, unless excused because of religious belief or medical condition, a child may not be enrolled in a public school in this State:
 - (a) After June 30, 2002, unless he has been immunized against hepatitis A and hepatitis B; and
 - (b) After June 30, 2003, unless he has been immunized against varicella.
4. Unless excused because of religious belief or medical condition, a child may not be enrolled in grade 7 in a public school in this State after June 30, 2008, unless the child has been immunized against Bordetella pertussis. To satisfy the requirements of this subsection, a child must receive at least one dose of a vaccine against Bordetella pertussis after he obtained 10 years of age.
5. The provisions of:
 - (a) Paragraph (a) of subsection 3 do not apply to a child who is enrolled in a public school in this State before July 1, 2002; and
 - (b) Paragraph (b) of subsection 3 do not apply to a child who is enrolled in a public school in this State before July 1, 2003.(Added to NAC by Bd. of Health, eff. 6-30-88; A by R075-01, 10-23-2001; R099-07, 10-31-2007)

HOMELESS CHILDREN

NAC 392.205 Required education and services. (NRS 385.080)

1. Within 7 working days after receiving the name and location of a child who is homeless and who meets the age requirements of [NRS 392.040](#), a school district shall provide the homeless child with education and services that are provided to the other pupils within the school district. The school district shall, in accordance with the best interests of the homeless child:
 - (a) If applicable, continue the education of the child in the child's school of origin for the remainder of the school year; or
 - (b) Enroll the child in a school that is within the zone of attendance where the child is actually living.

Ê In determining the best interests of a homeless child for purposes of this subsection, a school district shall, to the extent practicable, comply with a request made by the parent or guardian of the child regarding the selection of a school.

2. Each school district shall:

(a) Maintain the appropriate school records for each homeless child who is attending school within the school district in the same manner as the school district maintains school records for the other pupils within the school district;

(b) Assist the parent or guardian of each homeless child in obtaining verification of the age and identity of the child and any prior school records of the child;

(c) Verify that each homeless child within the school district has received the immunizations necessary to attend school or, if applicable, assist the parent or guardian of the child in obtaining the immunizations for his child;

(d) Appoint a liaison for the homeless to coordinate with local social service agencies and other programs to assist homeless children and their families;

(e) Ensure that each school within the school district has identified an on-site advocate for the homeless to assist any homeless children and their families and to serve as a contact for the liaison appointed pursuant to paragraph (d); and

(f) Inform the personnel of the school district, the advocates for the homeless identified pursuant to paragraph (e) and those persons who provide services to children and their families within the school district of the duties of the liaison for the homeless appointed pursuant to paragraph (d).

3. As used in this section, “school of origin” means the school that a homeless child attended when he had a permanent home or the school in which the child was last enrolled.

(Added to NAC by Bd. of Education, eff. 12-13-89; A by R039-99, 11-3-99)

NAC 392.225 School districts to adopt appropriate policies and practices. (NRS 385.080) Each school district shall adopt policies and practices that are designed to remove any barriers to the enrollment and retention of homeless children in school. Each school district shall review and revise, if necessary, the policies and practices that it adopts pursuant to this section.

(Added to NAC by Bd. of Education by R039-99, eff. 11-3-99)

CONFIDENTIALITY OF EDUCATION RECORDS

NAC 392.301 Definitions. (NRS 385.080, 392.029) As used in **NAC 392.301 to 392.360**, inclusive, unless the context otherwise requires, the words and terms defined in **NAC 392.306 to 392.330**, inclusive, have the meanings ascribed to them in those sections.

(Added to NAC by Bd. of Education by R064-97, eff. 12-10-97)

NAC 392.306 “Directory information” defined. (NRS 385.080, 392.029) “Directory information” has the meaning ascribed to it in 34 C.F.R. § 99.3.

(Added to NAC by Bd. of Education by R064-97, eff. 12-10-97)

NAC 392.311 “Disclose” and “disclosure” defined. (NRS 385.080, 392.029) “Disclose” or “disclosure” has the meaning ascribed to it in 34 C.F.R. § 99.3.

(Added to NAC by Bd. of Education by R064-97, eff. 12-10-97)

NAC 392.315 “Education record” defined. (NRS 385.080, 392.029) “Education record” has the meaning ascribed to it in **NRS 392.029**. The term includes, without limitation:

1. Academic work completed by a pupil.
2. Records indicating a pupil’s level of achievement, including, without limitation, his grades.
3. Records of a pupil’s attendance at school.
4. A pupil’s results on standardized intelligence, aptitude and psychological tests.
5. Results from interest inventories completed by a pupil.
6. A pupil’s health records.
7. Information concerning a pupil’s family and residence.
8. Records concerning a pupil’s participation in activities sponsored by the school, special programs and support services.

9. Ratings and observations of a pupil by teachers, counselors and employees of a school district who transport pupils.

10. Reports of serious or recurrent behavior patterns of a pupil which have been verified.

11. Records, ratings and observations recorded by a counselor that are accessible by or revealed to any other person except for a substitute for the counselor.

12. The records of a child who is homeschooled that are maintained by a school district or a person acting for the school district.

(Added to NAC by Bd. of Education by R064-97, eff. 12-10-97)

NAC 392.320 “Parent” defined. ([NRS 385.080](#), [392.029](#)) “Parent” has the meaning ascribed to it in 34 C.F.R. § 99.3.

(Added to NAC by Bd. of Education by R064-97, eff. 12-10-97)

NAC 392.325 “Personally identifiable information” defined. ([NRS 385.080](#), [392.029](#)) “Personally identifiable information” has the meaning ascribed to it in 34 C.F.R. § 99.3.

(Added to NAC by Bd. of Education by R064-97, eff. 12-10-97)

NAC 392.330 “Record” defined. ([NRS 385.080](#), [392.029](#)) “Record” has the meaning ascribed to it in C.F.R. § 99.3.

(Added to NAC by Bd. of Education by R064-97, eff. 12-10-97)

NAC 392.340 Applicability. ([NRS 385.080](#), [392.029](#)) The provisions of [NAC 392.301](#) to [392.360](#), inclusive, apply to all education records, including, without limitation, those that a school which is no longer operating has deposited with the superintendent of the school district for the county in which the school was located.

(Added to NAC by Bd. of Education by R064-97, eff. 12-10-97)

NAC 392.345 Accessibility and authority of parents to inspect and review records; maintenance of list of types and locations of records; copyright. ([NRS 385.080](#), [392.029](#))

1. The parents of a pupil may:

(a) Make reasonable requests for a school district to explain or interpret the education records relating to their child;

(b) Have their representative inspect and review the records; and

(c) Request that the school district provide them with copies of the records.

2. A school district may presume that the parent has authority to inspect and review education records relating to the pupil unless the school district has been provided with satisfactory evidence that the parent does not have the authority under applicable state law governing such matters as guardianship, separation or divorce.

3. Each school district shall maintain a list of the types and locations of the education records it collects, maintains or uses relating to pupils.

4. This section does not abrogate a copyright.

(Added to NAC by Bd. of Education by R064-97, eff. 12-10-97)

NAC 392.350 Confidentiality of personally identifiable information; maintenance of permanent record; disclosure under certain circumstances. ([NRS 385.080](#), [392.029](#))

1. Each school district shall:

(a) Protect the confidentiality of personally identifiable information at its collection, storage, disclosure and destruction;

(b) Appoint one person to assume responsibility for ensuring the confidentiality of all personally identifiable information;

(c) Train or instruct all persons collecting or using personally identifiable information regarding the policies and procedures to be followed concerning such information; and

(d) Maintain a current listing for public inspection of the names and positions of those employees of the district who have access to personally identifiable information.

2. Each school district shall:

(a) Inform the parents when the personally identifiable information is no longer needed to provide educational services to the pupil; and

(b) Maintain a permanent record of the pupil's name, address, telephone number, grades, attendance, classes he attended, grades he completed and the year he completed them.

3. Subject to the limitations provided by 34 C.F.R. §§ 99.33 to 99.36, inclusive, personally identifiable information may be disclosed to a court of competent jurisdiction or a person or entity pursuant to an order entered by a court of competent jurisdiction or pursuant to a lawfully issued subpoena, if the school district makes a reasonable effort to notify the parents before complying with such an order or subpoena.

(Added to NAC by Bd. of Education by R064-97, eff. 12-10-97)

NAC 392.355 Disclosure of directory information. (NRS 385.080, 392.029)

1. A school district wishing to disclose directory information shall allow a reasonable time after giving notice of the school district's intent to disclose that information for parents to inform the school district in writing that any or all of the information designated should not be released.

2. If a parent informs the school district in writing that any or all of the information should not be released with respect to his child, the school district shall not disclose such information concerning that pupil.

3. If a parent does not object, the school district may disclose such information.

(Added to NAC by Bd. of Education by R064-97, eff. 12-10-97)

NAC 392.360 School districts to adopt appropriate policies and procedures. (NRS 385.080, 392.029) Each school district shall adopt policies and procedures so that parents may exercise the rights set forth in 20 U.S.C. § 1232g(a), 34 C.F.R. Part 99 and **NAC 392.301 to 392.355**, inclusive.

(Added to NAC by Bd. of Education by R064-97, eff. 12-10-97)

DRIVERS OF SCHOOL BUSES

NAC 392.400 Training while bus unoccupied. (NRS 385.080, 392.380) In the training course required by subsection 2 of **NRS 392.380**, a new driver must be given at least 10 hours of training in the operation of a school bus or other bus while it is not occupied by pupils.

(Added to NAC by Bd. of Education, eff. 1-19-84)

NAC 392.410 Written test for drivers. (NRS 385.080, 392.380)

1. The yearly written test for drivers, required by subsection 3 of **NRS 392.380**, must be administered by each school district:

- (a) Before the beginning of a school year; and
- (b) For any driver who is employed after that time, before he is assigned to driving.

2. Each school district shall provide assurances to the Superintendent of Public Instruction that it has taken appropriate measures to prevent unauthorized access to the questions to be presented in the test.

3. Drivers are limited to three opportunities to achieve a passing score on the test.

(Added to NAC by Bd. of Education, eff. 1-19-84)

NAC 392.420 Records concerning drivers. (NRS 385.080, 392.380)

1. Each school district shall maintain records concerning drivers of school buses or buses used for transportation of pupils for extracurricular activities. The records must contain the following information:

- (a) For each driver:
 - (1) Written confirmation that he has completed the required training course; and
 - (2) His scores on the yearly written test.
- (b) For each such trip made by the driver:
 - (1) The purpose of the trip;
 - (2) The destination;
 - (3) The date;
 - (4) The time of departure and return;
 - (5) The total miles driven;
 - (6) The total time he has operated the vehicle; and

(7) A report of any violation of subsection 4 of [NRS 392.360](#) and the reason for the violation.

2. The records must be retained for at least 1 year.
(Added to NAC by Bd. of Education, eff. 1-19-84)

NAC 392.430 Providers of training in operation of school buses. ([NRS 385.080](#), [392.380](#))

1. A person who wishes to provide training in the operation of a school bus for a school district must:

- (a) Have a high school diploma or general equivalency diploma;
- (b) Have been driving a school bus in this State for at least the immediately preceding 2 years;
- (c) Hold a valid class A or class B commercial driver's license issued pursuant to the provisions of [NRS 483.900](#) to [483.940](#), inclusive, which includes a school bus endorsement and a passenger endorsement;
- (d) In the immediately preceding 3 years, not have any:
 - (1) Convictions for a moving violation while driving a school bus; or
 - (2) Records of involvement in an accident while driving a school bus for which he is at fault or which could have been prevented;
- (e) Know and understand any applicable federal, state and local laws and regulations and any rules or regulations of the school district related to driving a school bus;
- (f) Receive at least 10 hours of in-service training each year within the school district; and
- (g) Have passed the written test developed by the Department of Education pursuant to subsection 3.

2. Each school district shall provide documentation to the Department of Education which verifies that each person who provides training in the operation of a school bus for the school district has satisfied the requirements set forth in subsection 1. The Department of Education shall maintain the documentation provided by each school district.

3. The Department of Education shall, in consultation with the school districts, develop a written test that assesses knowledge and understanding of current federal and state laws and regulations related to driving a school bus for administration to persons who wish to provide training in the operation of a school bus.

(Added to NAC by Bd. of Education by R074-05, 10-31-2005, eff. 1-1-2006)

REVISER'S NOTE.

The regulation of the State Board of Education filed with the Secretary of State on October 31, 2005 (LCB File No. R074-05), the source of this section, contains the following provisions not included in NAC:

"The requirements for a person who wishes to provide training in the operation of a school bus set forth in subsection 1 of section 1 of this regulation [[NAC 392.430](#)] apply only to persons who are initially employed or retained by a school district in this State on or after January 1, 2006, to provide training for the operation of a school bus. The requirements do not apply to persons who are employed or retained by a school district in this State before January 1, 2006."

SCHOOL BUS STANDARDS

NAC 392.500 Conformity with standards. ([NRS 385.080](#), [392.400](#), [392.410](#))

1. Except as otherwise provided in [NRS 392.400](#), a school bus manufactured:
 - (a) After February 10, 1972, and before October 22, 2000, may be used for the transportation of pupils only if it conforms to the minimum national standards for school buses established by the Secretary of Transportation pursuant to the National Traffic and Motor Vehicle Safety Act of 1966, 49 U.S.C. §§ 30101 et seq., and any more stringent standards adopted by the State Board of Education that were in effect at the time the school bus was manufactured; or
 - (b) On or after October 22, 2000, may be used for the transportation of pupils only if it conforms to the national standards for school buses set forth in 49 C.F.R. Part 571 and the standards set forth in the *Nevada School Bus Standards* adopted pursuant to [NAC 392.502](#).

2. This section does not prevent the Federal Government or the government of any state or political subdivision thereof from establishing a safety requirement applicable to motor vehicles

or motor vehicle equipment procured for its own use if such requirement imposes a higher standard of performance than that required to comply with the otherwise applicable federal standard.

[Dep't of Education, eff. 1-9-77] — (NAC A by Bd. of Education, 10-13-87; R016-98, 4-14-98; R040-99, 11-3-99; R027-01, 11-1-2001)

NAC 392.502 Adoption of standards by reference. (NRS 385.080, 392.400, 392.410)

1. The *Nevada School Bus Standards* established by the Department of Education are hereby adopted by reference as those standards existed on October 22, 2000.

2. A copy of the *Nevada School Bus Standards* may be obtained free of charge from the Department of Education, 700 East Fifth Street, Carson City, Nevada 89701-5096.

3. The Department of Education shall provide a copy of the *Nevada School Bus Standards* free of charge to each school district in this State.

(Added to NAC by Bd. of Education by R027-01, eff. 11-1-2001)

**ADOPTED REGULATION OF THE STATE BOARD OF EDUCATION
LCB File No. R111-15**

Effective January 27, 2017

Section 1. Chapter 388 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this regulation.

Sec. 2. As used in sections 2 to 10, inclusive, of this regulation, “principal” means the lead administrator of a public school, including, without limitation, such an administrator who is referred to by another title.

Sec. 3. 1. A pupil who is a victim of bullying or cyber-bullying in violation of NRS 388.135, witnesses a violation of NRS 388.135 or receives information that a violation of NRS 388.135 has occurred may report the violation: (a) To any employee or volunteer in the public school or school district in which the pupil is enrolled, including, without limitation, a teacher, counselor, coach or administrator; (b) Through the 24-hour, toll-free statewide hotline or Internet website maintained by the Office for a Safe and Respectful Learning Environment pursuant to NRS 388.1323; or (c) Through a hotline or Internet website maintained by the school district in which the pupil is enrolled, if the school district maintains such a hotline or website. 2. When ensuring the safety and well-being of a reported victim of bullying or cyberbullying as required by NRS 388.1351, the principal or his or her designee: (a) Shall not take any action that may cause harm to the reported victim, including, without limitation, requiring the reported victim to change classrooms or isolating the reported victim from his or her peers. (b) Shall, to the extent practicable, talk privately and discreetly about the violation with the reported victim, without bringing undue attention to the reported victim.

Sec. 4. 1. The initial notification provided pursuant to NRS 388.1351 to the parents and guardians of pupils directly involved in a reported violation of NRS 388.135: (a) Must include, without limitation, a statement that the principal or his or her designee will be conducting an investigation of the reported violation and that the parent or guardian may discuss with the principal or designee any counseling or intervention services that are available to the pupil. (b) Must not include any personally identifiable information of a pupil other than the pupil to whose parent or guardian the notification is provided. 2. A principal or his or her designee shall maintain a record of each notification made pursuant to subsection 1, including all good faith efforts to notify a parent or guardian if the contact information for the parent or guardian is not correct.

Sec. 5. 1. Each investigation of a report of bullying or cyber-bullying conducted pursuant to NRS 388.1351 must be conducted thoroughly and impartially in a manner that does not re-traumatize or further traumatize the reported victim and must include, without limitation, an interview with: (a) Each person involved in the reported bullying or cyber-bullying, including, without

limitation, the reported aggressor, the reported victim and any relevant witnesses. (b) The parent or guardian of the reported aggressor and the reported victim. → To the extent practicable, the identities of the persons interviewed and the content of the interviews must remain confidential. 2. Each principal or his or her designee who conducts an investigation pursuant to this section and NRS 388.1351 shall document the date, time, subject and content of each interview conducted and maintain such documentation in a manner that is consistent with the policy governing maintenance of disciplinary records for the school district in which the school is located. 3. Each principal or his or her designee who conducts an investigation must complete the investigation within the time prescribed by NRS 388.1351.

Sec. 6. 1. If a principal or his or her designee determines that a violation of NRS 388.135 has occurred, the written report of the findings and conclusions of the investigation completed pursuant to NRS 388.1351 and section 5 of this regulation must include recommendations for the imposition of restorative disciplinary actions or other measures to be imposed as a result of the violation that the principal or designee determines will assist the reported aggressor to see the harm that his or her actions have caused, to repair that harm and to not engage in bullying or cyber-bullying in the future. Such other measures may include, without limitation, the development of a plan to support the physical and emotional well-being of the reported aggressor that is aligned with the training provided by the Office for a Safe and Respectful Learning Environment. 2. The principal or his or designee shall develop and carry out a plan to support the physical and emotional well-being of the reported victim and the reported aggressor which is designed to ensure that the reported victim and the reported aggressor are not further harmed by the bullying or cyber-bullying, including, without limitation, by allowing the reported victim to make up any test or homework assignment that he or she missed or failed to submit as a result of the bullying or cyber-bullying. 3. The principal or his or her designee shall meet with each reported victim of bullying or cyber-bullying as required by subsection 6 of NRS 388.1351 and with each reported aggressor, regardless of the outcome of the investigation, to ensure that the bullying or cyber-bullying is not continuing. Each meeting must be conducted in a private and discreet manner that does not draw unnecessary attention to the reported victim.

Sec. 7. 1. Subject to the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, a principal or his or her designee who completes a written report of the findings and conclusions of an investigation of reported bullying or cyber-bullying pursuant to NRS 388.1351 and section 5 of this regulation shall, within 24 hours after completing the report: (a) Provide to the parent or guardian of the reported aggressor a copy of the written report that does not contain the personally identifiable information of any other pupil; (b) Notify the parent or guardian of any other pupil directly involved in the incident of the outcome of the investigation and make available upon request to any such parent or guardian a copy of the report that does not contain the personally identifiable information of any pupil other than the pupil to whose parent or guardian the report is provided; and (c) Notify the parent or guardian of each pupil directly involved in the incident that the parent or guardian may: (1) Submit to the principal or designee a complaint or concern regarding the conduct or outcome of the investigation; (2) Request a meeting with the principal or designee to discuss the outcome of the investigation; (3) Appeal the outcome of the investigation in the manner prescribed pursuant to subsection 2; and (4) Appeal a disciplinary decision of the principal or designee made against the pupil as a result of the incident. 2. The board of trustees of each school district shall adopt a policy that prescribes procedures by which the parent or guardian of any pupil directly involved in a reported violation of NRS 388.135 may appeal the outcome of the investigation conducted pursuant to NRS 388.1351 and section 5 of this regulation, and any disciplinary decision made against the pupil.

Sec. 8. 1. Not later than 30 days after receiving notification of the final resolution of an appeal made pursuant to the policy adopted pursuant to section 7 of this regulation, the parent or guardian of a pupil directly involved in the reported violation of NRS 388.135 may submit a complaint to the Department concerning the outcome of the appeal or a violation of any provision of NRS 388.121 to 388.1395, inclusive, or sections 2 to 10, inclusive, of this regulation or criminal conduct by a teacher, administrator, principal, coach, other staff member or member of the board of trustees of a school district. Each complaint must be in writing and must include,

without limitation: (a) Contact information for the parent or guardian; (b) A copy of the written report of the findings and conclusions of the investigation conducted pursuant to NRS 388.1351 and section 5 of this regulation; (c) Any written record of the appeal prepared by or at the direction of the school district or school regarding the violation or, if there is not a written record, a narrative summation provided by the parent or guardian, including any contact information that will assist the Department in verifying the accuracy of the narrative summation; (d) If the complaint concerns the outcome of an appeal, the outcome that the parent or guardian would have preferred; (e) If the complaint alleges that a teacher, administrator, principal, coach, other staff member or member of the board of trustees of a school district has violated any provision of NRS 388.121 to 388.1395, inclusive, or sections 2 to 10, inclusive, of this regulation, the specific provision that was allegedly violated and a description of the alleged violation; (f) If the complaint alleges that a teacher, administrator, principal, coach, other staff member or member of the board of trustees of a school district has engaged in criminal conduct, a description of the alleged crime; and (g) Any other information that the parent or guardian determines would be useful to the Department when resolving the complaint. 2. The Department shall not provide legal advice, including, without limitation, advice concerning whether a statute or regulation has been violated or whether a crime has been committed. 3. After a complaint is submitted pursuant to this section, the Department may request any additional information necessary to conduct an investigation. The Department shall make any such request for additional information within 5 working days after receipt of the initial complaint. The Department shall notify a parent or guardian who submits a complaint when the Department determines that the complaint is complete and requires no additional information for the purposes of making a preliminary determination pursuant to subsection 4. 4. After receiving a complaint that is complete, the Department shall determine whether it will conduct further investigation into the complaint and issue to the parent or guardian of each pupil directly involved in the incident described in the complaint, any other person involved in that incident and the superintendent of the school district a preliminary report containing that determination. The Department shall issue the preliminary report not later than 10 working days after receipt of the completed complaint pursuant to subsection 3. 5. If the Department conducts further investigation after issuing a preliminary report pursuant to subsection 4, the Department shall issue to the parent or guardian of each pupil directly involved in the incident, any other person involved in that incident and the superintendent of the school district a final report concerning the findings and conclusions of the investigation. The Department shall issue the final report not later than 45 working days after the preliminary report is issued unless the Department notifies the parent or guardian of each pupil directly involved in the incident, any other person involved in the incident and the superintendent of the school district that the Department needs more time to conduct the investigation. 6. As a result of a complaint submitted pursuant to this section, the Department may request that a school district prepare a plan of corrective action, including any recommendations made by the Department. 7. An employee who is subject to disciplinary action pursuant to NRS 388.1354 may not appeal that disciplinary action to the Department pursuant to this section.

Sec. 9. The board of trustees of each school district shall: 1. Develop and carry out a plan to ensure that members of the board of trustees of the school district, administrators, principals, teachers and all other personnel employed by the school district receive the training in accordance with the policy prescribed by the Department pursuant to paragraph (b) of subsection 2 of NRS 388.133, including, without limitation, the training materials developed by the Department. 2. Provide a copy of sections 2 to 10, inclusive, of this regulation and any policies adopted pursuant thereto to the parent or guardian of each pupil who is enrolled in a school within the school district and each teacher, administrator and other staff member of the school district at least once each school year. 3. Make the information described in subsection 1 available upon request to any person, including, without limitation, a community organization that has a cooperative agreement with a school within the school district.

Sec. 10. 1. The annual report of accountability prepared pursuant to NRS 385A.070 must not include the personally identifiable information of any pupil involved in a reported violation of NRS 388.135 or any other incident of bullying or cyber-bullying. A teacher, administrator,

principal, coach, other staff member or member of the board of trustees of a school district shall not interfere with the reporting of statistics concerning violations of NRS 388.135.

PROGRAM OF INFORMATION CONCERNING MISSING CHILDREN

NRS 386.975 Establishment of program by trustees; assistance of Attorney General or State Board.

1. The board of trustees of each school district may:
 - (a) Establish a program of information concerning missing children for pupils, parents and other residents of the district; and
 - (b) Use materials prepared by the Attorney General in developing such a program.
 2. The board of trustees may request the assistance of the Attorney General or the State Board of Education in establishing its program.
- (Added to NRS by [1985, 2168](#)) — (Substituted in revision for NRS 388.585)

TRANSPORTATION

NRS 386.790 Transportation for pupils may be furnished by trustees; regulations.

1. As provided in this title, the board of trustees of any school district may furnish transportation for all resident children of school age in the school district attending a public school, including pupils assigned to special schools or programs pursuant to [NRS 388.417](#) to [388.469](#), inclusive, or [388.5251](#) to [388.5267](#), inclusive:
 - (a) Who are not excused from school attendance by the provisions of this title; and
 - (b) Who reside within the school district at such a distance from the school as to make transportation necessary and desirable.
 2. When the board of trustees of a school district whose population is less than 100,000 furnishes transportation for pupils attending public schools pursuant to subsection 1, the board may also provide transportation for all resident children of school age in the school district attending private schools not operated for profit, over bus routes established for pupils attending public schools. If such transportation is provided, the pupils attending such private schools must be transported, if space is available, to and from the points on the established routes nearest to the schools which they attend.
 3. The board of trustees of any school district may:
 - (a) Establish bus routes.
 - (b) Make regulations governing the conduct of pupils while being transported.
 - (c) For the safety of pupils being transported, govern the conduct of drivers by making and enforcing regulations not inconsistent with regulations of the State Board of Education or with law.
- [389:32:1956] — (NRS A [1979, 1614](#); [1983, 774](#); [1993, 2161](#)) — (Substituted in revision for NRS 392.300)

NRS 386.795 Use of certain money for procuring vehicles, drivers and insurance.

1. As used in this section, “vehicles” means the school buses, station wagons, automobiles and other motor or mechanically propelled vehicles required by the school district for the transportation of pupils.
2. The board of trustees of a school district shall use transportation funds of the school district for:
 - (a) The purchase, rent, hire and use of vehicles, and for necessary equipment, supplies and articles therefor.
 - (b) Necessary repairs of vehicles to keep them in safe and workable condition.
 - (c) The employment and compensation of capable and reliable drivers of vehicles and other employees necessary for the transportation of pupils and other authorized persons.
 - (d) Insuring vehicles owned, rented, hired, used or operated by or under the direction or supervision of the board of trustees. Such insurance shall:
 - (1) Be of such an amount as the board of trustees may be able to obtain and the regulations of the State Board of Education require as sufficient to protect the board of trustees, the pupils being transported, and their parents, guardians or legal representatives from loss or damage resulting from acts covered by the insurance.

(2) Especially insure against loss and damage resulting from or on account of injury or death of any pupil being transported, caused by a crash or any accident during the operation of any such vehicle.

[391:32:1956] — (NRS A [1979, 1615](#); [2015, 1668](#)) — (Substituted in revision for NRS 392.320)

NRS 386.800 Transportation by common and private carrier; purchase of bus tickets for certain pupils; contracts and insurance.

1. In addition to the purposes authorized by [NRS 386.795](#), a board of trustees may use transportation funds of the school district for:

(a) Arranging and paying for transportation, in accordance with subsection 2, by motor vehicles or otherwise, by contract or such other arrangement as the board of trustees finds most economical, expedient and feasible and for the best interests of the school district.

(b) Purchasing tickets at reduced rates for the transportation of pupils, including, without limitation, homeless pupils, on public buses for use by pupils enrolled in middle school, junior high school and high school to travel to and from school.

2. Transportation may be arranged and contracted for by a board of trustees with:

(a) Any railroad company holding a certificate of public convenience and necessity issued by the Public Utilities Commission of Nevada or bus company or other licensed common carrier holding a certificate of public convenience and necessity issued by the Nevada Transportation Authority.

(b) The owners and operators of private automobiles or other private motor vehicles, including parents of pupils who attend school and are entitled to transportation. When required by the board of trustees, every such private automobile or other private motor vehicle regularly transporting pupils must be insured in the amount required by regulation of the State Board against the loss and damage described in subsection 2 of [NRS 386.795](#).

[392:32:1956] — (NRS A [1979, 1615](#); [1997, 1993, 2489](#); [1999, 90, 565](#)) — (Substituted in revision for NRS 392.330)

NRS 386.805 No admission of liability for injury or death. Nothing in this chapter admits or assumes any tort liability to any pupil or the parent or guardian thereof for injury or death resulting from transportation furnished such pupil by the board of trustees of a school district, unless such liability is specifically assumed by law.

[393:32:1956] — (NRS A [1979, 1615](#)) — (Substituted in revision for NRS 392.340)

NRS 386.810 Payment to parents or guardian in lieu of furnishing transportation; conditions.

1. Except as otherwise provided in [NRS 392.268](#), if the daily transportation of a pupil is not practical or economical, the board of trustees, in lieu of furnishing transportation, may pay to the parents or guardian of the pupil an amount of money not to exceed \$10 per day of attendance at school to assist the parents or guardian in defraying the cost of board, lodging and other subsistence expenses of the pupil to attend a public school in a city or town in this State or in an adjoining state. If the public school is in an adjoining county or state, costs for tuition and subsistence must be fixed by agreement between the boards of trustees of the school district in which the pupil resides and the school district in which the pupil attends school.

2. Payment of money in lieu of furnishing transportation may be made only if:

(a) The guardian or parents have been residents in the area for a period set by the board of trustees; and

(b) The Superintendent of Public Instruction determines that the arrangements comply with regulations of the State Board.

[394:32:1956] — (NRS A 1959, 699, 808; 1961, 40; [1965, 100](#); [1975, 499](#); [1979, 1616](#); [1987, 183](#); [1997, 428](#)) — (Substituted in revision for NRS 392.350)

NRS 386.815 Transportation of children to and from activities and programs; use and supervision of vehicles; qualifications and restrictions for drivers.

1. A board of trustees of a school district may permit school buses or vehicles belonging to the school district to be used for the transportation of public school pupils to and from:

(a) Interscholastic contests;

- (b) School festivals; or
- (c) Other activities properly a part of a school program.

2. In addition to the use of school buses and vehicles authorized pursuant to subsection 1, the board of trustees of a school district may permit school buses and vehicles belonging to the school district to be used for the transportation of children to and from:

- (a) Programs for the supervision of children before and after school; and
- (b) Other programs or activities that the board of trustees deems appropriate,

↳ regardless of whether such programs or activities are part of a school program.

3. The use of school buses or vehicles belonging to the school district for the purposes enumerated in subsections 1 and 2 is governed by regulations made by the board of trustees, which must not conflict with regulations of the State Board. Proper supervision for each vehicle so used must be furnished by school authorities, and each school bus must be operated by a driver qualified under the provisions of [NRS 386.790](#) to [386.840](#), inclusive.

4. A driver shall not operate a vehicle for the purposes enumerated in subsections 1 and 2 for more than 10 hours in a 15-hour period. The time spent operating, inspecting, loading, unloading, repairing and servicing the vehicle and waiting for passengers must be included in determining the 15-hour period. After 10 hours of operating a vehicle, the driver must rest for 10 hours before he or she again operates a vehicle for such purposes.

5. Before January 1, 1984, the State Board shall adopt regulations to carry out the provisions of subsection 4.

[395:32:1956] — (NRS A [1983, 772](#); [1999, 3458](#)) — (Substituted in revision for NRS 392.360)

NRS 386.820 School bus transportation: Drills to practice evacuation; adoption and requirements of safety program; information to parents and guardians concerning school bus safety; regulations.

1. At least twice each school year, a school district shall require all the pupils in the school district who ride a school bus to practice the evacuation of a school bus for a purpose other than a crisis governed by [NRS 388.229](#) to [388.261](#), inclusive, and to receive instruction in the responsibility of a passenger of a school bus to use the emergency exit doors on the bus during such an evacuation.

2. Each school district shall adopt a safety program which does not concern a crisis governed by [NRS 388.229](#) to [388.261](#), inclusive, and which includes, without limitation:

- (a) The procedure for pupils to safely enter and exit a school bus, including entering and exiting with a driver of a school bus as an escort;
- (b) Proper behavior and conduct of pupils while in areas around a school bus where a high risk of danger to pupils exists, including the area that is used to load and unload school buses;
- (c) Behavior and conduct of pupils while on a school bus that will enhance the safety of the pupils;
- (d) Evacuation of pupils from a school bus; and
- (e) The location of emergency equipment on a school bus.

↳ At least annually, a school district shall require all pupils who are enrolled in preschool, kindergarten and in grades 1 to 4, inclusive, in the school district who ride a school bus to participate in the safety program created pursuant to this section.

3. If a parent or legal guardian enrolls his or her child in preschool, kindergarten or grades 1 to 6, inclusive, and the child will be riding a school bus for the first time, the school shall provide the parent or legal guardian, upon enrollment, with written information concerning the safety of pupils on a school bus. The information must include, without limitation:

- (a) A description of each location that is designated to load and unload a school bus which is in geographical proximity to the pupil's residence;
- (b) Rules of conduct for pupils on a school bus and at an area that is designated for pupils to enter and exit a school bus;
- (c) Instructions for the operation of a motor vehicle:

(1) At school crossing zones and in areas that are designated to load and unload a school bus; and

(2) When a driver of a school bus operates a system of flashing red lights;
(d) A description of the area around a school bus that poses a high risk of danger to pupils and other pedestrians; and

(e) Behavior and conduct for pupils who walk to and from an area that is designated for pupils to enter and exit a school bus that will enhance the safety of the pupils.

4. The board of trustees of each school district shall adopt regulations regarding practices conducted pursuant to subsection 1 and participation in safety programs required by subsection 2, including the requirement of such practices and participation in such programs at the beginning of any field trip by school bus.

(Added to NRS by [1983, 772](#); A [1997, 1317](#); [2001, 1328](#)) — (Substituted in revision for NRS 392.375)

NRS 386.825 Drivers: Qualifications; training course; annual test; employment of pupils.

1. No person may be employed by a board of trustees of a school district as a driver of a school bus, station wagon, automobile or other motor vehicle, or mechanically or self-propelled vehicle of any kind which transports pupils to and from school or any other place in connection with school activities unless the person is:

(a) Of good, reputable and sober character.

(b) Competent and qualified by experience and disposition to operate the particular type of vehicle in a safe and dependable manner.

(c) Licensed under the laws of this State to operate the particular type of vehicle.

2. Each driver of a school bus or a bus used to transport pupils for extracurricular activities must complete a training course approved by the State Board of Education which includes at least 10 hours of training while operating the vehicle, and 10 hours of training in:

(a) The responsibilities of drivers;

(b) The requirements for drivers of school vehicles;

(c) The laws affecting the operation of a school bus or a vehicle belonging to a school district;

(d) Defensive driving;

(e) Emergency procedures; and

(f) First aid.

3. Each driver must pass a written test each year approved by the Superintendent of Public Instruction and administered by the local school district.

4. A board of trustees may employ a pupil attending a school under the supervision of the board as a driver when the pupil possesses the qualifications stated in subsection 1 and the pupil's guardian or parents first consent to the employment of the pupil. The board of trustees may arrange or contract, in writing, with the pupil, and with the pupil's parents or guardian if the pupil is under the age of 18 years, for the pupil's services as a driver upon such terms, conditions and provisions and for such compensation as the board deems most economical and for the best interests of the school district, pupils and other persons.

5. Before January 1, 1984, the State Board of Education shall adopt regulations to carry out the provisions of this section.

[397:32:1956] — (NRS A [1979, 1616](#); [1983, 773](#)) — (Substituted in revision for NRS 392.380)

NRS 386.830 Condition, equipment and specifications of vehicle used for transportation of pupils; inspection; exemption; penalties.

1. All vehicles used in the transportation of pupils must be:

(a) In good condition and state of repair.

(b) Well equipped, and must contain sufficient room and seats so that the driver and each pupil being transported have a seat inside the vehicle. Each pupil shall remain seated when the vehicle is in motion.

(c) Inspected semiannually by the Department of Public Safety to ensure that the vehicles are mechanically safe and meet the minimum specifications established by the State Board. The Department of Public Safety shall make written recommendations to the superintendent of

schools of the school district wherein any such vehicle is operating for the correction of any defects discovered thereby.

2. If the superintendent of schools fails or refuses to take appropriate action to have the defects corrected within 10 days after receiving notice of them from the Department of Public Safety, the superintendent is guilty of a misdemeanor, and upon conviction thereof may be removed from office.

3. Except as otherwise provided in subsection 4, all vehicles used for transporting pupils must meet the specifications established by regulation of the State Board.

4. Except as otherwise provided in subsection 5, any bus which is purchased and used by a school district to transport pupils to and from extracurricular activities is exempt from the specifications adopted by the State Board if the bus meets the federal safety standards for motor vehicles which were applicable at the time the bus was manufactured and delivered for introduction in interstate commerce.

