

Senate Bill No. 3—Joint Rules Committee

CHAPTER.....

AN ACT relating to education; revising provisions relating to the achievement and proficiency examinations administered in public schools; revising provisions governing the increase of salary for a teacher who is certified by the National Board for Professional Teaching Standards; requiring the boards of trustees of school districts to pay the increase of salary retroactively under certain circumstances; authorizing under certain circumstances the employment of licensed teachers who do not hold endorsements in a particular subject area; requiring certain school districts to create and operate regional training programs for the professional development of teachers and administrators; creating the statewide council for the coordination of the regional training programs; authorizing under certain circumstances the licensure and employment of teachers who are not citizens of the United States; prohibiting persons from making certain threats to pupils and employees of school districts, charter schools and private schools; providing for the reimbursement of certain costs of teachers who acquire certification by the National Board for Professional Teaching Standards if money is made available; providing a penalty; and providing other matters properly relating thereto.

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

**Section 1.** NRS 387.303 is hereby amended to read as follows:

387.303 1. Not later than November 10 of each year, the board of trustees of each school district shall submit to the superintendent of public instruction and the department of taxation a report which includes the following information:

(a) For each fund within the school district, including, without limitation, the school district's general fund and any special revenue fund which receives state money, the total number and salaries of licensed and nonlicensed persons whose salaries are paid from the fund and who are employed by the school district in full-time positions or in part-time positions added together to represent full-time positions. Information must be provided for the current school year based upon the school district's final budget, including any amendments and augmentations thereto, and for the preceding school year. An employee must be categorized as filling an instructional, administrative, instructional support or other position.

(b) The count of pupils computed pursuant to paragraph (a) of subsection 1 of NRS 387.1233.

(c) The school district's actual expenditures in the fiscal year immediately preceding the report.

(d) The school district's proposed expenditures for the current fiscal year.

(e) The schedule of salaries for licensed employees in the current school year and a statement of whether the negotiations regarding salaries for the current school year have been completed. If the negotiations have not been completed at the time the schedule of salaries is submitted, the board of trustees shall submit a supplemental report to the superintendent of public instruction upon completion of negotiations or the determination of an arbitrator concerning the negotiations that includes the schedule of salaries agreed to or required by the arbitrator.

(f) The number of teachers who received an increase in salary pursuant to subsection 2 of NRS 391.160 for the current and preceding fiscal years. *If the board of trustees is required to pay an increase in salary retroactively pursuant to subsection 2 of NRS 391.160, the board of trustees shall submit a supplemental report to the superintendent of public instruction not later than February 15 of the year in which the retroactive payment was made that includes the number of teachers to whom an increase in salary was paid retroactively.*

(g) The number of employees eligible for health insurance within the school district for the current and preceding fiscal years and the amount paid for health insurance for each such employee during those years.

(h) The rates for fringe benefits, excluding health insurance, paid by the school district for its licensed employees in the preceding and current fiscal years.

(i) The amount paid for extra duties, supervision of extracurricular activities and supplemental pay and the number of employees receiving that pay in the preceding and current fiscal years.

2. On or before November 25 of each year, the superintendent of public instruction shall submit to the department of administration and the fiscal analysis division of the legislative counsel bureau, in a format approved by the director of the department of administration, a compilation of the reports made by each school district pursuant to subsection 1.

3. The superintendent of public instruction shall, in the compilation required by subsection 2, reconcile the revenues and expenditures of the school districts with the apportionment received by those districts from the state distributive school account for the preceding year.

**Sec. 2.** NRS 389.015 is hereby amended to read as follows:

389.015 1. The board of trustees of each school district shall administer examinations in all public schools of the school district. The governing body of a charter school shall administer the same examinations in the charter school. The examinations administered by the board of trustees and governing body must determine the achievement and proficiency of pupils in:

- (a) Reading;
- (b) Writing;
- (c) Mathematics; and
- (d) Science.

2. The examinations required by subsection 1 must be:

(a) Administered before the completion of grades 4, 8, 10 and 11.

(b) Administered in each school district and each charter school at the same time. The time for the administration of the examinations must be prescribed by the state board.

(c) Administered in each school in accordance with uniform procedures adopted by the state board. The department shall monitor the compliance of school districts and individual schools with the uniform procedures.

(d) Administered in each school in accordance with the plan adopted pursuant to section 2 of ~~this act~~ *Assembly Bill No. 214 of the 71st session of the Nevada Legislature* by the department and with the plan adopted pursuant to section 4 of ~~this act~~ *Assembly Bill No. 214 of the 71st session of the Nevada Legislature* by the board of trustees of the school district in

which the examinations are administered. The department shall monitor the compliance of school districts and individual schools with:

- (1) The plan adopted by the department; and
  - (2) The plan adopted by the board of trustees of the applicable school district, to the extent that the plan adopted by the board of trustees of the school district is consistent with the plan adopted by the department.
- (e) Scored by the department or a single private entity that has contracted with the state board to score the examinations. If a private entity scores the examinations, it shall report the results of the examinations in the form and by the date required by the department.

3. Not more than 14 working days after the results of the examinations are reported to the department by a private entity that scored the examinations or the department completes the scoring of the examinations, the superintendent of public instruction shall certify that the results of the examinations have been transmitted to each school district and each charter school. Not more than 10 working days after a school district receives the results of the examinations, the superintendent of schools of each school district shall certify that the results of the examinations have been transmitted to each school within the school district. Except as otherwise provided in this subsection, not more than 15 working days after each school receives the results of the examinations, the principal of each school and the governing body of each charter school shall certify that the results for each pupil have been provided to the parent or legal guardian of the pupil:

(a) During a conference between the teacher of the pupil or administrator of the school and the parent or legal guardian of the pupil; or

(b) By mailing the results of the examinations to the last known address of the parent or legal guardian of the pupil.

