

SENATE BILL NO. 22—COMMITTEE ON HUMAN RESOURCES
AND FACILITIES

PREFILED JANUARY 20, 1999

(ON BEHALF OF LEGISLATIVE COMMITTEE ON EDUCATION)

Referred to Committee on Human Resources and Facilities

SUMMARY—Makes various changes regarding teachers, administrators and probationary employees of school districts. (BDR 34-241)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: 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 educational personnel; revising provisions governing the issuance of an initial license to teach and renewal of such a license; requiring certain teachers to possess knowledge of instruction in phonics; establishing a license to teach middle school or junior high school; prohibiting school districts from employing a teacher to teach certain subjects unless the teacher possesses a license to teach those subjects; revising provisions governing the evaluation of postprobationary and probationary teachers; revising provisions governing the probationary periods of teachers and administrators; and providing other matters properly relating thereto.

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

- 1 **Section 1.** Chapter 391 of NRS is hereby amended by adding thereto
- 2 the provisions set forth as sections 2 and 3 of this act.
- 3 **Sec. 2. 1. *The superintendent of public instruction shall ensure that***
- 4 ***the department:***
- 5 ***(a) Reviews the transcripts submitted pursuant to NRS 391.033 by each***
- 6 ***applicant for an initial license to teach; and***
- 7 ***(b) Determines, in accordance with the regulations adopted by the***
- 8 ***commission pursuant to subsection 3, whether the applicant must satisfy***
- 9 ***additional conditions before he is eligible to renew his initial license.***

1 *The review must include, without limitation, an identification of the level*
2 *of knowledge acquired by the teacher in the field in which he proposes to*
3 *teach, if any. If the department determines that the applicant must satisfy*
4 *additional conditions, the initial license issued to the applicant by the*
5 *superintendent of public instruction must specifically set forth in writing*
6 *all such conditions on the license. If the department determines that the*
7 *applicant is not required to satisfy additional conditions before he is*
8 *eligible to renew his license, the initial license issued to the applicant by*
9 *the superintendent of public instruction must contain a written statement*
10 *to that effect.*

11 *2. The superintendent of public instruction shall not renew the initial*
12 *license of a person who has not satisfactorily completed the conditions for*
13 *renewal set forth on his license, if any.*

14 *3. The commission shall adopt regulations that prescribe the*
15 *conditions that may be placed on an initial license to teach before the*
16 *holder of the license is eligible to renew his license. Such conditions may*
17 *include, without limitation, additional course work that must be*
18 *completed by the holder of the initial license.*

19 **Sec. 3.** *A teacher who teaches in an elementary school shall provide*
20 *evidence, in accordance with the regulations adopted by the commission*
21 *pursuant to subparagraph (5) of paragraph (a) of subsection 1 of NRS*
22 *391.019, that he possesses sufficient knowledge in teaching basic reading*
23 *skills, including, without limitation, providing instruction in phonics.*

24 **Sec. 4.** NRS 391.019 is hereby amended to read as follows:

25 391.019 1. Except as otherwise provided in NRS 391.027, the
26 commission:

27 (a) Shall adopt regulations:

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

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

33 (3) Requiring teachers to obtain from the department an endorsement
34 in a field of specialization to be eligible to teach in that field of
35 specialization.

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

38 (5) *Setting forth the educational requirements that a teacher who*
39 *teaches in an elementary school must satisfy to demonstrate that the*
40 *teacher possesses sufficient knowledge in teaching basic reading skills,*
41 *including, without limitation, providing instruction in phonics.*

42 (6) *Prescribing the qualifications for an endorsement as an*
43 *administrator, including, without limitation, the type of experience that is*

required for the endorsement. Experience as a school teacher, school counselor or school librarian must apply toward the experience required.

(7) 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. 5. NRS 391.031 is hereby amended to read as follows:

391.031 There are the following kinds of licenses for teachers and other educational personnel in this state:

1. A license to teach elementary education, which authorizes the holder to teach in any elementary school in the state.

2. A license to teach secondary education, which authorizes the holder to teach in his major or minor field of preparation or in both fields in any secondary school. He may teach only in these fields unless an exception is approved pursuant to regulations adopted by the commission.

3. *A license to teach middle school or junior high school, which authorizes the holder to teach in his major or minor field of preparation or in both fields in any middle school or junior high school. He may teach only in these fields unless an exception is approved pursuant to regulations adopted by the commission.*

4. A special license, which authorizes the holder to teach or perform other educational functions in a school or program as designated in the license.