5. Any new school bus which is purchased by a school district to transport pupils must meet the standards set forth in:

(a) Subsection 1 of [NRS 386.835](#) if the school bus is purchased on or after January 1, 2016; and

(b) Subsection 2 or 3 of [NRS 386.835](#) if the school bus is purchased on or after July 1, 2016.

6. Any person violating any of the requirements of this section is guilty of a misdemeanor. [400:32:1956] — (NRS A 1957, 629, 737; 1961, 302; [1971, 152, 339](#); [1973, 395](#); [1979, 1468](#); [1981, 991](#); [1985, 1988](#); [2001, 2603](#); [2011, 471](#); [2013, 1021](#)) — (Substituted in revision for NRS 392.400)

NRS 386.835 Standards for new school buses purchased by school district on and after January 1, 2016.

1. On and after January 1, 2016, with respect to any new school bus which is purchased by a school district to transport pupils, the school bus must meet the following standards in addition to being equipped as required by the regulations of the State Board:

(a) Occupant seating within the school bus must be tested in accordance with either:

(1) The ASTM International Standard ASTM E1537, “Standard Test Method for Fire Testing of Upholstered Furniture”; or

(2) The School Bus Seat Upholstery Fire Block Test established by the National School Transportation Specifications and Procedures adopted at the most recent National Congress on School Transportation.

(b) For the purposes of paragraph (a) such testing must be conducted on a complete seat assembly inside a test room or school bus, and occupant seating shall be deemed to have failed the ASTM E1537 test or Fire Block Test, as applicable, if:

(1) The seat assembly exhibits a weight loss of 3 pounds or greater during the first 10 minutes of the test; or

(2) The seat assembly exhibits a heat release rate of 80 kilowatts or greater.

2. Except as otherwise provided in subsection 3, each plastic component contained in the engine compartment of a new school bus which is purchased by a school district on and after July 1, 2016, to transport pupils must meet one of the following classifications when tested in accordance with the Underwriters Laboratories Inc. Standard 94, “the Standard for Safety of Flammability of Plastic Materials for Parts in Devices and Appliances testing”:

(a) A V-0 classification; or

(b) If the component is located within 100 millimeters directly above an exhaust component that is not shielded, including, without limitation, a catalytic converter, an exhaust gas recirculation pipe that carries uncooled exhaust gas, an exhaust manifold or an exhaust pipe:

(1) For molded parts, a V-0 classification;

(2) For foams, an HF-1 classification; and

(3) For thin films, a VTM-0 classification.

3. In lieu of meeting the requirements set forth in subsection 2, a new school bus may be purchased by a school district on or after July 1, 2016, to transport pupils if it meets the following requirements:

(a) The school bus has an automatic system for fire extinguishment in the engine compartment that includes a mechanism for activation by the driver;

(b) Any nozzles for fire suppression are located, without limitation, under the school bus, in the electrical panel or under the dashboard, but are not located in the passenger compartment; and

(c) The system for fire suppression includes a lamp or buzzer to alert the driver when the system is activated.

(Added to NRS by [2011, 470](#); A [2013, 1022](#)) — (Substituted in revision for NRS 392.405)

NRS 386.840 Equipment and identification of school bus; use of system of flashing red lights; compliance with standards; inspection; penalties.

1. Except as otherwise provided in this subsection, every school bus operated for the transportation of pupils to or from school must be equipped with:

(a) A system of flashing red lights of a type approved by the State Board and installed at the expense of the school district or operator. Except as otherwise provided in subsection 2, the driver shall operate this signal:

(1) When the bus is stopped to unload pupils.

(2) When the bus is stopped to load pupils.

(3) In times of emergency, accident or motor vehicle crash, when appropriate.

(b) A mechanical device, attached to the front of the bus which, when extended, causes persons to walk around the device. The device must be approved by the State Board and installed at the expense of the school district or operator. The driver shall operate the device when the bus is stopped to load or unload pupils. The installation of such a mechanical device is not required for a school bus which is used solely to transport pupils with special needs who are individually loaded and unloaded in a manner which does not require them to walk in front of the bus. The provisions of this paragraph do not prohibit a school district from upgrading or replacing such a mechanical device with a more efficient and effective device that is approved by the State Board.

2. A driver may stop to load and unload pupils in a designated area without operating the system of flashing red lights required by subsection 1 if the designated area:

(a) Has been designated by a school district and approved by the Department;

(b) Is of sufficient depth and length to provide space for the bus to park at least 8 feet off the traveled portion of the roadway;

(c) Is not within an intersection of roadways;

(d) Contains ample space between the exit door of the bus and the parking area to allow safe exit from the bus;

(e) Is located so as to allow the bus to reenter the traffic from its parked position without creating a traffic hazard; and

(f) Is located so as to allow pupils to enter and exit the bus without crossing the roadway.

3. In addition to the equipment required by subsection 1 and except as otherwise provided in subsection 4 of [NRS 386.830](#), each school bus must:

(a) Be equipped and identified as required by the regulations of the State Board; and

(b) If the bus is a new bus purchased by a school district to transport pupils, meet the standards set forth in:

(1) Subsection 1 of [NRS 386.835](#) if the bus is purchased on or after January 1, 2016; and

(2) Subsection 2 or 3 of [NRS 386.835](#) if the bus is purchased on or after July 1, 2016.

4. The agents and employees of the Department of Motor Vehicles shall inspect school buses to determine whether the provisions of this section concerning equipment and identification of the school buses have been complied with, and shall report any violations discovered to the superintendent of schools of the school district wherein the vehicles are operating.

5. If the superintendent of schools fails or refuses to take appropriate action to correct any such violation within 10 days after receiving notice of it from the Department of Motor Vehicles, the superintendent is guilty of a misdemeanor, and upon conviction must be removed from office.

6. Any person who violates any of the provisions of this section is guilty of a misdemeanor. [401:32:1956] — (NRS A 1957, 629, 737; 1961, 302; [1967, 566](#); [1971, 340](#); [1973, 1296](#); [1981, 992](#); [1985, 1989](#); [1991, 275](#); [1993, 169](#); [2001, 2603](#); [2011, 471](#); [2013, 1023](#); [2015, 1669](#)) — (Substituted in revision for NRS 392.410)

NRS 386.845 Use of school buses for commercial advertising: Authorization; conditions; establishment of special revenue fund; authorized use of fees.

1. A board of trustees of a school district may:
 - (a) Authorize for commercial advertising the use of buses owned by the school district; and
 - (b) Establish the fees and other terms and conditions which are applicable to such advertising.
2. Any advertising authorized pursuant to subsection 1:
 - (a) Must conform with all applicable local ordinances regarding signs; and
 - (b) Must not:
 - (1) Promote hostility, disorder or violence;
 - (2) Attack ethnic, racial or religious groups;
 - (3) Invade the rights of others;
 - (4) Inhibit the functioning of the school;
 - (5) Override the school's identity;
 - (6) Promote the use of controlled substances, dangerous drugs, intoxicating liquor, tobacco or firearms;
 - (7) Promote any religious organization;
 - (8) Contain political advertising; or
 - (9) Promote entertainment deemed improper or inappropriate by the board of trustees.
3. The board of trustees of each school district that receives money pursuant to subsection 1 shall establish a special revenue fund and direct that the money it receives pursuant to subsection 1 be deposited in that fund. Money in the fund must not be commingled with money from other sources. The board of trustees shall disburse the money in the fund to the schools within its district giving preference to the schools within the district that the district has classified as serving a significant proportion of pupils who are economically disadvantaged.
4. A school that receives money pursuant to subsection 3 shall expend the money only to purchase textbooks and laboratory equipment and to pay for field trips.
(Added to NRS by [1997, 1757](#)) — (Substituted in revision for NRS 387.800)

PROVISION OF SAFE AND RESPECTFUL LEARNING ENVIRONMENT

General Provisions

NRS 388.121 Definitions. As used in [NRS 388.121](#) to [388.1395](#), inclusive, unless the context otherwise requires, the words and terms defined in [NRS 388.122](#), [388.123](#) and [388.124](#) have the meanings ascribed to them in those sections.

(Added to NRS by [2001, 1928](#); A [2005, 705](#); [2009, 687](#); [2011, 2244](#); [2013, 1654](#), [2137](#); [2015, 411](#))

NRS 388.122 “Bullying” defined.

1. “Bullying” means written, verbal or electronic expressions or physical acts or gestures, or any combination thereof, that are directed at a person or group of persons, or a single severe and willful act or expression that is directed at a person or group of persons, and:
 - (a) Have the effect of:
 - (1) Physically harming a person or damaging the property of a person; or
 - (2) Placing a person in reasonable fear of physical harm to the person or damage to the property of the person;
 - (b) Interfere with the rights of a person by:
 - (1) Creating an intimidating or hostile educational environment for the person; or
 - (2) Substantially interfering with the academic performance of a pupil or the ability of the person to participate in or benefit from services, activities or privileges provided by a school;or
 - (c) Are acts or conduct described in paragraph (a) or (b) and are based upon the:

(1) Actual or perceived race, color, national origin, ancestry, religion, gender identity or expression, sexual orientation, physical or mental disability of a person, sex or any other distinguishing characteristic or background of a person; or

(2) Association of a person with another person having one or more of those actual or perceived characteristics.

2. The term includes, without limitation:

(a) Repeated or pervasive taunting, name-calling, belittling, mocking or use of put-downs or demeaning humor regarding the actual or perceived race, color, national origin, ancestry, religion, gender identity or expression, sexual orientation, physical or mental disability of a person, sex or any other distinguishing characteristic or background of a person;

(b) Behavior that is intended to harm another person by damaging or manipulating his or her relationships with others by conduct that includes, without limitation, spreading false rumors;

(c) Repeated or pervasive nonverbal threats or intimidation such as the use of aggressive, menacing or disrespectful gestures;

(d) Threats of harm to a person, to his or her possessions or to other persons, whether such threats are transmitted verbally, electronically or in writing;

(e) Blackmail, extortion or demands for protection money or involuntary loans or donations;

(f) Blocking access to any property or facility of a school;

(g) Stalking; and

(h) Physically harmful contact with or injury to another person or his or her property.

(Added to NRS by [2009, 687](#); A [2011, 2245](#); [2013, 1655, 2138](#); [2015, 411](#))

NRS 388.123 “Cyber-bullying” defined. “Cyber-bullying” means bullying through the use of electronic communication. The term includes the use of electronic communication to transmit or distribute a sexual image of a minor. As used in this section, “sexual image” has the meaning ascribed to it in [NRS 200.737](#).

(Added to NRS by [2009, 687](#); A [2011, 1062](#))

NRS 388.124 “Electronic communication” defined. “Electronic communication” means the communication of any written, verbal or pictorial information through the use of an electronic device, including, without limitation, a telephone, a cellular phone, a computer or any similar means of communication.

(Added to NRS by [2009, 687](#))

NRS 388.132 Legislative declaration concerning safe and respectful learning environment. The Legislature declares that:

1. Pupils are the most vital resource to the future of this State;

2. A learning environment that is safe and respectful is essential for the pupils enrolled in the public schools in this State and is necessary for those pupils to achieve academic success and meet this State’s high academic standards;

3. Every classroom, hallway, locker room, cafeteria, restroom, gymnasium, playground, athletic field, school bus, parking lot and other areas on the premises of a public school in this State must be maintained as a safe and respectful learning environment, and no form of bullying or cyber-bullying will be tolerated within the system of public education in this State;

4. Any form of bullying or cyber-bullying seriously interferes with the ability of teachers to teach in the classroom and the ability of pupils to learn;

5. The use of the Internet by pupils in a manner that is ethical, safe and secure is essential to a safe and respectful learning environment and is essential for the successful use of technology;

6. It will ensure that:

(a) The public schools in this State provide a safe and respectful learning environment in which persons of differing beliefs, races, colors, national origins, ancestries, religions, gender identities or expressions, sexual orientations, physical or mental disabilities, sexes or any other distinguishing characteristics or backgrounds can realize their full academic and personal potential;

(b) All administrators, principals, teachers and other personnel of the school districts and public schools in this State demonstrate appropriate and professional behavior on the premises of

any public school by treating other persons, including, without limitation, pupils, with civility and respect, by refusing to tolerate bullying and cyber-bullying, and by taking immediate action to protect a victim or target of bullying or cyber-bullying when witnessing, overhearing or being notified that bullying or cyber-bullying is occurring or has occurred;

(c) The quality of instruction is not negatively impacted by poor attitudes or interactions among administrators, principals, teachers, coaches or other personnel of a school district;

(d) All persons in public schools are entitled to maintain their own beliefs and to respectfully disagree without resorting to bullying, cyber-bullying or violence; and

(e) Any teacher, administrator, principal, coach or other staff member or pupil who tolerates or engages in an act of bullying or cyber-bullying or violates a provision of [NRS 388.121](#) to [388.1395](#), inclusive, regarding a response to bullying or cyber-bullying will be held accountable; and

7. By declaring this mandate that the public schools in this State provide a safe and respectful learning environment, the Legislature is not advocating or requiring the acceptance of differing beliefs in a manner that would inhibit the freedom of expression, but is requiring that pupils be free from physical, emotional or mental abuse while in the care of the State and that pupils be provided with an environment that allows them to learn.

(Added to NRS by [2001, 1929](#); A [2005, 705](#); [2009, 687](#); [2013, 1655](#); [2015, 412, 881](#))

NRS 388.1321 Legislative declaration concerning duty of board of trustees, administrators and teachers to create and provide safe and respectful learning environment; authority of parent or guardian of pupil to petition court to compel performance of duty; remedy not exclusive.

1. The Legislature hereby declares that the members of a board of trustees and all administrators and teachers of a school district have a duty to create and provide a safe and respectful learning environment for all pupils that is free of bullying and cyber-bullying.

2. A parent or guardian of a pupil of the public school system of this State may petition a court of competent jurisdiction for a writ of mandamus to compel the performance of any duty imposed by the provisions of [NRS 388.121](#) to [388.1395](#), inclusive.

3. Nothing in this section shall be deemed to preclude a parent or guardian of a pupil of the public school system of this State from seeking any remedy available at law or in equity.

(Added to NRS by [2015, 410](#))

NRS 388.1323 Office for a Safe and Respectful Learning Environment: Creation; appointment and duties of Director.

1. The Office for a Safe and Respectful Learning Environment is hereby created within the Department.

2. The Superintendent of Public Instruction shall appoint a Director of the Office, who shall serve at the pleasure of the Superintendent.

3. The Director of the Office shall ensure that the Office:

(a) Maintains a 24-hour, toll-free statewide hotline and Internet website by which any person can report a violation of the provisions of [NRS 388.121](#) to [388.1395](#), inclusive, and obtain information about anti-bullying efforts and organizations; and

(b) Provides outreach and anti-bullying education and training for pupils, parents and guardians, teachers, administrators, principals, coaches and other staff members and the members of a board of trustees of a school district. The outreach and training must include, without limitation:

(1) Training regarding methods, procedures and practice for recognizing bullying and cyber-bullying behaviors;

(2) Training regarding effective intervention and remediation strategies regarding bullying and cyber-bullying;

(3) Training regarding methods for reporting violations of [NRS 388.135](#); and

(4) Information on and referral to available resources regarding suicide prevention and the relationship between bullying or cyber-bullying and suicide.

4. The Director of the Office shall establish procedures by which the Office may receive reports of bullying and cyber-bullying and complaints regarding violations of the provisions of [NRS 388.121](#) to [388.1395](#), inclusive.

5. The Director of the Office or his or her designee shall investigate any complaint that a teacher, administrator, principal, coach or other staff member or member of a board of trustees of a school district has violated a provision of [NRS 388.121](#) to [388.1395](#), inclusive. If a complaint alleges criminal conduct or an investigation leads the Director of the Office or his or her designee to suspect criminal conduct, the Director of the Office may request assistance from the Investigation Division of the Department of Public Safety.

(Added to NRS by [2015, 410](#))

NRS 388.1325 Bullying Prevention Account: Creation; acceptance of gifts and grants; credit of interest and income; authorized uses by school district that receives grant.

1. The Bullying Prevention Account is hereby created in the State General Fund, to be administered by the Director of the Office for a Safe and Respectful Learning Environment appointed pursuant to [NRS 388.1323](#). The Director of the Office may accept gifts and grants from any source for deposit into the Account. The interest and income earned on the money in the Account must be credited to the Account.

2. In accordance with the regulations adopted by the State Board pursuant to [NRS 388.1327](#), a school district that applies for and receives a grant of money from the Bullying Prevention Account shall use the money for one or more of the following purposes:

(a) The establishment of programs to create a school environment that is free from bullying and cyber-bullying;

(b) The provision of training on the policies adopted by the school district pursuant to [NRS 388.134](#) and the provisions of [NRS 388.121](#) to [388.1395](#), inclusive; or

(c) The development and implementation of procedures by which the public schools of the school district and the pupils enrolled in those schools can discuss the policies adopted pursuant to [NRS 388.134](#) and the provisions of [NRS 388.121](#) to [388.1395](#), inclusive.

(Added to NRS by [2011, 2242](#); A [2013, 1655, 2755](#); [2015, 413](#))

NRS 388.1327 Regulations. The State Board shall adopt regulations:

1. Establishing the process whereby school districts may apply to the State Board for a grant of money from the Bullying Prevention Account pursuant to [NRS 388.1325](#).

2. As are necessary to carry out the provisions of [NRS 388.121](#) to [388.1395](#), inclusive.

(Added to NRS by [2011, 2244](#); A [2013, 2755](#); [2015, 413](#))

Policies; Informational Pamphlet; Program of Training

NRS 388.133 Policy by Department concerning safe and respectful learning environment.

1. The Department shall, in consultation with the boards of trustees of school districts, educational personnel, local associations and organizations of parents whose children are enrolled in public schools throughout this State, and individual parents and legal guardians whose children are enrolled in public schools throughout this State, prescribe by regulation a policy for all school districts and public schools to provide a safe and respectful learning environment that is free of bullying and cyber-bullying.

2. The policy must include, without limitation:

(a) Requirements and methods for reporting violations of [NRS 388.135](#), including, without limitation, violations among teachers and violations between teachers and administrators, principals, coaches and other personnel of a school district; and

(b) A policy for use by school districts to train members of the board of trustees and all administrators, principals, teachers and all other personnel employed by the board of trustees of a school district. The policy must include, without limitation:

(1) Training in the appropriate methods to facilitate positive human relations among pupils by eliminating the use of bullying and cyber-bullying so that pupils may realize their full academic and personal potential;

(2) Training in methods to prevent, identify and report incidents of bullying and cyber-bullying;

- (3) Methods to promote a positive learning environment;
- (4) Methods to improve the school environment in a manner that will facilitate positive human relations among pupils; and
- (5) Methods to teach skills to pupils so that the pupils are able to replace inappropriate behavior with positive behavior.

(Added to NRS by [2005, 704](#); A [2009, 687](#); [2013, 1656, 2138](#); [2015, 881](#))

NRS 388.134 Policy by school districts for provision of safe and respectful learning environment and policy for ethical, safe and secure use of computers; provision of training to board of trustees and school personnel; posting of policies on Internet website; annual review and update of policies. The board of trustees of each school district shall:

1. Adopt the policy prescribed pursuant to [NRS 388.133](#) and the policy prescribed pursuant to subsection 2 of [NRS 389.520](#). The board of trustees may adopt an expanded policy for one or both of the policies if each expanded policy complies with the policy prescribed pursuant to [NRS 388.133](#) or pursuant to subsection 2 of [NRS 389.520](#), as applicable.
2. Provide for the appropriate training of members of the board of trustees and all administrators, principals, teachers and all other personnel employed by the board of trustees in accordance with the policies prescribed pursuant to [NRS 388.133](#) and pursuant to subsection 2 of [NRS 389.520](#). For members of the board of trustees who have not previously been elected or appointed to the board of trustees or for employees of the school district who have not previously been employed by the district, the training required by this subsection must be provided within 180 days after the member begins his or her term of office or after the employee begins his or her employment, as applicable.
3. Post the policies adopted pursuant to subsection 1 on the Internet website maintained by the school district.
4. Ensure that the parents and legal guardians of pupils enrolled in the school district have sufficient information concerning the availability of the policies, including, without limitation, information that describes how to access the policies on the Internet website maintained by the school district. Upon the request of a parent or legal guardian, the school district shall provide the parent or legal guardian with a written copy of the policies.
5. Review the policies adopted pursuant to subsection 1 on an annual basis and update the policies if necessary. If the board of trustees of a school district updates the policies, the board of trustees must submit a copy of the updated policies to the Department within 30 days after the update.

(Added to NRS by [2005, 705](#); A [2009, 688](#); [2011, 2245](#); [2013, 2138](#))

NRS 388.1341 Development of informational pamphlet by Department; annual review and update; posting on Internet website; development of tutorial.

1. The Department, in consultation with persons who possess knowledge and expertise in bullying and cyber-bullying, shall, to the extent money is available, develop an informational pamphlet to assist pupils and the parents or legal guardians of pupils enrolled in the public schools in this State in resolving incidents of bullying or cyber-bullying. If developed, the pamphlet must include, without limitation:
 - (a) A summary of the policy prescribed by the Department pursuant to [NRS 388.133](#) and the provisions of [NRS 388.121](#) to [388.1395](#), inclusive;
 - (b) A description of practices which have proven effective in preventing and resolving violations of [NRS 388.135](#) in schools, which must include, without limitation, methods to identify and assist pupils who are at risk for bullying and cyber-bullying; and
 - (c) An explanation that the parent or legal guardian of a pupil who is involved in a reported violation of [NRS 388.135](#) may request an appeal of a disciplinary decision made against the pupil as a result of the violation, in accordance with the policy governing disciplinary action adopted by the board of trustees of the school district.
2. If the Department develops a pamphlet pursuant to subsection 1, the Department shall review the pamphlet on an annual basis and make such revisions to the pamphlet as the Department determines are necessary to ensure the pamphlet contains current information.

3. If the Department develops a pamphlet pursuant to subsection 1, the Department shall post a copy of the pamphlet on the Internet website maintained by the Department.

4. To the extent the money is available, the Department shall develop a tutorial which must be made available on the Internet website maintained by the Department that includes, without limitation, the information contained in the pamphlet developed pursuant to subsection 1, if such a pamphlet is developed by the Department.

(Added to NRS by [2011, 2241](#); A [2013, 1656](#); [2015, 414](#))

NRS 388.1342 Establishment of programs of training by Department; completion of program by members of State Board of Education and boards of trustees; completion of program by administrators in prevention of and appropriate responses to violence and suicide; annual review and update.

1. The Department, in consultation with persons who possess knowledge and expertise in bullying and cyber-bullying, shall:

(a) Establish a program of training on methods to prevent, identify and report incidents of bullying and cyber-bullying for members of the State Board.

(b) Establish a program of training on methods to prevent, identify and report incidents of bullying and cyber-bullying for members of the boards of trustees of school districts.

(c) Establish a program of training for school district and charter school personnel to assist those persons with carrying out their powers and duties pursuant to [NRS 388.121](#) to [388.1395](#), inclusive.

(d) Establish a program of training for administrators in the prevention of violence and suicide associated with bullying and cyber-bullying and appropriate methods to respond to incidents of violence or suicide.

2. Each member of the State Board shall, within 1 year after the member is elected or appointed to the State Board, complete the program of training on bullying and cyber-bullying established pursuant to paragraph (a) of subsection 1 and undergo the training at least one additional time while the person is a member of the State Board.

3. Except as otherwise provided in [NRS 388.134](#), each member of a board of trustees of a school district shall, within 1 year after the member is elected or appointed to the board of trustees, complete the program of training on bullying and cyber-bullying established pursuant to paragraph (b) of subsection 1 and undergo the training at least one additional time while the person is a member of the board of trustees.

4. Each administrator of a public school shall complete the program of training established pursuant to paragraph (d) of subsection 1:

(a) Within 90 days after becoming an administrator;

(b) Except as otherwise provided in paragraph (c), at least once every 3 years thereafter; and

(c) At least once during any school year within which the program of training is revised or updated.

5. Each program of training established pursuant to subsection 1 must, to the extent money is available, be made available on the Internet website maintained by the Department or through another provider on the Internet.

6. The board of trustees of a school district may allow school district personnel to attend the program established pursuant to paragraph (c) or (d) of subsection 1 during regular school hours.

7. The Department shall review each program of training established pursuant to subsection 1 on an annual basis to ensure that the program contains current information.

(Added to NRS by [2011, 2242](#); A [2013, 1657](#), [2139](#); [2015, 414](#))

School Safety Team

NRS 388.1343 Establishment by principal of each school; duties of principal. The principal of each public school or his or her designee shall:

1. Establish a school safety team to develop, foster and maintain a school environment which is free from bullying and cyber-bullying;

2. Conduct investigations of violations of [NRS 388.135](#) occurring at the school; and

3. Collaborate with the board of trustees of the school district and the school safety team to prevent, identify and address reported violations of [NRS 388.135](#) at the school.

(Added to NRS by [2011, 2243](#); A [2013, 1658](#))

NRS 388.1344 Membership; chair; duties.

1. Each school safety team established pursuant to [NRS 388.1343](#) must consist of the principal or his or her designee and the following persons appointed by the principal:

- (a) A school counselor;
- (b) At least one teacher who teaches at the school;
- (c) At least one parent or legal guardian of a pupil enrolled in the school; and
- (d) Any other persons appointed by the principal.

2. The principal or his or her designee shall serve as the chair of the school safety team.

3. The school safety team shall:

- (a) Meet at least two times each year;
- (b) Identify and address patterns of bullying or cyber-bullying;
- (c) Review and strengthen school policies to prevent and address bullying or cyber-bullying;
- (d) Provide information to school personnel, pupils enrolled in the school and parents and legal guardians of pupils enrolled in the school on methods to address bullying and cyber-bullying; and

(e) To the extent money is available, participate in any training conducted by the school district regarding bullying and cyber-bullying.

(Added to NRS by [2011, 2243](#); A [2013, 1658](#))

Prohibition of Bullying and Cyber-Bullying; Reporting and Investigation of Violations

NRS 388.135 Bullying and cyber-bullying prohibited. A member of the board of trustees of a school district, any employee of the board of trustees, including, without limitation, an administrator, principal, teacher or other staff member, a member of a club or organization which uses the facilities of any public school, regardless of whether the club or organization has any connection to the school, or any pupil shall not engage in bullying or cyber-bullying on the premises of any public school, at an activity sponsored by a public school or on any school bus.

(Added to NRS by [2001, 1929](#); A [2009, 688](#); [2013, 1658](#))

NRS 388.1351 Staff member required to report violation to principal; required actions and investigation; notification to parent or guardian; written report of findings and conclusions of investigation; follow-up with victim; list of resources to be provided to parent or guardian; appeal of disciplinary action.

1. A teacher, administrator, principal, coach or other staff member who witnesses a violation of [NRS 388.135](#) or receives information that a violation of [NRS 388.135](#) has occurred shall report the violation to the principal or his or her designee as soon as practicable, but not later than a time during the same day on which the teacher, administrator, principal, coach or other staff member witnessed the violation or received information regarding the occurrence of a violation.

2. Upon receiving a report required by subsection 1, the principal or designee shall immediately take any necessary action to stop the bullying or cyber-bullying and ensure the safety and well-being of the reported victim or victims of the bullying or cyber-bullying and shall begin an investigation into the report. The investigation must include, without limitation:

(a) Except as otherwise provided in subsection 3, notification provided by telephone, electronic mail or other electronic means or provided in person, of the parents or guardians of all pupils directly involved in the reported bullying or cyber-bullying, as applicable, either as a reported aggressor or a reported victim of the bullying or cyber-bullying. The notification must be provided not later than:

(1) If the bullying or cyber-bullying is reported before the end of school hours on a school day, 6 p.m. on the day on which the bullying or cyber-bullying is reported; or

(2) If the bullying or cyber-bullying was reported on a day that is not a school day, or after school hours on a school day, 6 p.m. on the school day following the day on which the bullying or cyber-bullying is reported.

(b) Interviews with all pupils whose parents or guardians must be notified pursuant to paragraph (a) and with all such parents and guardians.

3. If the contact information for the parent or guardian of a pupil in the records of the school is not correct, a good faith effort to notify the parent or guardian shall be deemed sufficient to meet the requirement for notification pursuant to paragraph (a) of subsection 2.

4. Except as otherwise provided in this subsection, an investigation required by this section must be completed not later than 2 school days after the principal or designee receives a report required by subsection 1. If the principal or designee is not able to complete the interviews required by paragraph (b) of subsection 2 within 2 school days after making a good faith effort because any of the persons to be interviewed is not available, 1 additional school day may be used to complete the investigation.

5. A principal or designee who conducts an investigation required by this section shall complete a written report of the findings and conclusions of the investigation. If a violation is found to have occurred, the report must include recommendations concerning the imposition of disciplinary action or other measures to be imposed as a result of the violation, in accordance with the policy governing disciplinary action adopted by the board of trustees of the school district. Subject to the provisions of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, the report must be made available, not later than 24 hours after the completion of the written report, to all parents or guardians who must be notified pursuant to paragraph (a) of subsection 2 as part of the investigation.

6. Not later than 10 school days after receiving a report required by subsection 1, the principal or designee shall meet with each reported victim of the bullying or cyber-bullying to inquire about the well-being of the reported victim and to ensure that the reported bullying or cyber-bullying, as applicable, is not continuing.

7. To the extent that information is available, the principal or his or her designee shall provide a list of any resources that may be available in the community to assist a pupil to each parent or guardian of a pupil to whom notice was provided pursuant to this section as soon as practicable. Such a list may include, without limitation, resources available at no charge or at a reduced cost. If such a list is provided, the principal, his or her designee, or any employee of the school or the school district is not responsible for providing such resources to the pupil or ensuring the pupil receives such resources.

8. The parent or guardian of a pupil involved in the reported violation of [NRS 388.135](#) may appeal a disciplinary decision of the principal or his or her designee, made against the pupil as a result of the violation, in accordance with the policy governing disciplinary action adopted by the board of trustees of the school district. Not later than 30 days after receiving a response provided in accordance with such a policy, the parent or guardian may submit a complaint to the Department. The Department shall consider and respond to the complaint pursuant to procedures and standards prescribed in regulations adopted by the Department.

(Added to NRS by [2011, 2244](#); A [2013, 2140](#); [2015, 415, 2069](#))

NRS 388.1352 Establishment of policy by school districts for employees to report violations to law enforcement. The board of trustees of each school district, in conjunction with the school police officers of the school district, if any, and the local law enforcement agencies that have jurisdiction over the school district, shall establish a policy for the procedures which must be followed by an employee of the school district when reporting a violation of [NRS 388.135](#) to a school police officer or local law enforcement agency.

(Added to NRS by [2011, 2244](#))

NRS 388.1354 Disciplinary action against administrator or principal or designee thereof who fails to comply with certain provisions. If an administrator, principal or the designee of an administrator or principal of a school knowingly and willfully fails to comply with the provisions of [NRS 388.1351](#), the superintendent of the school district:

1. Shall take disciplinary action against the employee by written admonishment, demotion, suspension, dismissal or refusal to reemploy; and

2. If the employee is the holder of a license issued pursuant to [chapter 391](#) of NRS, may recommend to the board of trustees of the school district that the board submit a recommendation to the State Board for the suspension or revocation of the license.

(Added to NRS by [2015, 410](#))

NRS 388.136 School officials prohibited from interfering with disclosure of violations.

1. A school official shall not directly or indirectly interfere with or prevent the disclosure of information concerning a violation of [NRS 388.135](#).

2. As used in this section, “school official” means:

(a) A member of the board of trustees of a school district; or

(b) A licensed or unlicensed employee of a school district.

(Added to NRS by [2005, 705](#))

NRS 388.137 Immunity for reporting of violations; exceptions; recommendation for disciplinary action if person who made report acted with malice, intentional misconduct, gross negligence or violation of law.

1. No cause of action may be brought against a pupil or an employee or volunteer of a school who reports a violation of [NRS 388.135](#) unless the person who made the report acted with malice, intentional misconduct, gross negligence, or intentional or knowing violation of the law.

2. If a principal determines that a report of a violation of [NRS 388.135](#) is false and that the person who made the report acted with malice, intentional misconduct, gross negligence, or intentional or knowing violation of the law, the principal may recommend the imposition of disciplinary action or other measures against the person in accordance with the policy governing disciplinary action adopted by the board of trustees of the school district.

(Added to NRS by [2005, 705](#); A [2013, 2140](#))

Rules of Behavior; Week of Respect

NRS 388.139 Text of certain provisions required to be included in rules of behavior.

Each school district shall include the text of the provisions of [NRS 388.121](#) to [388.1395](#), inclusive, and the policies adopted by the board of trustees of the school district pursuant to [NRS 388.134](#) under the heading “Bullying and Cyber-Bullying Is Prohibited in Public Schools,” within each copy of the rules of behavior for pupils that the school district provides to pupils pursuant to [NRS 392.463](#).

(Added to NRS by [2001, 1929](#); A [2005, 706](#); [2009, 688](#); [2011, 2246](#); [2013, 1659](#); [2015, 417](#))

NRS 388.1395 Requirements for delivery of information during annual “Week of Respect.” The board of trustees of each school district and the governing body of each charter school shall determine the most effective manner for the delivery of information to the pupils of each public school during the “Week of Respect” proclaimed by the Governor each year pursuant to [NRS 236.073](#). The information delivered during the “Week of Respect” must focus on:

1. Methods to prevent, identify and report incidents of bullying and cyber-bullying;
2. Methods to improve the school environment in a manner that will facilitate positive human relations among pupils; and
3. Methods to facilitate positive human relations among pupils by eliminating the use of bullying and cyber-bullying.

(Added to NRS by [2013, 2137](#)) — (Substituted in revision for NRS 388.145)

NRS 388.145 Requirements for delivery of information during annual “Week of Respect.” [Replaced in revision by [NRS 388.1395](#).]

Safe-to-Tell Program

NRS 388.1451 Definitions. As used in [NRS 388.1451](#) to [388.1459](#), inclusive, unless the context otherwise requires, the words and terms defined in [NRS 388.1452](#) and [388.1453](#) have the meanings ascribed to them in those sections.

(Added to NRS by [2015, 3070](#))

NRS 388.1452 “Director” defined. “Director” means the Director of the Office for a Safe and Respectful Learning Environment appointed pursuant to [NRS 388.1323](#).

(Added to NRS by [2015, 3071](#))

NRS 388.1453 “Safe-to-Tell Program” and “Program” defined. “Safe-to-Tell Program” or “Program” means the Safe-to-Tell Program established within the Office for a Safe and Respectful Learning Environment pursuant to [NRS 388.1455](#).

(Added to NRS by [2015, 3071](#))

NRS 388.1454 Legislative findings and declarations. The Legislature hereby finds and declares that:

1. The ability to anonymously report information about dangerous, violent or unlawful activities, or the threat of such activities, conducted on school property, at an activity sponsored by a public school or on a school bus of a public school is critical in preventing, responding to and recovering from such activities.

2. It is in the best interest of this State to ensure the anonymity of a person who reports such an activity, or the threat of such an activity, and who wishes to remain anonymous and to ensure the confidentiality of any record or information associated with such a report.

3. It is the intent of the Legislature in enacting [NRS 388.1451](#) to [388.1459](#), inclusive, to enable the people of this State to easily and anonymously provide to appropriate state or local public safety agencies and to school administrators information about dangerous, violent or unlawful activities, or the threat of such activities, conducted on school property, at an activity sponsored by a public school or on a school bus of a public school.

(Added to NRS by [2015, 3071](#))

NRS 388.1455 Establishment of Program; requirements of Program; hotline or call center for initial reports; training regarding Program; duties of Director.

1. The Director shall establish the Safe-to-Tell Program within the Office for a Safe and Respectful Learning Environment. The Program must enable any person to report anonymously to the Program any dangerous, violent or unlawful activity which is being conducted, or is threatened to be conducted, on school property, at an activity sponsored by a public school or on a school bus of a public school. Any information relating to any such dangerous, violent or unlawful activity, or threat thereof, received by the Program is confidential and, except as otherwise authorized pursuant to paragraph (a) of subsection 2 and [NRS 388.1458](#), must not be disclosed to any person.

2. The Program must include, without limitation, methods and procedures to ensure that:

(a) Information reported to the Program is promptly forwarded to the appropriate public safety agencies and school administrators; and

(b) The identity of a person who reports information to the Program:

(1) Is not known by any person designated by the Director to operate the Program;

(2) Is not known by any person employed by, contracting with, serving as a volunteer with or otherwise assisting an organization with whom the Director enters into an agreement pursuant to subsection 3; and

(3) Is not disclosed to any person.

3. On behalf of the Program, the Director may enter into agreements with any organization that the Director determines is appropriately qualified and experienced, pursuant to which the organization will operate a hotline or call center that will receive initial reports made to the Program and forward the information contained in the reports in the manner required by subsection 2.

4. The Director shall provide training regarding the Program to employees and volunteers of each public safety agency, public safety answering point, board of trustees of a school district, governing body of a charter school and any other entity whose employees and volunteers the Director determines should receive training regarding the Program.