If a pupil fails the high school proficiency examination, the school shall notify the pupil and the parents or legal guardian of the pupil as soon as practicable but not later than 15 working days after the school receives the results of the examination.

4. Different standards of proficiency may be adopted for pupils with diagnosed learning disabilities. If a pupil with a disability is unable to take an examination created by a private entity under regular testing conditions or with modifications and accommodations that are approved by the private entity, the pupil may take the examination with modifications and accommodations that are approved by the state board pursuant to subsection 8. If a pupil with a disability is unable to take an examination created by the department under regular testing conditions or with modifications and accommodations that are approved by the department, the pupil may take the examination with modifications and accommodations that are approved by the state board pursuant to subsection 8. The results of an examination that is taken under conditions that are not approved by a private entity or the department, as applicable, must not be reported pursuant to subsection 2 of NRS 389.017. If different standards of proficiency are adopted or other modifications or accommodations are made in the administration of the examinations for a pupil who is enrolled in a program of special education pursuant to NRS 388.440 to 388.520, inclusive, other than a gifted and talented pupil, the

different standards adopted or other modifications or accommodations must be set forth in the pupil's program of special education developed in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the standards prescribed by the state board. During the administration of the high school proficiency examination, a pupil with a disability may be given additional time to complete the examination if the additional time is a modification or accommodation that is approved in the pupil's program of special education developed in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.

5. If a pupil fails to demonstrate at least adequate achievement on the examination administered before the completion of grade 4, 8 or 10, he may be promoted to the next higher grade, but the results of his examination must be evaluated to determine what remedial study is appropriate. If such a pupil is enrolled at a school that has been designated as demonstrating need for improvement pursuant to subsection 1 of NRS 385.367, the pupil must, in accordance with the requirements set forth in this subsection, complete remedial study that is determined to be appropriate for the pupil.

6. If a pupil fails to pass the proficiency examination administered before the completion of grade 11, he must not be graduated until he is able, through remedial study, to pass the proficiency examination, but he may be given a certificate of attendance, in place of a diploma, if he has reached the age of 17 years.

7. The state board shall prescribe standard examinations of achievement and proficiency to be administered pursuant to subsection 1. *The high school proficiency examination must be developed, printed and scored by a nationally recognized testing company in accordance with the process established by the testing company.* The examinations on reading, mathematics and science prescribed for grades 4, 8 and 10 must be selected from examinations created by private entities and administered to a national reference group, and must allow for a comparison of the achievement and proficiency of pupils in grades 4, 8 and 10 in this state to that of a national reference group of pupils in grades 4, 8 and 10. The questions contained in the examinations and the approved answers used for grading them are confidential, and disclosure is unlawful except:

(a) To the extent necessary for administering and evaluating the examinations.

(b) That a disclosure may be made to a:

(1) State officer who is a member of the executive or legislative branch to the extent that it is necessary for the performance of his duties;

(2) Superintendent of schools of a school district to the extent that it is necessary for the performance of his duties;

(3) Director of curriculum of a school district to the extent that it is necessary for the performance of his duties; and

(4) Director of testing of a school district to the extent that it is necessary for the performance of his duties.

(c) That specific questions and answers may be disclosed if the superintendent of public instruction determines that the content of the questions and answers is not being used in a current examination and

making the content available to the public poses no threat to the security of the current examination process.

8. The state board shall prescribe, in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., the modifications and accommodations that may be used in the administration of an examination to a pupil with a disability who is unable to take the examination under regular testing conditions or with modifications and accommodations that are approved by the private entity that created the examination or, if the department created the examination, by the department. These regulations may include, without limitation, authorizing a pupil to complete an examination with additional time.

**Sec. 3.** Chapter 391 of NRS is hereby amended by adding thereto the provisions set forth as sections 4 to 19, inclusive, of this act.

**Sec. 4. 1.** *If the board of trustees of a school district determines that a shortage of teachers exists within the school district in a particular subject area, the board of trustees may submit a written request to the superintendent of public instruction to employ persons who are licensed teachers but who do not hold an endorsement to teach in the subject area for which there is a shortage of teachers. The superintendent of public instruction may grant such a request if the superintendent determines that a shortage of teachers exists in the subject area. If the superintendent of public instruction grants a request pursuant to this subsection, a person who holds a license to teach but not an endorsement in the subject area for which the request was granted may be employed by the school district for not more than 2 school years to teach in that subject area.*

*2. If the superintendent of public instruction grants a request pursuant to subsection 1, the superintendent shall submit a written report to the commission that includes the name of the school district for which the request was granted and the subject area for which the request was granted. Upon receipt of such a report, the commission shall consider whether to adopt revisions to the requirements for an endorsement in that subject area to address the shortage of teachers.*

**Sec. 5.** *As used in sections 5 to 19, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 6 and 7 of this act have the meanings ascribed to them in those sections.*

**Sec. 6.** *“Regional training program” means a regional training program for the professional development of teachers and administrators created pursuant to section 8 of this act.*

**Sec. 7.** *“Statewide council” means the statewide council for the coordination of the regional training programs created by section 9 of this act.*

**Sec. 8. 1.** *The Clark County school district, Douglas County school district, Elko County school district and Washoe County school district shall each establish and operate a regional training program for the professional development of teachers and administrators.*

*2. Except as otherwise provided in subsection 6, the regional training program established by the Clark County school district must primarily provide services to teachers and administrators who are employed by school districts in:*

