

Background Checks Policy

Southern Nevada Trades High School is committed to the protection of all persons who are associated with SNTHS including members, staff, volunteers and guests. As required by the Operating Standards for SNTHS, SNTHS shall conduct criminal background checks of all employees and board members as well as volunteers who have unsupervised contact with children participating in our programs. SNTHS will carry out this requirement in a fair, consistent and non-discriminatory manner, complying with applicable state and federal laws and guidelines.

SNTHS Follows all Nevada State guidelines for volunteer and applicant fingers prints as detailed below.

NRS 388A.515 Fingerprinting and investigation into the background of nonlicensed applicants for employment, employees and volunteers; use of certain information; disqualification of certain applicants, employees and volunteers; acceptance of gifts, grants and donations; immunity from liability.

1. Each applicant for employment with and employee at a charter school, except a licensed teacher or other person licensed by the Superintendent of Public Instruction, and, except as otherwise provided in [NRS 388A.516](#), each volunteer at a charter school who is likely to have unsupervised contact with pupils, must, before beginning his or her employment or service as a volunteer and at least once every 5 years thereafter, submit to the governing body of the charter school:

(a) A complete set of the applicant's, employee's or volunteer's fingerprints and written permission authorizing the governing body to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant, or employee or volunteer and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant, employee or volunteer; and

(b) Written authorization for the governing body to obtain any information concerning the applicant, employee or volunteer that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by [NRS 432.100](#) and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.

2. In conducting an investigation into the background of an applicant, employee or volunteer, the governing body of a charter school may cooperate with any appropriate law enforcement agency to obtain information relating to the background of the applicant, employee or volunteer, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant, employee or volunteer.

3. If the information obtained by the governing body pursuant to subsection 1 or 2 or subsection 5 of [NRS 388A.516](#) indicates that the applicant, employee or volunteer has not been convicted of a crime listed in [NRS 388A.5342](#), the governing body of the charter school may employ the applicant or employee or accept the volunteer, as applicable.

4. If the information obtained by the governing body pursuant to subsection 1 or 2 or subsection 5 of [NRS 388A.516](#) indicates that the applicant, employee or volunteer has been convicted of a crime listed in [NRS 388A.5342](#), and the governing body of the charter school does not disqualify the applicant or employee from employment or the volunteer from serving as a volunteer on the basis of that information, the governing body shall, upon the written authorization of the applicant, employee or volunteer, forward a copy of the information to the Superintendent of Public Instruction. If the applicant, employee or volunteer refuses to provide his or her written authorization to forward a copy of the information pursuant to this subsection, the charter school shall not employ the applicant or employee or accept the volunteer, as applicable.

5. Not later than 15 days after receiving the information obtained by the governing body pursuant to subsection 1 or 2 or subsection 5 of [NRS 388A.516](#), the Superintendent of Public Instruction or the Superintendent's designee shall review the information to determine whether the conviction of the applicant, employee or volunteer is related or unrelated to the position with the charter school for which the applicant has applied or in which the employee is employed or the volunteer wishes to serve. The applicant, employee or volunteer shall, upon the request of the Superintendent of Public Instruction or the Superintendent's designee, provide any further information that the Superintendent or the designee determines is necessary to make the determination. If the governing body of the charter school desires to employ the applicant or employee or accept the volunteer, the governing body shall, upon the request of the Superintendent of Public Instruction or the Superintendent's designee, provide any further information that the Superintendent or the designee determines is necessary to make the determination. The Superintendent of Public

Instruction or the Superintendent's designee shall provide written notice of the determination to the applicant, employee or volunteer and to the governing body of the charter school.

6. If the Superintendent of Public Instruction or the Superintendent's designee determines that the conviction of the applicant, employee or volunteer is related to the position with the charter school for which the applicant has applied or in which the employee is employed or the volunteer wishes to serve, the governing body of the charter school shall not employ the applicant or employee or accept the volunteer, as applicable. If the Superintendent of Public Instruction or the Superintendent's designee determines that the conviction of the applicant, employee or volunteer is unrelated to the position with the charter school for which the applicant has applied or in which the employee is employed or the volunteer wishes to serve, the governing body of the charter school may employ the applicant or employee for that position or accept the volunteer, as applicable.

7. The governing body of a charter school may use a substantiated report of the abuse or neglect of a child, as defined in [NRS 392.281](#), or a violation of [NRS 201.540](#), [201.560](#), [392.4633](#) or [394.366](#) obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) In making determinations concerning assignments, requiring retraining, imposing discipline, hiring, accepting a volunteer or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

8. The governing body of a charter school:

(a) May accept gifts, grants and donations to carry out the provisions of this section and [NRS 388A.516](#).

(b) May not be held liable for damages resulting from any action of the governing body authorized by subsection 2 or 7 or [NRS 388A.516](#).