5. The Director shall:

(a) Post information concerning the Program on an Internet website maintained by the Director; and

(b) Provide to each public school educational materials regarding the Program, including, without limitation, the telephone number and any other methods by which a report may be made.

6. As used in this section:

(a) “Public safety agency” has the meaning ascribed to it in [NRS 239B.020](#).

(b) “Public safety answering point” has the meaning ascribed to it in [NRS 707.500](#).

(Added to NRS by [2015, 3071](#))

NRS 388.1456 Safe-to-Tell Program Advisory Committee: Establishment; membership; written report to be submitted to Governor and Legislature. [Effective through December 31, 2016.]

1. The Safe-to-Tell Program Advisory Committee is hereby created in the Office for a Safe and Respectful Learning Environment.

2. The Committee consists of the following members, who must be appointed as soon as practicable after July 1, 2015, but not later than July 31, 2015:

(a) The following members appointed by the Governor:

(1) One member who is a representative of a law enforcement agency in a county whose population is 700,000 or more;

(2) One member who is a representative of a law enforcement agency in a county whose population is 100,000 or more but less than 700,000;

(3) One member who is a representative of a law enforcement agency in a county whose population is less than 100,000;

(4) One member who is an employee or other representative of the Office of Suicide Prevention of the Division of Public and Behavioral Health of the Department of Health and Human Services;

(5) One member who is an employee or other representative of the Department of Public Safety;

(6) One member who is a school counselor of a public school, as defined in [NRS 385.007](#);

(7) One member who is a psychologist employed by a school district; and

(8) One member who is a victim’s advocate, as defined in [NRS 49.2545](#), or who the Governor determines is otherwise qualified to provide expertise in the field of providing assistance to victims;

(b) One member who is a Senator, appointed by the Majority Leader of the Senate;

(c) One member who is a Senator, appointed by the Minority Leader of the Senate;

(d) One member who is an Assemblyman or Assemblywoman, appointed by the Speaker of the Assembly;

(e) One member who is an Assemblyman or Assemblywoman, appointed by the Minority Leader of the Assembly;

(f) The Superintendent of Public Instruction, or his or her designee;

(g) The Executive Director of the State Public Charter School Authority, appointed pursuant to [NRS 388A.190](#), or his or her designee;

(h) One member who is a licensed teacher, appointed by the Nevada State Education Association, or its successor organization;

(i) Two members appointed by the Nevada Association of School Administrators, or its successor organization, who are school administrators;

(j) One member appointed by the Nevada Association of School Superintendents, or its successor organization, who is the superintendent of a county school district; and

(k) Two members appointed by the Nevada Association of School Boards, or its successor organization.

3. To the extent practicable, the persons appointing members to the Committee shall coordinate the appointments to ensure that the members represent the geographic and ethnic diversity of this State.

4. Any vacancy occurring in the membership of the Committee must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

5. The members of the Committee serve without compensation. If sufficient money is available, members are entitled to the travel allowances provided for state officers and employees generally while attending meetings of the Committee.

6. The Committee shall hold its first meeting as soon as practicable on or after August 1, 2015. At the first meeting of the Committee, the members of the Committee shall elect a Chair.

7. The Chair of the Committee may appoint such subcommittees of the Committee as the Chair determines necessary to carry out the duties of the Committee.

8. The Committee, or any subcommittee of the Committee, may seek the input, advice and assistance of persons and organizations with knowledge, interest or expertise relevant to the duties of the Committee.

9. The Committee shall, not later than June 30, 2016, submit to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the 79th Session of the Nevada Legislature a written report that includes, without limitation:

(a) Subject to the provisions regarding confidentiality set forth in [NRS 388.1451](#) to [388.1459](#), inclusive, information regarding the number of reports received by the Safe-to-Tell Program and the disposition of those reports; and

(b) Recommendations, including, without limitation, any proposed legislation for the improvement of the Safe-to-Tell Program.

(Added to NRS by [2015, 3075](#))

NRS 388.1457 Safe-to-Tell Program Account: Creation; use of money in Account; administration; acceptance of gifts, grants, donations and other sources of money; Director to post list of sources of money on Internet and transmit list to Legislature.

1. The Safe-to-Tell Program Account is hereby created in the State General Fund.

2. Except as otherwise provided in subsection 4, the money in the Account may be used only to implement and operate the Safe-to-Tell Program.

3. The Account must be administered by the Director, who may:

(a) Apply for and accept any gift, donation, bequest, grant or other source of money for deposit in the Account; and

(b) Expend any money received pursuant to paragraph (a) in accordance with subsection 2.

4. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.

5. The money in the Account does not revert to the State General Fund at the end of any fiscal year.

6. The Director shall:

(a) Post on the Internet website maintained by the Department a list of each gift, donation, bequest, grant or other source of money, if any, received pursuant to subsection 3 for deposit in the Account and the name of the donor of each gift, donation, bequest, grant or other source of money;

(b) Update the list annually; and

(c) On or before February 1 of each year, transmit the list prepared for the immediately preceding year:

(1) In odd-numbered years, to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature; and

(2) In even-numbered years, to the Legislative Committee on Education.

(Added to NRS by [2015, 3073](#))

NRS 388.1458 Confidentiality of information provided to Program; motion to compel production or disclosure of record or information; records and information made available to appellate court.

1. Except as otherwise provided in this section or as otherwise authorized pursuant to paragraph (a) of subsection 2 of [NRS 388.1455](#), a person must not be compelled to produce or disclose any record or information provided to the Safe-to-Tell Program.

2. A defendant in a criminal action may file a motion to compel a person to produce or disclose any record or information provided to the Program. A defendant in a criminal action who files such a motion shall serve a copy of the motion upon the prosecuting attorney and upon the Director, either or both of whom may file a response to the motion not later than a date determined by the court.

3. If the court grants a motion filed by a defendant in a criminal action pursuant to subsection 2, the court may conduct an in camera review of the record or information or make any other order which justice requires. Counsel for all parties shall be permitted to be present at

every stage at which any counsel is permitted to be present. If the court determines that the record or information includes evidence that could be offered by the defendant to exculpate the defendant or to impeach the testimony of a witness, the court shall order the record or information to be provided to the defendant. The identity of any person who reported information to the Safe-to-Tell Program must be redacted from any record or information provided pursuant to this subsection, and the record or information may be subject to a protective order further redacting the record or information or otherwise limiting the use of the record or information.

4. The record of any information redacted pursuant to subsection 3 must be sealed and preserved to be made available to the appellate court in the event of an appeal. If the time for appeal expires without an appeal, the court shall provide the record to the Safe-to-Tell Program.

(Added to NRS by [2015, 3072](#))

NRS 388.1459 Willful disclosure of record or information of Program or willful neglect or refusal to obey court order punishable as criminal contempt. Except as otherwise provided in [NRS 388.1458](#) or as otherwise authorized pursuant to paragraph (a) of subsection 2 of [NRS 388.1455](#), the willful disclosure of a record or information of the Safe-to-Tell Program, including, without limitation, the identity of a person who reported information to the Program, or the willful neglect or refusal to obey any court order made pursuant to [NRS 388.1458](#), is punishable as criminal contempt.

(Added to NRS by [2015, 3072](#))

CRISIS AND EMERGENCY RESPONSE IN PUBLIC SCHOOLS

NRS 388.229 Definitions. As used in [NRS 388.229](#) to [388.261](#), inclusive, unless the context otherwise requires, the words and terms defined in [NRS 388.231](#) to [388.235](#), inclusive, have the meanings ascribed to them in those sections.

(Added to NRS by [2001, 1323](#); A [2011, 1074](#); [2015, 199](#)) — (Substituted in revision for NRS 392.600)

NRS 388.231 “Crisis” defined. “Crisis” means a traumatic and sudden event or emergency condition that:

1. Involves violence;
2. Profoundly and negatively affects or will affect pupils or employees of a public school, or both;
3. Occurs on the property of a public school, at an activity sponsored by a public school or on a school bus while the bus is engaged in its official duties for a public school; and
4. May involve serious injury or death.

(Added to NRS by [2001, 1323](#)) — (Substituted in revision for NRS 392.604)

NRS 388.232 “Development committee” defined. “Development committee” means a committee established pursuant to [NRS 388.241](#).

(Added to NRS by [2001, 1323](#)) — (Substituted in revision for NRS 392.608)

NRS 388.233 “Emergency” defined. “Emergency” means an occurrence or threatened occurrence for which action is necessary to save lives, protect property or to protect the health and safety of persons, or to avert the threat of damage to property or injury to persons, on the property of a public school, at an activity sponsored by a public school or on a school bus while the bus is engaged in its official duties for a public school.

(Added to NRS by [2011, 1073](#)) — (Substituted in revision for NRS 392.609)

NRS 388.234 “Local organization for emergency management” defined. “Local organization for emergency management” has the meaning ascribed to it in [NRS 414.036](#).

(Added to NRS by [2011, 1074](#)) — (Substituted in revision for NRS 392.610)

NRS 388.2345 “Public safety agency” defined. “Public safety agency” means:

1. A public fire department, fire protection district or other agency of this State or a political subdivision of this State, the primary functions of which are to control, extinguish and suppress fires;
2. A law enforcement agency as defined in [NRS 277.035](#); or
3. An emergency medical service.

(Added to NRS by [2015, 198](#))

NRS 388.235 “School committee” defined. “School committee” means a committee established pursuant to [NRS 388.247](#).

(Added to NRS by [2001, 1323](#)) — (Substituted in revision for NRS 392.612)

NRS 388.241 Development committee: Establishment by school districts and charter schools; membership; terms of members.

1. The board of trustees of each school district shall establish a development committee to develop one plan to be used by all the public schools other than the charter schools in the school district in responding to a crisis or an emergency. The governing body of each charter school shall establish a development committee to develop a plan to be used by the charter school in responding to a crisis or an emergency.

2. The membership of a development committee must consist of:

(a) At least one member of the board of trustees or of the governing body that established the committee;

(b) At least one administrator of a school in the school district or of the charter school;

(c) At least one licensed teacher of a school in the school district or of the charter school;

(d) At least one employee of a school in the school district or of the charter school who is not a licensed teacher and who is not responsible for the administration of the school;

(e) At least one parent or legal guardian of a pupil who is enrolled in a school in the school district or in the charter school;

(f) At least one representative of a local law enforcement agency in the county in which the school district or charter school is located;

(g) At least one school police officer, including, without limitation, a chief of school police of the school district if the school district has school police officers; and

(h) At least one representative of a state or local organization for emergency management.

3. The membership of a development committee may also include any other person whom the board of trustees or the governing body deems appropriate, including, without limitation:

(a) A counselor of a school in the school district or of the charter school;

(b) A psychologist of a school in the school district or of the charter school;

(c) A licensed social worker of a school in the school district or of the charter school;

(d) A pupil in grade 10 or higher of a school in the school district or a pupil in grade 10 or higher of the charter school if a school in the school district or the charter school includes grade 10 or higher; and

(e) An attorney or judge who resides or works in the county in which the school district or charter school is located.

4. The board of trustees of each school district and the governing body of each charter school shall determine the term of each member of the development committee that it establishes. Each development committee may adopt rules for its own management and government.

(Added to NRS by [2001, 1323](#); A [2011, 1074](#)) — (Substituted in revision for NRS 392.616)

NRS 388.243 Development committee: Development of plan to be used by schools in responding to crisis or emergency; submission of plan to board of trustees or governing body of charter school; compliance with plan required.

1. Each development committee established by the board of trustees of a school district shall develop one plan to be used by all the public schools other than the charter schools in the school district in responding to a crisis or an emergency. Each development committee established by the governing body of a charter school shall develop a plan to be used by the charter school in responding to a crisis or an emergency. Each development committee shall, when developing the plan, consult with:

(a) The local social service agencies and local public safety agencies in the county in which its school district or charter school is located.

(b) The director of the local organization for emergency management or, if there is no local organization for emergency management, with the Chief of the Division of Emergency Management of the Department of Public Safety or his or her designee.

2. The plan developed pursuant to subsection 1 must include, without limitation:

(a) The plans, procedures and information included in the model plan developed by the Department pursuant to [NRS 388.253](#);

(b) A procedure for responding to a crisis or an emergency and for responding during the period after a crisis or an emergency has concluded, including, without limitation, a crisis or an emergency that results in immediate physical harm to a pupil or employee of a school in the school district or the charter school; and

(c) A procedure for enforcing discipline within a school in the school district or the charter school and for obtaining and maintaining a safe and orderly environment during a crisis or an emergency.

3. Each development committee shall provide a copy of the plan that it develops pursuant to this section to the board of trustees of the school district that established the committee or the governing body of the charter school that established the committee.

4. Except as otherwise provided in [NRS 388.249](#) and [388.251](#), each public school, including, without limitation, each charter school, must comply with the plan developed for it pursuant to this section.

(Added to NRS by [2001, 1324](#); A [2011, 1075](#); [2015, 199](#)) — (Substituted in revision for NRS 392.620)

NRS 388.245 Annual review and update of plan for responding to crisis or emergency; maintenance, posting and distribution of plan; annual training for school employees in responding to crisis or emergency; acceptance of gifts and grants.

1. Each development committee shall, at least once each year, review and update as appropriate the plan that it developed pursuant to [NRS 388.243](#). In reviewing and updating the plan, the development committee shall consult with the director of the local organization for emergency management or, if there is no local organization for emergency management, with the Chief of the Division of Emergency Management of the Department of Public Safety or his or her designee.

2. Each development committee shall provide an updated copy of the plan to the board of trustees of the school district that established the committee or the governing body of the charter school that established the committee.

3. The board of trustees of each school district and the governing body of each charter school shall:

(a) Post a notice of the completion of each review and update that its development committee performs pursuant to subsection 1 at each school in its school district or at its charter school;

(b) File with the Department a copy of the notice provided pursuant to paragraph (a);

(c) Post a copy of [NRS 388.229](#) to [388.261](#), inclusive, at each school in its school district or at its charter school;

(d) Retain a copy of each plan developed pursuant to [NRS 388.243](#), each plan updated pursuant to subsection 1 and each deviation approved pursuant to [NRS 388.251](#);

(e) Provide a copy of each plan developed pursuant to [NRS 388.243](#) and each plan updated pursuant to subsection 1 to:

(1) Each local public safety agency in the county in which the school district or charter school is located;

(2) The Division of Emergency Management of the Department of Public Safety; and

(3) The local organization for emergency management, if any;

(f) Upon request, provide a copy of each plan developed pursuant to [NRS 388.243](#) and each plan updated pursuant to subsection 1 to a local agency that is included in the plan and to an employee of a school who is included in the plan;

(g) Provide a copy of each deviation approved pursuant to [NRS 388.251](#) as soon as practicable to:

(1) The Department;

(2) A local public safety agency in the county in which the school district or charter school is located;

- (3) The Division of Emergency Management of the Department of Public Safety;
- (4) The local organization for emergency management, if any;
- (5) A local agency that is included in the plan; and
- (6) An employee of a school who is included in the plan; and

(h) At least once each year, provide training in responding to a crisis and training in responding to an emergency to each employee of the school district or of the charter school, including, without limitation, training concerning drills for evacuating and securing schools.

4. The board of trustees of each school district and the governing body of each charter school may apply for and accept gifts, grants and contributions from any public or private source to carry out the provisions of [NRS 388.229](#) to [388.261](#), inclusive.

(Added to NRS by [2001, 1325](#); A [2011, 1075](#); [2015, 200](#)) — (Substituted in revision for NRS 392.624)

NRS 388.247 School committee: Establishment; membership; terms of members.

1. The principal of each public school, including, without limitation, each charter school, shall establish a school committee to review the plan developed for the school pursuant to [NRS 388.243](#).

2. The membership of a school committee must consist of:

- (a) The principal of the school;
- (b) Two licensed employees of the school;
- (c) One employee of the school who is not a licensed employee and who is not responsible for the administration of the school;
- (d) One school police officer of the school if the school has school police officers; and
- (e) One parent or legal guardian of a pupil who is enrolled in the school.

3. The membership of a school committee may also include any other person whom the principal of the school deems appropriate, including, without limitation:

- (a) A member of the board of trustees of the school district in which the school is located or a member of the governing body of the charter school;
- (b) A counselor of the school;
- (c) A psychologist of the school;
- (d) A licensed social worker of the school;
- (e) A representative of a local law enforcement agency in the county, city or town in which the school is located; and
- (f) A pupil in grade 10 or higher from the school if the school includes grade 10 or higher.

4. The principal of a public school, including, without limitation, a charter school, shall determine the term of each member of the school committee. Each school committee may adopt rules for its own management and government.

(Added to NRS by [2001, 1326](#)) — (Substituted in revision for NRS 392.628)

NRS 388.249 School committee: Annual review of plan prepared by development committee; determination whether to request deviation from plan; notice of review.

1. Each school committee shall, at least once each year, review the plan developed for the school pursuant to [NRS 388.243](#) and determine whether the school should deviate from the plan.

2. Each school committee shall, when reviewing the plan, consult with:

- (a) The local social service agencies and law enforcement agencies in the county, city or town in which its school is located.
- (b) The director of the local organization for emergency management or, if there is no local organization for emergency management, with the Chief of the Division of Emergency Management of the Department of Public Safety or his or her designee.

3. If a school committee determines that the school should deviate from the plan, the school committee shall notify the development committee that developed the plan, describe the proposed deviation and explain the reason for the proposed deviation. The school may deviate from the plan only if the deviation is approved by the development committee pursuant to [NRS 388.251](#).

4. Each public school, including, without limitation, each charter school, shall post at the school a notice of the completion of each review that the school committee performs pursuant to this section.

(Added to NRS by [2001, 1326](#); A [2011, 1076](#)) — (Substituted in revision for NRS 392.632)

NRS 388.251 Review by development committee of proposed deviation from plan; notice of approval or denial; submission of copy of approved deviation to board of trustees or governing body.

1. A development committee that receives a proposed deviation from a school committee pursuant to [NRS 388.249](#) shall, within 60 days after it receives the proposed deviation:

(a) Review the proposed deviation and any information submitted with the proposed deviation; and

(b) Notify the school committee that submitted the proposed deviation whether the proposed deviation has been approved.

2. A development committee shall provide a copy of each deviation that it approves pursuant to this section to the board of trustees of the school district that established the committee or to the governing body of the charter school that established the committee.

(Added to NRS by [2001, 1326](#)) — (Substituted in revision for NRS 392.636)

NRS 388.253 Department: Development of model plan for management of crisis or emergency; requirements for model plan; authorized dissemination of plans prepared by Department and development committee; annual review and update of model plan.

1. The Department shall, with assistance from other state agencies, including, without limitation, the Division of Emergency Management, the Investigation Division, and the Nevada Highway Patrol Division of the Department of Public Safety, develop a model plan for the management of a crisis or an emergency that involves a public school, including, without limitation, a charter school, or a private school and that requires immediate action. The model plan must include, without limitation, a procedure for:

(a) Coordinating the resources of local, state and federal agencies, officers and employees, as appropriate;

(b) Accounting for all persons within a school;

(c) Assisting persons within a school in a school district, a charter school or a private school to communicate with each other;

(d) Assisting persons within a school in a school district, a charter school or a private school to communicate with persons located outside the school, including, without limitation, relatives of pupils and relatives of employees of such a school, the news media and persons from local, state or federal agencies that are responding to a crisis or an emergency;

(e) Assisting pupils of a school in the school district, a charter school or a private school, employees of such a school and relatives of such pupils and employees to move safely within and away from the school, including, without limitation, a procedure for evacuating the school and a procedure for securing the school;

(f) Reunifying a pupil with his or her parent or legal guardian;

(g) Providing any necessary medical assistance;

(h) Recovering from a crisis or an emergency;

(i) Carrying out a lockdown at a school in which persons are not allowed to enter or exit the school;

(j) Providing shelter in specific areas of a school; and

(k) Providing specific information relating to managing a crisis or an emergency that is a result of:

(1) An incident involving hazardous materials;

(2) An incident involving mass casualties;

(3) An incident involving an active shooter;

(4) An outbreak of disease;

(5) Any threat or hazard identified in the hazard mitigation plan of the county in which the school district is located, if such a plan exists; or

(6) Any other situation, threat or hazard deemed appropriate.

2. In developing the model plan, the Department shall consider the plans developed pursuant to [NRS 388.243](#) and [394.1687](#) and updated pursuant to [NRS 388.245](#) and [394.1688](#).

3. The Department may disseminate to any appropriate local, state or federal agency, officer or employee, as the Department determines is necessary:

- (a) The model plan developed by the Department pursuant to subsection 1;
- (b) A plan developed pursuant to [NRS 388.243](#) or updated pursuant to [NRS 388.245](#);
- (c) A plan developed pursuant to [NRS 394.1687](#) or updated pursuant to [NRS 394.1688](#); and
- (d) A deviation approved pursuant to [NRS 388.251](#) or [394.1692](#).

4. The Department shall, at least once each year, review and update as appropriate the model plan developed pursuant to subsection 1.

(Added to NRS by [2001, 1327](#); A [2011, 1077](#); [2015, 201](#)) — (Substituted in revision for NRS 392.640)

NRS 388.255 State Board: Adoption of regulations concerning development of plans; review of proposed deviations and requirements for training.

1. The State Board shall adopt regulations setting forth requirements for:

- (a) The plan required to be developed pursuant to [NRS 388.243](#); and
- (b) Reviewing and approving a deviation pursuant to [NRS 388.251](#).

2. The regulations adopted pursuant to this section must include, without limitation, requirements concerning training and practice in procedures for responding to a crisis or an emergency.

(Added to NRS by [2001, 1327](#); A [2011, 1077](#)) — (Substituted in revision for NRS 392.644)

NRS 388.257 Duties of principal if crisis or emergency occurs at school; determination by local agency whether crisis or emergency requires assistance from state agency; duties of Division of Emergency Management of Department of Public Safety; notification of other schools.

1. If a crisis or an emergency that requires immediate action occurs at a public school, including, without limitation, a charter school, the principal of the school involved, or the principal's designated representative, shall, in accordance with the plan developed for the school pursuant to [NRS 388.243](#) and in accordance with any deviation approved pursuant to [NRS 388.251](#), contact all appropriate local agencies to respond to the crisis or the emergency.

2. If a local agency that is responsible for responding to a crisis or an emergency is contacted pursuant to subsection 1 and the local agency determines that the crisis or the emergency requires assistance from a state agency, the local agency may:

(a) If a local organization for emergency management has been established in the city or county in which the local agency that was contacted is located, through such local organization for emergency management, notify the Division of Emergency Management of the Department of Public Safety of the crisis or the emergency and request assistance from the Division in responding to the crisis or the emergency; or

(b) If a local organization for emergency management has not been established in the city or county in which the local agency that was contacted is located, directly notify the Division of Emergency Management of the Department of Public Safety of the crisis or the emergency and request assistance from the Division in responding to the crisis or the emergency.

3. If the Division of Emergency Management of the Department of Public Safety receives notification of a crisis or an emergency and a request for assistance pursuant to subsection 2 and the Governor or the Governor's designated representative determines that the crisis or the emergency requires assistance from a state agency, the Division shall carry out its duties set forth in the model plan developed pursuant to [NRS 388.253](#) and its duties set forth in [chapter 414](#) of NRS, including, without limitation, addressing the immediate crisis or emergency and coordinating the appropriate and available local, state and federal resources to provide support services and counseling to pupils, teachers, and parents or legal guardians of pupils, and providing support for law enforcement agencies, for as long as is reasonably necessary.

4. If a local law enforcement agency responds to a crisis or an emergency that occurs at a public school or notifies a public school regarding a crisis or an emergency that occurs outside of the public school, the local law enforcement agency must consider whether it is necessary and

appropriate to notify any other public school, including, without limitation, a charter school, or any private school of the crisis or emergency. Such notification must include, without limitation, any information necessary for the public school or private school to appropriately respond to the crisis or emergency.

(Added to NRS by [2001, 1327](#); A [2011, 1077](#); [2015, 202](#), [1739](#)) — (Substituted in revision for NRS 392.648)

NRS 388.259 Confidentiality of plans, approved deviations and certain other information. A plan developed pursuant to [NRS 388.243](#) or updated pursuant to [NRS 388.245](#), a deviation and any information submitted to a development committee pursuant to [NRS 388.249](#), a deviation approved pursuant to [NRS 388.251](#) and the model plan developed pursuant to [NRS 388.253](#) are confidential and, except as otherwise provided in [NRS 239.0115](#) and [NRS 388.229](#) to [388.261](#), inclusive, must not be disclosed to any person or government, governmental agency or political subdivision of a government.

(Added to NRS by [2001, 1328](#); A [2007, 2100](#); [2015, 202](#)) — (Substituted in revision for NRS 392.652)

NRS 388.261 Inapplicability of Open Meeting Law to development committee, school committee and certain meetings of State Board and Department related to crisis and emergency response. The provisions of [chapter 241](#) of NRS do not apply to a meeting of:

1. A development committee;
2. A school committee;
3. The State Board if the meeting concerns a regulation adopted pursuant to [NRS 388.255](#);

or

4. The Department if the meeting concerns the model plan developed pursuant to [NRS 388.253](#).

(Added to NRS by [2001, 1328](#); A [2015, 203](#)) — (Substituted in revision for NRS 392.656)

PROGRAMS TO PREVENT CRIMINAL ACTIVITY; OPERATION OF ALTERNATIVE PROGRAMS

NRS 388.532 Development of programs.

1. The State Board in cooperation with the board of trustees of the various county school districts shall develop for pupils in the first through eighth grades:

- (a) Programs designed to reduce the number of pupils who drop out of school; and
- (b) Programs for the prevention of the abuse of alcohol and controlled substances.

2. The State Board in cooperation with the board of trustees of the various county school districts may seek the cooperation of private industry in developing for pupils in all grades programs and activities designed to reduce the number of pupils who participate in the activities of criminal gangs, as defined in [NRS 213.1263](#).

(Added to NRS by [1991, 2079](#); A [1995, 1426](#))

NRS 388.537 Alternative programs for pupils at risk of dropping out of school.

1. The board of trustees of a school district may, subject to the approval of the Superintendent of Public Instruction, operate an alternative program for the education of pupils at risk of dropping out of school, including pupils who are enrolled in kindergarten or grades 1 to 12, inclusive.

2. The board of trustees of a school district may submit to the Department, in the form prescribed by the Department, a plan to operate an alternative program.

3. The Superintendent of Public Instruction shall review each plan to operate an alternative program submitted to the Department and approve or deny the plan. Approval by the Superintendent constitutes approval of each component of the plan for the alternative program.

4. If a plan for an alternative program is denied by the Superintendent of Public Instruction, the board of trustees of a school district may appeal the decision of the Superintendent to the State Board. The State Board may approve or deny the plan for the alternative program upon appeal.

5. An alternative program may include:

(a) A shorter school day or an opportunity for pupils to attend a longer school day than that regularly provided in the school district. The alternative program must provide for a number of minutes of instruction that is equal to or greater than that which would be provided under a program consisting of 180 school days.

(b) An opportunity for pupils to attend classes of instruction during any part of the calendar year.

(c) A comprehensive curriculum that includes elective classes of instruction and career and technical education.

(d) An opportunity for pupils to obtain academic credit through experience gained at work or while engaged in other activities.

(e) An opportunity for pupils to satisfy either:

(1) The requirements for a regular high school diploma; or

(2) The requirements for an adult standard diploma.

(f) The provision of child care for the children of pupils.

(g) The transportation of pupils to and from classes of instruction.

(h) The placement of pupils for independent study pursuant to [NRS 389.155](#), if the board of trustees of the school district determines that the pupil would benefit from such placement.

6. The board of trustees of a school district may operate an alternative program pursuant to this section through a program of distance education pursuant to [NRS 388.820](#) to [388.874](#), inclusive.

(Added to NRS by [1993, 458](#); A [2001, 3156](#); [2005, 1050](#); [2007, 1991](#))

SCHOOL POLICE OFFICERS; POLICE SERVICES

NRS 391.281 School police officers; contract for police services.

1. Each applicant for employment pursuant to this section, except a teacher or other person licensed by the Superintendent of Public Instruction, must, as a condition to employment, submit to the school district a full set of the applicant's fingerprints and written permission authorizing the school district to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant.

2. The board of trustees of a school district may employ or appoint persons to serve as school police officers. If the board of trustees of a school district employs or appoints persons to serve as school police officers, the board of trustees shall employ a law enforcement officer to serve as the chief of school police who is supervised by the superintendent of schools of the school district. The chief of school police shall supervise each person appointed or employed by the board of trustees as a school police officer, including any school police officer that provides services to a charter school pursuant to a contract entered into with the board of trustees pursuant to [NRS 388A.384](#). In addition, persons who provide police services pursuant to subsection 3 or 4 shall be deemed school police officers.

3. The board of trustees of a school district in a county that has a metropolitan police department created pursuant to [chapter 280](#) of NRS may contract with the metropolitan police department for the provision and supervision of police services in the public schools within the jurisdiction of the metropolitan police department and on property therein that is owned by the school district and on property therein that is owned or occupied by a charter school if the board of trustees has entered into a contract with the charter school for the provision of school police officers pursuant to [NRS 388A.384](#). If a contract is entered into pursuant to this subsection, the contract must make provision for the transfer of each school police officer employed by the board of trustees to the metropolitan police department. If the board of trustees of a school district contracts with a metropolitan police department pursuant to this subsection, the board of trustees shall, if applicable, cooperate with appropriate local law enforcement agencies within the school district for the provision and supervision of police services in the public schools within the school district, including, without limitation, any charter school with which the school district has entered into a contract for the provision of school police officers pursuant to [NRS 388A.384](#),

and on property owned by the school district and, if applicable, the property owned or occupied by the charter school, but outside the jurisdiction of the metropolitan police department.

4. The board of trustees of a school district in a county that does not have a metropolitan police department created pursuant to [chapter 280](#) of NRS may contract with the sheriff of that county for the provision of police services in the public schools within the school district, including, without limitation, in any charter school with which the board of trustees has entered into a contract for the provision of school police officers pursuant to [NRS 388A.384](#), and on property therein that is owned by the school district and, if applicable, the property owned or occupied by the charter school.

[332:32:1956] — (NRS A [1967, 450; 1971, 175; 1975, 614; 1979, 871, 1603; 1985, 287; 1987, 1000, 1481; 1989, 630; 1993, 2531; 1995, 1910; 1999, 3462; 2001, 2482; 2003, 2848; 2003, 19th Special Session, 72; 2015, 1737, 2100, 3827](#)) — (Substituted in revision for part of NRS 391.100)

NRS 391.282 Jurisdiction of school police officers; law enforcement agency to respond to request for assistance by school district which does not have school police according to agency protocol.

1. The jurisdiction of each school police officer of a school district extends to all school property, buildings and facilities within the school district and, if the board of trustees has entered into a contract with a charter school for the provision of school police officers pursuant to [NRS 388A.384](#), all property, buildings and facilities in which the charter school is located, for the purpose of:

- (a) Protecting school district personnel, pupils, or real or personal property; or
- (b) Cooperating with local law enforcement agencies in matters relating to personnel, pupils or real or personal property of the school district.

2. In addition to the jurisdiction set forth in subsection 1, a school police officer of a school district has jurisdiction:

- (a) Beyond the school property, buildings and facilities when in hot pursuit of a person believed to have committed a crime;
- (b) At activities or events sponsored by the school district that are in a location other than the school property, buildings or facilities within the school district; and
- (c) When authorized by the superintendent of schools of the school district, on the streets that are adjacent to the school property, buildings and facilities within the school district for the purpose of issuing traffic citations for violations of traffic laws and ordinances during the times that the school is in session or school-related activities are in progress.

3. A law enforcement agency that is contacted for assistance by a public school or private school which does not have school police shall respond according to the protocol of the law enforcement agency established for responding to calls for assistance from the general public.

(Added to NRS by [1971, 2078; A 1979, 1606; 1989, 630; 2007, 927, 1921; 2015, 1739](#)) — (Substituted in revision for NRS 391.275)

NRS 391.283 Policy for procedures to be followed by peace officers in arresting pupil on school grounds during school hours.

1. The board of trustees of each school district, in conjunction with the school police officers of the school district, if any, and the local law enforcement agencies that have jurisdiction over the school district, shall establish a policy for the procedures which must be followed by a peace officer in arresting a pupil on school grounds during school hours. The policy must include the circumstances under which the chief administrative officer of a school must be notified of the arrest of a pupil.

2. Each law enforcement agency that has jurisdiction over any part of a school district shall adopt the policy which is established pursuant to subsection 1.

(Added to NRS by [1993, 853](#)) — (Substituted in revision for NRS 392.855)

NRS 391.285 Suspension of licensed employee for unexcused absence from conference. [Replaced in revision by [NRS 391A.355.](#)]

NRS 391.290 Payment of expenses of travel and living for administrators and teachers attending conference. [Replaced in revision by [NRS 391A.360.](#)]

HEALTH AND SAFETY

NRS 392.415 Authorization to establish policy of uniforms for pupils and dress code for educational personnel; financial assistance for pupils to purchase uniforms. [Replaced in revision by [NRS 386.855.](#)]

NRS 392.420 Physical examinations of pupils; qualifications of persons to conduct examinations; notice to parent of certain medical conditions; notice to parent of examination and opportunity for exemption; report of results to Chief Medical Officer.

1. In each school at which a school nurse is responsible for providing nursing services, the school nurse shall plan for and carry out, or supervise qualified health personnel in carrying out, a separate and careful observation and examination of every child who is regularly enrolled in a grade specified by the board of trustees or superintendent of schools of the school district in accordance with this subsection to determine whether the child has scoliosis, any visual or auditory problem, or any gross physical defect. The grades in which the observations and examinations must be carried out are as follows:

(a) For visual and auditory problems:

- (1) Before the completion of the first year of initial enrollment in elementary school;
- (2) In at least one additional grade of the elementary schools; and
- (3) In one grade of the middle or junior high schools and one grade of the high schools;

and

(b) For scoliosis, in at least one grade of schools below the high schools.

↳ Any person other than a school nurse, including, without limitation, a person employed at a school to provide basic first aid and health services to pupils, who performs an observation or examination pursuant to this subsection must be trained by a school nurse to conduct the observation or examination.

2. If any child is attending school in a grade above one of the specified grades and has not previously received such an observation and examination, the child must be included in the current schedule for observation and examination. Any child who is newly enrolled in the district must be examined for any medical condition for which children in a lower grade are examined.

3. A special examination for a possible visual or auditory problem must be provided for any child who:

(a) Is enrolled in a special program;

(b) Is repeating a grade;

(c) Has failed an examination for a visual or auditory problem during the previous school year; or

(d) Shows in any other way that the child may have such a problem.

4. The school authorities shall notify the parent or guardian of any child who is found or believed to have scoliosis, any visual or auditory problem, or any gross physical defect, and shall recommend that appropriate medical attention be secured to correct it. Any written notice provided to the parent or guardian of a child pursuant to this subsection must include, to the extent that information is available, a list of any resources that may be available in the community to provide such medical attention, including, without limitation, resources available at no charge or at a reduced cost. If such a list is provided, the principal, his or her designee, or any employee of the school or the school district is not responsible for providing such resources to the pupil or ensuring that the pupil receives such resources.

5. In any school district in which state, county or district public health services are available or conveniently obtainable, those services may be used to meet the responsibilities assigned under the provisions of this section. The board of trustees of the school district may employ qualified personnel to perform them. Any nursing services provided by such qualified personnel must be performed in compliance with [chapter 632](#) of NRS.

6. The board of trustees of a school district may adopt a policy which encourages the school district and schools within the school district to collaborate with:

(a) Qualified health care providers within the community to perform, or assist in the performance of, the services required by this section; and

(b) Postsecondary educational institutions for qualified students enrolled in such an institution in a health-related program to perform, or assist in the performance of, the services required by this section.

7. The school authorities shall provide notice to the parent or guardian of a child before performing on the child the examinations required by this section. The notice must inform the parent or guardian of the right to exempt the child from all or part of the examinations. Any child must be exempted from an examination if the child's parent or guardian files with the teacher a written statement objecting to the examination.

8. Each school nurse or a designee of a school nurse, including, without limitation, a person employed at a school to provide basic first aid and health services to pupils, shall report the results of the examinations conducted pursuant to this section in each school at which he or she is responsible for providing services to the Chief Medical Officer in the format prescribed by the Chief Medical Officer. Each such report must exclude any identifying information relating to a particular child. The Chief Medical Officer shall compile all such information the Officer receives to monitor the health status of children and shall retain the information.

[402:32:1956] — (NRS A [1973, 225; 1981, 841; 1991, 1698; 2001, 541; 2007, 1870, 1872; 2009, 1203, 1204, 1857; 2011, 91; 2013, 2041; 2015, 2069](#))

NRS 392.425 Authorization for pupil to self-administer medication for asthma, anaphylaxis or diabetes; contents of request; establishment of protocols relating to self-administration of medication; immunity from liability.