- (a) *Clark County;*
- (b) *Esmeralda County;*
- (c) *Lincoln County; and*
- (d) *Nye County.*

3. *Except as otherwise provided in subsection 6, the regional training program established by the Douglas County school district must primarily provide services to teachers and administrators who are employed by school districts in:*

- (a) *Carson City;*
- (b) *Churchill County;*
- (c) *Douglas County;*
- (d) *Lyon County; and*
- (e) *Mineral County.*

4. *Except as otherwise provided in subsection 6, the regional training program established by the Elko County school district must primarily provide services to teachers and administrators who are employed by school districts in:*

- (a) *Elko County;*
- (b) *Eureka County;*
- (c) *Lander County;*
- (d) *Humboldt County; and*
- (e) *White Pine County.*

5. *Except as otherwise provided in subsection 6, the regional training program established by the Washoe County school district must primarily provide services to teachers and administrators who are employed by school districts in:*

- (a) *Pershing County;*
- (b) *Storey County; and*
- (c) *Washoe County.*

6. *Each regional training program shall, when practicable, make reasonable accommodations for the attendance of teachers and administrators who are employed by school districts outside the primary jurisdiction of the regional training program.*

**Sec. 9.** *1. The statewide council for the coordination of the regional training programs, consisting of eight members, is hereby created. The membership of the council consists of:*

*(a) Each coordinator appointed by the governing body of each regional training program pursuant to section 13 of this act; and*

*(b) One member of the governing body of each regional training program, appointed by the governing body. The member appointed pursuant to this paragraph may appoint a designee to serve in his place.*

2. *Each coordinator who serves on the statewide council is a member of the statewide council only for the period of his service as coordinator of the regional training program pursuant to section 13 of this act.*

3. *Each member appointed by the governing body pursuant to paragraph (b) of subsection 1 serves a term of 2 years.*

4. *Members of the statewide council serve without salary or compensation for their travel or per diem expenses.*

5. *The governing bodies of the regional training programs may mutually agree to expend a portion of their respective budgets to pay for the administrative support of the statewide council.*

**Sec. 10.** 1. *The statewide council shall meet not less than four times per year.*

2. *The statewide council shall:*

(a) *Adopt uniform standards for use by the governing body of each regional training program in the review and approval by the governing body of the training to be provided by the regional training program pursuant to sections 15 and 16 of this act. The standards must ensure that the training provided by the regional training programs is of high quality and is effective in addressing the training programs specified in subsection 1 of section 16 of this act.*

(b) *Coordinate the dissemination of information to school districts, administrators and teachers concerning the training, programs and services provided by the regional training programs.*

(c) *Disseminate information to the regional training programs concerning innovative and effective methods to provide professional development.*

(d) *Conduct long-range planning concerning the professional development needs of teachers and administrators employed in this state.*

(e) *Adopt uniform procedures for use by the governing body of each regional training program to report the evaluation conducted pursuant to section 18 of this act.*

**Sec. 11.** 1. *Each regional training program must have a governing body consisting of:*

(a) *The superintendent of schools, or his designee, for each school district that is included within the primary jurisdiction of the regional training program. The superintendent of schools serves ex officio.*

(b) *Teachers who are considered masters, appointed by the superintendents of schools of the school districts that are included within the primary jurisdiction of the regional training program and the representatives of higher education appointed to the governing body. Each teacher who wishes to be considered for appointment to the governing body must submit an application explaining his qualifications as a master teacher. At least one teacher must be appointed from each school district within the primary jurisdiction of the regional training program.*

(c) *Representatives of the University and Community College System of Nevada, appointed by the board of regents, and representatives of other institutions of higher education, as determined by the superintendents of school districts included within the primary jurisdiction of the regional training program.*

(d) *A nonvoting member who is an employee of the department.*

2. *After the appointments are made, the governing body shall select a chairman from among its membership.*

3. *Each member of the governing body shall serve a term of 2 years. A person must not be appointed to serve more than three consecutive terms.*

4. A vacancy in the governing body must be filled in the same manner as the original appointment.

**Sec. 12.** 1. Each governing body shall meet not less than two times per year and at the call of the chairman.

2. Members of the governing body serve without salary or compensation for their travel or per diem expenses.

**Sec. 13.** 1. The governing body of each regional training program shall appoint a coordinator of the program, who serves at the pleasure of the governing body.

2. The coordinator of each regional training program shall:

(a) Serve on the statewide council;

(b) Assist in the evaluation of the regional training program, as directed by the governing body; and

(c) Perform such other duties as directed by the governing body.

**Sec. 14.** On an annual basis, the governing body of each regional training program shall review the budget for the program and submit a proposed budget to the legislative committee on education. The proposed budget must include, without limitation, the amount of money requested by the governing body to pay for the services of the coordinator of the program appointed pursuant to section 13 of this act. In even-numbered years, the proposed budget must be submitted to the legislative committee on education at least 4 months before the commencement of the next regular session of the legislature.

**Sec. 15.** The governing body of each regional training program shall:

1. Adopt a training model, taking into consideration other model programs, including, without limitation, the program used by the Geographic Alliance in Nevada.

2. Assess the training needs of teachers and administrators who are employed by the school districts within the primary jurisdiction of the regional training program and adopt priorities of training for the program based upon the assessment of needs. The board of trustees of each such school district may submit recommendations to the appropriate governing body for the types of training that should be offered by the regional training program.

3. Prepare a 5-year plan for the regional training program, which includes, without limitation:

(a) An assessment of the training needs of teachers and administrators who are employed by the school districts within the primary jurisdiction of the regional training program; and

(b) Specific details of the training that will be offered by the regional training program for the first 2 years covered by the plan.