Sec. 6. NRS 391.033 is hereby amended to read as follows:

391.033 1. All licenses for teachers and other educational personnel are granted by the superintendent of public instruction pursuant to regulations adopted by the commission and as otherwise provided by law.

2. An application for the issuance of a license must include the social security number of the applicant.

3. Every applicant for a license must submit with his application a complete set of ~~his~~ :

(a) ~~His~~ fingerprints and written permission authorizing the superintendent to forward the fingerprints to the Federal Bureau of

1 Investigation and to the central repository for Nevada records of criminal
2 history for their reports on the criminal history of the applicant.

3 ***(b) Transcripts of his academic record at colleges or other educational***
4 ***institutions.***

5 4. The superintendent may issue a provisional license pending receipt
6 of the reports of the Federal Bureau of Investigation and the central
7 repository for Nevada records of criminal history if he determines that the
8 applicant is otherwise qualified.

9 5. A license must be issued to an applicant if:

10 (a) The superintendent determines that the applicant is qualified;

11 (b) The reports on the criminal history of the applicant from the Federal
12 Bureau of Investigation and the central repository for Nevada records of
13 criminal history:

14 (1) Do not indicate that the applicant has been convicted of a felony or
15 any offense involving moral turpitude; or

16 (2) Indicate that the applicant has been convicted of a felony or an
17 offense involving moral turpitude but the superintendent determines that the
18 conviction is unrelated to the position within the county school district for
19 which the applicant applied; and

20 (c) The applicant submits the statement required pursuant to NRS
21 391.034.

22 **Sec. 7.** NRS 391.037 is hereby amended to read as follows:

23 391.037 1. The state board shall:

24 (a) Prescribe by regulation the standards for approval of a course of
25 study or training offered by an educational institution to qualify a person to
26 be a teacher or administrator or to perform other educational functions. ***If a***
27 ***course of study or training is designed to prepare persons to teach***
28 ***elementary education, the state board shall not approve the course of***
29 ***study or training unless the course of study or training provides***
30 ***instruction or training in the methods to teach basic reading skills,***
31 ***including, without limitation, the use of phonics.***

32 (b) Maintain descriptions of the approved courses of study required to
33 qualify for endorsements in fields of specialization and provide to an
34 applicant, upon request, the approved course of study for a particular
35 endorsement.

36 2. Every applicant for a license as a teacher or administrator or to
37 perform some other educational function must submit with his application,
38 in the form prescribed by the superintendent of public instruction, proof that
39 he has satisfactorily completed a course of study and training approved by
40 the state board.

41 **Sec. 8.** NRS 391.100 is hereby amended to read as follows:

42 391.100 1. The board of trustees of a school district may employ a
43 superintendent of schools, teachers and all other necessary employees.

2. The board of trustees of a school district ~~§~~ *shall not employ a teacher to provide instruction more than 50 percent of the school day in English, mathematics, science or social studies in a junior high school or in a middle school in which those subjects are taught to a pupil by different teachers, unless the teacher holds a:*

(a) *License to teach middle school or junior high school with an endorsement to teach in the subject area for which he provides instruction; or*

(b) *License to teach secondary education with an endorsement to teach in the subject area for which he provides instruction.*

3. The board of trustees of a school district:

(a) May employ teacher aides and other auxiliary, nonprofessional personnel to assist licensed personnel in the instruction or supervision of children, either in the classroom or at any other place in the school or on the grounds thereof; and

(b) Shall establish policies governing the duties and performance of teacher aides.

~~§~~ 4. Each applicant for employment pursuant to this section, except a teacher or other person licensed by the superintendent of public instruction, must, as a condition to employment, submit to the school district a full set of his fingerprints and written permission authorizing the school district to forward the fingerprints to the Federal Bureau of Investigation and the central repository for Nevada records of criminal history for their reports on the criminal history of the applicant.

~~§~~ 5. The board of trustees of a school district may employ or appoint persons to serve as school police officers.

Sec. 9. NRS 391.3125 is hereby amended to read as follows:

391.3125 1. It is the intent of the legislature that a uniform system be developed for objective evaluation of teachers and other licensed personnel in each school district.