1. The parent or legal guardian of a pupil who has asthma, anaphylaxis or diabetes may submit a written request to the principal or, if applicable, the school nurse of the public school in which the pupil is enrolled to allow the pupil to self-administer medication for the treatment of the pupil's asthma, anaphylaxis or diabetes while the pupil is on the grounds of a public school, participating in an activity sponsored by a public school or on a school bus.

2. A public school shall establish protocols for containing blood-borne pathogens and the handling and disposal of needles, medical devices and other medical waste and provide a copy of these protocols and procedures to the parent or guardian of a pupil who requests permission for the pupil to self-administer medication pursuant to subsection 1.

3. A written request made pursuant to subsection 1 must include:

(a) A signed statement of a physician indicating that the pupil has asthma, anaphylaxis or diabetes and is capable of self-administration of the medication while the pupil is on the grounds of a public school, participating in an activity sponsored by a public school or on a school bus;

(b) A written treatment plan prepared by the physician pursuant to which the pupil will manage his or her asthma, anaphylaxis or diabetes if the pupil experiences an asthmatic attack, anaphylactic shock or diabetic episode while on the grounds of a public school, participating in an activity sponsored by a public school or on a school bus; and

(c) A signed statement of the parent or legal guardian:

(1) Indicating that the parent or legal guardian grants permission for the pupil to self-administer the medication while the pupil is on the grounds of a public school, participating in an activity sponsored by a public school or on a school bus;

(2) Acknowledging that the parent or legal guardian is aware of and understands the provisions of subsections 4 and 5;

(3) Acknowledging the receipt of the protocols provided pursuant to subsection 2;

(4) Acknowledging that the protocols established pursuant to subsection 2 have been explained to the pupil who will self-administer the medication and that he or she has agreed to comply with the protocols; and

(5) Acknowledging that authorization to self-administer medication pursuant to this section may be revoked if the pupil fails to comply with the protocols established pursuant to subsection 2.

4. The provisions of this section do not create a duty for the board of trustees of the school district, the school district, the public school in which the pupil is enrolled, or an employee or agent thereof, that is in addition to those duties otherwise required in the course of service or employment.

5. If a pupil is granted authorization pursuant to this section to self-administer medication, the board of trustees of the school district, the school district and the public school in which the pupil is enrolled, and any employee or agent thereof, are immune from liability for the injury to or death of:

(a) The pupil as a result of self-administration of a medication pursuant to this section or the failure of the pupil to self-administer such a medication; and

(b) Any other person as a result of exposure to or injury caused by needles, medical devices or other medical waste from the self-administration of medication by a pupil pursuant to this section.

6. Upon receipt of a request that complies with subsection 3, the principal or, if applicable, the school nurse of the public school in which a pupil is enrolled shall provide written authorization for the pupil to carry and self-administer medication to treat his or her asthma, anaphylaxis or diabetes while the pupil is on the grounds of a public school, participating in an activity sponsored by a public school or on a school bus. The written authorization must be filed with the principal or, if applicable, the school nurse of the public school in which the pupil is enrolled and must include:

(a) The name and purpose of the medication which the pupil is authorized to self-administer;

(b) The prescribed dosage and the duration of the prescription;

(c) The times or circumstances, or both, during which the medication is required or recommended for self-administration;

(d) The side effects that may occur from an administration of the medication;

(e) The name and telephone number of the pupil's physician and the name and telephone number of the person to contact in the case of a medical emergency concerning the pupil; and

(f) The procedures for the handling and disposal of needles, medical devices and other medical waste.

7. The written authorization provided pursuant to subsection 6 is valid for 1 school year. If a parent or legal guardian submits a written request that complies with subsection 3, the principal or, if applicable, the school nurse of the public school in which the pupil is enrolled shall renew and, if necessary, revise the written authorization.

8. If a parent or legal guardian of a pupil who is authorized pursuant to this section to carry medication on his or her person provides to the principal or, if applicable, the school nurse of the public school in which the pupil is enrolled doses of the medication in addition to the dosage that the pupil carries on his or her person, the principal or, if applicable, the school nurse shall ensure that the additional medication is:

(a) Stored on the premises of the public school in a location that is secure; and

(b) Readily available if the pupil experiences an asthmatic attack, anaphylactic shock or diabetic episode during school hours.

9. As used in this section:

(a) "Medication" means any medicine prescribed by a physician for the treatment of anaphylaxis, asthma or diabetes, including, without limitation, asthma inhalers, auto-injectable epinephrine and insulin.

(b) "Physician" means a person who is licensed to practice medicine pursuant to [chapter 630](#) of NRS or osteopathic medicine pursuant to [chapter 633](#) of NRS.

(c) "Self-administer" means the auto-administration of a medication pursuant to the prescription for the medication or written directions for such a medication.

(Added to NRS by [2005, 85](#); A [2015, 524](#))

NRS 392.430 Sanitation and prevention of diseases: Authority of board of trustees of school districts and governing bodies of charter schools.

1. Except as otherwise provided in subsection 2, the board of trustees of a school district may:

(a) Adopt and enforce regulations that are necessary for sanitation in the public schools and for the prevention of the spread of contagious and infectious diseases therein.

(b) Spend money available in the school district to enforce the regulations among indigent children.

2. The governing body of a charter school may:

(a) Adopt and enforce rules that are necessary for sanitation in the charter school and for the prevention of contagious and infectious diseases; and

(b) Spend money to enforce the rules among indigent children.

[403:32:1956] — (NRS A [1997, 1875](#))

NRS 392.435 Immunization of pupils: Certificate prerequisite to enrollment; conditional enrollment; effect of military transfer of parent of child; consequences for failure to immunize; report to Division of Public and Behavioral Health; inclusion of certificate in pupil's record.

1. Unless excused because of religious belief or medical condition and except as otherwise provided in subsection 5, a child may not be enrolled in a public school within this State unless the child's parents or guardian submit to the board of trustees of the school district in which the child resides or the governing body of the charter school in which the child has been accepted for enrollment a certificate stating that the child has been immunized and has received proper boosters for that immunization or is complying with the schedules established by regulation pursuant to [NRS 439.550](#) for the following diseases:

(a) Diphtheria;

(b) Tetanus;

(c) Pertussis if the child is under 6 years of age;

(d) Poliomyelitis;

(e) Rubella;

(f) Rubeola; and

(g) Such other diseases as the local board of health or the State Board of Health may determine.

2. The certificate must show that the required vaccines and boosters were given and must bear the signature of a licensed physician or the physician's designee or a registered nurse or the nurse's designee, attesting that the certificate accurately reflects the child's record of immunization.

3. If the requirements of subsection 1 can be met with one visit to a physician or clinic, procedures for conditional enrollment do not apply.

4. A child may enter school conditionally if the parent or guardian submits a certificate from a physician or local health officer that the child is receiving the required immunizations. If a certificate from the physician or local health officer showing that the child has been fully immunized is not submitted to the appropriate school officers within 90 school days, or its equivalent in a school district operating under an alternative schedule authorized pursuant to [NRS 388.090](#), after the child was conditionally admitted, the child must be excluded from school and may not be readmitted until the requirements for immunization have been met. A child who is excluded from school pursuant to this section is a neglected child for the purposes of [NRS 432.0999](#) to [432.130](#), inclusive, and [chapter 432B](#) of NRS.

5. A child who transfers to a school in this State from a school outside this State because of the military transfer of the parent or legal guardian of the child must be enrolled in school in this State regardless of whether the child has been immunized. Unless a different time frame is prescribed pursuant to [NRS 388F.010](#), the parent or legal guardian shall submit a certificate from a physician or local health officer showing that the child:

(a) If the requirements of subsection 1 can be met with one visit to a physician or clinic, has been fully immunized within 30 school days, or its equivalent in a school district operating under an alternative schedule authorized pursuant to [NRS 388.090](#), after the child was enrolled; or

(b) If the requirements of subsection 1 cannot be met with one visit to a physician or clinic, is receiving the required immunizations within 30 school days, or its equivalent in a school district operating under an alternative schedule authorized pursuant to [NRS 388.090](#), after the

child was enrolled. A certificate from the physician or local health officer showing that the child has been fully immunized must be submitted to the appropriate school officers within 120 school days, or its equivalent in a school district operating under an alternative schedule authorized pursuant to [NRS 388.090](#), after the child was enrolled.

↳ If the parent or legal guardian fails to submit the documentation required pursuant to this subsection, the child must be excluded from school and may not be readmitted until the requirements for immunization have been met. A child who is excluded from school pursuant to this section is a neglected child for the purposes of [NRS 432.0999](#) to [432.130](#), inclusive, and [chapter 432B](#) of NRS.

6. Before December 31 of each year, each school district and the governing body of each charter school shall report to the Division of Public and Behavioral Health of the Department of Health and Human Services, on a form furnished by the Division, the exact number of pupils who have completed the immunizations required by this section.

7. The certificate of immunization must be included in the pupil's academic or cumulative record and transferred as part of that record upon request.

(Added to NRS by [1971, 1040](#); A [1973, 267](#); [1975, 1324](#); [1979, 314](#); [1985, 1400](#); [1987, 1334](#); [1995, 807](#); [1997, 1876](#); [2003, 3218](#); [2009, 2623](#))

NRS 392.437 Immunization of pupils: Exemption if prohibited by religious belief. A public school shall not refuse to enroll a child as a pupil because the child has not been immunized pursuant to [NRS 392.435](#) if the parents or guardian of the child has submitted to the board of trustees of the school district or the governing body of a charter school in which the child has been accepted for enrollment a written statement indicating that their religious belief prohibits immunization of such child or ward.

(Added to NRS by [1971, 1040](#); A [1997, 1876](#))

NRS 392.439 Immunization of pupils: Exemption if prevented by medical condition. If the medical condition of a child will not permit the child to be immunized to the extent required by [NRS 392.435](#) and a written statement of this fact is signed by a licensed physician and by the parents or guardian of the child, the board of trustees of the school district or governing body of the charter school in which the child has been accepted for enrollment shall exempt the child from all or part of the provisions of [NRS 392.435](#), as the case may be, for enrollment purposes.

(Added to NRS by [1971, 1040](#); A [1997, 1877](#))

NRS 392.443 Immunization of pupils: Additional requirements imposed after enrollment; additional certificate required. If, after a child has been enrolled in a public school and before registration for any subsequent school year additional immunization requirements are provided by law, the child's parents or guardian shall submit an additional certificate or certificates to the board of trustees or the governing body of the charter school in which the child is enrolled stating that the child has met the new immunization requirements.

(Added to NRS by [1971, 1041](#); A [1997, 1877](#))

NRS 392.446 Immunization of pupils: Protection of child exempt from immunization if dangerous disease exists in school. Whenever the State Board of Health or a local board of health determines that there is a dangerous contagious disease in a public school attended by a child for whom exemption from immunization is claimed pursuant to the provisions of [NRS 392.437](#) or [392.439](#), the board of trustees of the school district or the governing body of the charter school in which the child is enrolled shall require either:

1. That the child be immunized; or
2. That the child remain outside the school environment and the local health officer be notified.

(Added to NRS by [1979, 314](#); A [1997, 1877](#))

NRS 392.448 Immunization of pupils: Penalty for refusal to remove child from school when required by law. Any parent or guardian who refuses to remove his or her child from the public school in which the child is enrolled when retention in school is prohibited under the provisions of [NRS 392.435](#), [392.443](#) or [392.446](#) is guilty of a misdemeanor.

(Added to NRS by [1979, 314](#))

NRS 392.450 Drills to instruct pupils in appropriate procedures to be followed in event of emergency; posting of escape routes; enforcement; penalty.

1. The board of trustees of each school district and the governing body of each charter school shall provide drills for the pupils in the schools in the school district or the charter schools at least once each month during the school year to instruct those pupils in the appropriate procedures to be followed in the event of a fire or other emergency, except a crisis governed by [NRS 388.229](#) to [388.261](#), inclusive. Not more than three of those drills may include instruction in the appropriate procedures to be followed in the event of a chemical explosion, related emergencies and other natural disasters.

2. In all cities or towns which have regularly organized, paid fire departments or voluntary fire departments, the drills required by subsection 1 must be conducted under the supervision of the:

(a) Person designated for this purpose by the board of trustees of the school district or the governing body of a charter school; and

(b) Chief of the fire department of the city or town.

3. A diagram of the approved escape route and any other information related to the drills required by subsection 1 which is approved by the chief of the fire department or, if there is no fire department, the State Fire Marshal must be kept posted in every classroom of every public school by the principal or teacher in charge thereof.

4. The principal, teacher or other person in charge of each school building shall cause the provisions of this section to be enforced.

5. Any violation of the provisions of this section is a misdemeanor.

[405:32:1956] — (NRS A [1971, 152](#); [1993, 112](#); [1997, 1877](#); [2001, 1329](#))

NRS 392.452 Adoption of policy by school district for prevention and treatment of injuries to the head which may occur during participation in competitive sports; requirements of policy; annual acknowledgment of policy by parent and pupil.

1. For those competitive sports not governed by the Nevada Interscholastic Activities Association pursuant to [chapter 385B](#) of NRS, the board of trustees of each school district shall adopt a policy concerning the prevention and treatment of injuries to the head which may occur during a pupil's participation in competitive sports within the school district, including, without limitation, a concussion of the brain. To the extent practicable, the policy must be consistent with the policy adopted by the Nevada Interscholastic Activities Association pursuant to [NRS 385B.080](#). The policy must provide information concerning the nature and risk of injuries to the head which may occur during a pupil's participation in competitive sports, including, without limitation, the risks associated with continuing to participate in competitive sports after sustaining such an injury.

2. The policy adopted pursuant to subsection 1 must require that if a pupil sustains or is suspected of sustaining an injury to the head while participating in competitive sports, the pupil:

(a) Must be immediately removed from the competitive sport; and

(b) May return to the competitive sport if the parent or legal guardian of the pupil provides a signed statement of a provider of health care indicating that the pupil is medically cleared for participation in the competitive sport and the date on which the pupil may return to the competitive sport.

3. Before a pupil participates in competitive sports within a school district, and on an annual basis thereafter, the pupil and his or her parent or legal guardian:

(a) Must be provided with a copy of the policy adopted pursuant to subsection 1; and

(b) Must sign a statement on a form prescribed by the board of trustees acknowledging that the pupil and his or her parent or guardian have read and understand the terms and conditions of the policy.

4. As used in this section, "provider of health care" means a physician licensed under [chapter 630](#) or [633](#) of NRS, a physical therapist licensed under [chapter 640](#) of NRS or an athletic trainer licensed under [chapter 640B](#) of NRS.

(Added to NRS by [2011, 785](#))

NRS 392.455 Devices for protection of eyes required in certain classes.

1. If a school district or a charter school has established a program in career and technical education, the teachers and pupils in classes provided pursuant to the program must wear devices provided by the school district or the charter school which are designed to protect their eyes while they are using power tools, torches or other dangerous equipment or machinery.

2. The teachers and pupils in classes in science must wear devices provided by the school district which are designed to protect their eyes when chemicals or toxic substances are used in those classes.

(Added to NRS by [1989, 185](#); A [1997, 1878](#); [2005, 1052](#))

BEHAVIOR AND DISCIPLINE

General Provisions

NRS 392.461 Code of honor relating to cheating; contents; distribution.

1. The Department shall prescribe by regulation a written policy that establishes a code of honor for pupils relating to cheating on examinations and course work. The policy must be developed in consultation with the boards of trustees of school districts, the governing bodies of charter schools, educational personnel employed by school districts and charter schools, and local associations and organizations of parents whose children are enrolled in public schools throughout this State.

2. The policy must include, without limitation, a definition of cheating that clearly and concisely informs pupils which acts constitute cheating for purposes of the code of honor.

3. On or before July 1 of each year, the Department shall:

(a) Provide a copy of the code of honor to the board of trustees of each school district and the governing body of each charter school.

(b) Review and amend the code of honor as necessary.

4. Copies of the code of honor must be made available for inspection at each public school located within a school district, including, without limitation, each charter school, in an area on the grounds of the school that is open to the public.

5. Each classroom teacher shall:

(a) Distribute the code of honor to each pupil enrolled in the teacher's class and to the parent or legal guardian of each pupil enrolled in his or her class at the beginning of each school year or upon a pupil's enrollment in the teacher's class, as applicable;

(b) Provide the pupil and the parent or legal guardian of the pupil with a reasonable opportunity to sign the code of honor; and

(c) If the code of honor is returned with the signatures, retain a copy of the signed code of honor in the pupil's file.

(Added to NRS by [2005, 1661](#); A [2007, 2916](#))

NRS 392.463 Adoption of plan to ensure public schools are safe and free of controlled substances; written rules of behavior and punishments; distribution of plan and rules to pupils; availability for inspection.

1. Each school district shall adopt a plan to ensure that the public schools within the school district are safe and free of controlled substances. The plan must comply with the Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101 et seq.

2. Each school district shall prescribe written rules of behavior required of and prohibited for pupils attending school within their district and shall prescribe appropriate punishments for violations of the rules. If suspension or expulsion is used as a punishment for a violation of the rules, the school district shall follow the procedures in [NRS 392.467](#).

3. A copy of the plan adopted pursuant to subsection 1 and the rules of behavior, prescribed punishments and procedures to be followed in imposing punishments prescribed pursuant to subsection 2 must be distributed to each pupil at the beginning of the school year and to each new pupil who enters school during the year. Copies must also be made available for inspection at each school located in that district in an area on the grounds of the school which is open to the public.

(Added to NRS by [1985, 350](#); A [2003, 19th Special Session, 80](#))

NRS 392.4633 Corporal punishment prohibited; report of violation; forwarding of complaint if determined to be substantiated.

1. Corporal punishment must not be administered upon a pupil in any public school.
 2. Subsection 1 does not prohibit any teacher, principal or other licensed person from defending himself or herself if attacked by a pupil.
 3. A person may report the use of corporal punishment on a pupil to the agency which provides child welfare services in the county in which the school district is located. If the agency determines that the complaint is substantiated, the agency shall forward the complaint to the Department, the appropriate local law enforcement agency within the county and the district attorney's office within the county for further investigation.
 4. As used in this section:
 - (a) "Agency which provides child welfare services" has the meaning ascribed to it in [NRS 432B.030](#).
 - (b) "Corporal punishment" means the intentional infliction of physical pain upon or the physical restraint of a pupil for disciplinary purposes. The term does not include the use of reasonable and necessary force:
 - (1) To quell a disturbance that threatens physical injury to any person or the destruction of property;
 - (2) To obtain possession of a weapon or other dangerous object within a pupil's control;
 - (3) For the purpose of self-defense or the defense of another person; or
 - (4) To escort a disruptive pupil who refuses to go voluntarily with the proper authorities.
- (Added to NRS by 1960, 60; A [1979, 1616](#); [1987, 1013](#); [1993, 2622](#); [2009, 921](#))

NRS 392.4634 Prohibition against disciplining certain pupils for simulating firearm or dangerous weapon or wearing clothing or accessories that depict firearm or dangerous weapon; exceptions; prohibition against adoption of conflicting policy, ordinance or regulation.

1. Except as otherwise provided in subsection 3, a pupil enrolled in kindergarten or grades 1 to 8, inclusive, may not be disciplined, including, without limitation, pursuant to [NRS 392.466](#), for:
 - (a) Simulating a firearm or dangerous weapon while playing; or
 - (b) Wearing clothing or accessories that depict a firearm or dangerous weapon or express an opinion regarding a constitutional right to keep and bear arms, unless it substantially disrupts the educational environment.
2. Simulating a firearm or dangerous weapon includes, without limitation:
 - (a) Brandishing a partially consumed pastry or other food item to simulate a firearm or dangerous weapon;
 - (b) Possessing a toy firearm or toy dangerous weapon that is 2 inches or less in length;
 - (c) Possessing a toy firearm or toy dangerous weapon made of plastic building blocks which snap together;
 - (d) Using a finger or hand to simulate a firearm or dangerous weapon;
 - (e) Drawing a picture or possessing an image of a firearm or dangerous weapon; and
 - (f) Using a pencil, pen or other writing or drawing implement to simulate a firearm or dangerous weapon.
3. A pupil who simulates a firearm or dangerous weapon may be disciplined when disciplinary action is consistent with a policy adopted by the board of trustees of the school district and such simulation:
 - (a) Substantially disrupts learning by pupils or substantially disrupts the educational environment at the school;
 - (b) Causes bodily harm to another person; or
 - (c) Places another person in reasonable fear of bodily harm.
4. Except as otherwise provided in subsection 5, a school, school district, board of trustees of a school district or other entity shall not adopt any policy, ordinance or regulation which conflicts with this section.

5. The provisions of this section shall not be construed to prohibit a school from establishing and enforcing a policy requiring pupils to wear a school uniform as authorized pursuant to [NRS 386.855](#).

6. As used in this section:

(a) "Dangerous weapon" has the meaning ascribed to it in paragraph (b) of subsection 9 of [NRS 392.466](#).

(b) "Firearm" has the meaning ascribed to it in paragraph (c) of subsection 9 of [NRS 392.466](#).

(Added to NRS by [2015, 2026](#))

NRS 392.4635 Policy for prohibition of activities of criminal gangs on school property.

1. The board of trustees of each school district shall establish a policy that prohibits the activities of criminal gangs on school property.

2. The policy established pursuant to subsection 1 may include, without limitation:

(a) The provision of training for the prevention of the activities of criminal gangs on school property.

(b) If the policy includes training:

(1) A designation of the grade levels of the pupils who must receive the training.

(2) A designation of the personnel who must receive the training, including, without limitation, personnel who are employed in schools at the grade levels designated pursuant to subparagraph (1).

↳ The board of trustees of each school district shall ensure that the training is provided to the pupils and personnel designated in the policy.

(c) Provisions which prohibit:

(1) A pupil from wearing any clothing or carrying any symbol on school property that denotes membership in or an affiliation with a criminal gang; and

(2) Any activity that encourages participation in a criminal gang or facilitates illegal acts of a criminal gang.

(d) Provisions which provide for the suspension or expulsion of pupils who violate the policy.

3. The board of trustees of each school district may develop the policy required pursuant to subsection 1 in consultation with:

(a) Local law enforcement agencies;

(b) School police officers, if any;

(c) Persons who have experience regarding the actions and activities of criminal gangs;

(d) Organizations which are dedicated to alleviating criminal gangs or assisting members of criminal gangs who wish to disassociate from the gang; and

(e) Any other person deemed necessary by the board of trustees.

4. As used in this section, "criminal gang" has the meaning ascribed to it in [NRS 213.1263](#).

(Added to NRS by [1995, 1426](#); A [2009, 1195](#))

NRS 392.4637 Policy concerning use and possession of pagers, cellular telephones and other electronic devices.

1. The board of trustees of each school district shall adopt a policy concerning the use and possession by pupils of a pager, cellular telephone or any other similar electronic device used for communication while on the premises of a public school or while at an activity sponsored by a public school.

2. The policy adopted pursuant to subsection 1 must:

(a) Prescribe appropriate measures for disciplining a pupil who violates the policy.

(b) Be included within each copy of the rules of behavior for pupils that the school district provides to pupils pursuant to [NRS 392.463](#).

(Added to NRS by [2003, 493](#))

NRS 392.4638 Board of trustees authorized to adopt policy for pupils to report unlawful activity being conducted on school property, activity sponsored by public school or on school bus.

1. The board of trustees of each school district may adopt a policy that allows a pupil enrolled in a public school within the school district to report, anonymously if the pupil chooses, any unlawful activity which is being conducted on school property, at an activity sponsored by a public school or on a school bus. The policy may include, without limitation:

- (a) The types of unlawful activities which a pupil may report; and
- (b) The manner in which a pupil may report the unlawful activities.

2. The board of trustees of a school district may work in consultation with a local law enforcement agency or other governmental entity, corporation, business, organization or other entity to assist the board of trustees in the implementation of a policy adopted pursuant to subsection 1.

3. If the board of trustees of a school district adopts a policy pursuant to subsection 1, each public school within the school district shall post prominently in various locations at the school the policy adopted pursuant to subsection 1, which must clearly denote the phone number and any other methods by which a report may be made. If a public school maintains an Internet website for the school, the policy must also be posted on the school's website.

4. If the board of trustees of a school district adopts a policy pursuant to subsection 1, the board of trustees shall post the policy on the Internet website maintained by the school district.

(Added to NRS by [2011, 648](#))

NRS 392.464 Adoption and enforcement by trustees of disciplinary measures for pupil in possession of alcoholic beverage or controlled substance on premises of school.

1. The board of trustees of each school district shall adopt and enforce measures for disciplining any pupil who is found in possession of an alcoholic beverage or a controlled substance, while on the premises of any public school in its district.

2. As used in this section, "alcoholic beverage" has the meaning ascribed to it in [NRS 202.015](#).

(Added to NRS by [1985, 1649](#); A [1987, 482, 1550, 1576](#))

Temporary Alternative Placement

NRS 392.4642 "Principal" defined. As used in [NRS 392.4642](#) to [392.4648](#), inclusive, unless the context otherwise requires, "principal" means the principal of a school or the principal's designee.

(Added to NRS by [1999, 3185](#))

NRS 392.4643 Actions taken against pupils with disabilities. An action must not be taken pursuant to the provisions of [NRS 392.4642](#) to [392.4648](#), inclusive, against a pupil with a disability who is participating in a program of special education pursuant to [NRS 388.417](#) to [388.469](#), inclusive, unless the action complies with:

1. The Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.;
2. The Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.;
3. Title V of the Rehabilitation Act of 1973, 29 U.S.C. §§ 791 et seq.;
4. Any other federal law applicable to children with disabilities; and
5. The procedural policy adopted by the board of trustees of the school district for such matters.

(Added to NRS by [1999, 3188](#))

NRS 392.4644 Plan for progressive discipline and on-site review of disciplinary decisions; annual review and revision of plan; posting and availability of plan; written reports by superintendent of schools, board of trustees and Superintendent of Public Instruction concerning compliance with section.

1. The principal of each public school shall establish a plan to provide for the progressive discipline of pupils and on-site review of disciplinary decisions. The plan must:

(a) Be developed with the input and participation of teachers and other educational personnel and support personnel who are employed at the school, and the parents and guardians of pupils who are enrolled in the school.

(b) Be consistent with the written rules of behavior prescribed in accordance with [NRS 392.463](#).

(c) Include, without limitation, provisions designed to address the specific disciplinary needs and concerns of the school.

(d) Provide for the temporary removal of a pupil from a classroom in accordance with [NRS 392.4645](#).

2. On or before October 1 of each year, the principal of each public school shall:

(a) Review the plan in consultation with the teachers and other educational personnel and support personnel who are employed at the school;

(b) Based upon the review, make revisions to the plan, as recommended by the teachers and other educational personnel and support personnel, if necessary; and

(c) Post a copy of the plan or the revised plan, as applicable, in a prominent place at the school for public inspection and otherwise make the plan available for public inspection at the administrative office of the school.

3. On or before October 1 of each year, the principal of each public school shall submit a copy of the plan established pursuant to subsection 1 or a revised plan, if applicable, to the superintendent of schools of the school district. On or before November 1 of each year, the superintendent of schools of each school district shall submit a report to the board of trustees of the school district that includes:

(a) A compilation of the plans submitted pursuant to this subsection by each school within the school district.

(b) The name of each principal, if any, who has not complied with the requirements of this section.

4. On or before November 30 of each year, the board of trustees of each school district shall submit a written report to the Superintendent of Public Instruction based upon the compilation submitted pursuant to subsection 3 that reports the progress of each school within the district in complying with the requirements of this section.

5. On or before December 31 of each year, the Superintendent of Public Instruction shall submit a written report to the Director of the Legislative Counsel Bureau concerning the progress of the schools and school districts throughout this state in complying with this section. If the report is submitted during:

(a) An even-numbered year, the Director of the Legislative Counsel Bureau shall transmit it to the next regular session of the Legislature.

(b) An odd-numbered year, the Director of the Legislative Counsel Bureau shall transmit it to the Legislative Committee on Education.

(Added to NRS by [1999, 3185](#); A [2003, 3382](#))

NRS 392.4645 Removal of pupil from classroom: Notice; assignment to temporary alternative placement; exceptions.

1. The plan established pursuant to [NRS 392.4644](#) must provide for the temporary removal of a pupil from a classroom if, in the judgment of the teacher, the pupil has engaged in behavior that seriously interferes with the ability of the teacher to teach the other pupils in the classroom and with the ability of the other pupils to learn. The plan must provide that, upon the removal of a pupil from a classroom pursuant to this section, the principal of the school shall provide an explanation of the reason for the removal of the pupil to the pupil and offer the pupil an opportunity to respond to the explanation. Within 24 hours after the removal of a pupil pursuant to this section, the principal of the school shall notify the parent or legal guardian of the pupil of the removal.

2. Except as otherwise provided in subsection 3, a pupil who is removed from a classroom pursuant to this section must be assigned to a temporary alternative placement pursuant to which the pupil:

(a) Is separated, to the extent practicable, from pupils who are not assigned to a temporary alternative placement;

(b) Studies under the supervision of appropriate personnel of the school district; and

(c) Is prohibited from engaging in any extracurricular activity sponsored by the school.

3. The principal shall not assign a pupil to a temporary alternative placement if the suspension or expulsion of a pupil who is removed from the classroom pursuant to this section is:

(a) Required by [NRS 392.466](#); or

(b) Authorized by [NRS 392.467](#) and the principal decides to proceed in accordance with that section.

↪ If the principal proceeds in accordance with [NRS 392.466](#) or [392.467](#), the pupil must be removed from school in accordance with those sections and the provisions of [NRS 392.4642](#) to [392.4648](#), inclusive, do not apply to the pupil.

(Added to NRS by [1999, 3185](#))

NRS 392.4646 Removal of pupil from classroom: Conference; recommendation of principal.

1. Except as otherwise provided in this section, not later than 3 school days after a pupil is removed from a classroom pursuant to [NRS 392.4645](#), a conference must be held with:

(a) The pupil;

(b) A parent or legal guardian of the pupil;

(c) The principal of the school; and

(d) The teacher who removed the pupil.

↪ The principal shall give an oral or written notice of the conference, as appropriate, to each person who is required to participate.

2. After receipt of the notice required pursuant to subsection 1, the parent or legal guardian of the pupil may, not later than 3 school days after the removal of the pupil, request that the date of the conference be postponed. The principal shall accommodate such a request. If the date of the conference is postponed pursuant to this subsection, the principal shall send written notice to the parent or legal guardian confirming that the conference has been postponed at the request of the parent or legal guardian.

3. If a parent or legal guardian of a pupil refuses to attend a conference, the principal of the school shall send a written notice to the parent or legal guardian confirming that the parent or legal guardian has waived the right to a conference provided by this section and authorized the principal to recommend the placement of the pupil pursuant to subsection 6.

4. Except as otherwise provided in this subsection, a pupil must not return to the classroom from which the pupil was removed before the conference is held. If the conference is not held within 3 school days after the removal of the pupil, the pupil must be allowed to return to the classroom unless:

(a) The parent or legal guardian of the pupil refuses to attend the conference;

(b) The failure to hold a conference is attributed to the action or inaction of the pupil or the parent or legal guardian of the pupil; or

(c) The parent or legal guardian requested that the date of the conference be postponed.

5. During the conference, the teacher who removed the pupil from the classroom or the principal shall provide the pupil and the pupil's parent or legal guardian with an explanation of the reason for the removal of the pupil from the classroom. The pupil and the pupil's parent or legal guardian must be granted an opportunity to respond to the explanation of the pupil's behavior and to indicate whether the removal of the pupil from the classroom was appropriate in their opinion based upon the behavior of the pupil.

6. Upon conclusion of the conference or, if a conference is not held pursuant to subsection 3 not later than 3 school days after the removal of a pupil from a classroom, the principal shall recommend whether to return the pupil to the classroom or continue the temporary alternative placement of the pupil.

(Added to NRS by [1999, 3186](#))

NRS 392.4647 Establishment of committee to review temporary alternative placement of pupils.

1. The principal of each public school shall establish at least one committee to review the temporary alternative placement of pupils. A committee established pursuant to this section must consist of the principal and two regular members who are teachers selected for membership by a majority of the teachers who are employed at the school. One additional teacher must be selected in the same manner to serve as an alternate member.

2. If a pupil is removed from the classroom pursuant to [NRS 392.4645](#) by a teacher who is a member of a committee established pursuant to this section, the teacher shall not participate in the review of the placement of the pupil and the alternate member shall serve on the committee for that review.

(Added to NRS by [1999, 3187](#))

NRS 392.4648 Powers and duties of committee to review temporary alternative placement of pupils. If, in accordance with subsection 6 of [NRS 392.4646](#), the principal recommends that a pupil be returned to the classroom from which the pupil was removed and the teacher who removed the pupil does not agree with the recommendation, the principal shall continue the temporary alternative placement of the pupil and shall immediately convene a meeting of the committee created pursuant to [NRS 392.4647](#). The principal shall inform the parent or legal guardian of the pupil that the committee will be conducting a meeting. The committee shall review the circumstances of the pupil's removal from the classroom and the pupil's behavior that caused the pupil to be removed from the classroom. Based upon its review, the committee shall assess the best placement available for the pupil and shall, without limitation:

1. Direct that the pupil be returned to the classroom from which he or she was removed;
2. Assign the pupil to another appropriate classroom;
3. Assign the pupil to an alternative program of education, if available;
4. Recommend the suspension or expulsion of the pupil in accordance with [NRS 392.467](#);

or

5. Take any other appropriate disciplinary action against the pupil that the committee deems necessary.

(Added to NRS by [1999, 3187](#))

Habitual Disciplinary Problem; Suspension and Expulsion

NRS 392.4655 Conditions under which pupil deemed habitual disciplinary problem; plan of behavior to prevent pupil from being deemed habitual disciplinary problem; appeal by parent or guardian concerning content of plan or action taken pursuant to plan.

1. Except as otherwise provided in this section, a principal of a school shall deem a pupil enrolled in the school a habitual disciplinary problem if the school has written evidence which documents that in 1 school year:

(a) The pupil has threatened or extorted, or attempted to threaten or extort, another pupil or a teacher or other personnel employed by the school two or more times or the pupil has a record of five suspensions from the school for any reason; and

(b) The pupil has not entered into and participated in a plan of behavior pursuant to subsection 5.

2. At least one teacher of a pupil who is enrolled in elementary school and at least two teachers of a pupil who is enrolled in junior high, middle school or high school may request that the principal of the school deem a pupil a habitual disciplinary problem. Upon such a request, the principal of the school shall meet with each teacher who made the request to review the pupil's record of discipline. If, after the review, the principal of the school determines that the provisions of subsection 1 do not apply to the pupil, a teacher who submitted a request pursuant to this subsection may appeal that determination to the board of trustees of the school district. Upon receipt of such a request, the board of trustees shall review the initial request and determination pursuant to the procedure established by the board of trustees for such matters.

3. If a pupil is suspended, the school in which the pupil is enrolled shall provide written notice to the parent or legal guardian of the pupil that contains:

(a) A description of the act committed by the pupil and the date on which the act was committed;

(b) An explanation that if the pupil receives five suspensions on his or her record during the current school year and has not entered into and participated in a plan of behavior pursuant to subsection 5, the pupil will be deemed a habitual disciplinary problem;

(c) An explanation that, pursuant to subsection 3 of [NRS 392.466](#), a pupil who is deemed a habitual disciplinary problem may be:

(1) Suspended from school for a period not to exceed one school semester as determined by the seriousness of the acts which were the basis for the discipline; or

(2) Expelled from school under extraordinary circumstances as determined by the principal of the school;

(d) If the pupil has a disability and is participating in a program of special education pursuant to [NRS 388.419](#), an explanation of the effect of subsection 8 of [NRS 392.466](#), including, without limitation, that if it is determined in accordance with 20 U.S.C. § 1415 that the pupil's behavior is not a manifestation of the pupil's disability, he or she may be suspended or expelled from school in the same manner as a pupil without a disability; and

(e) A summary of the provisions of subsection 5.

4. A school shall provide the notice required by subsection 3 for each suspension on the record of a pupil during a school year. Such notice must be provided at least 7 days before the school deems the pupil a habitual disciplinary problem.

5. If a pupil is suspended, the school in which the pupil is enrolled may develop, in consultation with the pupil and the parent or legal guardian of the pupil, a plan of behavior for the pupil. Such a plan must be designed to prevent the pupil from being deemed a habitual disciplinary problem and may include, without limitation:

(a) A plan for graduating if the pupil is deficient in credits and not likely to graduate according to schedule.

(b) Information regarding schools with a mission to serve pupils who have been:

(1) Expelled or suspended from a public school, including, without limitation, a charter school; or

(2) Deemed to be a habitual disciplinary problem pursuant to this section.

(c) A voluntary agreement by the parent or legal guardian to attend school with his or her child.

(d) A voluntary agreement by the pupil and the pupil's parent or legal guardian to attend counseling, programs or services available in the school district or community.

(e) A voluntary agreement by the pupil and the pupil's parent or legal guardian that the pupil will attend summer school, intersession school or school on Saturday, if any of those alternatives are offered by the school district.

6. If a pupil commits the same act for which notice was provided pursuant to subsection 3 after he or she enters into a plan of behavior pursuant to subsection 5, the pupil shall be deemed to have not successfully completed the plan of behavior and may be deemed a habitual disciplinary problem.