4. Review the 5-year plan on an annual basis and make revisions to the plan as are necessary to serve the training needs of teachers and administrators employed by the school districts within the primary jurisdiction of the regional training program.

**Sec. 16.** 1. Based upon the assessment of needs for training within the region and priorities of training adopted by the governing body pursuant to section 15 of this act, each regional training program must provide:



(a) *Training for teachers in the standards established by the council to establish academic standards for public schools pursuant to NRS 389.520; and*

(b) *At least one of the following types of training:*

(1) *Training for teachers and school administrators in the assessment and measurement of pupil achievement and the effective methods to analyze the test results and scores of pupils to improve the achievement and proficiency of pupils.*

(2) *Training for teachers in specific content areas to enable the teachers to provide a higher level of instruction in their respective fields of teaching. Such training must include instruction in effective methods to teach in a content area provided by teachers who are considered masters in that content area.*

(3) *Training for teachers in the methods to teach basic skills to pupils, such as providing instruction in reading with the use of phonics and providing instruction in basic skills of mathematics computation.*

2. *The training required pursuant to subsection 1 must:*

(a) *Include appropriate procedures to ensure follow-up training for teachers and administrators who have received training through the program.*

(b) *Incorporate training that addresses the educational needs of:*

(1) *Pupils with disabilities who participate in programs of special education; and*

(2) *Pupils whose primary language is not English.*

3. *The governing body of each regional training program shall prepare and maintain a list that identifies programs for the professional development of teachers and administrators that successfully incorporate the standards of content and performance established by the council to establish academic standards for public schools pursuant to NRS 389.520 and other training listed in subsection 1. The governing body shall provide a copy of the list on an annual basis to school districts for dissemination to teachers and administrators.*

4. *A regional training program may include model classrooms that demonstrate the use of educational technology for teaching and learning.*

**Sec. 17.** 1. *To the extent that money is available from legislative appropriation or otherwise, a regional training program must pay:*

(a) *The salaries and travel expenses of staff and other personnel necessary to the operation of the program;*

(b) *Related administrative expenses; and*

(c) *The costs incurred to acquire equipment and space to operate the program.*

2. *To the extent that money is available from legislative appropriation or otherwise, a regional training program may provide incentives for teachers to attend the regional training program, including, without limitation:*

(a) *Arrangement for credit toward renewal of a license or an endorsement for a license;*

(b) *Provision of books, supplies or instructional materials for the classrooms; and*

(c) *Provision of stipends.*

**Sec. 18.** *The governing body of each regional training program shall:*

*1. Establish a method for the evaluation of the success of the regional training program. The method must be consistent with the uniform procedures adopted by the statewide council pursuant to section 10 of this act.*

*2. On or before July 1 of each year, submit an annual report to the state board, the commission, the legislative committee on education and the legislative bureau of educational accountability and program evaluation that includes:*

*(a) The priorities for training adopted by the governing body pursuant to section 15 of this act;*

*(b) The type of training offered through the program in the immediately preceding year;*

*(c) The number of teachers and administrators who received training through the program in the immediately preceding year;*

*(d) An evaluation of the success of the program in accordance with the method adopted pursuant to subsection 1; and*

*(e) The 5-year plan for the program prepared pursuant to section 15 of this act and any revisions to the plan made by the governing body in the immediately preceding year.*

**Sec. 19.** *The board of trustees of each school district shall submit an annual report to the state board, the commission, the legislative committee on education and the legislative bureau of educational accountability and program evaluation that includes for the immediately preceding year:*

*1. The number of teachers and administrators employed by the school district who received training through the program; and*

*2. An evaluation of whether that training included the standards of content and performance established by the council to establish academic standards for public schools pursuant to NRS 389.520.*

**Sec. 20.** NRS 391.019 is hereby amended to read as follows:

391.019 1. Except as otherwise provided in NRS 391.027, the commission:

(a) Shall adopt regulations:

(1) Prescribing the qualifications for licensing teachers and other educational personnel and the procedures for the issuance and renewal of such licenses.

(2) Identifying fields of specialization in teaching which require the specialized training of teachers.

(3) ~~[Requiring]~~ *Except as otherwise provided in section 4 of this act, requiring* teachers to obtain from the department an endorsement in a field of specialization to be eligible to teach in that field of specialization.

(4) Setting forth the educational requirements a teacher must satisfy to qualify for an endorsement in each field of specialization.

(5) Setting forth the qualifications and requirements for obtaining a license or endorsement to teach American Sign Language.

(b) May adopt such other regulations as it deems necessary for its own government or to carry out its duties.

2. Any regulation which increases the amount of education, training or experience required for licensing:

(a) Must, in addition to the requirements for publication in chapter 233B of NRS, be publicized before its adoption in a manner reasonably calculated to inform those persons affected by the change.

(b) Must not become effective until at least 1 year after the date it is adopted by the commission.

(c) Is not applicable to a license in effect on the date the regulation becomes effective.

**Sec. 21.** NRS 391.060 is hereby amended to read as follows:

391.060 1. Except as otherwise provided in *this section and* NRS 391.070, it is unlawful for:

(a) The superintendent of public instruction to issue a license to, or a board of trustees of a school district or a governing body of a charter school to employ, any teacher, instructor, principal or superintendent of schools who is not a citizen of the United States or a person who has filed a valid declaration to become a citizen or valid petition for naturalization, or who is not a lawful permanent resident of the United States.

(b) The state controller or any county auditor to issue any warrant to any teacher, instructor, principal or superintendent of schools who is not a citizen of the United States or a person who has filed a valid declaration to become a citizen or valid petition for naturalization, or who is not a lawful permanent resident of the United States.

