SENATE BILL NO. 504–COMMITTEE ON FINANCE

(ON BEHALF OF THE GOVERNOR)

MARCH 23, 2015

Referred to Committee on Education

SUMMARY—Amends provisions relating to a safe and respectful learning environment in public schools. (BDR 34-1201)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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

AN ACT relating to education; providing for disciplinary and licensure proceedings against administrators, teachers and other employees of a public school for failure to comply with certain provisions of law regarding bullying and cyber-bullying; providing for a cause of action related thereto; creating the Office for a Safe and Respectful Learning Environment within the Department of Education; providing for the appointment of the Director of the Office; providing the duties of the Office; amending provisions relating to reports of and investigations into incidents of bullying; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill amends a number of provisions, and provides new provisions, regarding bullying and cyber-bullying in the public schools of this State.

Existing law provides grounds by which licensed teachers and administrators may be disciplined. (NRS 391.31297) **Sections 2, 14 and 16** of this bill provide for disciplinary and licensure proceedings against teachers, administrators, principals, coaches or other staff members who knowingly and willfully fail to comply with applicable provisions of law regarding bullying and cyber-bullying.

Section 3 of this bill provides that a parent or guardian of a pupil may petition a court of competent jurisdiction for a writ of mandamus to compel the performance by a school official of any duty imposed by law regarding bullying and cyber-bullying.

Section 4 of this bill creates the Office for a Safe and Respectful Learning Environment within the Department of Education. The Office must maintain a 24-hour, toll-free hotline and an Internet website by which a person may report an incident of bullying or cyber-bullying or receive information regarding anti-bullying efforts and organizations. The Office must also provide outreach and anti-bullying education and training. The Director of the Office, who is appointed by and serves at the pleasure of the Superintendent of Public Instruction, must establish procedures by which the Office may receive reports and complaints regarding bullying and cyber-bullying, and the Director or his or her designee must investigate any complaint that a teacher, administrator, principal, coach or other staff member has violated applicable provisions of law regarding bullying or cyber-bullying.

Section 6 of this bill amends the definition of "bullying" for the purposes of provisions of law regarding bullying.

Section 12 of this bill changes requirements regarding the reporting and investigation of an incidence of bullying or cyber-bullying. Under **section 12**, a principal, or his or her designee, who receives a report of bullying or cyber-bullying must immediately take any necessary action to stop the bullying or cyber-bullying and ensure the safety and well-being of any reported victims. Before the end of that or the next school day, the principal or designee must notify the parents or guardians of every pupil reported to be involved in the bullying or cyber-bullying, as applicable. The principal or designee must interview all of the pupils reported to be involved and the parents or guardians of those pupils, and the investigation must be completed within 48 hours after receiving the report of the bullying or cyber-bullying. After completing the investigation, the principal or designee must complete a written report of the investigation. Subject to applicable federal privacy laws, the report must be made available to the parents or guardians of all the pupils who were reported to be involved in the bullying or cyber-bullying, as applicable.

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

Section 1. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***If a teacher, administrator, principal, coach or other staff member 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.

Sec. 3. ***1. The Legislature hereby declares that the members of a board of trustees and all administrators and teachers of a school district have an affirmative 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 388.145, inclusive, and sections 2, 3 and 4 of this act.

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.

Sec. 4. *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 388.145, inclusive, and sections 2, 3 and 4 of this act, 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; and

(3) 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 388.145, inclusive, and sections 2, 3 and 4 of this act.

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 388.145, inclusive, and sections 2, 3 and 4 of this act. 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.

Sec. 5. NRS 388.121 is hereby amended to read as follows:

388.121 As used in NRS 388.121 to 388.145, inclusive, ***and sections 2, 3 and 4 of this act,*** 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.

Sec. 6. NRS 388.122 is hereby amended to read as follows:

388.122 ***1.*** "Bullying" means a ~~[willful act which is]~~ written, verbal or ***electronic expression or a*** physical ~~[, or a course of conduct on the part of one or more persons which is not authorized by law and which exposes a person repeatedly and over time to one or more negative actions which is highly offensive to a reasonable person]~~ ***act or gesture, or any combination thereof, that is directed at a pupil or group of pupils*** and:

~~[1. Is intended to cause or actually causes the person to suffer harm or serious emotional distress;~~

~~2. Exploits an imbalance in power between the person engaging in the act or conduct and the person who is the subject of the act or conduct;~~

~~3. Poses a threat of immediate harm or actually inflicts harm to another person or to the property of another person;~~

~~4. Places the person in reasonable fear of harm or serious emotional distress; or~~

~~5. Creates an environment which is hostile to a pupil by interfering with the education of the pupil.]~~

(a) Has the effect or can reasonably be expected to have the effect of:

(1) Physically harming a pupil or damaging the property of a pupil; or

(2) Placing a pupil in reasonable fear of physical harm to the pupil or damage to the property of the pupil; or

(b) Interferes with the rights of a pupil by:

(1) Creating an intimidating or hostile educational environment for the pupil; or

(2) Interfering with the academic performance of the pupil or the ability of the pupil to participate in or benefit from services, activities or privileges provided by a school; or

(c) Is an act or conduct described in paragraph (a) or (b) and is based upon the:

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

(2) The association of a pupil with a 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;

(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, gossip or spreading rumors;

(c) Non-verbal threats or intimidation such as the use of aggressive, menacing or disrespectful gestures;

(d) Threats of harm to a pupil, to his or her possessions or to other persons, whether such threats are transmitted verbally 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) Physical contact with or injury to another person or his or her property.