7. A pupil may, pursuant to the provisions of this section, enter into one plan of behavior per school year.

8. The parent or legal guardian of a pupil who has entered into a plan of behavior with a school pursuant to this section may appeal to the board of trustees of the school district a determination made by the school concerning the contents of the plan of behavior or action taken by the school pursuant to the plan of behavior. Upon receipt of such a request, the board of trustees of the school district shall review the determination in accordance with the procedure established by the board of trustees for such matters.

(Added to NRS by [1997, 2489](#); A [1999, 2110](#); [2015, 424, 2034](#))

NRS 392.4657 Conditions under which pupil deemed suspended. A pupil shall be deemed suspended from school if the school in which the pupil is enrolled:

1. Prohibits the pupil from attending school for 3 or more consecutive days; and

2. Requires a conference or some other form of communication with the parent or legal guardian of the pupil before the pupil is allowed to return to school.

(Added to NRS by [1999, 2110](#))

NRS 392.466 Suspension or expulsion of pupil for battery on employee of school, possession of firearm or dangerous weapon, sale or distribution of controlled substance or status as habitual disciplinary problem; modification to suspension or expulsion requirement; limitations for pupils with disabilities.

1. Except as otherwise provided in this section, any pupil who commits a battery which results in the bodily injury of an employee of the school or who sells or distributes any controlled substance while on the premises of any public school, at an activity sponsored by a public school or on any school bus must, for the first occurrence, be suspended or expelled from that school, although the pupil may be placed in another kind of school, for at least a period equal to one semester for that school. For a second occurrence, the pupil must be permanently expelled from that school and:

(a) Enroll in a private school pursuant to [chapter 394](#) of NRS, become an opt-in child or be homeschooled; or

(b) Enroll in a program of independent study provided pursuant to [NRS 389.155](#) for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to [NRS 388.820](#) to [388.874](#), inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.

2. Except as otherwise provided in this section, any pupil who is found in possession of a firearm or a dangerous weapon while on the premises of any public school, at an activity sponsored by a public school or on any school bus must, for the first occurrence, be expelled from the school for a period of not less than 1 year, although the pupil may be placed in another kind of school for a period not to exceed the period of the expulsion. For a second occurrence, the pupil must be permanently expelled from the school and:

(a) Enroll in a private school pursuant to [chapter 394](#) of NRS, become an opt-in child or be homeschooled; or

(b) Enroll in a program of independent study provided pursuant to [NRS 389.155](#) for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to [NRS 388.820](#) to [388.874](#), inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.

3. Except as otherwise provided in this section, if a pupil is deemed a habitual disciplinary problem pursuant to [NRS 392.4655](#), the pupil may be:

(a) Suspended from the school for a period not to exceed one school semester as determined by the seriousness of the acts which were the basis for the discipline; or

(b) Expelled from the school under extraordinary circumstances as determined by the principal of the school.

4. If the pupil is expelled, or the period of the pupil's suspension is for one school semester, the pupil must:

(a) Enroll in a private school pursuant to [chapter 394](#) of NRS, become an opt-in child or be homeschooled; or

(b) Enroll in a program of independent study provided pursuant to [NRS 389.155](#) for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to [NRS 388.820](#) to [388.874](#), inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.

5. The superintendent of schools of a school district may, for good cause shown in a particular case in that school district, allow a modification to the suspension or expulsion requirement, as applicable, of subsection 1, 2 or 3 if such modification is set forth in writing.

6. This section does not prohibit a pupil from having in his or her possession a knife or firearm with the approval of the principal of the school. A principal may grant such approval only in accordance with the policies or regulations adopted by the board of trustees of the school district.

7. Any pupil in grades 1 to 6, inclusive, except a pupil who has been found to have possessed a firearm in violation of subsection 2, may be suspended from school or permanently expelled from school pursuant to this section only after the board of trustees of the school district has reviewed the circumstances and approved this action in accordance with the procedural policy adopted by the board for such issues.

8. A pupil who is participating in a program of special education pursuant to [NRS 388.419](#), other than a pupil who receives early intervening services, may, in accordance with the procedural policy adopted by the board of trustees of the school district for such matters, be:

(a) Suspended from school pursuant to this section for not more than 10 days. Such a suspension may be imposed pursuant to this paragraph for each occurrence of conduct proscribed by subsection 1.

(b) Suspended from school for more than 10 days or permanently expelled from school pursuant to this section only after the board of trustees of the school district has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.

9. As used in this section:

(a) “Battery” has the meaning ascribed to it in paragraph (a) of subsection 1 of [NRS 200.481](#).

(b) “Dangerous weapon” includes, without limitation, a blackjack, slungshot, billy, sand-club, sandbag, metal knuckles, dirk or dagger, a nunchaku or trefoil, as defined in [NRS 202.350](#), a butterfly knife or any other knife described in [NRS 202.350](#), a switchblade knife as defined in [NRS 202.265](#), or any other object which is used, or threatened to be used, in such a manner and under such circumstances as to pose a threat of, or cause, bodily injury to a person.

(c) “Firearm” includes, without limitation, any pistol, revolver, shotgun, explosive substance or device, and any other item included within the definition of a “firearm” in 18 U.S.C. § 921, as that section existed on July 1, 1995.

10. The provisions of this section do not prohibit a pupil who is suspended or expelled from enrolling in a charter school that is designed exclusively for the enrollment of pupils with disciplinary problems if the pupil is accepted for enrollment by the charter school pursuant to [NRS 388A.453](#) or [388A.456](#). Upon request, the governing body of a charter school must be provided with access to the records of the pupil relating to the pupil’s suspension or expulsion in accordance with applicable federal and state law before the governing body makes a decision concerning the enrollment of the pupil.

(Added to NRS by [1985, 1648](#); A [1987, 1550](#); [1989, 429](#); [1991, 628, 1364](#); [1993, 2161](#); [1995, 2710](#); [1997, 2489](#); [1999, 2113, 3317](#); [2001, 1022](#); [2003, 19th Special Session, 81](#); [2005, 1539](#); [2007, 1997, 3038](#); [2009, 756](#); [2015, 426, 1589, 1846, 2037](#))

NRS 392.467 Suspension or expulsion of pupil: Procedure; limitation.

1. Except as otherwise provided in subsections 4 and 5, the board of trustees of a school district may authorize the suspension or expulsion of any pupil from any public school within the school district.

2. Except as otherwise provided in subsection 5, no pupil may be suspended or expelled until the pupil has been given notice of the charges against him or her, an explanation of the evidence and an opportunity for a hearing, except that a pupil who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process or who is selling or distributing any controlled substance or is found to be in possession of a dangerous weapon as provided in [NRS 392.466](#) may be removed from the school immediately upon being given an explanation of the reasons for his or her removal and pending proceedings, to be conducted as soon as practicable after removal, for the pupil’s suspension or expulsion.

3. The provisions of [chapter 241](#) of NRS do not apply to any hearing conducted pursuant to this section. Such hearings must be closed to the public.

4. The board of trustees of a school district shall not authorize the expulsion, suspension or removal of any pupil from the public school system solely because the pupil is declared a truant or habitual truant in accordance with [NRS 392.130](#) or [392.140](#).

5. A pupil who is participating in a program of special education pursuant to [NRS 388.419](#), other than a pupil who receives early intervening services, may, in accordance with the procedural policy adopted by the board of trustees of the school district for such matters, be:

(a) Suspended from school pursuant to this section for not more than 10 days.

(b) Suspended from school for more than 10 days or permanently expelled from school pursuant to this section only after the board of trustees of the school district has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.

[362:32:1956] — (NRS A 1959, 808; [1967, 457](#); [1975, 1471](#); [1977, 609](#); [1985, 1649](#); [1989, 73](#); [1991, 1365](#); [1993, 2162](#); [2009, 758](#))

NRS 392.4675 Certain suspended or expelled pupils ineligible to attend public school; authority for school district or charter school to enroll ineligible pupil in alternative programs, independent study, distance education or charter school designated for pupils with disciplinary problems.

1. Except as otherwise provided in this section, a pupil who is suspended or expelled from:

- Any public school in this State pursuant to [NRS 392.466](#); or
- Any school outside of this State for the commission of any act which, if committed within this State, would be a ground for suspension or expulsion from public school pursuant to [NRS 392.466](#),

↪ is ineligible to attend any public school in this State during the period of that suspension or expulsion.

2. A school district or a charter school, if the charter school offers the applicable program, may allow a pupil who is ineligible to attend a public school pursuant to this section to enroll in:

- An alternative program for the education of pupils at risk of dropping out of school provided pursuant to [NRS 388.537](#);

- A program of independent study provided pursuant to [NRS 389.155](#) for pupils who have been suspended or expelled from public school;

- A program of distance education provided pursuant to [NRS 388.820](#) to [388.874](#), inclusive; or

- Any program of instruction offered pursuant to the provisions of [NRS 388.550](#),
↪ if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program. A school district or charter school may conduct an investigation of the background of any such pupil to determine if the educational needs of the pupil may be satisfied without undue disruption to the program. If an investigation is conducted, the board of trustees of the school district or the governing body of the charter school shall, based on the results of the investigation, determine if the pupil will be allowed to enroll in such a program.

3. The provisions of subsections 1 and 2 do not prohibit a pupil from enrolling in a charter school that is designed exclusively for the enrollment of pupils with disciplinary problems if the pupil is accepted for enrollment by the charter school pursuant to [NRS 388A.453](#) or [388A.456](#). Upon request, the governing body of a charter school must be provided with access to the records of the pupil relating to the pupil's suspension or expulsion in accordance with applicable federal and state law before the governing body makes a decision concerning the enrollment of the pupil.

(Added to NRS by [1993, 2306](#); A [1997, 2491](#); [2005, 1541](#); [2007, 1999](#))

UNLAWFUL ACTS

NRS 392.900 Interference with pupil attending school; penalty.

1. It is unlawful for any person, against the will of a pupil attending any public school, to beat, whip, detain or otherwise interfere with the pupil while the pupil is on his or her way to and from school.

2. Any person who violates any of the provisions of this section shall be guilty of a misdemeanor.

[407:32:1956] — (NRS A [1967, 566](#))

NRS 392.910 Assaulting pupil or school employee; interference with persons peaceably assembled within school; penalties.

1. It is unlawful for any person to assault any pupil or school employee:

- Within the building or grounds of the school;

- On a bus, van or any other motor vehicle owned, leased or chartered by a school district to transport pupils or school employees; or

- At a location where the pupil or school employee is involved in an activity sponsored by a public school.

↳ Except under circumstances described in paragraph (c) or (d) of subsection 2 of [NRS 200.471](#) with respect to school employees or in [NRS 200.571](#), any person who violates this subsection is guilty of a misdemeanor.

2. It is unlawful for any person maliciously in any manner to interfere with or disturb any persons peaceably assembled within a building of a public school for school district purposes. Any person who violates this subsection is guilty of a misdemeanor.

3. For the purposes of this section:

(a) “Assault” has the meaning ascribed to it in [NRS 200.471](#).

(b) “Maliciously” has the meaning ascribed to it in [NRS 193.0175](#).

(c) “School employee” means any licensed or unlicensed person employed by a board of trustees of a school district pursuant to [NRS 391.100](#) or [391.281](#).

[408:32:1956] — (NRS A [1967, 566](#); [1979, 1617](#); [1993, 239](#); [2001 Special Session, 185](#); [2003, 2](#); [2015, 428](#))

NRS 392.915 Threatening to cause bodily harm or death to pupil or school employee by means of oral, written or electronic communication; penalties.

1. A person shall not, through the use of any means of oral, written or electronic communication, including, without limitation, through the use of cyber-bullying, knowingly threaten to cause bodily harm or death to a pupil or employee of a school district or charter school with the intent to:

(a) Intimidate, harass, frighten, alarm or distress a pupil or employee of a school district or charter school;

(b) Cause panic or civil unrest; or

(c) Interfere with the operation of a public school, including, without limitation, a charter school.

2. Unless a greater penalty is provided by specific statute, a person who violates the provisions of subsection 1 is guilty of:

(a) A misdemeanor, unless the provisions of paragraph (b) apply to the circumstances.

(b) A gross misdemeanor, if the threat causes:

(1) Any pupil or employee of a school district or charter school who is the subject of the threat to be intimidated, harassed, frightened, alarmed or distressed;

(2) Panic or civil unrest; or

(3) Interference with the operation of a public school, including, without limitation, a charter school.

3. As used in this section:

(a) “Cyber-bullying” has the meaning ascribed to it in [NRS 388.123](#).

(b) “Oral, written or electronic communication” includes, without limitation, any of the following:

(1) A letter, note or any other type of written correspondence.

(2) An item of mail or a package delivered by any person or postal or delivery service.

(3) A telegraph or wire service, or any other similar means of communication.

(4) A telephone, cellular phone, satellite phone, page or facsimile machine, or any other similar means of communication.

(5) A radio, television, cable, closed-circuit, wire, wireless, satellite or other audio or video broadcast or transmission, or any other similar means of communication.

(6) An audio or video recording or reproduction, or any other similar means of communication.

(7) An item of electronic mail, a modem or computer network, or the Internet, or any other similar means of communication.

(Added to NRS by [2001 Special Session, 184](#); A [2009, 690](#))

NRS 392.920 Employer prohibited from threatening or taking retaliatory action against parent for parent’s participation in certain school conferences and school-related activities; penalty; authorization for parent to file claim with Labor Commissioner.

1. It is unlawful for an employer or an agent of the employer to:

(a) Terminate the employment of, or to demote, suspend or otherwise discriminate against, a person who, as the parent, guardian or custodian of a child:

(1) Appears at a conference requested by an administrator of the school attended by the child;

(2) Is notified during his or her work by a school employee of an emergency regarding the child; or

(3) Takes leave pursuant to [NRS 392.4577](#) if the employer is subject to the requirements of that section; or

(b) Assert to the person that his or her appearance or prospective appearance at such a conference, the receipt of such a notification during his or her work or leave taken pursuant to [NRS 392.4577](#) will result in the termination of his or her employment or a demotion, suspension or other discrimination in the terms and conditions of the person's employment.

2. Any person who violates the provisions of subsection 1 is guilty of a misdemeanor.

3. A person who is discharged from employment or who is demoted, suspended or otherwise discriminated against in violation of subsection 1 may file a claim or complaint with the Labor Commissioner. The employer shall provide the person who is discharged from employment or who is demoted, suspended or otherwise discriminated against with all the forms necessary to request such a claim or complaint. If the Labor Commissioner determines that the claim or complaint is valid and enforceable, the Labor Commissioner shall provide notice and opportunity for a hearing pursuant to [NRS 607.205](#) to [607.215](#), inclusive.

4. If the Labor Commissioner issues a written decision in favor of the employee, the Labor Commissioner may award in addition to any remedies and penalties provided in [chapters 607](#) and [608](#) of NRS:

(a) Wages and benefits lost as a result of the violation;

(b) An order of reinstatement without loss of position, seniority or benefits; and

(c) Damages equal to the amount of the lost wages and benefits.

(Added to NRS by [1989, 901](#); A [2009, 1247](#))

SCHOOL BUILDINGS AND FACILITIES

NRS 393.080 General powers of board of trustees; notice required to close school or change location or use of school.

1. The board of trustees of a school district may:

(a) Build, purchase or rent schoolhouses and other school buildings, including, but not limited to, teacherages, gymnasiums and stadiums, and dormitories and dining halls as provided in [NRS 393.090](#).

(b) Enter into lease agreements for school facilities with an option to purchase the facilities.

(c) Change the location of schools.

(d) Close a school or change the use of the school building to a purpose other than the teaching of kindergarten through 12th grade.

(e) Supervise and inspect the work performed pursuant to a contract to which the provisions of [NRS 393.110](#) apply.

2. Any board of trustees which proposes to change the location of a school, close a school or change the use of a school building as provided in subsection 1 shall give 30 days' written notice to the principal and teachers of the affected school and to the parents of the children attending that school. In addition the board of trustees shall publish a notice of the subject, time and place of the meeting at which the matter will be considered, in a newspaper of general circulation in the county at least 10 days before the meeting.

[416:32:1956] — (NRS A [1977, 1562](#); [1993, 2410](#); [1997, 2457](#))

NRS 393.085 Decision to close or change use of school: Hearing for reconsideration by board of trustees; judicial review. Any resident of a school district who is aggrieved by a decision of the board of trustees to close or change the use of a school under [NRS 393.080](#) may, within 30 days after the decision is rendered, make a written request to the board for a hearing for reconsideration of the decision. The board shall schedule the hearing within 30 days after receiving the request and shall publish a notice of the time and place of the hearing in a

newspaper of general circulation in the county at least 10 days before the hearing. The decision of the board of trustees after its reconsideration hearing is a final decision subject to judicial review as provided by law.

(Added to NRS by [1977, 1562](#); A [2003, 2349](#))

NRS 393.090 Dormitories and dining halls for students at high school. The board of trustees of a school district shall have the power to provide for the rental, purchase or erection of suitable dormitories and dining halls for high school students, and to provide for the support, maintenance and management of the same. The board of trustees shall not furnish board, lodging, support and maintenance of pupils at any other place when dormitories and dining halls are regularly established. Dormitories and dining halls shall be considered part of the regular school equipment and organization where so provided.

[417:32:1956]

NRS 393.092 Oversight panel for school facilities: Establishment in counties whose population is 100,000 or more; membership; terms of members; meetings.

1. The board of trustees of a school district in a county whose population is 100,000 or more shall establish an oversight panel for school facilities, consisting of 11 members selected as follows:

(a) Six members who are elected representatives of local government, to be determined as follows:

(1) One member of the board of county commissioners appointed by a majority vote of the board of county commissioners;

(2) One member of the governing body of each incorporated city in the county, each of whom is appointed by a majority vote of the governing body of which he or she is a member; and

(3) If the membership determined pursuant to subparagraphs (1) and (2) is less than six, one additional member of the board of county commissioners appointed by a majority vote of the board of county commissioners and, if applicable, additional members of the governing bodies of incorporated cities in the county, each of whom must be appointed by a majority vote of the governing body of which he or she is a member, until six members have been appointed. If the membership determined pursuant to this paragraph would result in an unequal number of representatives among the incorporated cities, the membership of the incorporated cities on the oversight panel must be rotated and the board of county commissioners shall draw lots to determine which city or cities will be first represented, which next, and so on.

(b) Five members appointed by the board of trustees of the county school district to be determined as follows:

(1) One member who has experience in structural or civil engineering;

(2) One member who has experience in matters relating to the construction of public works projects;

(3) One member who has experience in the financing or estimation of the cost of construction projects;

(4) One member who is a representative of the gaming industry; and

(5) One member who is a representative of the general public who has an interest in education.

2. After the initial terms, the term of each member of the oversight panel is 2 years. Members of the oversight panel are eligible for reappointment.

3. The oversight panel for school facilities may meet at the call of the chair of the oversight panel, but is not required to hold meetings except for the purposes of carrying out its duties pursuant to subsection 4 of [NRS 350.020](#) and [NRS 393.097](#) and, if applicable, for the purposes of carrying out expanded duties pursuant to [NRS 393.096](#), or unless directed by the board of trustees of the school district.

(Added to NRS by [1997, 2456](#); A [2013, 1488](#))

NRS 393.095 Oversight panel for school facilities: Duty of board of trustees to provide administrative support and information. The board of trustees of a school district in a county whose population is 100,000 or more shall:

1. Provide administrative support to the oversight panel for school facilities established by the board of trustees pursuant to [NRS 393.092](#); and
2. Comply with all requests by the oversight panel for information.

(Added to NRS by [1997, 2456](#))

NRS 393.096 Oversight panel for school facilities: Authority of board of trustees to expand duties of panel in larger counties.

1. The board of trustees of a school district in a county whose population is 700,000 or more may, by a vote of not less than two-thirds of the total membership of the board of trustees, expand the duties of the oversight panel for school facilities established for the school district pursuant to [NRS 393.092](#).

2. If the board of trustees votes to expand the duties of the oversight panel, the board of trustees shall:

(a) Prepare a 3-year plan for the renovation of school facilities and a 5-year plan for the construction of school facilities within the school district for submission to the oversight panel for its review and recommendations;

(b) Appoint the assistant superintendent of school facilities or his or her designee, if the board of trustees has employed a person to serve in that capacity, or otherwise appoint an employee of the school district who has knowledge and experience in school construction, to act as a liaison between the school district and the oversight panel;

(c) Consider each recommendation made by the oversight panel and, if the board of trustees does not adopt a recommendation, state in writing the reason for its action and include the statement in the minutes of the board of trustees, if applicable; and

(d) In addition to the administrative support required pursuant to [NRS 393.095](#), provide such administrative support to the oversight panel as is necessary for the oversight panel to carry out its expanded duties.

3. If the board of trustees votes to expand the duties of the oversight panel, the oversight panel shall:

(a) Work cooperatively with the board of trustees of the school district to ensure that the program of school construction and renovation is responsive to the educational needs of pupils within the school district;

(b) Review the 3-year plan for the renovation of school facilities and the 5-year plan for the construction of school facilities submitted by the board of trustees of the school district and make recommendations to the board of trustees for any necessary revisions to the plans;

(c) On a quarterly basis, or more frequently if the oversight panel determines necessary, evaluate the program of school construction and renovation that is designed to carry out the 3-year plan and the 5-year plan and make recommendations to the board of trustees concerning the program;

(d) Make recommendations for the management of construction and renovation of school facilities within the school district in a manner that ensures effective and efficient expenditure of public money; and

(e) Prepare an annual report that includes a summary of the progress of the construction and renovation of school facilities within the school district and the expenditure of money from the proceeds of bonds for the construction and renovation, if such information is available to the oversight panel.

(Added to NRS by [1999, 2106](#); A [2011, 1248](#))

NRS 393.097 Duty to submit recommendations for financing costs for construction to Legislature; oversight panels required to approve or deny request for issuance of certain bonds.

1. If an oversight panel for school facilities established pursuant to [NRS 393.092](#) approves a request by the board of trustees of the school district for the issuance of general obligation bonds pursuant to subsection 4 of [NRS 350.020](#), the oversight panel shall, on or before July 1 of each even-numbered year during the period in which those bonds are outstanding, and each board of trustees of a school district in a county whose population is less than 100,000 shall, on or before July 1 of each even-numbered year, submit to the Director of the Legislative Counsel

Bureau for transmittal to the next regular session of the Legislature written recommendations for financing the costs of new construction, design, maintenance and repair of school facilities.

2. In a county whose population is 100,000 or more, the oversight panel for school facilities shall review and approve or disapprove a request by the board of trustees of the school district for the issuance of general obligation bonds pursuant to subsection 4 of [NRS 350.020](#).

(Added to NRS by [1997, 2457](#); A [2013, 1489](#))

NRS 393.100 Repair. The board of trustees of a school district shall keep the public school buildings, teacherages, dormitories, dining halls, gymnasiums, stadiums and all other buildings in its charge in such repair as is necessary for the comfort and health of pupils and teachers.

[418:32:1956] — (NRS A 1959, 809; [1979, 1618](#))

NRS 393.103 Adoption of policy concerning renovation or reconstruction of older buildings. A school district that has more than 150,000 pupils enrolled shall develop and adopt a policy concerning the renovation or reconstruction of older buildings for schools or related facilities. As part of the policy, consideration must be given to the relative advantages and disadvantages of the renovation or reconstruction of older buildings for schools or related facilities as compared to the design, construction or purchase of new buildings for schools or related facilities, including, without limitation, an analysis of the costs to renovate or reconstruct existing buildings and facilities to comply with the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., in comparison with the costs to construct or purchase new buildings and facilities. The policy must include, without limitation, guidelines for use by the board of trustees in determining:

1. Whether older buildings should be renovated or reconstructed or whether new buildings to replace those older buildings should be constructed or purchased, including, without limitation, a determination of the costs to renovate or reconstruct existing buildings and facilities to comply with the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., in comparison with the costs to construct or purchase new buildings and facilities.

2. The manner in which the board of trustees will expend or disburse money that the board did not otherwise anticipate would be available to finance the renovation or reconstruction of older buildings and the construction or purchase of new buildings, if such money, in fact, becomes available.

(Added to NRS by [1999, 2947](#); A [2001, 1113, 1723](#))

NRS 393.105 Maintenance and availability of material safety data sheet for hazardous materials used on school buildings or grounds.

1. The board of trustees of a school district shall ensure that each school under its management and control:

(a) Maintains at the school a material safety data sheet for each hazardous chemical used on the buildings or grounds of the school;

(b) Complies with any safety precautions contained in those sheets; and

(c) Makes those sheets available to all the personnel of the school and the parents of each pupil attending the school.

2. For the purposes of this section, “material safety data sheet” has the meaning ascribed to it in 29 C.F.R. § 1910.1200.

(Added to NRS by [1997, 3352](#))

NRS 393.110 Certain larger school districts required to establish building department; approval of plans by State Public Works Division of the Department of Administration, building department or private certificate holder; contract contrary to provisions invalid.

1. Each school district shall, in the design, construction and alteration of school buildings and facilities, comply with the applicable requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., and the regulations adopted pursuant thereto, including, without limitation, the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities set forth in Appendix A of Part 36 of Title 28 of the Code of Federal Regulations. The requirements of this subsection are not satisfied if a school district complies solely with the

Uniform Federal Accessibility Standards set forth in Appendix A of Part 101-19.6 of Title 41 of the Code of Federal Regulations.

2. In a county whose population is 700,000 or more:

(a) The board of trustees of the school district shall establish a building department for the school district.

(b) Except as otherwise provided in [NRS 477.030](#), the board of trustees of the school district shall regulate all matters relating to the construction, maintenance and safety of buildings, facilities, structures and property of the school district.

(c) Except as otherwise provided in [NRS 477.030](#), the board of trustees of the school district shall adopt any building, electrical or safety codes as necessary to carry out the provisions of this subsection.

(d) The board of trustees of the school district shall ensure that the building department established by the board of trustees reviews the plans, designs and specifications for the erection of new school buildings and for the addition to or alteration of existing school buildings and facilities.

(e) The building department established by the board of trustees shall, in accordance with subsection 4, conduct a review of plans, designs and specifications for the erection of new school buildings and for the addition to or alteration of existing school buildings and facilities.

(f) The provisions of [NRS 278.585](#) do not apply to the school district in its regulation of buildings, facilities, structures and property of the school district.

3. In a county whose population is less than 700,000:

(a) Except as otherwise provided in paragraph (b), unless standard plans, designs and specifications are to be used as provided in [NRS 385.125](#), before letting any contract or contracts for the erection of any new school building or for any addition to or alteration of an existing school building, the board of trustees of the county school district shall submit the plans, designs and specifications to, and obtain written approval of the plans, designs and specifications by, the building department of the county or other appropriate local building department in the county, and all other local agencies or departments whose approval is necessary for the issuance of the appropriate permit. The approval of the State Fire Marshal is not required for any plans, designs and specifications reviewed by a building department pursuant to this paragraph.

(b) If there is no county building department or other appropriate local building department in the county in which the school district is located, the board of trustees of the school district shall enter into an agreement with the State Public Works Division of the Department of Administration, a private certificate holder or a local building department in another county to obtain the required reviews of the plans, designs and specifications and to have the required inspections conducted. The approval of the State Fire Marshal is not required for any plans, designs and specifications reviewed by a private certificate holder or building department pursuant to this paragraph.

(c) A permit for construction must be issued before the school district commences construction.

(d) The county building department or other appropriate local building department, the State Public Works Division of the Department of Administration or the private certificate holder, as applicable, shall conduct inspections of all work to determine compliance with the approved plans, designs and specifications. An inspection of the work by the State Fire Marshal is not required if the work is inspected by the private certificate holder or building department.

(e) A department, agency, private certificate holder or the State Public Works Division of the Department of Administration is authorized to charge and collect, and the board of trustees of the county school district is authorized to pay, a reasonable fee for:

- (1) Review of the plans, designs or specifications as required by this subsection; or
- (2) The inspections conducted pursuant to this subsection.

4. In conducting reviews pursuant to this section, the State Public Works Division of the Department of Administration, building department or private certificate holder, as applicable, shall verify that the plans, designs and specifications comply with:

(a) The applicable requirements of the relevant codes adopted by this State, including, without limitation, the applicable requirements of any relevant codes and regulations adopted by the State Fire Marshal;

(b) The applicable requirements of the relevant codes adopted by the local authority having jurisdiction; and

(c) All applicable requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., and the regulations adopted pursuant thereto, including, without limitation, the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities set forth in Appendix A of Part 36 of Title 28 of the Code of Federal Regulations. The requirements of this subsection are not satisfied if the plans, designs and specifications comply solely with the Uniform Federal Accessibility Standards set forth in Appendix A of Part 101-19.6 of Title 41 of the Code of Federal Regulations.

5. No contract for any of the purposes specified in this section made by a board of trustees of a school district contrary to the provisions of this section is valid, nor shall any public money be paid for erecting, adding to or altering any school building in contravention of this section.

6. As used in this section, “private certificate holder” means a person who, as applicable, holds a valid certification issued by the International Code Council or its successor:

(a) To review plans, designs and specifications for the erection of, addition to or alteration of a school building;

(b) To inspect work to ensure that the erection of, addition to or alteration of a school building is carried out in conformance with the relevant plans, designs and specifications; or

(c) To perform the activities described in paragraphs (a) and (b).

[419:32:1956] — (NRS A [1973, 728, 907](#); [1993, 2410, 2411](#); [1997, 2457](#); [1999, 2854](#); [2007, 3099](#); [2009, 508](#); [2011, 1249](#))

NRS 393.130 Contract for construction or repair on basis of cost plus fee. When the board of trustees of a school district has twice followed the procedure for notice calling for bids for the construction, repair or alteration of or an addition to a school building, as provided in [chapter 332](#) of NRS, if no satisfactory bid is received, the board may receive proposals, and enter into a contract on the basis of such proposals, on a cost-plus-a-fee basis, without further notice calling for bids.

[421:32:1956] — (NRS A [1967, 1240](#); [1979, 1618](#))

SCHOOL SITES

NRS 393.140 Exchange, purchase, lease and acquisition of school sites and other real property. The board of trustees of a school district shall have the power by exchange, purchase, lease or otherwise to acquire any school site or other real property for necessary school purposes, including but not limited to playgrounds, athletic fields and sites for stadiums.

[422:32:1956] — (NRS A 1957, 297; 1961, 63)

NRS 393.155 Expenditures for improvements not located on property of school district. The board of trustees of any school district in this State may expend money available for school construction to make necessary improvements, including without limitation sidewalks, curbs, gutters, street lights, traffic control signs or devices, fire hydrants, water and sewer lines, street paving and drainage for flood control, which are not located on the property of the school district but are necessary or appropriate to the school construction undertaken.

(Added to NRS by [1965, 556](#); A [1967, 62](#); [1979, 299](#), [1618](#))

GENERAL PROVISIONS

NRS 433A.010 Applicability of chapter. The provisions of this chapter apply to all mental health centers of the Division of Public and Behavioral Health of the Department and of the Division of Child and Family Services of the Department. Such provisions apply to private institutions and facilities offering mental health services only when specified in the context.

(Added to NRS by [1975, 1599](#); A [1993, 2721](#); [1999, 101](#); [2013, 3013](#))

NRS 433A.011 Definitions. As used in this chapter, unless the context otherwise requires, the words and terms defined in [NRS 433A.012](#) to [433A.019](#), inclusive, have the meanings ascribed to them in those sections.

(Added to NRS by [1993, 2720](#); A [2013, 3488](#))

NRS 433A.012 “Administrative officer” defined. “Administrative officer” means a person with overall executive and administrative responsibility for those state or nonstate facilities for mental health designated by the Administrator.

(Added to NRS by [1993, 2720](#); A [2013, 668, 3014](#))

NRS 433A.013 “Administrator” defined. “Administrator” means:

1. Except as otherwise provided in subsection 2, the Administrator of the Division of Public and Behavioral Health of the Department.

2. Regarding the provision of services for the mental health of children pursuant to [chapter 433B](#) of NRS, the Administrator of the Division of Child and Family Services of the Department.

(Added to NRS by [1993, 2720](#); A [1999, 101](#))

NRS 433A.015 “Division” defined. “Division” means:

1. Except as otherwise provided in subsection 2, the Division of Public and Behavioral Health of the Department.

2. Regarding the provision of services for the mental health of children pursuant to [chapter 433B](#) of NRS, the Division of Child and Family Services of the Department.

(Added to NRS by [1993, 2720](#); A [1999, 102](#); [2013, 3014](#))

NRS 433A.016 “Division facility” defined. “Division facility” means:

1. Except as otherwise provided in subsection 2, any unit or subunit operated by the Division of Public and Behavioral Health of the Department for the care, treatment and training of consumers.

2. Any unit or subunit operated by the Division of Child and Family Services of the Department pursuant to [chapter 433B](#) of NRS.

(Added to NRS by [1993, 2721](#); A [1999, 102](#); [2011, 425](#))

NRS 433A.017 “Medical director” defined. “Medical director” means the medical officer in charge of any program of the Division of Public and Behavioral Health of the Department.

(Added to NRS by [1993, 2721](#); A [1999, 102](#); [2013, 3014](#))

NRS 433A.018 “Person professionally qualified in the field of psychiatric mental health” defined. “Person professionally qualified in the field of psychiatric mental health” means:

1. A psychiatrist licensed to practice medicine in this State who is certified by the American Board of Psychiatry and Neurology;

2. A psychologist licensed to practice in this State;

3. A social worker who holds a master’s degree in social work, is licensed by the State as a clinical social worker and is employed by the Division;

4. A registered nurse who:

(a) Is licensed to practice professional nursing in this State;

(b) Holds a master’s degree in the field of psychiatric nursing; and

(c) Is employed by the Division;

5. A marriage and family therapist licensed pursuant to [chapter 641A](#) of NRS; or

6. A clinical professional counselor licensed pursuant to [chapter 641A](#) of NRS.

(Added to NRS by [1993, 2721](#); A [2007, 3086](#))

NRS 433A.019 “Program of community-based or outpatient services” defined. “Program of community-based or outpatient services” means care, treatment and training provided to persons with mental illness, including, without limitation:

1. A program or service for the treatment of abuse of alcohol;

2. A program or service for the treatment of abuse of drugs;

3. A program of general education or vocational training;

4. A program or service that assists in the dispensing or monitoring of medication;

5. A program or service that provides counseling or therapy;
6. A service which provides screening tests to detect the presence of alcohol or drugs;
7. A program of supervised living; or
8. Any combination of programs and services for persons with mental illness.

↳ The term does not include care, treatment and training provided to residents of a mental health facility.

(Added to NRS by [2013, 3486](#))

NRS 433A.020 Administrative officer: Qualifications. The administrative officer of a facility of the Division must:

1. Be selected on the basis of training and demonstrated administrative qualities of leadership in any one of the fields of psychiatry, medicine, psychology, social work, public health or administration.
2. Be appointed on the basis of merit as measured by administrative training or experience in programs relating to mental health, including care and treatment of persons with mental illness.

(Added to NRS by [1975, 1599](#); A [1979, 813](#); [1981, 1685](#); [1983, 642](#); [1985, 2268](#); [1999, 2594](#); [2013, 668, 3014](#))

NRS 433A.030 Administrative officer: Powers and duties. The administrative officers have the following powers and duties, subject to the administrative supervision of the Administrator:

1. To exercise general supervision of and establish regulations for the government of the facilities designated by the Administrator;
2. To be responsible for and supervise the fiscal affairs and responsibilities of the facilities designated by the Administrator;
3. To appoint such medical, technical, clerical and operational staff as the execution of his or her duties, the care and treatment of consumers and the maintenance and operation of the facilities designated by the Administrator may require;
4. To make reports to the Administrator, and to supply the Administrator with material on which to base proposed legislation;
5. To keep complete and accurate records of all proceedings, record and file all bonds and contracts, and assume responsibility for the custody and preservation of all papers and documents pertaining to his or her office;
6. To inform the public in regard to the activities and operation of the facilities;
7. To invoke any legal, equitable or special procedures for the enforcement of his or her orders or the enforcement of the provisions of this chapter and [chapters 433, 433B](#) and [433C](#) of NRS and other statutes governing the facilities;
8. To submit an annual report to the Administrator on the condition, operation, functioning and anticipated needs of the facilities; and
9. To assume responsibility for the nonmedical care and treatment of consumers if that responsibility has not been delegated.

(Added to NRS by [1975, 1600](#); A [1979, 813](#); [2011, 425](#); [2013, 3014](#))

NRS 433A.040 Administrative officer: Other employment prohibited; exceptions. Except as otherwise provided in [NRS 284.143](#), an administrative officer shall devote his or her entire time to the duties of his or her position and shall have no other gainful employment or occupation, but the administrative officer may attend seminars, act as a consultant and give lectures relating to his or her profession and accept appropriate stipends for the seminars, consultations and lectures.

(Added to NRS by [1975, 1600](#); A [1979, 814](#); [1985, 423](#); [1995, 2314](#))

NRS 433A.080 Coordinator of medical programs: Qualifications and selection; powers and duties.