2. *Upon the request of a school district, the superintendent of public instruction may issue a license to a person who does not meet the requirements of subsection 1 but is otherwise entitled to work in the United States pursuant to federal laws and regulations if:*

*(a) The school district has demonstrated to the satisfaction of the superintendent of public instruction that a shortage of teachers exists in the subject area for which the person is qualified;*

*(b) The person is otherwise qualified to teach in the subject area for which there is a shortage of teachers, except that he does not meet the requirements of subsection 1; and*

*(c) The school district agrees to employ the person to teach in the subject area for which there is a shortage of teachers.*

3. *A license issued by the superintendent of public instruction pursuant to subsection 2:*

*(a) Automatically expires on the date that the licensee is no longer entitled to work in the United States pursuant to federal laws and regulations; and*

*(b) Authorizes the person who holds the license to teach only in the:*

*(1) School district that submitted the request for the issuance of the license to that person; and*

*(2) Subject area for which the person is qualified.*

4. *Upon compliance with all applicable federal laws and regulations, the board of trustees of a school district may employ a person who does not meet the requirements of subsection 1 if the person holds a license issued by the superintendent of public instruction pursuant to subsection 2.*

*A teacher's employment with a school district pursuant to this*

*subsection automatically expires on the date that he is no longer entitled to work in the United States pursuant to federal laws and regulations.*

*5. The state controller or a county auditor may issue a warrant to a teacher who is employed pursuant to subsection 4.*

6. Any person who violates any of the provisions of this section is guilty of a misdemeanor.

**Sec. 22.** NRS 391.080 is hereby amended to read as follows:

391.080 1. Each teacher or other licensed employee employed in this state whose compensation is payable out of public money, except teachers employed pursuant to the provisions of *subsection 4 of NRS 391.060 or* NRS 391.070, must take and subscribe to the constitutional oath of office before entering upon the discharge of his duties.

2. The oath of office, when taken and subscribed, must be filed with the department. ~~of education.~~

3. The superintendent of public instruction, his deputy superintendents and other members of the professional staff of the department designated by the superintendent, members of boards of trustees of school districts, superintendents of schools, principals of schools and notaries public may administer the oath of office to teachers and other licensed employees.

**Sec. 23.** NRS 391.160 is hereby amended to read as follows:

391.160 1. The salaries of teachers and other employees must be determined by the character of the service required. A school district shall not discriminate between male and female employees in the matter of salary.

2. Each year when determining the salary of a teacher who holds certification issued by the National Board for Professional Teaching Standards, a school district shall add 5 percent to the salary that the teacher would otherwise receive in 1 year for his classification on the schedule of salaries for the school district if:

(a) On or before ~~September 15~~ *January 31* of the school year, the teacher has submitted evidence satisfactory to the school district of his current certification; and

(b) The teacher is assigned by the school district to provide classroom instruction during that school year.

No increase in salary may be given during a particular school year to a teacher who submits evidence of certification after ~~September 15~~ *January 31* of that school year. *For the first school year that a teacher submits evidence of his current certification, the board of trustees of the school district to whom the evidence was submitted shall pay the increase in salary required by this subsection retroactively to the beginning of that school year.* Once a teacher has submitted evidence of such certification to the school district, the school district shall retain the evidence in its records, as applicable, for future school years. An increase in salary given in accordance with this subsection is in addition to any other increase to which the teacher may otherwise be entitled.

3. In determining the salary of a licensed teacher who is employed by a school district after the teacher has been employed by another school district in this state, the present employer shall, except as otherwise provided in subsection 6:

(a) Give the teacher the same credit for previous teaching service as he was receiving from his former employer at the end of his former employment;

(b) Give the teacher credit for his final year of service with his former employer, if credit for that service is not included in credit given pursuant to paragraph (a); and

(c) Place the teacher on the schedule of salaries of the school district in a classification that is commensurate with the level of education acquired by the teacher, as set forth in the applicable negotiated agreement with the present employer.

4. A school district may give the credit required by subsection 3 for previous teaching service earned in another state if the commission has approved the standards for licensing teachers of that state. The commission shall adopt regulations that establish the criteria by which the commission will consider the standards for licensing teachers of other states for the purposes of this subsection. The criteria may include, without limitation, whether the commission has authorized reciprocal licensure of educational personnel from the state under consideration.

5. In determining the salary of a licensed administrator, other than the superintendent of schools, who is employed by a school district after the administrator has been employed by another school district in this state, the present employer shall, except as otherwise provided in subsection 6:

(a) Give the administrator the same credit for previous administrative service as he was receiving from his former employer, at the end of his former employment;

(b) Give the administrator credit for his final year of service with his former employer, if credit for that service is not otherwise included in the credit given pursuant to paragraph (a); and

(c) Place the administrator on the schedule of salaries of the school district in a classification that is comparable to the classification the administrator had attained on the schedule of salaries of his former employer.

6. This section does not:

(a) Require a school district to allow a teacher or administrator more credit for previous teaching or administrative service than the maximum credit for teaching or administrative experience provided for in the schedule of salaries established by it for its licensed personnel.

(b) Permit a school district to deny a teacher or administrator credit for his previous teaching or administrative service on the ground that the service differs in kind from the teaching or administrative experience for which credit is otherwise given by the school district.

7. As used in this section:

(a) “Previous administrative service” means the total of:

(1) Any period of administrative service for which an administrator received credit from his former employer at the beginning of his former employment; and

(2) His period of administrative service in his former employment.

(b) “Previous teaching service” means the total of:

(1) Any period of teaching service for which a teacher received credit from his former employer at the beginning of his former employment; and

(2) His period of teaching service in his former employment.