2. Each board, following consultation with and involvement of elected representatives of the teachers or their designees, shall develop a policy for objective evaluations in narrative form. The policy must set forth a means according to which an employee's overall performance may be determined to be satisfactory or unsatisfactory. The policy may include an evaluation by the teacher, pupils, administrators or other teachers or any combination thereof. In a similar manner, counselors, librarians and other licensed personnel must be evaluated on forms developed specifically for their respective specialties. A copy of the policy adopted by the board must be filed with the department. The primary purpose of an evaluation is to provide a format for constructive assistance. Evaluations, while not the sole criterion, must be used in the dismissal process.

1 3. A conference and a written evaluation for a probationary employee
2 must be concluded no later than:

3 (a) December 1;

4 (b) February 1; and

5 (c) April 1,

6 of each school year of the probationary period, except that a probationary
7 employee assigned to a school that operates all year must be evaluated at
8 least three times during each 12 months of employment on a schedule
9 determined by the board.

10 4. Whenever an administrator charged with the evaluation of a
11 probationary employee believes the employee will not be reemployed for
12 the second *or third* year of the probationary period or the school year
13 following the probationary period, he shall bring the matter to the
14 employee's attention in a written document which is separate from the
15 evaluation no later than February 15 of the current school year. The notice
16 must include the reasons for the potential decision not to reemploy or refer
17 to the evaluation in which the reasons are stated. Such a notice is not
18 required if the probationary employee has received a letter of admonition
19 during the current school year.

20 5. Each postprobationary teacher must be evaluated at least once each
21 year.

22 6. The evaluation of a probationary teacher or a postprobationary
23 teacher must, if necessary, include recommendations for improvements in
24 his performance. A reasonable effort must be made to assist the teacher to
25 correct any deficiencies noted in the evaluation. The teacher must receive a
26 copy of each evaluation not later than 15 days after the evaluation. A copy
27 of the evaluation and the teacher's response must be permanently attached
28 to the teacher's personnel file.

29 *7. Except as otherwise provided in this subsection, at least once each*
30 *year an administrator who is charged with the evaluation of the teacher*
31 *shall observe:*

32 *(a) For a postprobationary teacher, at least 120 minutes of the*
33 *performance of the teacher in the classroom.*

34 *(b) For a probationary teacher, at least 180 minutes of the*
35 *performance of the teacher in the classroom.*

36 *In lieu of observing an employee for the required number of minutes of*
37 *instruction, the board may prescribe the number of class periods,*
38 *equivalent to the number of minutes of instruction set forth in paragraphs*
39 *(a) and (b), that an administrator is required to observe an employee.*

40 **Sec. 10.** NRS 391.313 is hereby amended to read as follows:

41 391.313 1. Whenever an administrator charged with supervision of a
42 licensed employee believes it is necessary to admonish the employee for a
43 reason that he believes may lead to demotion, dismissal or cause the

1 employee not to be reemployed under the provisions of NRS 391.312, he
2 shall:

3 (a) Except as otherwise provided in subsection 2, bring the matter to the
4 attention of the employee involved, in writing, stating the reasons for the
5 admonition and that it may lead to his demotion, dismissal or a refusal to
6 reemploy him, and make a reasonable effort to assist the employee to
7 correct whatever appears to be the cause for his potential demotion,
8 dismissal or a potential recommendation not to reemploy him; and

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

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

18 2. An administrator need not admonish an employee pursuant to
19 paragraph (a) of subsection 1 if his employment will be terminated pursuant
20 to NRS 391.3197. If by February 15 of the first, ~~for~~ second *or third* year
21 of his probationary period a probationary employee does not receive a
22 written notice pursuant to subsection 4 of NRS 391.3125 of a potential
23 decision not to reemploy him, he must receive an admonition before any
24 such decision is made.

25 3. A licensed employee is subject to immediate dismissal or a refusal to
26 reemploy according to the procedures provided in NRS 391.311 to
27 391.3197, inclusive, without the admonition required by this section, on
28 grounds contained in paragraphs (b), (f), (g), (h) and (p) of subsection 1 of
29 NRS 391.312.

30 **Sec. 11.** NRS 391.3197 is hereby amended to read as follows:

31 391.3197 1. A probationary employee is employed on a contract basis
32 for ~~two 1-year~~ *three consecutive* periods *of 1 year* and has no right to
33 employment after ~~either of the two~~ *any of the* probationary contract years.

34 2. ~~The~~ *Except as otherwise provided in subsection 3, the* board shall
35 notify each probationary employee in writing on or before May 1 ~~of~~ :

36 (a) *Of* the first and second school years of his probationary period, as
37 appropriate, whether he is to be reemployed for the second *or third* year of
38 the probationary period . ~~or~~

39 (b) *Of the third school year of his probationary period whether he is to*
40 *be reemployed* for the next school year as a postprobationary employee.