1. A coordinator of medical programs is the medical head of any division facility designated by the Administrator. The coordinator of medical programs:

(a) Must be a psychiatrist licensed to practice medicine or, in the case of a treatment facility authorized by paragraph (b) of subsection 1 of [NRS 433B.290](#), a psychiatrist or a pediatrician licensed to practice medicine.

(b) May be a psychiatrist or pediatrician in private practice under contract to the Division.

(c) Must have such additional qualifications as are in accordance with criteria prescribed by the Division of Human Resource Management of the Department of Administration and must be in the unclassified service of the State.

2. A coordinator of medical programs shall:

(a) Cause to be kept a fair and full account of all medical affairs;

(b) Have standard medical histories currently maintained on all consumers, and administer or have administered the accepted and appropriate medical treatments to all consumers under his or her care, and may, by delegation of the administrative officer, be responsible for the nonmedical care and treatment of consumers; and

(c) Undertake any diagnostic, medical or surgical procedure in the interest of the consumer, but only in accordance with the provisions of subsection 1 of [NRS 433.484](#).

(Added to NRS by [1975, 1601](#); A [1979, 814](#); [1981, 1686](#); [1983, 642](#); [1993, 2721](#); [2011, 425](#))

NRS 433A.090 Revolving Account for Northern Nevada Adult Mental Health Services. There is hereby created a Revolving Account for Northern Nevada Adult Mental Health Services in the sum of \$7,500, which may be used for the payment of bills requiring immediate payment and for no other purpose. The Administrative Officer shall deposit the Revolving Account in one or more banks or credit unions of reputable standing. Payments made from the Revolving Account must be promptly reimbursed from money appropriated for Northern Nevada Adult Mental Health Services as other claims against the State are paid.

(Added to NRS by [1975, 1612](#); A [1979, 815](#); [1991, 206](#); [1999, 1497](#); [2001, 1116](#))

NRS 433A.100 Gift accounts in Department of Health and Human Services' Gift Fund; sale or exchange of gifts of property.

1. A gift account in the Department of Health and Human Services' Gift Fund is hereby created for each division facility, and all gifts of money which the Division is authorized to accept for the respective facilities must be deposited in the State Treasury to the credit of the appropriate account. Amounts in the accounts must be used for division mental health facility purposes only and expended in accordance with the terms of the gift. All claims must be approved by the administrative officer before they are paid.

2. Gifts of property, other than money, may be sold or exchanged when it is deemed by the administrative officer and the Administrator to be in the best interest of the division mental health facility. The sale price must be not less than 90 percent of the value determined by a qualified appraiser appointed by the administrative officer. All money realized from the sale must be deposited in the State Treasury to the credit of the appropriate account and must be spent for division mental health facility purposes only.

(Added to NRS by [1975, 1613](#); A [1979, 622](#); [1981, 78](#))

NRS 433A.110 Canteen for facility of Division: Establishment and operation.

1. The administrative officer of a division mental health facility which provides treatment for inpatients may cause to be established a canteen operated for the benefit of consumers and employees of the facility. So far as practical within good business practices, the prices of commodities sold must approximate costs. The administrative officer shall cause to be kept a record of transactions in the operation of the canteen.

2. The Administrator may designate money from budgeted resources in appropriate amounts to each such facility for the establishment and operation of canteens. The money must be used to supplement the financial operation of the canteens, if required, to provide money for needy consumers' canteen privileges, and to provide for such other expenditures benefiting the consumers of such division facilities as the respective administrative officers may deem necessary. All proceeds of sale collected must be deposited with the State Treasurer for credit to the appropriate operating account of the mental health facility. The operating account must separately identify in the record of transactions the proceeds of sale collected, the amount of budgeted resources used, and the total amount expended for the operations of the canteen. All

proceeds of sale collected must be used for the operation of the canteen. Proceeds of sale collected which exceed the amount necessary to maintain the operation of the canteens must be used to benefit the consumers.

3. An appropriate sum may be maintained as petty cash at each canteen.

4. The respective administrative officers may cause to be appointed such staff as are necessary for the proper operation of the canteens.

(Added to NRS by [1975, 1613](#); A [1981, 263](#); [2011, 426](#))

ADMISSION TO MENTAL HEALTH FACILITIES OR PROGRAMS OF COMMUNITY-BASED OR OUTPATIENT SERVICES

General Provisions

NRS 433A.115 “Person with mental illness” defined.

1. As used in [NRS 433A.115](#) to [433A.330](#), inclusive, unless the context otherwise requires, “person with mental illness” means any person whose capacity to exercise self-control, judgment and discretion in the conduct of the person’s affairs and social relations or to care for his or her personal needs is diminished, as a result of a mental illness, to the extent that the person presents a clear and present danger of harm to himself or herself or others, but does not include any person in whom that capacity is diminished by epilepsy, intellectual disability, dementia, delirium, brief periods of intoxication caused by alcohol or drugs, or dependence upon or addiction to alcohol or drugs, unless a mental illness that can be diagnosed is also present which contributes to the diminished capacity of the person.

2. A person presents a clear and present danger of harm to himself or herself if, within the immediately preceding 30 days, the person has, as a result of a mental illness:

(a) Acted in a manner from which it may reasonably be inferred that, without the care, supervision or continued assistance of others, the person will be unable to satisfy his or her need for nourishment, personal or medical care, shelter, self-protection or safety, and if there exists a reasonable probability that the person’s death, serious bodily injury or physical debilitation will occur within the next following 30 days unless he or she is admitted to a mental health facility pursuant to the provisions of [NRS 433A.115](#) to [433A.330](#), inclusive, and adequate treatment is provided to the person;

(b) Attempted or threatened to commit suicide or committed acts in furtherance of a threat to commit suicide, and if there exists a reasonable probability that the person will commit suicide unless he or she is admitted to a mental health facility pursuant to the provisions of [NRS 433A.115](#) to [433A.330](#), inclusive, and adequate treatment is provided to the person; or

(c) Mutilated himself or herself, attempted or threatened to mutilate himself or herself or committed acts in furtherance of a threat to mutilate himself or herself, and if there exists a reasonable probability that he or she will mutilate himself or herself unless the person is admitted to a mental health facility pursuant to the provisions of [NRS 433A.115](#) to [433A.330](#), inclusive, and adequate treatment is provided to the person.

3. A person presents a clear and present danger of harm to others if, within the immediately preceding 30 days, the person has, as a result of a mental illness, inflicted or attempted to inflict serious bodily harm on any other person, or made threats to inflict harm and committed acts in furtherance of those threats, and if there exists a reasonable probability that he or she will do so again unless the person is admitted to a mental health facility pursuant to the provisions of [NRS 433A.115](#) to [433A.330](#), inclusive, and adequate treatment is provided to him or her.

(Added to NRS by [1985, 2268](#); A [1989, 1757](#); [1997, 3493](#); [2009, 333](#); [2013, 668, 3488](#))

NRS 433A.120 Types of admission. There are three types of admission to mental health facilities in the State of Nevada:

1. Voluntary admission;
2. Emergency admission; and
3. Involuntary court-ordered admission.

(Added to NRS by [1975, 1602](#))

NRS 433A.130 Forms for admission. All applications and certificates for the admission of any person in the State of Nevada to a mental health facility or to a program of community-based or outpatient services under the provisions of this chapter shall be made on forms

approved by the Division and the Office of the Attorney General and furnished by the clerks of the district courts in each county.

(Added to NRS by [1975, 1608](#); A [2013, 3489](#))

NRS 433A.140 Voluntary admission: Procedures for admission and release; effect of voluntary release.

1. Any person may apply to:

(a) A public or private mental health facility in the State of Nevada for admission to the facility; or

(b) A division facility to receive care, treatment or training provided by the Division,

↳ as a voluntary consumer for the purposes of observation, diagnosis, care and treatment. In the case of a person who has not attained the age of majority, application for voluntary admission or care, treatment or training may be made on his or her behalf by the person's spouse, parent or legal guardian.

2. If the application is for admission to a division facility, or for care, treatment or training provided by the Division, the applicant must be admitted or provided such services as a voluntary consumer if an examination by personnel of the facility qualified to make such a determination reveals that the person needs and may benefit from services offered by the mental health facility.

3. Any person admitted to a public or private mental health facility as a voluntary consumer must be released immediately after the filing of a written request for release with the responsible physician or that physician's designee within the normal working day, unless, within 24 hours after the request, the facility changes the status of the person to an emergency admission pursuant to [NRS 433A.145](#). When a person is released pursuant to this subsection, the facility and its agents and employees are not liable for any debts or contractual obligations, medical or otherwise, incurred or damages caused by the actions of the person.

4. Any person admitted to a public or private mental health facility as a voluntary consumer who has not requested release may nonetheless be released by the medical director of the facility when examining personnel at the facility determine that the consumer has recovered or has improved to such an extent that the consumer is not considered a danger to himself or herself or others and that the services of that facility are no longer beneficial to the consumer or advisable.

5. A person who requests care, treatment or training from the Division pursuant to this section must be evaluated by the personnel of the Division to determine whether the person is eligible for the services offered by the Division. The evaluation must be conducted:

(a) Within 72 hours if the person has requested inpatient services; or

(b) Within 72 regular operating hours, excluding weekends and holidays, if the person has requested community-based or outpatient services.

6. This section does not preclude a public facility from making decisions, policies, procedures and practices within the limits of the money made available to the facility.

(Added to NRS by [1975, 1602](#); A [1993, 2114](#); [1997, 3494](#); [2011, 426](#))

Emergency Admission

NRS 433A.145 Restrictions on change of status from voluntary consumer to emergency admission.

1. If a person with mental illness is admitted to a public or private mental health facility or hospital as a voluntary consumer, the facility or hospital shall not change the status of the person to an emergency admission unless the hospital or facility receives, before the change in status is made, an application for an emergency admission pursuant to [NRS 433A.160](#) and the certificate of a psychiatrist, psychologist, physician, physician assistant, clinical social worker, advanced practice registered nurse or accredited agent of the Department pursuant to [NRS 433A.170](#).

2. A person whose status is changed pursuant to subsection 1 must not be detained in excess of 48 hours after the change in status is made unless, before the close of the business day on which the 48 hours expires, a written petition is filed with the clerk of the district court pursuant to [NRS 433A.200](#).

3. If the period specified in subsection 2 expires on a day on which the office of the clerk of the district court is not open, the written petition must be filed on or before the close of the business day next following the expiration of that period.

(Added to NRS by [1997, 3492](#); A [2009, 333](#); [2011, 427](#); [2015, 2990](#))

NRS 433A.150 Detention for evaluation, observation and treatment; limitation on time.

1. Any person alleged to be a person with mental illness may, upon application pursuant to [NRS 433A.160](#) and subject to the provisions of subsection 2, be detained in a public or private mental health facility or hospital under an emergency admission for evaluation, observation and treatment.

2. Except as otherwise provided in subsection 3, a person detained pursuant to subsection 1 must be released within 72 hours, including weekends and holidays, after the certificate required pursuant to [NRS 433A.170](#) and the examination required by paragraph (a) of subsection 1 of [NRS 433A.165](#) have been completed, if such an examination is required, or within 72 hours, including weekends and holidays, after the person arrives at the mental health facility or hospital, if an examination is not required by paragraph (a) of subsection 1 of [NRS 433A.165](#), unless, before the close of the business day on which the 72 hours expires, a written petition for an involuntary court-ordered admission to a mental health facility is filed with the clerk of the district court pursuant to [NRS 433A.200](#), including, without limitation, the documents required pursuant to [NRS 433A.210](#), or the status of the person is changed to a voluntary admission.

3. If the period specified in subsection 2 expires on a day on which the office of the clerk of the district court is not open, the written petition must be filed on or before the close of the business day next following the expiration of that period.

(Added to NRS by [1975, 1602](#); A [1985, 2269](#); [1989, 1758](#); [2001, 3041](#); [2003, 1944](#); [2009, 334](#); [2013, 3489](#))

NRS 433A.160 Procedure for admission; evaluation at time of admission; approval by psychiatrist.

1. Except as otherwise provided in subsection 2, an application for the emergency admission of a person alleged to be a person with mental illness for evaluation, observation and treatment may only be made by an accredited agent of the Department, an officer authorized to make arrests in the State of Nevada or a physician, physician assistant, psychologist, marriage and family therapist, clinical professional counselor, social worker or registered nurse. The agent, officer, physician, physician assistant, psychologist, marriage and family therapist, clinical professional counselor, social worker or registered nurse may:

(a) Without a warrant:

(1) Take a person alleged to be a person with mental illness into custody to apply for the emergency admission of the person for evaluation, observation and treatment; and

(2) Transport the person alleged to be a person with mental illness to a public or private mental health facility or hospital for that purpose, or arrange for the person to be transported by:

(I) A local law enforcement agency;

(II) A system for the nonemergency medical transportation of persons whose operation is authorized by the Nevada Transportation Authority;

(III) An entity that is exempt pursuant to [NRS 706.745](#) from the provisions of [NRS 706.386](#) or [706.421](#); or

(IV) If medically necessary, an ambulance service that holds a permit issued pursuant to the provisions of [chapter 450B](#) of NRS,

↳ only if the agent, officer, physician, physician assistant, psychologist, marriage and family therapist, clinical professional counselor, social worker or registered nurse has, based upon his or her personal observation of the person alleged to be a person with mental illness, probable cause to believe that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty.

(b) Apply to a district court for an order requiring:

(1) Any peace officer to take a person alleged to be a person with mental illness into custody to allow the applicant for the order to apply for the emergency admission of the person for evaluation, observation and treatment; and

(2) Any agency, system or service described in subparagraph (2) of paragraph (a) to transport the person alleged to be a person with mental illness to a public or private mental health facility or hospital for that purpose.

↳ The district court may issue such an order only if it is satisfied that there is probable cause to believe that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty.

2. An application for the emergency admission of a person alleged to be a person with mental illness for evaluation, observation and treatment may be made by a spouse, parent, adult child or legal guardian of the person. The spouse, parent, adult child or legal guardian and any other person who has a legitimate interest in the person alleged to be a person with mental illness may apply to a district court for an order described in paragraph (b) of subsection 1.

3. The application for the emergency admission of a person alleged to be a person with mental illness for evaluation, observation and treatment must reveal the circumstances under which the person was taken into custody and the reasons therefor.

4. Except as otherwise provided in this subsection, each person admitted to a public or private mental health facility or hospital under an emergency admission must be evaluated at the time of admission by a psychiatrist or a psychologist. If a psychiatrist or a psychologist is not available to conduct an evaluation at the time of admission, a physician may conduct the evaluation. Each such emergency admission must be approved by a psychiatrist.

5. As used in this section, “an accredited agent of the Department” means any person appointed or designated by the Director of the Department to take into custody and transport to a mental health facility pursuant to subsections 1 and 2 those persons in need of emergency admission.

(Added to NRS by [1975, 1603](#); A [1983, 506](#); [1985, 2269](#); [1989, 1759](#); [1997, 3494](#); [2001, 1017, 3042](#); [2005, 967](#); [2007, 3087](#); [2015, 2990](#))

NRS 433A.165 Examination required before admission of person to facility; treatment of certain medical conditions required before admission to facility; payment of costs; exceptions; regulations.

1. Before a person alleged to be a person with mental illness may be admitted to a public or private mental health facility pursuant to [NRS 433A.160](#), the person must:

(a) First be examined by a licensed physician or physician assistant licensed pursuant to [chapter 630](#) or [633](#) of NRS or an advanced practice registered nurse licensed pursuant to [NRS 632.237](#) at any location where such a physician, physician assistant or advanced practice registered nurse is authorized to conduct such an examination to determine whether the person has a medical problem, other than a psychiatric problem, which requires immediate treatment; and

(b) If such treatment is required, be admitted for the appropriate medical care:

(1) To a hospital if the person is in need of emergency services or care; or

(2) To another appropriate medical facility if the person is not in need of emergency services or care.

2. If a person with a mental illness has a medical problem in addition to a psychiatric problem which requires medical treatment that requires more than 72 hours to complete, the licensed physician, physician assistant or advanced practice registered nurse who examined the person must:

(a) On the first business day after determining that such medical treatment is necessary file with the clerk of the district court a written petition to admit the person to a public or private mental health facility pursuant to [NRS 433A.160](#) after the medical treatment has been completed. The petition must:

(1) Include, without limitation, the medical condition of the person and the purpose for continuing the medical treatment of the person; and

(2) Be accompanied by a copy of the application for the emergency admission of the person required pursuant to [NRS 433A.160](#) and the certificate required pursuant to [NRS 433A.170](#).

(b) Seven days after filing a petition pursuant to paragraph (a) and every 7 days thereafter, file with the clerk of the district court an update on the medical condition and treatment of the person.

3. The examination and any transfer of the person from a facility when the person has an emergency medical condition and has not been stabilized must be conducted in compliance with:

(a) The requirements of 42 U.S.C. § 1395dd and any regulations adopted pursuant thereto, and must involve a person authorized pursuant to federal law to conduct such an examination or certify such a transfer; and

(b) The provisions of [NRS 439B.410](#).

4. The cost of the examination must be paid by the county in which the person alleged to be a person with mental illness resides if services are provided at a county hospital located in that county or a hospital or other medical facility designated by that county, unless the cost is voluntarily paid by the person alleged to be a person with mental illness or, on the person's behalf, by his or her insurer or by a state or federal program of medical assistance.

5. The county may recover all or any part of the expenses paid by it, in a civil action against:

(a) The person whose expenses were paid;

(b) The estate of that person; or

(c) A responsible relative as prescribed in [NRS 433A.610](#), to the extent that financial ability is found to exist.

6. The cost of treatment, including hospitalization, for a person who is indigent must be paid pursuant to [NRS 428.010](#) by the county in which the person alleged to be a person with mental illness resides.

7. The provisions of this section do not require the Division to provide examinations required pursuant to subsection 1 at a Division facility if the Division does not have the:

(a) Appropriate staffing levels of physicians, physician assistants, advanced practice registered nurses or other appropriate staff available at the facility as the Division determines is necessary to provide such examinations; or

(b) Appropriate medical laboratories as the Division determines is necessary to provide such examinations.

8. The Division shall adopt regulations to carry out the provisions of this section, including, without limitation, regulations that:

(a) Define "emergency services or care" as that term is used in this section; and

(b) Prescribe the type of medical facility that a person may be admitted to pursuant to subparagraph (2) of paragraph (b) of subsection 1.

9. As used in this section, "medical facility" has the meaning ascribed to it in [NRS 449.0151](#).

(Added to NRS by [1987, 1445](#); A [1991, 2209](#); [1993, 908](#); [2001, 1018](#); [2003, 1453](#), [1944](#); [2007, 1855](#); [2009, 334](#); [2013, 2080](#))

NRS 433A.170 Certificate of certain providers of health care or accredited agent of the Department required. Except as otherwise provided in this section, the administrative officer of a facility operated by the Division or of any other public or private mental health facility or hospital shall not accept an application for an emergency admission under [NRS 433A.160](#) unless that application is accompanied by a certificate of a licensed psychologist, a physician, a physician assistant under the supervision of a psychiatrist, a clinical social worker who has the psychiatric training and experience prescribed by the Board of Examiners for Social Workers pursuant to [NRS 641B.160](#), an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to [NRS 632.120](#) or an accredited agent of the Department stating that he or she has examined the person alleged to be a person with mental illness and that he or she has concluded that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed

his or her liberty. The certificate required by this section may be obtained from a licensed psychologist, physician, physician assistant, clinical social worker, advanced practice registered nurse or accredited agent of the Department who is employed by the public or private mental health facility or hospital to which the application is made.

(Added to NRS by [1975, 1603](#); A [1985, 2270](#); [1989, 1550, 1759](#); [1997, 3495](#); [2001, 3043](#); [2015, 2991](#))

NRS 433A.190 Notice of admission to spouse or legal guardian. Within 24 hours of a person's admission under emergency admission, the administrative officer of a public or private mental health facility shall give notice of such admission in person, by telephone or facsimile and by certified mail to the spouse or legal guardian of that person.

(Added to NRS by [1975, 1604](#); A [1993, 2114](#); [2009, 1667](#))

NRS 433A.195 Procedure for release. A licensed physician on the medical staff of a facility operated by the Division or of any other public or private mental health facility or hospital may release a person admitted pursuant to [NRS 433A.160](#) upon completion of a certificate which meets the requirements of [NRS 433A.197](#) signed by a licensed physician on the medical staff of the facility or hospital, a physician assistant under the supervision of a psychiatrist, psychologist, a clinical social worker who has the psychiatric training and experience prescribed by the Board of Examiners for Social Workers pursuant to [NRS 641B.160](#), an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to [NRS 632.120](#) or an accredited agent of the Department stating that he or she has personally observed and examined the person and that he or she has concluded that the person is not a person with a mental illness.

(Added to NRS by [2009, 332](#); A [2015, 2992](#))

NRS 433A.197 Requirements for and limitations on applications and certificates.

1. An application or certificate authorized under subsection 1 of [NRS 433A.160](#) or [NRS 433A.170](#) or [433A.195](#) must not be considered if made by a psychologist, physician, physician assistant, clinical social worker, advanced practice registered nurse or accredited agent of the Department who is related by blood or marriage within the second degree of consanguinity or affinity to the person alleged to be a person with mental illness, or who is financially interested in the facility in which the person alleged to be a person with mental illness is to be detained.

2. An application or certificate of any examining person authorized under [NRS 433A.170](#) must not be considered unless it is based on personal observation and examination of the person alleged to be a person with mental illness made by such examining person not more than 72 hours prior to the making of the application or certificate. The certificate required pursuant to [NRS 433A.170](#) must set forth in detail the facts and reasons on which the examining person based his or her opinions and conclusions.

3. A certificate authorized pursuant to [NRS 433A.195](#) must not be considered unless it is based on personal observation and examination of the person alleged to be a person with mental illness made by the examining physician, physician assistant, psychologist, clinical social worker, advanced practice registered nurse or accredited agent of the Department. The certificate authorized pursuant to [NRS 433A.195](#) must describe in detail the facts and reasons on which the examining physician, physician assistant, psychologist, clinical social worker, advanced practice registered nurse or accredited agent of the Department based his or her opinions and conclusions.

(Added to NRS by [1975, 1603](#); A [1989, 1550](#); [2009, 336](#); [2015, 2992](#)) — (Substituted in revision for NRS 433A.180)

Involuntary Court-Ordered Admission

NRS 433A.200 Petition: Filing; certificate or statement of alleged mental illness; statement of parent consenting to treatment of minor.

1. Except as otherwise provided in [NRS 432B.6075](#), a proceeding for an involuntary court-ordered admission of any person in the State of Nevada may be commenced by the filing of a petition for the involuntary admission to a mental health facility or to a program of community-based or outpatient services with the clerk of the district court of the county where the person who is to be treated resides. The petition may be filed by the spouse, parent, adult children or legal guardian of the person to be treated or by any physician, physician assistant, psychologist,

social worker or registered nurse, by an accredited agent of the Department or by any officer authorized to make arrests in the State of Nevada. The petition must be accompanied:

(a) By a certificate of a physician, a licensed psychologist, a physician assistant under the supervision of a psychiatrist, a clinical social worker who has the psychiatric training and experience prescribed by the Board of Examiners for Social Workers pursuant to [NRS 641B.160](#), an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to [NRS 632.120](#) or an accredited agent of the Department stating that he or she has examined the person alleged to be a person with mental illness and has concluded that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty or if not required to participate in a program of community-based or outpatient services; or

(b) By a sworn written statement by the petitioner that:

(1) The petitioner has, based upon the petitioner's personal observation of the person alleged to be a person with mental illness, probable cause to believe that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty or if not required to participate in a program of community-based or outpatient services; and

(2) The person alleged to be a person with mental illness has refused to submit to examination or treatment by a physician, psychiatrist or licensed psychologist.

2. Except as otherwise provided in [NRS 432B.6075](#), if the person to be treated is a minor and the petitioner is a person other than a parent or guardian of the minor, the petition must, in addition to the certificate or statement required by subsection 1, include a statement signed by a parent or guardian of the minor that the parent or guardian does not object to the filing of the petition.

(Added to NRS by [1975, 1604](#); A [1985, 54, 2270](#); [1989, 1551, 1760](#); [1995, 2413](#); [2001, 3044](#); [2005, 1322](#); [2013, 3489](#); [2015, 2993](#))

NRS 433A.210 Requirements of petition that is filed after emergency admission. In addition to the requirements of [NRS 433A.200](#), a petition filed pursuant to that section with the clerk of the district court to commence proceedings for involuntary court-ordered admission of a person pursuant to [NRS 433A.145](#) or [433A.150](#) must include a certified copy of:

1. The application for the emergency admission of the person made pursuant to [NRS 433A.160](#); and

2. A petition executed by a psychiatrist, licensed psychologist or physician, including, without limitation, a sworn statement that:

(a) He or she has examined the person alleged to be a person with mental illness;

(b) In his or her opinion, there is a reasonable degree of certainty that the person alleged to be a person with mental illness suffers from a mental illness;

(c) Based on his or her personal observation of the person alleged to be a person with mental illness and other facts set forth in the petition, the person poses a risk of imminent harm to himself or herself or others; and

(d) In his or her opinion, involuntary admission of the person alleged to be a person with mental illness to a mental health facility or hospital is medically necessary to prevent the person from harming himself or herself or others.

(Added to NRS by [1975, 1604](#); A [1985, 2270](#); [1989, 1551, 1760](#); [1995, 2414](#); [2001, 3044](#))

NRS 433A.220 Hearing on petition; notice; discharge of person before hearing.

1. Immediately after the clerk of the district court receives any petition filed pursuant to [NRS 433A.200](#) or [433A.210](#), the clerk shall transmit the petition to the appropriate district judge, who shall set a time, date and place for its hearing. The date must be within 5 judicial days after the date on which the petition is received by the clerk.

2. The court shall give notice of the petition and of the time, date and place of any proceedings thereon to the subject of the petition, his or her attorney, if known, the person's legal guardian, the petitioner, the district attorney of the county in which the court has its principal office, the local office of an agency or organization that receives money from the Federal Government pursuant to 42 U.S.C. §§ 10801 et seq., to protect and advocate the rights of persons

with mental illness and the administrative office of any public or private mental health facility in which the subject of the petition is detained.

3. The provisions of this section do not preclude a facility from discharging a person before the time set pursuant to this section for the hearing concerning the person, if appropriate. If the person has a legal guardian, the facility shall notify the guardian prior to discharging the person from the facility. The legal guardian has discretion to determine where the person will be released, taking into consideration any discharge plan proposed by the facility assessment team. If the legal guardian does not inform the facility as to where the person will be released within 3 days after the date of notification, the facility shall discharge the person according to its proposed discharge plan.

(Added to NRS by [1975, 1604](#); A [1989, 1760](#); [1993, 2114](#); [1995, 2414](#); [1997, 3495](#); [2001, 3045](#); [2009, 1667](#))

NRS 433A.230 Bond of petitioner. The court in its discretion may require any petitioner under [NRS 433A.200](#), except any duly accredited agent of the Department or any officer authorized to make arrests in the State of Nevada, to file an undertaking with surety to be approved by the court in the amount the court deems proper, conditioned to save harmless the person alleged to be mentally ill by reason of costs incurred, including attorney fees, if any, and damages suffered by the person as a result of such action.

(Added to NRS by [1975, 1605](#))

NRS 433A.240 Examination of person alleged to be mentally ill; protective custody pending hearing.

1. After the filing of a petition to commence proceedings for the involuntary court-ordered admission of a person pursuant to [NRS 433A.200](#) or [433A.210](#), the court shall promptly cause two or more physicians or licensed psychologists, one of whom must always be a physician, to examine the person alleged to be a person with mental illness, or request an evaluation by an evaluation team from the Division of the person alleged to be a person with mental illness.

2. To conduct the examination of a person who is not being detained at a mental health facility or hospital under emergency admission pursuant to an application made pursuant to [NRS 433A.160](#), the court may order a peace officer to take the person into protective custody and transport the person to a mental health facility or hospital where the person may be detained until a hearing is had upon the petition.

3. If the person is not being detained under an emergency admission pursuant to an application made pursuant to [NRS 433A.160](#), the person may be allowed to remain in his or her home or other place of residence pending an ordered examination or examinations and to return to his or her home or other place of residence upon completion of the examination or examinations. The person may be accompanied by one or more of his or her relations or friends to the place of examination.

4. Each physician and licensed psychologist who examines a person pursuant to subsection 1 shall, in conducting such an examination, consider the least restrictive treatment appropriate for the person.

5. Except as otherwise provided in this subsection, each physician and licensed psychologist who examines a person pursuant to subsection 1 shall, not later than 48 hours before the hearing set pursuant to [NRS 433A.220](#), submit to the court in writing a summary of his or her findings and evaluation regarding the person alleged to be a person with mental illness. If the person alleged to be a person with mental illness is admitted under an emergency admission pursuant to an application made pursuant to [NRS 433A.160](#), the written findings and evaluation must be submitted to the court not later than 24 hours before the hearing set pursuant to subsection 1 of [NRS 433A.220](#).

(Added to NRS by [1975, 1604](#); A [1983, 507](#); [1989, 1760](#); [1995, 2414](#); [2001, 3045](#); [2013, 3490](#))

NRS 433A.250 Evaluation team: Establishment; composition; fees.

1. The Administrator shall establish such evaluation teams as are necessary to aid the courts under [NRS 433A.240](#), [433A.310](#), [433A.315](#) and [433A.323](#).

2. Each team must be composed of a psychiatrist and other persons professionally qualified in the field of psychiatric mental health who are representative of the Division, selected from personnel in the Division.

3. Fees for the evaluations must be established and collected as set forth in [NRS 433.414](#) or [433B.260](#), as appropriate.

(Added to NRS by [1975, 1605](#); A [1983, 507](#); [1985, 424](#); [1993, 2722](#); [2013, 3491](#))

NRS 433A.260 Proceedings held in county where persons to conduct examination are available; expense of proceedings paid by county.

1. In counties where the examining personnel required pursuant to [NRS 433A.240](#) are not available, proceedings for involuntary court-ordered admission shall be conducted in the nearest county having such examining personnel available in order that there be minimum delay.

2. The entire expense of proceedings for involuntary court-ordered admission shall be paid by the county in which the application is filed, except that where the person to be admitted last resided in another county of the state the expense shall be charged to and payable by such county of residence.

(Added to NRS by [1975, 1605](#))

NRS 433A.270 Right to counsel; compensation of counsel; recess; continuation of representation by counsel during involuntary admission; duties of district attorney.

1. The person alleged to be a person with mental illness or any relative or friend on the person's behalf is entitled to retain counsel to represent the person in any proceeding before the district court relating to involuntary court-ordered admission, and if he or she fails or refuses to obtain counsel, the court shall advise the person and the person's guardian or next of kin, if known, of such right to counsel and shall appoint counsel, who may be the public defender or his or her deputy.

2. Any counsel appointed pursuant to subsection 1 must be awarded compensation by the court for his or her services in an amount determined by it to be fair and reasonable. The compensation must be charged against the estate of the person for whom the counsel was appointed or, if the person is indigent, against the county where the person alleged to be a person with mental illness last resided.

3. The court shall, at the request of counsel representing the person alleged to be a person with mental illness in proceedings before the court relating to involuntary court-ordered admission, grant a recess in the proceedings for the shortest time possible, but for not more than 5 days, to give the counsel an opportunity to prepare his or her case.

4. If the person alleged to be a person with a mental illness is involuntarily admitted to a program of community-based or outpatient services, counsel shall continue to represent the person until the person is released from the program. The court shall serve notice upon such counsel of any action that is taken involving the person while the person is admitted to the program of community-based or outpatient services.

5. Each district attorney or his or her deputy shall appear and represent the State in all involuntary court-ordered admission proceedings in the district attorney's county. The district attorney is responsible for the presentation of evidence, if any, in support of the involuntary court-ordered admission of a person to a mental health facility or to a program of community-based or outpatient services in proceedings held pursuant to [NRS 433A.200](#) or [433A.210](#).

(Added to NRS by [1975, 1605](#); A [2001, 3046](#); [2013, 3491](#))

NRS 433A.280 Testimony. In proceedings for involuntary court-ordered admission, the court shall hear and consider all relevant testimony, including, but not limited to, the testimony of examining personnel who participated in the evaluation of the person alleged to be a person with mental illness and the certificates of physicians or certified psychologists accompanying the petition. The court may consider testimony relating to any past actions of the person alleged to be a person with mental illness if such testimony is probative of the question of whether the person is presently mentally ill and presents a clear and present danger of harm to himself or herself or others.

(Added to NRS by [1975, 1606](#); A [1999, 120](#))

NRS 433A.290 Right of person alleged to be mentally ill to be present and testify. In proceedings for an involuntary court-ordered admission, the person with respect to whom the proceedings are held shall be present and may, at the discretion of the court, testify.

(Added to NRS by [1975, 1606](#))

NRS 433A.300 Fees and mileage for witnesses. Witnesses subpoenaed under the provisions of this chapter shall be paid the same fees and mileage as are paid to witnesses in the courts of the State of Nevada.

(Added to NRS by [1975, 1606](#))

NRS 433A.310 Findings and order; conditions for admission to program of community-based or outpatient services; expiration and renewal of admission to facility or program; alternative courses of treatment; transmittal of record to Central Repository for Nevada Records of Criminal History.

1. Except as otherwise provided in [NRS 432B.6076](#) and [432B.6077](#), if the district court finds, after proceedings for the involuntary court-ordered admission of a person:

(a) That there is not clear and convincing evidence that the person with respect to whom the hearing was held has a mental illness or exhibits observable behavior such that the person is likely to harm himself or herself or others if allowed his or her liberty or if not required to participate in a program of community-based or outpatient services, the court shall enter its finding to that effect and the person must not be involuntarily admitted to a public or private mental health facility or to a program of community-based or outpatient services.

(b) That there is clear and convincing evidence that the person with respect to whom the hearing was held has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty or if not required to participate in a program of community-based or outpatient services, the court may order the involuntary admission of the person for the most appropriate course of treatment, including, without limitation, admission to a public or private mental health facility or participation in a program of community-based or outpatient services. The order of the court must be interlocutory and must not become final if, within 30 days after the involuntary admission, the person is unconditionally released pursuant to [NRS 433A.390](#).

2. A court shall not admit a person to a program of community-based or outpatient services unless:

(a) A program of community-based or outpatient services is available in the community in which the person resides or is otherwise made available to the person;

(b) The person is 18 years of age or older;

(c) The person has a history of noncompliance with treatment for mental illness;

(d) The person is capable of surviving safely in the community in which he or she resides with available supervision;

(e) The court determines that, based on the person's history of treatment for mental illness, the person needs to be admitted to a program of community-based or outpatient services to prevent further disability or deterioration of the person which is likely to result in harm to himself or herself or others;

(f) The current mental status of the person or the nature of the person's illness limits or negates his or her ability to make an informed decision to seek treatment for mental illness voluntarily or to comply with recommended treatment for mental illness;

(g) The program of community-based or outpatient services is the least restrictive treatment which is in the best interest of the person; and

(h) The court has approved a plan of treatment developed for the person pursuant to [NRS 433A.315](#).

3. Except as otherwise provided in [NRS 432B.608](#), an involuntary admission pursuant to paragraph (b) of subsection 1 automatically expires at the end of 6 months if not terminated previously by the medical director of the public or private mental health facility as provided for in subsection 2 of [NRS 433A.390](#) or by the professional responsible for providing or coordinating the program of community-based or outpatient services as provided for in subsection 3 of [NRS 433A.390](#). Except as otherwise provided in [NRS 432B.608](#), at the end of

the court-ordered period of treatment, the Division, any mental health facility that is not operated by the Division or a program of community-based or outpatient services may petition to renew the involuntary admission of the person for additional periods not to exceed 6 months each. For each renewal, the petition must include evidence which meets the same standard set forth in subsection 1 that was required for the initial period of admission of the person to a public or private mental health facility or to a program of community-based or outpatient services.

4. Before issuing an order for involuntary admission or a renewal thereof, the court shall explore other alternative courses of treatment within the least restrictive appropriate environment, including involuntary admission to a program of community-based or outpatient services, as suggested by the evaluation team who evaluated the person, or other persons professionally qualified in the field of psychiatric mental health, which the court believes may be in the best interests of the person.

5. If the court issues an order involuntarily admitting a person to a public or private mental health facility or to a program of community-based or outpatient services pursuant to this section, the court shall, notwithstanding the provisions of [NRS 433A.715](#), cause, within 5 business days after the order becomes final pursuant to this section, on a form prescribed by the Department of Public Safety, a record of the order to be transmitted to the Central Repository for Nevada Records of Criminal History, along with a statement indicating that the record is being transmitted for inclusion in each appropriate database of the National Instant Criminal Background Check System.

6. As used in this section, “National Instant Criminal Background Check System” has the meaning ascribed to it in [NRS 179A.062](#).