**Sec. 24.** NRS 391.170 is hereby amended to read as follows:

391.170 1. Except as otherwise provided in subsection 2, a teacher or other employee for whom a license is required is not entitled to receive any portion of public money for schools as compensation for services rendered unless:

(a) He is legally employed by the board of trustees of the school district in which he is teaching or performing other educational functions.

(b) He has a license authorizing him to teach or perform other educational functions at the level and *except as otherwise provided in section 4 of this act*, in the field for which he is employed, issued in accordance with law and in full force at the time the services are rendered.

2. The provisions of subsection 1 do not prohibit the payment of public money to teachers or other employees who are employed by a charter school pursuant to the provisions of NRS 386.590 and 386.595.

**Sec. 25.** Chapter 392 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. A person shall not, through the use of any means of oral, written or electronic communication, 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, 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, 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, "oral, written or electronic communication" includes, without limitation, any of the following:*

*(a) A letter, note or any other type of written correspondence.*

*(b) An item of mail or a package delivered by any person or postal or delivery service.*

*(c) A telegraph or wire service, or any other similar means of communication.*

*(d) A telephone, cellular phone, satellite phone, page or facsimile machine, or any other similar means of communication.*

*(e) A radio, television, cable, closed-circuit, wire, wireless, satellite or other audio or video broadcast or transmission, or any other similar means of communication.*

*(f) An audio or video recording or reproduction, or any other similar means of communication.*

*(g) An item of electronic mail, a modem or computer network, or the Internet, or any other similar means of communication.*

**Sec. 26.** NRS 392.480 is hereby amended to read as follows:

392.480 1. It is unlawful for any person to disturb the peace of any public school by using vile or indecent language within the building or grounds of the school. Any person who violates any of the provisions of this subsection is guilty of a misdemeanor.

2. It is unlawful for any person to ~~threaten or~~ assault any pupil or school employee:

(a) Within the building or grounds of the school;

(b) On a bus, van or any other motor vehicle owned, leased or chartered by a school district to transport pupils or school employees; or

(c) 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) of subsection 2 of NRS 200.471 or in NRS 200.571, any person who violates any of the provisions of this subsection is guilty of a misdemeanor.

3. It is unlawful for any person maliciously and purposely 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 any of the provisions of this subsection is guilty of a misdemeanor.

4. For the purposes of this section “school employee” means any licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100.

**Sec. 27.** Chapter 394 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. A person shall not, through the use of any means of oral, written or electronic communication, knowingly threaten to cause bodily harm or death to a pupil or employee of a private school with the intent to:*

*(a) Intimidate, frighten, alarm or distress a pupil or employee of a private school;*

*(b) Cause panic or civil unrest; or*

*(c) Interfere with the operation of a private 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 private school who is the subject of the threat to be intimidated, frightened, alarmed or distressed;*

*(2) Panic or civil unrest; or*

*(3) Interference with the operation of a private school.*

*3. As used in this section, “oral, written or electronic communication” includes, without limitation, any of the following:*

*(a) A letter, note or any other type of written correspondence.*

*(b) An item of mail or a package delivered by any person or postal or delivery service.*

*(c) A telegraph or wire service, or any other similar means of communication.*

*(d) A telephone, cellular phone, satellite phone, page or facsimile machine, or any other similar means of communication.*

*(e) A radio, television, cable, closed-circuit, wire, wireless, satellite or other audio or video broadcast or transmission, or any other similar means of communication.*

*(f) An audio or video recording or reproduction, or any other similar means of communication.*

*(g) An item of electronic mail, a modem or computer network, or the Internet, or any other similar means of communication.*

**Sec. 28.** Section 26 of chapter 621, Statutes of Nevada 1999, at page 3395, is hereby amended to read as follows:

Sec. 26. Commencing in the 2001-2002 school year, the high school proficiency examination that, pursuant to NRS 389.015, pupils must pass to receive a standard high school diploma must measure the performance of pupils on the standards of content and performance in English ~~and~~ *and* mathematics ~~and science~~ established by the council to establish academic standards for public schools created pursuant to section 7 of this act and adopted by the state board of education. The high school proficiency examination that measures the performance of pupils on those standards must first be administered to pupils enrolled in grade 11 in the 2001-2002 school year, who must pass the examination before the completion of grade 12 to graduate with a standard high school diploma in the 2002-2003 school year. Pupils who graduate from high school in the 2001-2002 school year are not required to pass the examination that measures the performance of pupils on the standards established by the council to establish academic standards for public schools and adopted by the state board of education, but must pass the examination that is administered to pupils in the immediately preceding school year.

**Sec. 29.** Section 5 of Senate Bill No. 36 of the 71st session of the Nevada Legislature is hereby amended to read as follows:

Sec. 5. NRS 387.303 is hereby amended to read as follows:

387.303 1. Not later than November 10 of each year, the board of trustees of each school district shall submit to the superintendent of public instruction and the department of taxation a report which includes the following information:

(a) For each fund within the school district, including, without limitation, the school district's general fund and any special revenue fund which receives state money, the total number and salaries of licensed and nonlicensed persons whose salaries are paid from the fund and who are employed by the school district in full-time positions or in part-time positions added together to represent full-time positions. Information must be provided for the current school year based upon the school district's final budget, including any amendments and augmentations thereto, and for the preceding school



year. An employee must be categorized as filling an instructional, administrative, instructional support or other position.

(b) The count of pupils computed pursuant to paragraph (a) of subsection 1 of NRS 387.1233.

(c) The school district's actual expenditures in the fiscal year immediately preceding the report.

(d) The school district's proposed expenditures for the current fiscal year.