Sec. 7. NRS 388.132 is hereby amended to read as follows:

388.132 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]~~ ***mandatory*** 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;

~~[2.]~~ ***3. Every classroom, hallway, locker room, cafeteria, restroom, gymnasium, playground, 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;

~~[3.]~~ ***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;

~~[4.]~~ ***6.*** The ~~[intended goal of the]~~ Legislature ~~[is to]~~ ***hereby declares that it will*** ensure that:

(a) The public schools in this State provide a safe and respectful learning environment in which ~~[persons]~~ ***pupils*** of differing beliefs, ***races, colors, national origins, ancestries, religions, genders,***

gender identities or expressions, sexual orientations, physical or mental disabilities or any other distinguishing characteristics ~~[and]~~ ***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 ***,*** ~~[and]~~ by refusing to tolerate bullying and cyber-bullying ~~[; and]~~ ***, 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) All persons in public schools are entitled to maintain their own beliefs and to respectfully disagree without resorting to bullying, cyber-bullying or violence;

~~[5.]~~ ***and***

(d) 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 388.145, inclusive, and sections 2, 3 and 4 of this act regarding a response to bullying or cyber-bullying will be held accountable; and

7. By declaring ~~[its goal]~~ ***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 ~~[with differing beliefs]~~ 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.***

Sec. 8. NRS 388.1325 is hereby amended to read as follows:

388.1325 1. The Bullying Prevention Account is hereby created in the State General Fund, to be administered by the ~~[Superintendent of Public Instruction. The Superintendent of Public Instruction]~~ ***Director of the Office for a Safe and Respectful Learning Environment appointed pursuant to section 4 of this act. 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 388.145, inclusive ~~[.]~~ ***, and sections 2, 3 and 4 of this act;*** 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 388.145, inclusive ~~[.]~~ ***, and sections 2, 3 and 4 of this act.***

Sec. 9. NRS 388.1327 is hereby amended to read as follows:

388.1327 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 388.145, inclusive ~~[.]~~ ***, and sections 2, 3 and 4 of this act.***

Sec. 10. NRS 388.1341 is hereby amended to read as follows:

388.1341 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 388.145, inclusive ~~[.]~~ ***, and sections 2, 3 and 4 of this act.***

(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.

Sec. 11. NRS 388.1342 is hereby amended to read as follows:

388.1342 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 388.145, inclusive ~~.~~ ***, and sections 2, 3 and 4 of this act.***

(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.

Sec. 12. NRS 388.1351 is hereby amended to read as follows:

388.1351 1. A teacher ~~[or]~~ ***, 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 verbally report the violation to the principal or his or her designee ~~[on]~~ ***as soon as practicable, but not later than a time during*** the ***same*** day on which the teacher ~~[or]~~ ***, administrator, principal, coach or*** other staff member witnessed the violation or received information regarding the occurrence of a violation.

2. ~~[The principal or his or her designee shall initiate an investigation not later than 1 day after receiving notice of the violation pursuant to subsection 1. The principal or the designee shall provide written notice of a reported violation of NRS 388.135 to the parent or legal guardian of each pupil involved in the reported violation. The notice must include, without limitation, a statement that the principal or the designee will be conducting an investigation into the reported violation and that the parent or legal guardian may discuss with the principal or the designee any counseling and intervention services that are available to the pupil. The investigation must be completed within 10 days after the date on which the investigation is initiated and, if a violation is found to have occurred, 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.]~~ ***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) 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. ***An investigation required by this section must be completed not later than 48 hours after the principal or designee receives a report required by subsection 1. The hours during a day that is not a school day are not included in calculating the deadline prescribed by this section.***

4. 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.

5. Not later than 2 weeks 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.

6. The parent or ~~[legal]~~ 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.***

Sec. 13. NRS 388.139 is hereby amended to read as follows:

388.139 Each school district shall include the text of the provisions of NRS 388.121 to 388.145, inclusive, ***and sections 2, 3 and 4 of this act,*** 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.