41 The employee must advise the board in writing on or before May 10 of the
42 first, ~~for~~ second *or third* year of his probationary period, as appropriate, of
43 his acceptance of reemployment.

1 **3.** If a probationary employee is assigned to a school that operates all
2 year, the board shall notify ~~{him}~~ *the employee* in writing ~~{, in}~~ *no later*
3 *than 45 days before his last day of work for the year under his contract:*

4 **(a)** *In both the first and second years of his probationary period, ~~{no}~~*
5 *later than 45 days before his last day of work for the year under his contract}*
6 *as appropriate,* whether he is to be reemployed for the second *or third* year
7 of the probationary period . ~~{or}~~

8 **(b)** *In the third year of his probationary period, whether he is to be*
9 *reemployed* for the next school year as a postprobationary employee. ~~{He}~~
10 *The employee* must advise the board in writing within 10 days after the date
11 of notification of his acceptance or rejection of reemployment for another
12 year. Failure to advise the board of his acceptance of reemployment
13 constitutes rejection of the contract.

14 ~~{3.}~~ **4.** A probationary employee who completes his ~~{2-year}~~
15 probationary period *of 3 years* and receives a notice of reemployment from
16 the school district in the ~~{second}~~ *third* year of his probationary period is
17 entitled to be a postprobationary employee in the ensuing year of
18 employment.

19 ~~{4.}~~ **5.** A probationary employee who receives an unsatisfactory
20 evaluation may request a supplemental evaluation by another administrator
21 in the school district selected by him and the superintendent. If a school
22 district has five or fewer administrators, the supplemental evaluator may be
23 an administrator from another school district in the state. ~~{If a probationary~~
24 ~~employee has received during the first school year of his probationary~~
25 ~~period three evaluations which state that the employee's overall~~
26 ~~performance has been satisfactory, the superintendent of schools of the~~
27 ~~school district or his designee shall waive the second year of the employee's~~
28 ~~probationary period by expressly providing in writing on the final~~
29 ~~evaluation of the employee for the first probationary year that the second~~
30 ~~year of his probationary period is waived. Such an employee is entitled to~~
31 ~~be a postprobationary employee in the ensuing year of employment.~~

32 ~~{5.}~~ **6.** If a probationary employee is notified that he will not be
33 reemployed for the second *or third* year of his probationary period or the
34 ensuing school year, his employment ends on the last day of the current
35 school year. The notice that he will not be reemployed must include a
36 statement of the reasons for that decision.

37 ~~{6.}~~ **7.** A new employee or a postprobationary teacher who is employed
38 as an administrator shall be deemed to be a probationary employee for the
39 purposes of this section and must serve a ~~{2-year}~~ probationary period *of 3*
40 *years* as an administrator in accordance with the provisions of this section.
41 ~~{If the administrator does not receive an unsatisfactory evaluation during the~~
42 ~~first year of probation, the superintendent or his designee shall waive the~~
43 ~~second year of the administrator's probationary period. Such an~~

1 ~~administrator is entitled to be a postprobationary employee in the ensuing~~
2 ~~year of employment.~~ If a postprobationary teacher who is an administrator
3 is not reemployed in that capacity after ~~either year~~ **the completion** of his
4 probationary period, he may accept a contract as a teacher for the ensuing
5 school year in writing on or before May 10. If he fails to accept the contract
6 as a teacher, he shall be deemed to have rejected the offer of a contract as a
7 teacher.

8 ~~[7.]~~ **8.** An administrator who has completed his probationary period
9 pursuant to subsection ~~[6]~~ **7** and is thereafter promoted to the position of
10 principal must serve an additional probationary period of 1 year in the
11 position of principal. If the administrator serving the additional probationary
12 period is not reemployed in that capacity after the expiration of the
13 additional probationary period, he may accept a contract for the ensuing
14 school year, in writing, on or before May 10, for the administrative position
15 in which he attained postprobationary status. If he fails to accept such a
16 contract, he shall be deemed to have rejected the offer of employment.

17 ~~[8.]~~ **9.** Before dismissal, the probationary employee is entitled to a
18 hearing before a hearing officer which affords due process as set out in NRS
19 391.311 to 391.3196, inclusive.