(e) The schedule of salaries for licensed employees in the current school year and a statement of whether the negotiations regarding salaries for the current school year have been completed. If the negotiations have not been completed at the time the schedule of salaries is submitted, the board of trustees shall submit a supplemental report to the superintendent of public instruction upon completion of negotiations or the determination of an arbitrator concerning the negotiations that includes the schedule of salaries agreed to or required by the arbitrator.

(f) The number of teachers who received an increase in salary pursuant to subsection 2 of NRS 391.160 for the current and preceding fiscal years. If the board of trustees is required to pay an increase in salary retroactively pursuant to subsection 2 of NRS 391.160, the board of trustees shall submit a supplemental report to the superintendent of public instruction not later than February 15 of the year in which the retroactive payment was made that includes the number of teachers to whom an increase in salary was paid retroactively.

(g) The number of employees eligible for health insurance within the school district for the current and preceding fiscal years and the amount paid for health insurance for each such employee during those years.

(h) The rates for fringe benefits, excluding health insurance, paid by the school district for its licensed employees in the preceding and current fiscal years.

(i) The amount paid for extra duties, supervision of extracurricular activities and supplemental pay and the number of employees receiving that pay in the preceding and current fiscal years.

*(j) The expenditures from the account created pursuant to subsection 3 of NRS 179.1187. The report must indicate the total amount received by the district in the preceding fiscal year, and the specific amount spent on books and computer hardware and software for each grade level in the district.*

2. On or before November 25 of each year, the superintendent of public instruction shall submit to the department of administration and the fiscal analysis division of the legislative counsel bureau, in a format approved by the director of the department of administration, a compilation of the reports made by each school district pursuant to subsection 1.

3. The superintendent of public instruction shall, in the compilation required by subsection 2, reconcile the revenues and expenditures of the school districts with the apportionment received

by those districts from the state distributive school account for the preceding year.

**Sec. 30.** Section 22 of Senate Bill No. 245 of the 71st session of the Nevada Legislature is hereby amended to read as follows:

Sec. 22. NRS 391.019 is hereby amended to read as follows:

391.019 1. Except as otherwise provided in NRS 391.027, the commission:

(a) Shall adopt regulations:

(1) Prescribing the qualifications for licensing teachers and other educational personnel and the procedures for the issuance and renewal of such licenses.

(2) Identifying fields of specialization in teaching which require the specialized training of teachers.

(3) Except as otherwise provided in section 4 of ~~this act~~ *Senate Bill No. 3 of the 17th special session of the Nevada Legislature*, requiring teachers to obtain from the department an endorsement in a field of specialization to be eligible to teach in that field of specialization.

(4) Setting forth the educational requirements a teacher must satisfy to qualify for an endorsement in each field of specialization.

(5) Setting forth the qualifications and requirements for obtaining a license or endorsement to teach American Sign Language ~~+~~, *including, without limitation, being qualified to engage in the practice of interpreting pursuant to subsection 3 of section 9 of this act.*

(6) *Except as otherwise authorized by subsection 4 of section 9 of this act, requiring teachers and other educational personnel to satisfy the qualifications set forth in subsection 3 of section 9 of this act if they:*

*(I) Provide instruction or other educational services; and*

*(II) Concurrently engage in the practice of interpreting, as defined in section 6 of this act.*

(b) May adopt such other regulations as it deems necessary for its own government or to carry out its duties.

2. Any regulation which increases the amount of education, training or experience required for licensing:

(a) Must, in addition to the requirements for publication in chapter 233B of NRS, be publicized before its adoption in a manner reasonably calculated to inform those persons affected by the change.

(b) Must not become effective until at least 1 year after the date it is adopted by the commission.

(c) Is not applicable to a license in effect on the date the regulation becomes effective.

**Sec. 31.** 1. To the extent that money is made available by legislative appropriation, the department of education shall use that money for reimbursement of certain costs of public school teachers related to acquiring certification by the National Board for Professional Teaching Standards.

2. If a public school teacher desires to obtain reimbursement from the department of education for the costs that will be incurred in acquiring

certification by the National Board for Professional Teaching Standards, the teacher shall file a statement of intended certification with the school district or the governing body of the charter school by whom he is employed. The statement must be filed at least 1 year before the teacher reasonably believes that he will acquire the certification. Upon receipt of such a statement, the school district or governing body shall forward a copy of the statement to the department of education.

3. Upon certification, a public school teacher who has filed such a statement may request reimbursement by submitting to the school district or the governing body of the charter school by whom he is employed:

(a) A written statement indicating that the teacher understands that if he does not teach in a public school in this state, including, without limitation, a charter school, for at least 2 years after the date on which he receives the reimbursement, he will be required to repay the reimbursement in full to the department of education;

(b) Proof that he has acquired the certification; and

(c) A statement of the costs incurred by the teacher in acquiring the certification.

4. A school district or the governing body of a charter school shall verify the certification and the statement of costs submitted by a teacher pursuant to subsection 3. Upon verification, the school district or governing body shall notify the department of education of the certification and the amount of verified costs and shall request the department to reimburse the teacher. Upon receipt of such a request, the department shall cause the teacher to be reimbursed if the teacher agrees to teach in a public school in this state, including, without limitation, a charter school, for at least 2 years after the date on which he receives the reimbursement. Such a reimbursement must not exceed an amount equal to the actual verified costs incurred by the teacher or \$2,000, whichever is less, to the extent that money is available for this purpose.