(Added to NRS by [1975, 1606](#); A [1981, 1134](#); [1983, 508](#); [1989, 1761](#); [1993, 2115](#); [2001, 3046](#); [2005, 1323](#); [2009, 2491](#); [2013, 3492](#); [2015, 1815](#))

NRS 433A.315 Development of written plan for course of treatment and program of community-based or outpatient services. If a court determines pursuant to [NRS 433A.310](#) that a person should be involuntarily admitted to a program of community-based or outpatient services, the court shall promptly cause two or more persons professionally qualified in the field of psychiatric mental health, which may include the person who filed the petition for involuntary court-ordered admission pursuant to [NRS 433A.200](#) if he or she is so qualified, in consultation with the person to be involuntarily admitted, to develop and submit to the court a written plan prescribing a course of treatment and enumerating the program of community-based or outpatient services for the person. The plan must include, without limitation:

1. A description of the types of services in which the person will participate;
2. The medications, if any, which the person must take and the manner in which those medications will be administered;
3. The name of the person professionally qualified in the field of psychiatric mental health who is responsible for providing or coordinating the program of community-based or outpatient services; and
4. Any other requirements which the court deems necessary.

(Added to NRS by [2013, 3486](#))

NRS 433A.320 Clinical abstract to accompany order. The order for involuntary court admission of any person to a public or private mental health facility or to a program of community-based or outpatient services must be accompanied by a clinical abstract, including a history of illness, diagnosis, treatment and the names of relatives or correspondents.

(Added to NRS by [1975, 1607](#); A [2013, 3493](#))

NRS 433A.323 Failure to participate in program or carry out plan of treatment: Petition and order to take person into custody; evaluation.

1. When a person who is involuntarily admitted to a program of community-based or outpatient services fails to participate in the program or otherwise fails to carry out the plan of treatment developed pursuant to [NRS 433A.315](#), despite efforts by the professional responsible for providing or coordinating the program of community-based or outpatient services for the person to solicit the person’s compliance, the professional may petition the court to issue an order requiring a peace officer to take into custody and deliver the person to the appropriate

location for an evaluation by an evaluation team from the Division pursuant to [NRS 433A.240](#). The petition must be accompanied by:

- (a) A copy of the order for involuntary admission;
- (b) A copy of the plan of treatment submitted to the court pursuant to [NRS 433A.315](#);
- (c) A list that sets forth the specific provisions of the plan of treatment which the person has failed to carry out; and
- (d) A statement by the petitioner which explains how the person's failure to participate in the program of community-based or outpatient services or failure to carry out the plan of treatment will likely cause the person to harm himself or herself or others.

2. If the court determines that there is probable cause to believe that the person is likely to harm himself or herself or others if the person does not comply with the plan of treatment, the court may issue an order requiring a peace officer to take into custody and deliver the person to an appropriate location for an evaluation by an evaluation team from the Division pursuant to [NRS 433A.240](#).

3. As used in this section, "appropriate location" does not include a jail or prison.

(Added to NRS by [2013, 3486](#))

NRS 433A.327 Conditional release of person in program: When allowed; no liability of State; notice to court, district attorney and legal guardian; order to resume participation in program; judicial review of order to resume participation in program.

1. Except as otherwise provided in subsection 3, any person involuntarily admitted to a program of community-based or outpatient services may be conditionally released from the program when, in the judgment of the professional responsible for providing or coordinating the program of community-based or outpatient services, the person does not present a danger of harm to himself or herself or others. The professional responsible for providing or coordinating the program of community-based or outpatient services shall prescribe the period for which the conditional release is effective. The period must not extend beyond the last day of the court-ordered period of admission to a program of community-based or outpatient services pursuant to [NRS 433A.310](#).

2. When a person is conditionally released pursuant to subsection 1, the State of Nevada, the agents and employees of the State or a mental health facility, the professionals responsible for providing or coordinating programs of community-based or outpatient services and any other professionals providing mental health services are not liable for any debts or contractual obligations incurred, medical or otherwise, or damages caused by the actions of the person who is released.

3. A person who is involuntarily admitted to a program of community-based or outpatient services may be conditionally released only if, at the time of the release, written notice is given to the court which ordered the person to participate in the program, to the attorney of the person and to the district attorney of the county in which the proceedings for admission were held.

4. Except as otherwise provided in subsection 6, the professional responsible for providing or coordinating the program of community-based or outpatient services shall order a person who is conditionally released pursuant to subsection 1 to resume participation in the program if the professional determines that the conditional release is no longer appropriate because that person presents a clear and present danger of harm to himself or herself or others. Except as otherwise provided in this subsection, the professional responsible for providing or coordinating the program of community-based or outpatient services shall, at least 3 days before the issuance of the order to resume participation, give written notice of the order to the court that admitted the person to the program. If an emergency exists in which the person presents an imminent threat of danger of harm to himself or herself or others, the order must be submitted to the court not later than 1 business day after the order is issued.

5. The court shall review an order submitted pursuant to subsection 4 and the current condition of the person who was ordered to resume participation in a program of community-based or outpatient services at the next regularly scheduled hearing for the review of petitions for involuntary admissions, but in no event later than 5 judicial days after participation in the program is resumed. The court shall serve notice on the person who was ordered to resume

participation in the program and to his or her attorney of the time, date and place of the hearing and of the facts necessitating that the person resume participation in the program.

6. The provisions of subsection 4 do not apply if the period of conditional release has expired.

(Added to NRS by [2013, 3487](#))

NRS 433A.330 Transportation to facility.

1. When an involuntary court admission to a mental health facility is ordered under the provisions of this chapter, the involuntarily admitted person, together with the court orders and certificates of the physicians, certified psychologists or evaluation team and a full and complete transcript of the notes of the official reporter made at the examination of such person before the court, must be delivered to the sheriff of the county who shall:

(a) Transport the person; or

(b) Arrange for the person to be transported by:

(1) A system for the nonemergency medical transportation of persons whose operation is authorized by the Nevada Transportation Authority; or

(2) If medically necessary, an ambulance service that holds a permit issued pursuant to the provisions of [chapter 450B](#) of NRS,

↳ to the appropriate public or private mental health facility.

2. No person with mental illness may be transported to the mental health facility without at least one attendant of the same sex or a relative in the first degree of consanguinity or affinity being in attendance.

(Added to NRS by [1975, 1607](#); A [2001, 1018](#); [2013, 3493](#))

HOSPITALIZATION

NRS 433A.350 Information to be furnished to consumer upon admission to facility or program.

1. Upon admission to any public or private mental health facility or to a program of community-based or outpatient services, each consumer and the consumer's spouse and legal guardian, if any, must receive a written statement outlining in simple, nontechnical language all procedures for release provided by this chapter, setting out all rights accorded to such a consumer by this chapter and [chapters 433](#) and [433B](#) of NRS and, if the consumer has no legal guardian, describing procedures provided by law for adjudication of incompetency and appointment of a guardian for the consumer.

2. Written information regarding the services provided by and means of contacting the local office of an agency or organization that receives money from the Federal Government pursuant to 42 U.S.C. §§ 10801 et seq., to protect and advocate the rights of persons with mental illnesses must be posted in each public and private mental health facility and in each location in which a program of community-based or outpatient services is provided and must be provided to each consumer upon admission.

(Added to NRS by [1975, 1610](#); A [1993, 2115, 2722](#); [1995, 676](#); [2011, 427](#); [2013, 3494](#))

NRS 433A.360 Clinical records: Contents; confidentiality.

1. A clinical record for each consumer must be diligently maintained by any division facility, private institution, facility offering mental health services or program of community-based or outpatient services. The record must include information pertaining to the consumer's admission, legal status, treatment and individualized plan for habilitation. The clinical record is not a public record and no part of it may be released, except:

(a) If the release is authorized or required pursuant to [NRS 439.538](#).

(b) The record must be released to physicians, attorneys and social agencies as specifically authorized in writing by the consumer, the consumer's parent, guardian or attorney.

(c) The record must be released to persons authorized by the order of a court of competent jurisdiction.

(d) The record or any part thereof may be disclosed to a qualified member of the staff of a division facility, an employee of the Division or a member of the staff of an agency in Nevada which has been established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq., or the Protection and Advocacy for Mentally Ill

Individuals Act of 1986, 42 U.S.C. §§ 10801 et seq., when the Administrator deems it necessary for the proper care of the consumer.

(e) Information from the clinical records may be used for statistical and evaluative purposes if the information is abstracted in such a way as to protect the identity of individual consumers.

(f) To the extent necessary for a consumer to make a claim, or for a claim to be made on behalf of a consumer for aid, insurance or medical assistance to which the consumer may be entitled, information from the records may be released with the written authorization of the consumer or the consumer's guardian.

(g) The record must be released without charge to any member of the staff of an agency in Nevada which has been established pursuant to 42 U.S.C. §§ 15001 et seq. or 42 U.S.C. §§ 10801 et seq. if:

(1) The consumer is a consumer of that office and the consumer or the consumer's legal representative or guardian authorizes the release of the record; or

(2) A complaint regarding a consumer was received by the office or there is probable cause to believe that the consumer has been abused or neglected and the consumer:

(I) Is unable to authorize the release of the record because of the consumer's mental or physical condition; and

(II) Does not have a guardian or other legal representative or is a ward of the State.

(h) The record must be released as provided in [NRS 433.332](#) or [433B.200](#) and in [chapter 629](#) of NRS.

2. As used in this section, "consumer" includes any person who seeks, on the person's own or others' initiative, and can benefit from, care, treatment and training in a private institution or facility offering mental health services, from treatment to competency in a private institution or facility offering mental health services, or from a program of community-based or outpatient services.

(Added to NRS by [1975, 1611](#); A [1987, 746, 1197](#); [1989, 2056](#); [1991, 2351](#); [1993, 2722](#); [2003, 1945](#); [2007, 1981](#); [2011, 428](#); [2013, 3494](#))

NRS 433A.370 Escape or absence without leave.

1. When a consumer committed by a court to a division facility on or before June 30, 1975, or a consumer who is judicially admitted on or after July 1, 1975, or a person who is involuntarily detained pursuant to [NRS 433A.145](#) to [433A.300](#), inclusive, escapes from any division facility, or when a judicially admitted consumer has not returned to a division facility from conditional release after the administrative officer of the facility has ordered the consumer to do so, any peace officer shall, upon written request of the administrative officer or the administrative officer's designee and without the necessity of a warrant or court order, apprehend, take into custody and deliver the person to such division facility or another state facility.

2. Any person appointed or designated by the Director of the Department to take into custody and transport to a division facility persons who have escaped or failed to return as described in subsection 1 may participate in the apprehension and delivery of any such person, but may not take the person into custody without a warrant.

(Added to NRS by [1975, 1609](#); A [1999, 867](#); [2001, 3047](#); [2011, 429](#))

NRS 433A.380 Conditional release: No liability of State; restoration of rights; notice to court, district attorney and legal guardian; order to return to facility; judicial review of order to return to facility.

1. Except as otherwise provided in subsection 4, any person involuntarily admitted by a court may be conditionally released from a public or private mental health facility when, in the judgment of the medical director of the facility, the conditional release is in the best interest of the person and will not be detrimental to the public welfare. The medical director of the facility or the medical director's designee shall prescribe the period for which the conditional release is effective. The period must not extend beyond the last day of the court-ordered period of treatment pursuant to [NRS 433A.310](#). If the person has a legal guardian, the facility shall notify the guardian before discharging the person from the facility. The legal guardian has discretion to determine where the person will be released, taking into consideration any discharge plan

proposed by the facility assessment team. If the legal guardian does not inform the facility as to where the person will be released within 3 days after the date of notification, the facility shall discharge the person according to its proposed discharge plan.

2. When a person is conditionally released pursuant to subsection 1, the State or any of its agents or employees are not liable for any debts or contractual obligations, medical or otherwise, incurred or damages caused by the actions of the person.

3. When a person who has been adjudicated by a court to be incompetent is conditionally released from a mental health facility, the administrative officer of the mental health facility shall petition the court for restoration of full civil and legal rights as deemed necessary to facilitate the incompetent person's rehabilitation. If the person has a legal guardian, the petition must be filed with the court having jurisdiction over the guardianship.

4. A person who was involuntarily admitted by a court because he or she was likely to harm others if allowed to remain at liberty may be conditionally released only if, at the time of the release, written notice is given to the court which admitted him or her, to the person's legal guardian and to the district attorney of the county in which the proceedings for admission were held.

5. Except as otherwise provided in subsection 7, the administrative officer of a public or private mental health facility or the administrative officer's designee shall order a person who is conditionally released from that facility pursuant to this section to return to the facility if a psychiatrist and a member of that person's treatment team who is professionally qualified in the field of psychiatric mental health determine, pursuant to [NRS 433A.115](#), that the conditional release is no longer appropriate because that person presents a clear and present danger of harm to himself or herself or others. Except as otherwise provided in this subsection, the administrative officer or the designee shall, at least 3 days before the issuance of the order to return, give written notice of the order to the court that admitted the person to the facility and to the person's legal guardian. If an emergency exists in which the person presents an imminent threat of danger of harm to himself or herself or others, the order must be submitted to the court and the legal guardian not later than 1 business day after the order is issued.

6. The court shall review an order submitted pursuant to subsection 5 and the current condition of the person who was ordered to return to the facility at its next regularly scheduled hearing for the review of petitions for involuntary court-ordered admissions, but in no event later than 5 judicial days after the person is returned to the facility. The administrative officer or the administrative officer's designee shall give written notice to the person who was ordered to return to the facility, to the person's legal guardian and to the person's attorney, if known, of the time, date and place of the hearing and of the facts necessitating that person's return to the facility.

7. The provisions of subsection 5 do not apply if the period of conditional release has expired.

(Added to NRS by [1975, 1608](#); A [1981, 1661](#); [1999, 867](#); [2009, 1667](#))

NRS 433A.390 Release without further order of court at end of period specified; unconditional early release; notice to court and legal guardian.

1. When a consumer, involuntarily admitted to a mental health facility or to a program of community-based or outpatient services by court order, is released at the end of the period specified pursuant to [NRS 433A.310](#), written notice must be given to the admitting court and to the consumer's legal guardian at least 10 days before the release of the consumer. The consumer may then be released without requiring further orders of the court. If the consumer has a legal guardian, the facility or the professional responsible for providing or coordinating the program of community-based or outpatient services shall notify the guardian before discharging the consumer from the facility or program. The legal guardian has discretion to determine where the consumer will be released, taking into consideration any discharge plan proposed by the facility assessment team or the professional responsible for providing or coordinating the program of community-based or outpatient services. If the legal guardian does not inform the facility or professional as to where the consumer will be released within 3 days after the date of

notification, the facility or professional shall discharge the consumer according to its proposed discharge plan.

2. A consumer who is involuntarily admitted to a mental health facility may be unconditionally released before the period specified in [NRS 433A.310](#) when:

(a) An evaluation team established under [NRS 433A.250](#) or two persons professionally qualified in the field of psychiatric mental health, at least one of them being a physician, determines that the consumer has recovered from his or her mental illness or has improved to such an extent that the consumer is no longer considered to present a clear and present danger of harm to himself or herself or others; and

(b) Under advisement from the evaluation team or two persons professionally qualified in the field of psychiatric mental health, at least one of them being a physician, the medical director of the mental health facility authorizes the release and gives written notice to the admitting court and to the consumer's legal guardian at least 10 days before the release of the consumer. If the consumer has a legal guardian, the facility shall notify the guardian before discharging the consumer from the facility. The legal guardian has discretion to determine where the consumer will be released, taking into consideration any discharge plan proposed by the facility assessment team. If the legal guardian does not inform the facility as to where the consumer will be released within 3 days after the date of notification, the facility shall discharge the consumer according to its proposed discharge plan.

3. A consumer who is involuntarily admitted to a program of community-based or outpatient services may be unconditionally released before the period specified in [NRS 433A.310](#) when:

(a) The professional responsible for providing or coordinating the program of community-based or outpatient services for the consumer determines that the consumer has recovered from his or her mental illness or has improved to such an extent that the consumer is no longer considered to present a clear and present danger of harm to himself or herself or others; and

(b) Under advisement from an evaluation team established under [NRS 433A.250](#) or two persons professionally qualified in the field of psychiatric mental health, at least one of them being a physician, the professional responsible for providing or coordinating the program of community-based or outpatient services for the consumer authorizes the release and gives written notice to the admitting court at least 10 days before the release of the consumer from the program.

(Added to NRS by [1975, 1607](#); A [1983, 508](#); [1989, 1762](#); [1997, 3496](#); [1999, 868](#); [2009, 1668](#); [2011, 429](#); [2013, 3495](#))

NRS 433A.400 Return of indigent to county of last residence or county where involuntarily admitted; delivery of indigent person to another state pursuant to Interstate Compact on Mental Health; notice.

1. An indigent resident of this state discharged as having recovered from his or her mental illness, but having a residual medical or surgical disability which prevents him or her from obtaining or holding remunerative employment, must be returned to the county of his or her last residence, except as otherwise provided pursuant to subsections 2 and 3. A nonresident indigent with such disabilities must be returned to the county from which he or she was involuntarily court-admitted, except as otherwise provided in subsections 2 and 3. The administrative officer of the mental health facility shall first give notice in writing, not less than 10 days before discharge, to the board of county commissioners of the county to which the person will be returned and to the person's legal guardian.

2. Delivery of the indigent person must be made to an individual or agency authorized to provide further care. If the person has a legal guardian, the facility shall notify the guardian before discharging the person from the facility. The legal guardian has discretion to determine where the person will be released, taking into consideration any discharge plan proposed by the facility assessment team. If the legal guardian does not inform the facility as to where the person will be released within 3 days after the date of notification, the facility shall discharge the person according to its proposed discharge plan.

3. An indigent person may be delivered to a state that is a party to the Interstate Compact on Mental Health ratified and enacted in [NRS 433.4543](#) regardless of residency in the manner provided in the Compact.

4. This section does not authorize the release of any person held upon an order of a court or judge having criminal jurisdiction arising out of a criminal offense.

(Added to NRS by [1975, 1607](#); A [2009, 1669](#); [2015, 1036](#))

NRS 433A.420 Transfer to hospital of Department of Veterans Affairs or other facility; duties of medical director and Commission upon objection of consumer. The medical director of a division facility may order the transfer to a hospital of the Department of Veterans Affairs or other facility of the United States Government any admitted consumer eligible for treatment therein. If the consumer in any manner objects to the transfer, the medical director of the facility shall enter the objection and a written justification of the transfer in the consumer's record and forward a notice of the objection to the Administrator, and the Commission shall review the transfer pursuant to subsections 2 and 3 of [NRS 433.534](#).

(Added to NRS by [1975, 1611](#); A [1981, 894](#); [1985, 2271](#); [1995, 1092](#); [2011, 430](#))

NRS 433A.430 Transfer to facility in other state: Examination; contract; objection to transfer; fee for examination.

1. Whenever the Administrator determines that division facilities within the State are inadequate for the care of any person with mental illness, the Administrator may designate two physicians, licensed under the provisions of [chapter 630](#) or [633](#) of NRS, and familiar with the field of psychiatry, to examine that person. If the two physicians concur with the opinion of the Administrator, the Administrator may:

(a) Transfer the person to a state that is a party to the Interstate Compact on Mental Health ratified and enacted in [NRS 433.4543](#) in the manner provided in the Compact; or

(b) Contract with appropriate corresponding authorities in any other state of the United States that is not a party to the Compact and has adequate facilities for such purposes for the reception, detention, care or treatment of that person, but if the person in any manner objects to the transfer, the procedures in subsection 3 of [NRS 433.484](#) and subsections 2 and 3 of [NRS 433.534](#) must be followed. The two physicians so designated are entitled to a reasonable fee for their services which must be paid by the county of the person's last known residence.

2. Money to carry out the provisions of this section must be provided by direct legislative appropriation.

(Added to NRS by [1975, 1609](#); A [1981, 895, 1527](#); [1999, 1826](#); [2003, 1177](#); [2015, 1036](#))

NRS 433A.440 Transfer of nonresident to state of residence.

1. If any person involuntarily court-admitted to any division facility pursuant to [NRS 433A.310](#) is found by the court not to be a resident of this State and to be a resident of another state, the person may be transferred to the state of his or her residence pursuant to [NRS 433.444](#), and, if applicable, the Interstate Compact on Mental Health ratified and enacted in [NRS 433.4543](#), if an appropriate institution of that state is willing to accept the person.

2. The approval of the Administrator of the Division of Public and Behavioral Health of the Department must be obtained before any transfer is made pursuant to subsection 1.

(Added to NRS by [1975, 1607](#); A [1993, 2723](#); [1999, 102](#); [2015, 1037](#))

NRS 433A.450 Detention and treatment of offender with mental illness. When a psychiatrist and one other person professionally qualified in the field of psychiatric mental health determines that an offender confined in an institution of the Department of Corrections is a person with mental illness, the Director of the Department of Corrections shall apply to the Administrator for the offender's detention and treatment at a division facility selected by the Administrator. If the Administrator determines that adequate security or treatment is not available in a division facility, the Administrator shall provide, within the resources available to the Division and as the Administrator deems necessary, consultation and other appropriate services for the offender at the place where the offender is confined. It is the Director's decision whether to accept such services.

(Added to NRS by [1975, 1609](#); A [1977, 871](#); [1983, 509](#); [2001, 240](#))

NRS 433A.460 Legal capacity of person admitted to facility or program unimpaired unless adjudicated incompetent. No person admitted to a public or private mental health facility or to a program of community-based or outpatient services pursuant to this chapter shall, by reason of such admission, be denied the right to dispose of property, marry, execute instruments, make purchases, enter into contractual relationships, vote and hold a driver's license, unless such person has been specifically adjudicated incompetent by a court of competent jurisdiction and has not been restored to legal capacity.

(Added to NRS by [1975, 1610](#); A [2013, 3496](#))

NRS 433A.470 Guardian may be appointed for person adjudicated incompetent. A person adjudicated by a court to be a person with mental incompetence who is admitted to a public or private mental health facility may have a guardian appointed either by the admitting court or by the district court of the county wherein the mental health facility is located, on the application of any interested person or, in the case of an indigent, on the application of the district attorney of the county wherein the mental health facility is located. The provisions of [chapter 159](#) of NRS shall govern the appointment and administration of guardianships created pursuant to this chapter.

(Added to NRS by [1975, 1610](#))

NRS 433A.480 Evaluation of person adjudicated incompetent; initiation of action for restoration to legal capacity.

1. The medical director of a division mental health facility shall have all persons adjudicated as persons with mental incompetence of that facility automatically evaluated no less than once every 6 months to determine whether or not there is sufficient cause to believe that the consumer remains unable to exercise rights to dispose of property, marry, execute instruments, make purchases, enter into contractual relationships, vote or hold a driver's license.

2. If the medical director has sufficient reason to believe that the consumer remains unable to exercise these rights, such information shall be documented in the consumer's treatment record.

3. If there is no such reason to believe the consumer is unable to exercise these rights, the medical director shall immediately initiate proper action to cause to have the consumer restored to legal capacity.

(Added to NRS by [1975, 1610](#); A [2011, 430](#))

NRS 433A.490 Restoration of legal capacity of person previously adjudicated incompetent. Any person in the State of Nevada who, by reason of a judicial decree ordering the person's hospitalization entered prior to July 1, 1975, is considered to be mentally incompetent and is denied the right to dispose of property, marry, execute instruments, make purchases, enter into contractual relationships, vote or hold a driver's license solely by reason of such decree shall, upon the expiration of the 6-month period immediately following such date, be deemed to have been restored to legal capacity unless, within such 6-month period, affirmative action is commenced to have the person adjudicated mentally incompetent by a court of competent jurisdiction.

(Added to NRS by [1975, 1610](#))

PAYMENT OF COSTS OF HOSPITALIZATION AND TREATMENT

NRS 433A.580 Arrangements for payment of costs required. No person may be admitted to a private hospital, a division mental health facility or a program of community-based or outpatient services pursuant to the provisions of this chapter unless mutually agreeable financial arrangements relating to the costs of treatment are made between the private hospital, division facility or professional responsible for providing or coordinating a program of community-based or outpatient services and the consumer or person requesting his or her admission.

(Added to NRS by [1975, 1614](#); A [2011, 430](#); [2013, 3496](#))

NRS 433A.590 Schedule of fees.

1. Fees for the cost of treatment and services rendered through any division facility must be established pursuant to the fee schedule established under [NRS 433.404](#) or [433B.250](#), as appropriate.

2. The maximum fee established by the schedule must approximate the actual cost per consumer for the class of consumer care provided.

3. The fee schedule must allow for a consumer to pay a portion of the actual cost if it is determined that the consumer and his or her responsible relatives pursuant to [NRS 433A.610](#) are unable to pay the full amount. That determination must be made pursuant to [NRS 433A.640](#) and [433A.650](#).

4. Any reduction pursuant to subsection 3 of the amount owed must not be calculated until all of the benefits available to the consumer from third-party sources, other than Medicaid, have been applied to pay the actual cost for the care provided.

(Added to NRS by [1975, 1614](#); A [1993, 1239, 2723](#); [2011, 430](#))

NRS 433A.600 Charges to nonindigent persons admitted to facility or program and responsible relative; recovery by civil action; disposition of receipts.

1. A person who is admitted to a division facility or to a program of community-based or outpatient services operated by the Division and not determined to be indigent and every responsible relative pursuant to [NRS 433A.610](#) of the person shall be charged for the cost of treatment and is liable for that cost. If after demand is made for payment the person or his or her responsible relative fails to pay that cost, the administrative officer or professional responsible for providing or coordinating the program of community-based or outpatient services, as applicable, may recover the amount due by civil action.

2. All sums received pursuant to subsection 1 must be deposited in the State Treasury and may be expended by the Division for the support of that facility or program in accordance with the allotment, transfer, work program and budget provisions of [NRS 353.150](#) to [353.245](#), inclusive.

(Added to NRS by [1975, 1615](#); A [1985, 2272](#); [1993, 1240](#); [2013, 3496](#))

NRS 433A.610 Liability of certain relatives and estate of person admitted to facility for payment of costs; recovery by legal action.

1. When a person is admitted to a division facility or hospital under one of the various forms of admission prescribed by law, the parent or legal guardian of a person with mental illness who is a minor or the husband or wife of a person with mental illness, if of sufficient ability, and the estate of the person with mental illness, if the estate is sufficient for the purpose, shall pay the cost of the maintenance for the person with mental illness, including treatment and surgical operations, in any hospital in which the person is hospitalized under the provisions of this chapter:

(a) To the administrative officer if the person is admitted to a division facility; or

(b) In all other cases, to the hospital rendering the service.

2. If a person or an estate liable for the care, maintenance and support of a committed person neglects or refuses to pay the administrative officer or the hospital rendering the service, the State is entitled to recover, by appropriate legal action, all money owed to a division facility or which the State has paid to a hospital for the care of a committed person, plus interest at the rate established pursuant to [NRS 99.040](#).

(Added to NRS by [1975, 1614](#); A [1987, 1446](#); [1993, 1240](#))

NRS 433A.620 Limitation on payment from estate of person admitted to facility.

Payment for the care, support, maintenance and other expenses of a person admitted to a division mental health facility shall not be exacted from such person's estate if there is a likelihood of such person's recovery or release from such facility and payment will reduce the person's estate to such an extent that he or she is likely to become a burden on the community in the event of his or her discharge from such facility.

(Added to NRS by [1975, 1615](#))

NRS 433A.630 Special agreement for support of consumer adjudicated incompetent; advance payments.

1. The administrative officers of the respective division facilities may enter into special agreements secured by properly executed bonds with the relatives, guardians or friends of consumers who are adjudicated to be consumers with mental incompetence for subsistence, care

or other expenses of such consumers. Each agreement and bond must be to the State of Nevada and any action to enforce the agreement or bond may be brought by the administrative officer.

2. Financially responsible relatives pursuant to [NRS 433A.610](#) and the guardian of the estate of a consumer may, from time to time, pay money to the division facility for the future personal needs of the consumer with mental incompetence and for the consumer's burial expenses. Money paid pursuant to this subsection must be credited to the consumer in the consumers' personal deposit fund established pursuant to [NRS 433.539](#).

(Added to NRS by [1975, 1615](#); A [1993, 1240](#); [2011, 430](#))

NRS 433A.640 Parties responsible for payment of charges after court-ordered admission; investigation of ability to pay.

1. Once a court has ordered the admission of a person to a division facility, the administrative officer shall make an investigation, pursuant to the provisions of this chapter, to determine whether the person or his or her responsible relatives pursuant to [NRS 433A.610](#) are capable of paying for all or a portion of the costs that will be incurred during the period of admission.

2. If a person is admitted to a division facility or program of community-based or outpatient services pursuant to a court order, that person and his or her responsible relatives are responsible for the payment of the actual cost of the treatment and services rendered during his or her admission to the division facility or program unless the investigation reveals that the person and his or her responsible relatives are not capable of paying the full amount of the costs.

3. Once a court has ordered the admission of a person to a program of community-based or outpatient services operated by the Division, the professional responsible for providing or coordinating the program shall make an investigation, pursuant to the provisions of this chapter, to determine whether the person or his or her responsible relatives pursuant to [NRS 433A.610](#) are capable of paying for all or a portion of the costs that will be incurred during the period of admission.

(Added to NRS by [1975, 1614](#); A [1993, 1241](#); [2013, 3497](#))

NRS 433A.650 Benefits available from third party. Determination of ability to pay pursuant to [NRS 433A.640](#) shall include investigation of whether the consumer has benefits due and owing to the consumer for the cost of his or her treatment from third-party sources, such as Medicare, Medicaid, social security, medical insurance benefits, retirement programs, annuity plans, government benefits or any other financially responsible third parties. The administrative officer of a division mental health facility or professional responsible for providing or coordinating a program of community-based or outpatient services may accept payment for the cost of a consumer's treatment from the consumer's insurance company, Medicare or Medicaid and other similar third parties.

(Added to NRS by [1975, 1614](#); A [2011, 431](#); [2013, 3497](#))

NRS 433A.660 Collection of fees by legal action and other methods.

1. If the consumer, his or her responsible relative pursuant to [NRS 433A.610](#), guardian or the estate neglects or refuses to pay the cost of treatment to the division facility or to the program of community-based or outpatient services operated by the Division rendering service pursuant to the fee schedule established under [NRS 433.404](#) or [433B.250](#), as appropriate, the State is entitled to recover by appropriate legal action all sums due, plus interest.

2. Before initiating such legal action, the division facility or program, as applicable, shall demonstrate efforts at collection, which may include contractual arrangements for collection through a private collection agency.

(Added to NRS by [1975, 1615](#); A [1993, 1241, 2723](#); [2011, 431](#); [2013, 3497](#))

NRS 433A.680 Payment of costs of medical services rendered by person not on staff of facility of Division. The expense of diagnostic, medical and surgical services furnished to a consumer admitted to a division facility by a person not on the staff of the facility, whether rendered while the consumer is in a general hospital, an outpatient of a general hospital or treated outside any hospital, must be paid by the consumer, the guardian or relatives responsible pursuant to [NRS 433A.610](#) for the consumer's care. In the case of an indigent consumer or a consumer whose estate is inadequate to pay the expenses, the expenses must be charged to the

county from which the admission to the division facility was made, if the consumer had, before admission, been a resident of that county. The expense of such diagnostic, medical and surgical services must not in any case be a charge against or paid by the State of Nevada, except when in the opinion of the administrative officer of the division mental health facility to which the consumer is admitted payment should be made for nonresident indigent consumers and money is authorized pursuant to [NRS 433.374](#) or [433B.230](#) and the money is authorized in approved budgets.

(Added to NRS by [1975, 1617](#); A [1993, 1241](#), [1972, 2724](#); [1995, 664](#); [2011, 431](#))

NRS 433A.690 Claim against estate of deceased consumer. Claims by a division mental health facility against the estates of deceased consumers may be presented to the executor or Administrator in the manner required by law, and shall be paid as preferred claims equal to claims for expenses of last illness. When a deceased person has been maintained at a division mental health facility at a rate less than the maximum usually charged, or the facility has incurred other expenses for the benefit of the person for which full payment has not been made, the estate of the person shall be liable if the estate is discovered within 5 years after the person's death.

(Added to NRS by [1975, 1617](#); A [2011, 432](#))

MISCELLANEOUS PROVISIONS

NRS 433A.715 Court required to seal records of admission and treatment; petition to inspect records after sealing; admission to hospital, facility or program deemed to have never occurred after sealing.

1. A court shall seal all court records relating to the admission and treatment of any person who was admitted, voluntarily or as the result of a noncriminal proceeding, to a public or private hospital, a mental health facility or a program of community-based or outpatient services in this State for the purpose of obtaining mental health treatment.

2. Except as otherwise provided in subsections 4 and 5, a person or governmental entity that wishes to inspect records that are sealed pursuant to this section must file a petition with the court that sealed the records. Upon the filing of a petition, the court shall fix a time for a hearing on the matter. The petitioner must provide notice of the hearing and a copy of the petition to the person who is the subject of the records. If the person who is the subject of the records wishes to oppose the petition, the person must appear before the court at the hearing. If the person appears before the court at the hearing, the court must provide the person an opportunity to be heard on the matter.

3. After the hearing described in subsection 2, the court may order the inspection of records that are sealed pursuant to this section if:

(a) A law enforcement agency must obtain or maintain information concerning persons who have been admitted to a public or private hospital, a mental health facility or a program of community-based or outpatient services in this State pursuant to state or federal law;

(b) A prosecuting attorney or an attorney who is representing the person who is the subject of the records in a criminal action requests to inspect the records; or

(c) The person who is the subject of the records petitions the court to permit the inspection of the records by a person named in the petition.

4. A governmental entity is entitled to inspect court records that are sealed pursuant to this section without following the procedure described in subsection 2 if:

(a) The governmental entity has made a conditional offer of employment to the person who is the subject of the records;

(b) The position of employment conditionally offered to the person concerns public safety, including, without limitation, employment as a firefighter or peace officer;

(c) The governmental entity is required by law, rule, regulation or policy to obtain the mental health records of each individual conditionally offered the position of employment; and

(d) An authorized representative of the governmental entity presents to the court a written authorization signed by the person who is the subject of the records and notarized by a notary public or judicial officer in which the person who is the subject of the records consents to the inspection of the records.

5. Upon its own order, any court of this State may inspect court records that are sealed pursuant to this section without following the procedure described in subsection 2 if the records are necessary and relevant for the disposition of a matter pending before the court. The court may allow a party in the matter to inspect the records without following the procedure described in subsection 2 if the court deems such inspection necessary and appropriate.

6. Following the sealing of records pursuant to this section, the admission of the person who is the subject of the records to the public or private hospital, mental health facility or program of community-based or outpatient services, is deemed never to have occurred, and the person may answer accordingly any question related to its occurrence, except in connection with:

(a) An application for a permit to carry a concealed firearm pursuant to the provisions of [NRS 202.3653](#) to [202.369](#), inclusive;

(b) A transfer of a firearm; or

(c) An application for a position of employment described in subsection 4.

7. As used in this section:

(a) "Firefighter" means a person who is a salaried employee of a fire-fighting agency and whose principal duties are to control, extinguish, prevent and suppress fires. As used in this paragraph, "fire-fighting agency" means a public fire department, fire protection district or other agency of this State or a political subdivision of this State, the primary functions of which are to control, extinguish, prevent and suppress fires.

(b) "Peace officer" has the meaning ascribed to it in [NRS 289.010](#).

(c) "Seal" means placing records in a separate file or other repository not accessible to the general public.

(Added to NRS by [2007, 1521](#); A [2013, 3498](#))

CRIMES AND PENALTIES

NRS 433A.740 Liability of public officer or employee. Any public officer or employee who transports or delivers or assists in transporting or delivering or detains or assists in detaining any person pursuant to the provisions of this chapter shall not be rendered civilly or criminally liable thereby unless it is shown that such officer or employee acted maliciously or in bad faith or that his or her negligence resulted in bodily harm to such person.

(Added to NRS by [1975, 1609](#))

NRS 433A.750 Unlawful acts; penalties.

1. A person who:

(a) Without probable cause for believing a person to be mentally ill causes or conspires with or assists another to cause the involuntary court-ordered admission of the person under this chapter; or

(b) Causes or conspires with or assists another to cause the denial to any person of any right accorded to the person under this chapter,

↪ is guilty of a category D felony and shall be punished as provided in [NRS 193.130](#).

2. Unless a greater penalty is provided in subsection 1, a person who knowingly and willfully violates any provision of this chapter regarding the admission of a person to, or discharge of a person from, a public or private mental health facility or a program of community-based or outpatient services is guilty of a gross misdemeanor.

3. A person who, without probable cause for believing another person to be mentally ill, executes a petition, application or certificate pursuant to this chapter, by which the person secures or attempts to secure the apprehension, hospitalization, detention, admission or restraint of the person alleged to be mentally ill, or any physician, psychiatrist, licensed psychologist or other person professionally qualified in the field of psychiatric mental health who knowingly makes any false certificate or application pursuant to this chapter as to the mental condition of any person is guilty of a category D felony and shall be punished as provided in [NRS 193.130](#).