(Added to NRS by [2005, 2397](#); A [2017, 2113, 2073, 3149; 2019, 1513](#))—(Substituted in revision for NRS 386.588)

NRS 388A.516 Conditions under which volunteer not required to submit fingerprints.

1. A volunteer who is likely to have unsupervised contact with pupils is not required to submit fingerprints to the governing body of a charter school pursuant to [NRS 388A.515](#) if the volunteer submits to the governing body a completed verification form prescribed by the Department, a statement from an entity described in this subsection that is acceptable to the governing body or other sufficient evidence, or the governing body otherwise determines, that:

(a) Not more than 6 months before the date on which the volunteer is required by [NRS 388A.515](#) to submit his or her fingerprints, a federal, state or local governmental entity or nonprofit entity determined the volunteer to be eligible to interact with pupils at school as a volunteer; and

(b) It is the policy of the entity to conduct an investigation into the criminal background of a volunteer who will interact with pupils at school and that investigation:

(1) Includes the submission of fingerprints to the Federal Bureau of Investigation; and

(2) Meets any other requirements prescribed by regulation of the State Board.

2. In addition to the exception described in subsection 1, a volunteer who is likely to have unsupervised contact with pupils is not required to submit fingerprints to the governing body of a charter school pursuant to [NRS 388A.515](#) if the volunteer submits to the governing body a completed verification form prescribed by the Department, a statement from an entity described in this subsection that is acceptable to the governing body or other sufficient evidence, or the governing body otherwise determines that:

(a) The volunteer is employed by a federal, state or local governmental entity which has determined that the person is eligible to have unrestricted interaction with pupils as part of his or her official duties, which may include an unsupervised meeting with a pupil at a school; and

(b) It is the policy of the entity to conduct an investigation into the criminal background of an employee who will have unrestricted interaction with pupils as part of his or her official duties and that investigation:

(1) Includes the submission of fingerprints to the Federal Bureau of Investigation; and

(2) Meets any other requirements prescribed by regulation of the State Board.

3. In addition to the exceptions described in subsections 1 and 2, a volunteer who is likely to have unsupervised contact with pupils is not required to submit fingerprints to the governing body of a charter school pursuant to [NRS 388A.515](#) if the volunteer submits to the governing body a completed form prescribed by the Department, a statement from an entity described in this subsection that is acceptable to the governing body or other sufficient evidence, or the governing body otherwise determines that:

(a) Not more than 6 months before the date on which the volunteer is required by [NRS 388A.515](#) to submit his or her fingerprints, an entity included on the list of entities compiled by the Department pursuant to [NRS 391.106](#) determined the volunteer to be eligible for employment or licensure or to serve as a volunteer; and

(b) It is the policy of the entity to conduct an investigation into the criminal background of an employee, licensee or volunteer, as applicable, and that investigation:

(1) Includes the submission of fingerprints to the Federal Bureau of Investigation; and

(2) Meets any other requirements prescribed by regulation of the State Board.

4. In addition to the exceptions described in subsections 1, 2 and 3, a volunteer who is likely to have unsupervised contact with pupils is not required to submit fingerprints to the governing body of a charter school pursuant to [NRS 388A.515](#) if:

(a) The volunteer submits to the governing body a completed verification form prescribed by the Department, a statement from an entity described in this subsection that is acceptable to the governing body or other sufficient evidence, or the governing body otherwise determines, that:

(1) Not more than 6 months before the date on which the volunteer is required by [NRS 388A.515](#) to submit his or her fingerprints, an entity that is not included on the list of entities compiled by the Department pursuant to [NRS 391.106](#) determined the volunteer to be eligible for employment or licensure or to serve as a volunteer; and

(2) It is the policy of the entity to conduct an investigation into the criminal background of an employee, licensee or volunteer, as applicable, and that investigation:

(I) Includes the submission of fingerprints to the Federal Bureau of Investigation; and

(II) Meets any other requirements prescribed by regulation of the State Board;

(b) The governing body determines that the investigation described in paragraph (a) is at least as stringent as an investigation into the criminal background of a volunteer conducted pursuant to [NRS 388A.515](#); and

(c) The governing body accepts the investigation. A governing body may, in its discretion, accept or reject an investigation described in this subsection for any reason.

5. In addition to the exceptions described in subsections 1 to 4, inclusive, a volunteer who is likely to have unsupervised contact with pupils is not required to submit fingerprints to the governing body of a charter school pursuant to [NRS 388A.515](#) if the volunteer submits to another entity authorized to forward fingerprints to the Central Repository for Nevada Records of Criminal History a complete set of the volunteer's fingerprints and written permission authorizing the entity to forward the fingerprints to the Central Repository for its report on the criminal history of the volunteer and for submission to the Federal Bureau of Investigation for its report on the criminal history of the volunteer.

(Added to NRS by [2019, 1511](#))