Sec. 14. NRS 391.31297 is hereby amended to read as follows:

391.31297 1. A teacher may be suspended, dismissed or not reemployed and an administrator may be demoted, suspended, dismissed or not reemployed for the following reasons:

(a) Inefficiency;

(b) Immorality;

(c) Unprofessional conduct;

(d) Insubordination;

(e) Neglect of duty;

(f) Physical or mental incapacity;

(g) A justifiable decrease in the number of positions due to decreased enrollment or district reorganization;

(h) Conviction of a felony or of a crime involving moral turpitude;

(i) Inadequate performance;

(j) Evident unfitness for service;

(k) Failure to comply with such reasonable requirements as a board may prescribe;

(l) Failure to show normal improvement and evidence of professional training and growth;

(m) Advocating overthrow of the Government of the United States or of the State of Nevada by force, violence or other unlawful means, or the advocating or teaching of communism with the intent to indoctrinate pupils to subscribe to communistic philosophy;

(n) Any cause which constitutes grounds for the revocation of a teacher's license;

(o) Willful neglect or failure to observe and carry out the requirements of this title;

(p) Dishonesty;

(q) Breaches in the security or confidentiality of the questions and answers of the examinations that are administered pursuant to NRS 389.550 or 389.805 and the college and career readiness assessment administered pursuant to NRS 389.807.

(r) Intentional failure to observe and carry out the requirements of a plan to ensure the security of examinations and assessments adopted pursuant to NRS 389.616 or 389.620;

(s) An intentional violation of NRS 388.5265 or 388.527;

(t) ***Knowingly and willfully failing to comply with the provisions of NRS 388.1351;***

(u) Gross misconduct; or

~~[(u)]~~ ***(v)*** An intentional failure to report a violation of NRS 388.135 if the teacher or administrator witnessed the violation.

2. In determining whether the professional performance of a licensed employee is inadequate, consideration must be given to the regular and special evaluation reports prepared in accordance with the policy of the employing school district and to any written standards of performance which may have been adopted by the board.

3. As used in this section, "gross misconduct" includes any act or omission that is in wanton, willful, reckless or deliberate disregard of the interests of a school or school district or a pupil thereof.

Sec. 15. NRS 391.313 is hereby amended to read as follows:

391.313 1. Whenever an administrator charged with supervision of a licensed employee believes it is necessary to admonish the employee for a reason that the administrator believes may lead to demotion or dismissal or may cause the employee not to be reemployed under the provisions of NRS 391.31297, the administrator shall:

(a) Except as otherwise provided in subsection 3, bring the matter to the attention of the employee involved, in writing, stating the reasons for the admonition and that it may lead to the employee's demotion, dismissal or a refusal to reemploy him or her, and make a reasonable effort to assist the employee to correct whatever appears to be the cause for the employee's potential demotion, dismissal or a potential recommendation not to reemploy him or her; and

(b) Except as otherwise provided in NRS 391.314, allow reasonable time for improvement, which must not exceed 3 months for the first admonition.

➥ The admonition must include a description of the deficiencies of the teacher and the action that is necessary to correct those deficiencies.

2. An admonition issued to a licensed employee who, within the time granted for improvement, has met the standards set for the employee by the administrator who issued the admonition must be removed from the records of the employee together with all notations and indications of its having been issued. The admonition must be removed from the records of the employee not later than 3 years after it is issued.

3. An administrator need not admonish an employee pursuant to paragraph (a) of subsection 1 if his or her employment will be terminated pursuant to NRS 391.3197.

4. A licensed employee is subject to immediate dismissal or a refusal to reemploy according to the procedures provided in NRS 391.311 to 391.3197, inclusive, without the admonition required by this section, on grounds contained in paragraphs (b), (f), (g), (h), (p) ***,*** ~~[and]~~ (t) ***and (u)*** of subsection 1 of NRS 391.31297.

Sec. 16. NRS 391.330 is hereby amended to read as follows:

391.330 The State Board may suspend or revoke the license of any teacher, administrator or other licensed employee, after notice and an opportunity for hearing have been provided pursuant to NRS 391.322 and 391.323, for:

1. Immoral or unprofessional conduct.
2. Evident unfitness for service.
3. Physical or mental incapacity which renders the teacher, administrator or other licensed employee unfit for service.
4. Conviction of a felony or crime involving moral turpitude.
5. Conviction of a sex offense under NRS 200.366, 200.368, 201.190, 201.220, 201.230, 201.540 or 201.560 in which a pupil enrolled in a school of a county school district was the victim.
6. Knowingly advocating the overthrow of the Federal Government or of the State of Nevada by force, violence or unlawful means.
7. Persistent defiance of or refusal to obey the regulations of the State Board, the Commission or the Superintendent of Public Instruction, defining and governing the duties of teachers, administrators and other licensed employees.
8. Breaches in the security or confidentiality of the questions and answers of the examinations that are administered pursuant to NRS 389.550 or 389.805 and the college and career readiness assessment administered pursuant to NRS 389.807.
9. Intentional failure to observe and carry out the requirements of a plan to ensure the security of examinations and assessments adopted pursuant to NRS 389.616 or 389.620.
10. An intentional violation of NRS 388.5265 or 388.527.
11. Knowingly and willfully failing to comply with the provisions of NRS 388.1351.

Sec. 17. This act becomes effective on July 1, 2015.

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