5. Except as otherwise provided in this subsection, if a teacher who receives a reimbursement pursuant to this section does not teach in a public school in this state, including, without limitation, a charter school, for at least 2 years after the date on which he received the reimbursement, the teacher shall repay the full amount of the reimbursement to the department of education. The teacher may request that the department of education grant a waiver from the repayment required by this subsection. The department of education may grant a waiver if the department determines that the teacher suffers from a hardship that warrants a waiver. The department of education shall prescribe the procedures for the repayment required by this subsection and the procedures for a teacher to request a waiver from the repayment.

**Sec. 32.** The board of trustees of a school district shall pay the increase in salary required by subsection 2 of NRS 391.160 retroactively for the 2000-2001 school year for each teacher employed by the board of trustees who:

1. Acquired certification by the National Board for Professional Teaching Standards in the year 2000;

2. Submits evidence satisfactory to the school district of the teacher's current certification; and

3. Provided classroom instruction during the 2000-2001 school year.

**Sec. 33.** The legislature hereby finds and declares that a general law cannot be made applicable for the provisions of sections 5 to 19, inclusive, of this act because of the geographic diversity of the areas served by the school districts in this state which creates a need for the training of teachers and administrators that is specific to the region in which those teachers and administrators are employed. The legislature believes that the creation of regional training programs for the professional development of teachers and administrators is the most effective way to provide high quality and effective professional development training for the teachers and administrators employed in this state.

**Sec. 34.** On or before July 1, 2001, appointments must be made to the governing body of each regional training program for the professional development of teachers and administrators pursuant to section 11 of this act to terms commencing on that date. A person who serves on a governing body before July 1, 2001, may be reappointed pursuant to this section. If a person who serves on a governing body before July 1, 2001, is reappointed pursuant to this section, his appointment shall be deemed his first term for purposes of subsection 3 of section 11 of this act.

**Sec. 35.** On or before September 1, 2001, the governing body of each regional training program shall appoint a coordinator of the program pursuant to section 13 of this act.

**Sec. 36.** On or before September 1, 2001, appointments must be made to the statewide council for the coordination of the regional training programs created pursuant to section 9 of this act.

**Sec. 37.** For purposes of the 2001-2002 school year and the 2002-2003 school year, the governing body of each regional training program for the professional development of teachers and administrators may expend a reasonable amount from the budget of the program to pay for the services of the coordinator of the program appointed pursuant to section 13 of this act. The amount expended pursuant to this section must comply with the budget submitted by the governing body to the legislative bureau of educational accountability and program evaluation for the 2001-2003 biennium.

**Sec. 38.** Commencing in the 2003-2004 school year, the high school proficiency examination that, pursuant to NRS 389.015, pupils must pass to receive a standard high school diploma must measure the performance of pupils on the standards of content and performance in science established by the council to establish academic standards for public schools pursuant to NRS 389.520 and adopted by the state board of education. The high school proficiency examination that measures the performance of pupils in the standards of content and performance in science established by the council to establish academic standards for public schools must first be administered to pupils enrolled in grade 11 in the 2003-2004 school year, who must pass the examination before the completion of grade 12 to graduate with a standard high school diploma in the 2004-2005 school year. Pupils who graduate in the 2003-2004 school year are not required to pass the examination that measures the

performance of pupils on the standards in science established by the council to establish academic standards for public schools, but must pass the examination that is administered to pupils in the immediately preceding school year.

**Sec. 39.** Notwithstanding the provisions of NRS 389.015 to the contrary, the board of trustees of a school district and the governing body of a charter school shall, for the 2002-2003 school year, administer the norm-referenced examinations on reading, mathematics and science that are otherwise required to be administered to pupils who are enrolled in grade 8 to pupils who are enrolled in grade 7, rather than to pupils who are enrolled in grade 8. In addition, the results of the examinations administered to pupils enrolled in grade 7 must be reported as the results of the examinations are otherwise reported pursuant to NRS 385.347 and 389.017.

**Sec. 40.** 1. If money is appropriated by the legislature for the 2001-2003 biennium for the development of a new criterion-referenced examination for pupils who are enrolled in grade 8, the state board of education shall, on or before December 1, 2002, pursuant to the recommendations of the council to establish academic standards for public schools, develop or purchase examinations that measure the achievement and proficiency of pupils who are enrolled in grade 8 on the standards of content and performance established by the council. The examinations must be scored by a single entity, the department of education, or a school district on behalf of the other school districts.

2. The department of education shall conduct a pilot program of the examinations or the questions included on the examinations in the spring semester of 2002.

3. The examinations must be administered to all pupils, as required by NRS 389.550, commencing in the spring semester of 2003. The results of those examinations must be used solely to gather information and data concerning the examinations.

**Sec. 41.** 1. The department of education shall allow the legislative counsel bureau to participate, to the extent practicable, in the process for the review and selection of contractors for the development, printing, administration and scoring of examinations that are required pursuant to NRS 389.015 and 389.550. The department shall provide to the legislative counsel bureau a copy of any solicitation for bids for such contractors.

2. The department of education shall not enter into a contract with a testing vendor unless the contract includes a provision to allow the testing vendor to respond to requests by the legislative counsel bureau for information at no additional cost to the department, to the extent that the information that is requested will not compromise any proprietary or confidentiality agreements.

**Sec. 42.** The provisions of this act do not apply to offenses committed before July 1, 2001.

**Sec. 43.** 1. This section and sections 3, 5 to 19, inclusive, and 33 to 37, inclusive, of this act become effective upon passage and approval.

2. Sections 4, 20, 21, 22, 24 to 28, inclusive, 30, 31, 32 and 38 to 42, inclusive, of this act become effective on July 1, 2001.

3. Sections 1 and 23 of this act become effective at 12:01 a.m. on July 1, 2001.

4. Sections 2 and 29 of this act become effective at 12:02 a.m. on July 1, 2001.