20 **Sec. 12.** NRS 391.350 is hereby amended to read as follows:

21 391.350 1. Any teacher or other licensed employee employed by any
22 board for a specified time who willfully refuses or fails to fulfill his
23 employment obligations after he has notified the board of his acceptance of
24 employment ~~under~~ **pursuant to** subsection 3 of NRS 391.3196 or
25 subsection 2 **or 3** of NRS 391.3197 or to comply with the provisions of his
26 contract after it has been signed without first obtaining the written consent
27 of the board may be found guilty of unprofessional conduct. The board shall
28 not unreasonably withhold its consent. Any administrator who willfully
29 secures the signature on a statement of intent to accept employment of any
30 teacher or other licensed employee who has notified the board of another
31 school district in this state of his acceptance of employment is guilty of
32 unprofessional conduct, unless the employee has first obtained the written
33 consent of the board to which he has given notice of acceptance. If the
34 failure or refusal to comply with the provisions of the contract is the result
35 of having subsequently executed an employment contract with another
36 board in this state without the written consent of the board first employing
37 him, the second contract is void.

38 2. Upon receiving a formal complaint from the board, substantiated by
39 conclusive evidence of a teacher's failure or refusal under subsection 1 or
40 that an administrator has willfully secured such a signature, the state board
41 may suspend or revoke the license of the teacher or administrator after
42 notice and opportunity for a hearing have been provided pursuant to NRS
43 391.322 and 391.323.

1 3. The superintendent of public instruction shall notify state agencies
2 for education in other states of any revocation pursuant to this section.

3 **Sec. 13.** NRS 289.190 is hereby amended to read as follows:

4 289.190 1. A person employed or appointed to serve as a school
5 police officer pursuant to subsection ~~4~~ 5 of NRS 391.100 has the powers
6 of a peace officer.

7 2. A person appointed pursuant to NRS 393.0718 by the board of
8 trustees of any school district has the powers of a peace officer to carry out
9 the intents and purposes of NRS 393.071 to 393.0719, inclusive.

10 3. Members of every board of trustees of a school district,
11 superintendents of schools, principals and teachers have concurrent power
12 with peace officers for the protection of children in school and on the way to
13 and from school, and for the enforcement of order and discipline among
14 such children, including children who attend school within one school
15 district but reside in an adjoining school district or adjoining state, pursuant
16 to the provisions of chapter 392 of NRS. This subsection must not be
17 construed so as to make it the duty of superintendents of schools, principals
18 and teachers to supervise the conduct of children while not on the school
19 property.

20 **Sec. 14.** 1. Not later than January 1, 2000, the commission on
21 professional standards in education shall adopt regulations prescribing the:

22 (a) Conditions of renewal that may be placed on an initial license to
23 teach pursuant to section 2 of this act.

24 (b) Requirements and qualifications for the issuance of a license to teach
25 middle school or junior high school.

26 2. The regulations adopted pursuant to this section become effective on
27 or before July 1, 2000.

28 **Sec. 15.** Not later than July 1, 2000, the commission on professional
29 standards in education shall adopt regulations setting forth, without
30 limitation:

31 1. The educational requirements that a teacher who teaches in an
32 elementary school must satisfy to demonstrate sufficient knowledge of
33 teaching basic reading skills, including, without limitation, providing
34 instruction in phonics.

35 2. The date by which a teacher who holds a license to teach that was
36 issued on or after July 1, 2000, must satisfy these educational requirements.

37 3. The conditions under which a teacher will be required to submit
38 evidence that he has satisfied these educational requirements.

39 **Sec. 16.** The amendatory provisions of section 3 of this act do not
40 apply to a teacher who holds a license to teach that was issued before July 1,
41 2000.

42 **Sec. 17.** 1. A teacher who holds a license to teach that was issued
43 before July 1, 2000, and who teaches English, mathematics, science or

1 social studies in a middle school or junior high school, is not required to
2 obtain a license to teach middle school or junior high school with an
3 endorsement to teach in the subject area for which he provides instruction
4 or a license to teach secondary education with an endorsement to teach in
5 the subject area for which he provides instruction.

6 2. The amendatory provisions of section 8 of this act do not apply to the
7 employment of a teacher by a board of trustees of a school district before
8 July 1, 2000.

9 **Sec. 18.** 1. This section and sections 1 to 7, inclusive, and 9 to 17,
10 inclusive, of this act become effective on July 1, 1999.

11 2. Section 8 of this act becomes effective on July 1, 2000.

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