(Added to NRS by [1975, 1608](#); A [1989, 1552](#); [1993, 2116](#); [1995, 1277](#); [2013, 3499](#))

GENERAL PROVISIONS

NRS 433B.010 Definitions. As used in this chapter, unless the context otherwise requires, the words and terms defined in [NRS 433B.020](#) to [433B.100](#), inclusive, have the meanings ascribed to them in those sections.

(Added to NRS by [1993, 2708](#))

NRS 433B.020 “Administrative officer” defined. “Administrative officer” means a person with overall executive and administrative responsibility for those state or nonstate facilities for the mental health of children designated by the Administrator.

(Added to NRS by [1993, 2708](#))

NRS 433B.030 “Administrator” defined. “Administrator” means the Administrator of the Division.

(Added to NRS by [1993, 2708](#))

NRS 433B.040 “Child” defined. “Child” means a person less than 18 years of age or, if in school, until graduation from high school.

(Added to NRS by [1993, 2708](#))

NRS 433B.045 “Child with an emotional disturbance” defined. “Child with an emotional disturbance” means a child whose progressive development of personality is interfered with or arrested by mental disorder so that the child shows impairment in the capacity expected of the child for his or her age and endowment for:

1. A reasonably accurate perception of the world around him or her;
2. Control of his or her impulses;
3. Satisfying and satisfactory relationships with others;
4. Learning; or
5. Any combination of these factors.

(Added to NRS by [1993, 2708](#)) — (Substituted in revision for NRS 433B.080)

NRS 433B.060 “Division” defined. “Division” means the Division of Child and Family Services.

(Added to NRS by [1993, 2708](#))

NRS 433B.070 “Division facility” defined. “Division facility” means any unit or subunit operated by the Division for the care and treatment of consumers.

(Added to NRS by [1993, 2708](#); A [2011, 432](#))

NRS 433B.090 “Person professionally qualified in the field of psychiatric mental health” defined. “Person professionally qualified in the field of psychiatric mental health” means:

1. A psychiatrist licensed to practice medicine in this State and certified by the American Board of Psychiatry and Neurology;
2. A psychologist licensed to practice in this State;
3. A social worker who holds a master’s degree in social work, is licensed by the State as a clinical social worker and is employed by the Division;
4. A registered nurse who:
 - (a) Is licensed to practice professional nursing in this State;
 - (b) Holds a master’s degree in the field of psychiatric nursing; and
 - (c) Is employed by the Division of Child and Family Services of the Department or the Division of Public and Behavioral Health of the Department;
5. A marriage and family therapist licensed pursuant to [chapter 641A](#) of NRS; or
6. A clinical professional counselor licensed pursuant to [chapter 641A](#) of NRS.

(Added to NRS by [1993, 2709](#); A [1999, 102](#); [2007, 3088](#))

NRS 433B.100 “Treatment” defined. “Treatment” means any combination of procedures or activities for the mental health of children, of whatever level of intensity and whatever duration, ranging from occasional counseling sessions to full-time admission to a residential facility.

(Added to NRS by [1993, 2709](#))

NRS 433B.105 Person’s legal rights; application of various provisions of [chapter 433](#) of NRS and all of [chapter 433A](#) of NRS to children.

1. Nothing in this chapter purports to deprive any person of any legal rights without due process of law.

2. Unless the context clearly indicates otherwise, the provisions of [NRS 433.456](#) to [433.543](#), inclusive, [433.545](#) to [433.551](#), inclusive, and [chapter 433A](#) of NRS apply to all persons subject to the provisions of this chapter.

(Added to NRS by [1993, 2714](#); A [2001, 236](#)) — (Substituted in revision for NRS 433B.350)

NRS 433B.110 Designation of division facilities.

1. The division facilities providing services for the mental health of children are designated as:

- (a) The Nevada Youth Hospital;
- (b) The Adolescent Treatment Center;
- (c) Northern Nevada Children's Behavioral Services; and
- (d) Southern Nevada Children's Behavioral Services.

2. Division facilities established after July 1, 1993, must be named by the Administrator, subject to the approval of the Director of the Department.

(Added to NRS by [1993, 2709](#); A [2001, 1116](#))

DUTIES OF ADMINISTRATOR

NRS 433B.120 Administration of division facilities. The provisions of this chapter pertaining to division facilities must be administered by the respective administrative officers of the division facilities, subject to administrative supervision by the Administrator.

(Added to NRS by [1993, 2709](#))

NRS 433B.130 Administrator: Powers and duties.

1. The Administrator shall:

(a) Administer, in accordance with the policies established by the Commission, the programs of the Division for the mental health of children.

(b) Establish appropriate policies to ensure that children in division facilities have timely access to clinically appropriate psychotropic medication that are consistent with the provisions of [NRS 432B.197](#) and [NRS 432B.4681](#) to [432B.469](#), inclusive, and the policies adopted pursuant thereto.

2. The Administrator may:

(a) Appoint the administrative personnel necessary to operate the programs of the Division for the mental health of children.

(b) Delegate to the administrative officers the power to appoint medical, technical, clerical and operational staff necessary for the operation of any division facilities.

3. If the Administrator finds that it is necessary or desirable that any employee reside at a facility operated by the Division or receive meals at such a facility, perquisites granted or charges for services rendered to that person are at the discretion of the Director of the Department.

4. The Administrator may accept children referred to the Division for treatment pursuant to the provisions of [NRS 458.290](#) to [458.350](#), inclusive.

5. The Administrator may enter into agreements with the Administrator of the Division of Public and Behavioral Health of the Department or with the Administrator of the Aging and Disability Services Division of the Department for the care and treatment of consumers of the Division of Child and Family Services at any facility operated by the Division of Public and Behavioral Health or the Aging and Disability Services Division, as applicable.

(Added to NRS by [1993, 2709](#); A [1999, 103](#); [2009, 271, 414](#); [2011, 432, 2677](#); [2013, 3015](#))

NRS 433B.135 Adoption of policies concerning the administration of medications.

1. The Administrator shall adopt a policy for each treatment facility and any other division facility into which a child may be committed by a court order concerning the manner in which to:

- (a) Document the orders of the treating physician of a child;
- (b) Administer medication to a child;
- (c) Store, handle and dispose of medication;

(d) Document the administration of medication and any errors in the administration of medication;

(e) Minimize errors in the administration of medication; and

(f) Address errors in the administration of medication.

2. The Administrator shall ensure that each employee who comes into direct contact with a child at any treatment facility and any other division facility into which a child may be committed by a court order and who will administer medication to a child receives a copy of and understands the policy adopted pursuant to subsection 1.

(Added to NRS by [2011, 1362](#))

NRS 433B.140 Coordination with Administrator of Division of Public and Behavioral Health: Compliance with agreements and Interstate Compact on Mental Health; acceptance for admission to division facility. The Administrator shall:

1. Comply with any agreements made by the Administrator of the Division of Public and Behavioral Health of the Department pursuant to [NRS 433.444](#) and, if applicable, the Interstate Compact on Mental Health ratified and enacted in [NRS 433.4543](#); and

2. Accept for admission to a division facility any resident child of this State for whom written permission for return and admission to a division facility was given by the Administrator of the Division of Public and Behavioral Health of the Department pursuant to [NRS 433.444](#) and, if applicable, the Interstate Compact on Mental Health ratified and enacted in [NRS 433.4543](#).

(Added to NRS by [1993, 2712](#); A [1999, 103](#); [2015, 1037](#))

PERSONNEL

NRS 433B.150 Physicians: Employment; qualifications; compensation; duties.

1. The Division shall employ such physicians within the various division facilities as are necessary for the operation of the facilities. The physicians must hold degrees of doctor of medicine or doctor of osteopathic medicine from accredited medical schools and be licensed to practice medicine or osteopathic medicine in Nevada.

2. Except as otherwise provided by law, the only compensation allowed such a physician is an annual salary, fixed in accordance with the pay plan adopted pursuant to the provisions of [NRS 284.175](#).

3. The physicians shall perform such duties pertaining to the care and treatment of consumers as may be required.

(Added to NRS by [1993, 2710](#); A [2011, 432](#); [2013, 3015](#))

NRS 433B.160 Licensing or certification of certain employees of Division.

1. A person employed by the Division as a psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, registered nurse or social worker must be licensed or certified by the appropriate state licensing board for his or her respective profession.

2. Any psychiatrist who is employed by the Division must be certified by the American Board of Psychiatry and Neurology within 5 years after his or her first date of employment with the Division. The Administrator shall terminate the employment of any psychiatrist who fails to receive that certification.

(Added to NRS by [1993, 2710](#); A [2007, 3088](#))

NRS 433B.170 Proficiency in English language required of certain employees. The Administrator shall not employ any psychiatrist, psychologist, social worker, registered nurse, clinical professional counselor or marriage and family therapist who is unable to demonstrate proficiency in the oral and written expression of the English language.

(Added to NRS by [1993, 2710](#); A [2007, 3088](#))

NRS 433B.175 Administrator required to ensure training of employees who have direct contact with children; regulations.

1. The Administrator shall ensure that each employee who comes into direct contact with children at any treatment facility and any other division facility into which a child may be committed by a court order receives training within 30 days after employment and annually thereafter. Such training must include, without limitation, instruction concerning:

(a) Controlling the behavior of children;

- (b) Policies and procedures concerning the use of force and restraint on children;
- (c) The rights of children in the facility;
- (d) Suicide awareness and prevention;
- (e) The administration of medication to children;
- (f) Applicable state and federal constitutional and statutory rights of children in the facility;
- (g) Policies and procedures concerning other matters affecting the health, welfare, safety and civil and other rights of children in the facility; and
- (h) Such other matters as required by the Board.

2. The Division shall adopt regulations necessary to carry out the provisions of this section.

(Added to NRS by [2007, 1194](#))

NRS 433B.183 Division facility required to conduct investigations of employees; submission of fingerprints; limitation on contact with children.

1. A division facility which provides residential treatment to children shall secure from appropriate law enforcement agencies information on the background and personal history of an employee of the facility to determine whether the employee has been convicted of:

- (a) Murder, voluntary manslaughter or mayhem;
- (b) Any other felony involving the use of a firearm or other deadly weapon;
- (c) Assault with intent to kill or to commit sexual assault or mayhem;
- (d) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;
- (e) Abuse or neglect of a child or contributory delinquency;
- (f) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in [chapter 454](#) of NRS;
- (g) Abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, including, without limitation, a violation of any provision of [NRS 200.5091](#) to [200.50995](#), inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct; or
- (h) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property within the immediately preceding 7 years.

2. An employee must submit to the Division two complete sets of fingerprints and written authorization to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

3. The Division may exchange with the Central Repository or the Federal Bureau of Investigation any information concerning the fingerprints submitted.

4. The Division may charge an employee investigated pursuant to this section for the reasonable cost of that investigation.

5. An employee who is required to submit to an investigation required pursuant to this section shall not have contact with a child in a division facility without supervision before the investigation of the background and personal history of the employee has been conducted.

6. The division facility shall conduct an investigation of each employee pursuant to this section at least once every 5 years after the initial investigation.

(Added to NRS by [2011, 3554](#); A [2015, 838](#))

NRS 433B.185 Termination of employment for conviction of certain crimes; right of employee to correct information.

1. Upon receiving information from the Central Repository for Nevada Records of Criminal History pursuant to [NRS 433B.183](#) or evidence from any other source that an employee of a division facility that provides residential treatment for children has been convicted of a crime listed in [NRS 433B.183](#), the administrative officer shall terminate the employment of the employee after allowing the employee time to correct the information as required pursuant to subsection 2.

2. If an employee believes that the information provided to the division facility pursuant to subsection 1 is incorrect, the employee must inform the division facility immediately. A division facility that is so informed shall give the employee 30 days to correct the information.

3. During the period in which an employee seeks to correct information pursuant to subsection 2, it is within the discretion of the administrative officer whether to allow the employee to continue to work for the division facility, except that the employee shall not have contact with a child in the division facility without supervision during such period.

(Added to NRS by [2011, 3555](#))

NRS 433B.187 Maintenance of record of investigation and fingerprints.

1. The Division shall maintain accurate records of the information concerning an employee of a division facility collected pursuant to [NRS 433B.183](#) and [433B.185](#) for the period of the employee's employment with a division facility, including, without limitation:

(a) A copy of the fingerprints that were submitted to the Central Repository for Nevada Records of Criminal History and a copy of the written authorization that was provided by the employee;

(b) Proof that the fingerprints of the employee were submitted to the Central Repository for submission to the Federal Bureau of Investigation for its report; and

(c) Any other documentation of the information collected pursuant to [NRS 433B.183](#) and [433B.185](#).

2. The records maintained pursuant to subsection 1 must be maintained for the period of the employee's employment with the division facility.

(Added to NRS by [2011, 3555](#))

CARE OF CONSUMERS

Miscellaneous Provisions

NRS 433B.190 Adoption of regulations concerning abuse and neglect of consumers.

1. The Division shall adopt regulations to:

(a) Provide for a more detailed definition of abuse of a consumer, consistent with the general definition given in [NRS 433B.340](#);

(b) Provide for a more detailed definition of neglect of a consumer, consistent with the general definition given in [NRS 433B.340](#); and

(c) Establish policies and procedures for reporting the abuse or neglect of a consumer.

2. The regulations adopted pursuant to this section must, to the extent possible and appropriate, be consistent with the regulations adopted by the Division of Public and Behavioral Health of the Department pursuant to [NRS 433.331](#) and the Administrator of the Division of Aging and Disability Services of the Department pursuant to [NRS 435.435](#).

(Added to NRS by [1993, 2710](#); A [1999, 103](#); [2011, 432](#); [2013, 3015](#); [2015, 56](#))

NRS 433B.200 Division facility required to forward consumer's medical records upon transfer of consumer from facility.

1. If a consumer in a division facility is transferred to another division facility or to a medical facility, a facility for the dependent or a physician licensed to practice medicine, the division facility shall forward a copy of the medical records of the consumer, on or before the date the consumer is transferred, to the facility or physician. Except as otherwise required by 42 U.S.C. § 290dd-2, the division facility is not required to obtain the oral or written consent of the consumer to forward a copy of the medical records.

2. As used in this section, "medical records" includes a medical history of the consumer, a summary of the current physical condition of the consumer and a discharge summary which contains the information necessary for the proper treatment of the consumer.

(Added to NRS by [1993, 2710](#); A [1995, 721](#); [2011, 433](#))

NRS 433B.205 Notification of death of consumer; burial.

1. Upon the death of a consumer in a division facility, any known relatives or friends of the consumer must be notified immediately of the fact of death.

2. The Administrator or the Administrator's designee shall cause a decent burial to be provided for the consumer outside the grounds of a division facility. The Administrator or the designee may enter into a contract with any person or persons, including governmental agencies or other instrumentalities, as the Administrator or the designee deems proper, for a decent burial. Where there are known relatives, and they are financially able, the cost of burial must be borne by the relatives. Where there are no known relatives, the cost of burial is a charge against the

State of Nevada, except that the cost must not exceed the amount charged for the burial of indigents in the county in which the burial takes place.

(Added to NRS by [1993, 2712](#); A [2011, 433](#)) — (Substituted in revision for NRS 433B.280)

Contracts

NRS 433B.210 Contracts for inpatient and outpatient care. The Division may:

1. By contract with general hospitals or other institutions having adequate facilities in this State, provide for inpatient care of consumers with mental illness.
2. Contract with appropriate persons professionally qualified in the field of psychiatric mental health to provide inpatient and outpatient care for children with mental illness when it appears that they can be treated best in that manner.

(Added to NRS by [1993, 2711](#); A [2011, 433](#))

NRS 433B.220 Contracts for cooperation with governmental agencies and others; effect of payments to Division for such cooperation; immunity from and limitations on liability not waived.

1. For the purposes of this chapter, the Department through the Division may cooperate, financially or otherwise, and execute contracts or agreements with the Federal Government, any federal department or agency, any other state department or agency, a county, a city, a public district or any political subdivision of this state, a public or private corporation, an individual or a group of individuals. Such a contract or agreement may include provisions whereby the Division will provide staff, services or other resources, or any combination thereof, without payment, to further the purposes of the contract or agreement. If the contract or agreement includes a provision whereby the Division is paid for the provision of staff, services or other resources, the payment will be reimbursed directly to the Division's budget. Cooperation pursuant to this section does not of itself relieve any person, department, agency or political subdivision of any responsibility or liability existing under any provision of law.

2. If the Administrator or the Administrator's designee enters into a contract or agreement pursuant to subsection 1 with a private nonprofit corporation, the contract or agreement may allow:

(a) The Division to enter and inspect any premises which are related to services provided under the contract or agreement and to inspect any records which are related to services provided under the contract or agreement to ensure the welfare of any consumer served by the private nonprofit corporation under the contract or agreement;

(b) The Division and the private nonprofit corporation to share confidential information concerning any consumer served by the private nonprofit corporation under the contract or agreement; and

(c) The private nonprofit corporation to assign rights and obligations of the private nonprofit corporation under the contract or agreement to the Division.

3. The State, Department and Division do not waive any immunity from liability or limitation on liability provided by law by entering into a contract or agreement pursuant to this section and any such contract or agreement must include a provision to that effect.

(Added to NRS by [1993, 2711](#); A [2013, 314](#))

Costs, Fees and Accounts

NRS 433B.230 State not responsible for payment of costs of care and treatment at other facility; exception. The State is not responsible for payment of the costs of care and treatment of children admitted to a facility not operated by the Division except as otherwise provided in [NRS 433.374](#) or where, before admission, the Administrator or the Administrator's designee authorizes the expenditure of state money for that purpose.

(Added to NRS by [1993, 2711](#))

NRS 433B.240 Legislative appropriations; payment of claims. Money to carry out the provisions of this chapter must be provided by legislative appropriation from the State General Fund, and paid out on claims as other claims against the State are paid. All claims relating to a division facility individually must be approved by the administrative officer of the facility before they are paid.

(Added to NRS by [1993, 2711](#))

NRS 433B.250 Schedule of fees for services rendered through programs supported by State; disposition of receipts; amount of fee for services of facility.

1. The Division shall establish a fee schedule for services rendered through any program supported by the State pursuant to the provisions of this chapter. The schedule must be submitted to the Commission and the Director of the Department for joint approval before enforcement. The fees collected by facilities operated by the Division pursuant to this schedule must be deposited in the State Treasury to the credit of the State General Fund, except as otherwise provided in [NRS 433B.220](#) for fees collected pursuant to contract or agreement.

2. For a facility providing services for the treatment of children with mental illness, the fee established must approximate the cost of providing the service, but if a consumer, or the parent or legal guardian of the consumer, is unable to pay in full the fee established pursuant to this section, the Division may collect any amount the consumer, parent or legal guardian is able to pay.

(Added to NRS by [1993, 2711](#); A [2011, 433](#))

NRS 433B.260 Fees of physicians and other professionally qualified employees of facility.

1. Physicians and other professional staff employed within any division facility must receive a reasonable fee for evaluations, examinations or court testimony when directed by the court to perform those services, singularly or as a member of an evaluation team established pursuant to [chapter 433A](#) of NRS.

2. If the evaluation or testimony is provided while the physician or other professional person is acting as an employee of a division facility, the fee must be received by the division facility at which he or she is employed.

(Added to NRS by [1993, 2711](#))

NRS 433B.270 Revolving accounts. A revolving account of not more than \$5,000 is hereby created for each division facility. Money in the respective revolving accounts may be expended only for the payment of bills of the respective division facilities requiring immediate payment. The respective administrative officers shall deposit the money for the respective revolving accounts in one or more banks or credit unions of reputable standing. Payments made from each account must be promptly reimbursed from appropriated money of the respective division facilities on claims as other claims against the State are paid.

(Added to NRS by [1993, 2712](#); A [1999, 1497](#))

NRS 433B.280 Notification of death of consumer; burial. [Replaced in revision by [NRS 433B.205](#).]

Children with Emotional Disturbance

NRS 433B.290 Provision of treatment; operation of treatment facilities; regulations; coordination of activities.

1. The Division may:

(a) Provide treatment for children with emotional disturbance at any division facility.

(b) Operate treatment facilities specifically for the purpose of providing treatment for children with emotional disturbance.

2. Each administrative officer of a treatment facility, subject to the approval of the Administrator, shall establish regulations for the operation of the facility and coordinate the activities of the facility with those of public and private children's service agencies in the State.

(Added to NRS by [1993, 2712](#))

NRS 433B.300 Requirements for treatment provided. The treatment provided to a child with an emotional disturbance must be designed to facilitate the adjustment and effective functioning of that child in his or her present or anticipated situation in life, and includes:

1. Services provided without admission to a facility, such as:

(a) Counseling for the family;

(b) Therapy in a group for parents and children;

(c) Classes for parents in effective techniques for the management of children;

(d) Individual therapy for children; and

(e) Evaluation of the child, including personal assessments and studies of individual social environments;

2. Services for the care of children during the day, involving educational programs and therapy programs provided after school or for half a day;

3. Placement in transitional homes operated by professionally trained parents working in close consultation with the administrative officer and the staff of the administrative officer; and

4. Short-term residential services providing 24-hour supervision, evaluation and planning and intensive counseling for the family, therapy and educational evaluation and consultation.

(Added to NRS by [1993, 2712](#))

NRS 433B.310 Conditions for admission for treatment. The Administrator may receive any child with an emotional disturbance for treatment in a treatment facility or any other division facility if the child is a resident of this State and if:

1. The child is committed by court order to the custody of the Administrator or to a division facility; or

2. The child's parent, parents or legal guardian makes application for treatment for the child.

(Added to NRS by [1993, 2713](#))

NRS 433B.320 Approval of court-ordered commitment; approval before release.

1. In any case involving commitment by court order, admission to a treatment facility may be only after consultation with and approval by the administrative officer of the facility or the administrative officer's designee, who shall determine whether the treatment available at the facility is appropriate or necessary for the child's health and welfare.

2. A child committed by court order must not be released from a treatment facility until the administrative officer determines that treatment in the facility is no longer beneficial to the child.

(Added to NRS by [1993, 2713](#))

NRS 433B.330 Approval of admission upon application by parent or guardian. In any case involving an application from the child's parent, parents or legal guardian, the child must first be examined and evaluated by the administrative officer or the staff of the administrative officer and admitted to a treatment facility only if, in the judgment of the administrative officer:

1. The child can benefit from the program of treatment; and

2. Facilities and staff are available and adequate to meet the child's needs.

(Added to NRS by [1993, 2713](#))

NRS 433B.333 Establishment of mental health consortia; members.

1. A mental health consortium is hereby established in each of the following jurisdictions:

(a) A county whose population is 100,000 or more; and

(b) The region consisting of all counties whose population are less than 100,000.

2. In a county whose population is 100,000 or more, such a consortium must consist of at least the following persons appointed by the Administrator:

(a) A representative of the Division;

(b) A representative of the agency which provides child welfare services;

(c) A representative of the Division of Health Care Financing and Policy of the Department;

(d) A representative of the board of trustees of the school district in the county;

(e) A representative of the local juvenile probation department;

(f) A representative of the local chamber of commerce or business community;

(g) A private provider of mental health care;

(h) A provider of foster care;

(i) A parent of a child with an emotional disturbance; and

(j) A representative of an agency which provides services for the treatment and prevention of substance abuse.

3. In the region consisting of counties whose population are less than 100,000, such a consortium must consist of at least the following persons appointed by the Administrator:

(a) A representative of the Division of Public and Behavioral Health of the Department;

(b) A representative of the agency which provides child welfare services in the region;

- (c) A representative of the Division of Health Care Financing and Policy of the Department;
- (d) A representative of the boards of trustees of the school districts in the region;
- (e) A representative of the local juvenile probation departments;
- (f) A representative of the chambers of commerce or business community in the region;
- (g) A private provider of mental health care;
- (h) A provider of foster care;
- (i) A parent of a child with an emotional disturbance; and
- (j) A representative of an agency which provides services for the treatment and prevention of substance abuse.

(Added to NRS by [2001 Special Session, 52](#); A [2009, 675](#))

NRS 433B.335 Long-term strategic plan for provision of services to children with emotional disturbance: Preparation by consortium; requirements; submission; consideration of priorities of and requests for allocations to consortium in agency's biennial budget request.

1. Each mental health consortium established pursuant to [NRS 433B.333](#) shall prepare and submit to the Director of the Department a long-term strategic plan for the provision of mental health services to children with emotional disturbance in the jurisdiction of the consortium. A plan submitted pursuant to this section is valid for 10 years after the date of submission, and each consortium shall submit a new plan upon its expiration.

2. In preparing the long-term strategic plan pursuant to subsection 1, each mental health consortium must be guided by the following principles:

(a) The system of mental health services set forth in the plan should be centered on children with emotional disturbance and their families, with the needs and strengths of those children and their families dictating the types and mix of services provided.

(b) The families of children with emotional disturbance, including, without limitation, foster parents, should be active participants in all aspects of planning, selecting and delivering mental health services at the local level.

(c) The system of mental health services should be community-based and flexible, with accountability and the focus of the services at the local level.

(d) The system of mental health services should provide timely access to a comprehensive array of cost-effective mental health services.

(e) Children and their families who are in need of mental health services should be identified as early as possible through screening, assessment processes, treatment and systems of support.

(f) Comprehensive mental health services should be made available in the least restrictive but clinically appropriate environment.

(g) The family of a child with an emotional disturbance should be eligible to receive mental health services from the system.

(h) Mental health services should be provided to children with emotional disturbance in a sensitive manner that is responsive to cultural and gender-based differences and the special needs of the children.

3. The long-term strategic plan prepared pursuant to subsection 1 must include:

(a) An assessment of the need for mental health services in the jurisdiction of the consortium;

(b) The long-term strategies and goals of the consortium for providing mental health services to children with emotional disturbance within the jurisdiction of the consortium;

(c) A description of the types of services to be offered to children with emotional disturbance within the jurisdiction of the consortium;

(d) Criteria for eligibility for those services;

(e) A description of the manner in which those services may be obtained by eligible children;

(f) The manner in which the costs for those services will be allocated;

(g) The mechanisms to manage the money provided for those services;

(h) Documentation of the number of children with emotional disturbance who are not currently being provided services, the costs to provide services to those children, the obstacles to providing services to those children and recommendations for removing those obstacles;

(i) Methods for obtaining additional money and services for children with emotional disturbance from private and public entities; and

(j) The manner in which family members of eligible children and other persons may be involved in the treatment of the children.

4. On or before January 31 of each even-numbered year, each mental health consortium shall submit to the Director of the Department and the Commission:

(a) A list of the priorities of services necessary to implement the long-term strategic plan submitted pursuant to subsection 1 and an itemized list of the costs to provide those services;

(b) A description of any revisions to the long-term strategic plan adopted by the consortium during the immediately preceding year; and

(c) Any request for an allocation for administrative expenses of the consortium.

5. In preparing the biennial budget request for the Department, the Director of the Department shall consider the list of priorities and any request for an allocation submitted pursuant to subsection 4 by each mental health consortium. On or before September 30 of each even-numbered year, the Director of the Department shall submit to each mental health consortium a report which includes a description of:

(a) Each item on the list of priorities of the consortium that was included in the biennial budget request for the Department;

(b) Each item on the list of priorities of the consortium that was not included in the biennial budget request for the Department and an explanation for the exclusion; and

(c) Any request for an allocation for administrative expenses of the consortium that was included in the biennial budget request for the Department.

6. On or before January 31 of each odd-numbered year, each consortium shall submit to the Director of the Department and the Commission:

(a) A report regarding the status of the long-term strategic plan submitted pursuant to subsection 1, including, without limitation, the status of the strategies, goals and services included in the plan;

(b) A description of any revisions to the long-term strategic plan adopted by the consortium during the immediately preceding year; and

(c) A report of all expenditures made from an account maintained pursuant to [NRS 433B.339](#), if any.

(Added to NRS by [2001 Special Session, 52](#); A [2001 Special Session, 55](#); [2003, 236, 357, 358](#); [2009, 664, 676](#); [2011, 1914](#))

NRS 433B.337 Authority of mental health consortium to carry out certain activities concerning long-term strategic plan; coordination with Department.

1. A mental health consortium established by [NRS 433B.333](#) may:

(a) Participate in activities within the jurisdiction of the consortium to:

(1) Implement the provisions of the long-term strategic plan established by the consortium pursuant to [NRS 433B.335](#); and

(2) Improve the provision of mental health services to children with emotional disturbance and their families, including, without limitation, advertising the availability of mental health services and carrying out a demonstration project relating to mental health services.

(b) Take other action to carry out its duties set forth in this section and [NRS 433B.335](#) and [433B.339](#).

2. To the extent practicable, a mental health consortium shall coordinate with the Department to avoid duplicating or contradicting the efforts of the Department to provide mental health services to children with emotional disturbance and their families.

(Added to NRS by [2011, 1913](#))

NRS 433B.339 Authority of mental health consortium to enter into contracts and accept gifts, grants and donations; establishment and administration of account for money of consortium.

1. A mental health consortium established by [NRS 433B.333](#) may:
 - (a) Enter into contracts and agreements to carry out the provisions of this section and [NRS 433B.335](#) and [433B.337](#); and
 - (b) Apply for and accept gifts, grants, donations and bequests from any source to carry out the provisions of this section and [NRS 433B.335](#) and [433B.337](#).
2. Any money collected pursuant to subsection 1:
 - (a) Must be deposited in the State Treasury and accounted for separately in the State General Fund; and
 - (b) Except as otherwise provided by the terms of a specific gift, grant, donation or bequest, must only be expended, under the direction of the consortium which deposited the money, to carry out the provisions of this section and [NRS 433B.335](#) and [433B.337](#).
3. The Administrator shall administer the account maintained for each consortium.
4. Any interest or income earned on the money in an account maintained pursuant to this section must be credited to the account and does not revert to the State General Fund at the end of a fiscal year.
5. Any claims against an account maintained pursuant to this section must be paid as other claims against the State are paid.
(Added to NRS by [2011, 1914](#))

Prohibited Acts

NRS 433B.340 Abuse of consumer; failure to report abuse; possession or use of intoxicating beverage or controlled substance; transaction with consumer; aiding escape of consumer; penalties.

1. An employee of the Division or other person who:
 - (a) Has reason to believe that a consumer has been or is being abused or neglected and fails to report it;
 - (b) Brings intoxicating beverages or a controlled substance into any building occupied by consumers unless specifically authorized to do so by the administrative officer or a staff physician of the facility;
 - (c) Is under the influence of liquor or a controlled substance while employed in contact with consumers, unless in accordance with a lawfully issued prescription;
 - (d) Enters into any transaction with a consumer involving the transfer of money or property for personal use or gain at the expense of the consumer; or
 - (e) Contrives the escape, elopement or absence of a consumer,
↪ is guilty of a misdemeanor.
2. An employee of the Division or other person who willfully abuses or neglects any consumer:
 - (a) If no substantial bodily harm to the consumer results, is guilty of a gross misdemeanor.
 - (b) If substantial bodily harm to the consumer results, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.
3. A person who is convicted pursuant to this section is ineligible for 5 years for appointment to or employment in a position in the state service and, if he or she is an officer or employee of the State, the person forfeits his or her office or position.
4. For the purposes of this section:
 - (a) "Abuse" means any willful or reckless act or omission to act which causes physical or mental injury to a consumer, including, but not limited to:
 - (1) The rape, sexual assault or sexual exploitation of the consumer;
 - (2) Striking the consumer;
 - (3) The use of excessive force when placing the consumer in physical restraints; and
 - (4) The use of physical or chemical restraints in violation of state or federal law.

↳ Any act or omission to act which meets the standard practice for care and treatment does not constitute abuse.

(b) “Neglect” means any act or omission to act which causes injury to a consumer or which places the consumer at risk of injury, including, but not limited to, the failure to:

- (1) Establish or carry out an appropriate plan of treatment for the consumer;
- (2) Provide the consumer with adequate nutrition, clothing or health care; and
- (3) Provide a safe environment for the consumer.

↳ Any act or omission to act which meets the standard practice for care and treatment does not constitute neglect.

(c) “Standard practice” is the skill and care ordinarily exercised by prudent medical personnel.

(Added to NRS by [1993, 2713](#); A [1995, 687, 1277, 1716](#); [1997, 544](#); [2011, 434](#))

NRS 433B.350 Person’s legal rights; application of various provisions of [chapter 433](#) of NRS and all of [chapter 433A](#) of NRS to children. [Replaced in revision by [NRS 433B.105](#).]

NRS 202.265 Possession of dangerous weapon on property or in vehicle of school or child care facility; penalty; exceptions.

1. Except as otherwise provided in this section, a person shall not carry or possess while on the property of the Nevada System of Higher Education, a private or public school or child care facility, or while in a vehicle of a private or public school or child care facility:

- (a) An explosive or incendiary device;
- (b) A dirk, dagger or switchblade knife;
- (c) A nunchaku or trefoil;
- (d) A blackjack or billy club or metal knuckles;
- (e) A pneumatic gun;
- (f) A pistol, revolver or other firearm; or
- (g) Any device used to mark any part of a person with paint or any other substance.

2. Any person who violates subsection 1 is guilty of a gross misdemeanor.

3. This section does not prohibit the possession of a weapon listed in subsection 1 on the property of:

(a) A private or public school or child care facility by a:

- (1) Peace officer;
- (2) School security guard; or
- (3) Person having written permission from the president of a branch or facility of the

Nevada System of Higher Education or the principal of the school or the person designated by a child care facility to give permission to carry or possess the weapon.

(b) A child care facility which is located at or in the home of a natural person by the person who owns or operates the facility so long as the person resides in the home and the person complies with any laws governing the possession of such a weapon.

4. The provisions of this section apply to a child care facility located at or in the home of a natural person only during the normal hours of business of the facility.

5. For the purposes of this section:

(a) “Child care facility” means any child care facility that is licensed pursuant to [chapter 432A](#) of NRS or licensed by a city or county.

(b) “Nunchaku” has the meaning ascribed to it in [NRS 202.350](#).

(c) “Pneumatic gun” means any implement designed as a gun that may expel a ball bearing or a pellet by action of pneumatic pressure. The term includes, without limitation, a paintball gun that expels plastic balls filled with paint for the purpose of marking the point of impact.

(d) “Switchblade knife” means a spring-blade knife, snap-blade knife or any other knife having the appearance of a pocketknife, any blade of which is 2 or more inches long and which can be released automatically by a flick of a button, pressure on the handle or other mechanical device, or is released by any type of mechanism. The term does not include a knife which has a blade that is held in place by a spring if the blade does not have any type of automatic release.

- (e) “Trefoil” has the meaning ascribed to it in [NRS 202.350](#).
 - (f) “Vehicle” has the meaning ascribed to “school bus” in [NRS 484A.230](#).
- (Added to NRS by [1989, 656](#); A [1993, 364](#); [1995, 1151](#); [2001, 806](#); [2007, 1913](#); [2015, 1586](#))

NRS 202.3673 Permittee authorized to carry concealed firearm while on premises of public building; exceptions; penalty.

1. Except as otherwise provided in subsections 2 and 3, a permittee may carry a concealed firearm while the permittee is on the premises of any public building.
 2. A permittee shall not carry a concealed firearm while the permittee is on the premises of a public building that is located on the property of a public airport.
 3. A permittee shall not carry a concealed firearm while the permittee is on the premises of:
 - (a) A public building that is located on the property of a public school or a child care facility or the property of the Nevada System of Higher Education, unless the permittee has obtained written permission to carry a concealed firearm while he or she is on the premises of the public building pursuant to subparagraph (3) of paragraph (a) of subsection 3 of [NRS 202.265](#).
 - (b) A public building that has a metal detector at each public entrance or a sign posted at each public entrance indicating that no firearms are allowed in the building, unless the permittee is not prohibited from carrying a concealed firearm while he or she is on the premises of the public building pursuant to subsection 4.
 4. The provisions of paragraph (b) of subsection 3 do not prohibit:
 - (a) A permittee who is a judge from carrying a concealed firearm in the courthouse or courtroom in which the judge presides or from authorizing a permittee to carry a concealed firearm while in the courtroom of the judge and while traveling to and from the courtroom of the judge.
 - (b) A permittee who is a prosecuting attorney of an agency or political subdivision of the United States or of this State from carrying a concealed firearm while he or she is on the premises of a public building.
 - (c) A permittee who is employed in the public building from carrying a concealed firearm while he or she is on the premises of the public building.
 - (d) A permittee from carrying a concealed firearm while he or she is on the premises of the public building if the permittee has received written permission from the person in control of the public building to carry a concealed firearm while the permittee is on the premises of the public building.
 5. A person who violates subsection 2 or 3 is guilty of a misdemeanor.
 6. As used in this section:
 - (a) “Child care facility” has the meaning ascribed to it in paragraph (a) of subsection 5 of [NRS 202.265](#).
 - (b) “Public building” means any building or office space occupied by:
 - (1) Any component of the Nevada System of Higher Education and used for any purpose related to the System; or
 - (2) The Federal Government, the State of Nevada or any county, city, school district or other political subdivision of the State of Nevada and used for any public purpose.
- ↪ If only part of the building is occupied by an entity described in this subsection, the term means only that portion of the building which is so occupied.

(Added to NRS by [1995, 2725](#); A [1997, 63](#); [1999, 2767](#); [2007, 1914](#))