

SENATE BILL NO. 40—SENATOR WASHINGTON

PREFILED JANUARY 27, 1999

Referred to Committee on Finance

SUMMARY—Establishes program for award of merit pay to teachers. (BDR 34-207)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget.

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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; establishing a program for the award of merit pay to teachers; requiring boards of trustees of school districts to adopt rules and policies to carry out the program; making an appropriation; 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 to 7, inclusive, of this act.
- 3 **Sec. 2.** *As used in sections 2 to 7, inclusive, of this act, unless the*
4 *context otherwise requires, “program” means the program for the award*
5 *of merit pay to teachers established pursuant to section 3 of this act.*
- 6 **Sec. 3.** 1. *The program for the award of merit pay to teachers is*
7 *hereby established, to be administered by the superintendent of public*
8 *instruction.*
- 9 2. *Except as otherwise provided in subsection 3, all money*
10 *appropriated for the program must be apportioned to school districts in*
11 *accordance with section 6 of this act for the award of merit pay to*
12 *teachers.*
- 13 3. *The superintendent of public instruction may expend not more*
14 *than 1 percent per year of the money appropriated for the program to pay*
15 *the costs incurred in administering the program.*
- 16 **Sec. 4.** *The board of trustees of each school district shall adopt rules*
17 *and policies to carry out the provisions of sections 2 to 7, inclusive, of this*
18 *act, including, without limitation:*

1 **1. The process for submission of a recommendation of a teacher for**
2 **an award of merit pay and the contents of the recommendation;**

3 **2. The criteria that will be used by the board of trustees to evaluate a**
4 **recommendation; and**

5 **3. The method by which the success of the program in the school**
6 **district will be evaluated.**

7 **Sec. 5. 1. Each teacher who is licensed pursuant to chapter 391 of**
8 **NRS and provides instruction in a public school is eligible for**
9 **recommendation of an award of merit pay.**

10 **2. On or before January 1 of each year, a recommendation of a**
11 **teacher for an award of merit pay may be submitted to the board of**
12 **trustees of a school district on a form provided by the board of trustees. A**
13 **recommendation may be submitted by a parent or legal guardian of a**
14 **pupil of the teacher or a member of the community who has personal**
15 **knowledge of the performance of the teacher in the classroom.**

16 **3. Upon receipt of such a recommendation, the board of trustees shall**
17 **review the recommendation, taking into consideration the record of**
18 **performance of the teacher. The board of trustees may contact the person**
19 **who submitted the recommendation for additional information if**
20 **necessary.**

21 **4. If the board of trustees approves a recommendation, the board**
22 **shall, on or before March 1 of the year in which the recommendation was**
23 **submitted, provide written notice to the superintendent of public**
24 **instruction. The written notice must include:**

25 **(a) The name of the teacher whom the board of trustees approves for**
26 **an award of merit pay; and**

27 **(b) The reasons for the approval.**

28 **Sec. 6. 1. On or before May 1 of each year, the superintendent of**
29 **public instruction shall, within the limits of money available for the**
30 **program by legislative appropriation or otherwise, apportion the amount**
31 **of money available for the program for that year among the boards of**
32 **trustees of the school districts who submitted written notice pursuant to**
33 **subsection 4 of section 5 of this act. The money available for the program**
34 **must be apportioned to each school district in proportion to the number of**
35 **licensed teachers who are employed by the school district and provide**
36 **instruction in a public school within the school district.**

37 **2. Upon receipt of money pursuant to subsection 1, the board of**
38 **trustees of a school district shall award merit pay to each teacher whose**
39 **recommendation was approved by the board of trustees pursuant to**
40 **section 5 of this act. The amount per school year of each such award**
41 **must not exceed \$1,000 for each such teacher.**

1 **3. The board of trustees of a school district shall not include, as part**
2 **of a teacher's salary, any amount of merit pay awarded to the teacher**
3 **pursuant to this section.**

4 **4. A school district that receives money pursuant to this section shall**
5 **not use the money to:**

6 **(a) Settle or arbitrate disputes or negotiate settlements between an**
7 **organization that represents licensed employees of the school district and**
8 **the school district.**

9 **(b) Adjust the schedule of salaries and benefits of the employees of the**
10 **school district.**

11 **Sec. 7. On or before July 1 of each year, the board of trustees of a**
12 **school district that received money pursuant to section 6 of this act shall**
13 **submit a report to the superintendent of public instruction on a form**
14 **provided by the superintendent of public instruction. The report must**
15 **include:**

16 **1. The number of teachers who were awarded merit pay in the**
17 **immediately preceding year; and**

18 **2. An evaluation of the program in accordance with the method for**
19 **evaluation adopted by the board of trustees pursuant to section 4 of this**
20 **act.**

21 **Sec. 8. 1. There is hereby appropriated from the state general fund to**
22 **the department of education for the program for the award of merit pay to**
23 **teachers established pursuant to section 3 of this act:**

24 For the fiscal year 1999-2000..... \$1,312,000

25 For the fiscal year 2000-2001..... \$1,312,000

26 **2. Any remaining balance of the appropriation made by subsection 1**
27 **for:**

28 **(a) The fiscal year 1999-2000 must be transferred and added to the**
29 **money appropriated for the fiscal year 2000-2001.**

30 **(b) The fiscal year 2000-2001, including any money added thereto**
31 **pursuant to paragraph (a), must not be committed for expenditure after June**
32 **30, 2001, and reverts to the state general fund as soon as all payments of**
33 **money committed have been made.**

34 **Sec. 9. 1. This section and section 8 of this act become effective**
35 **upon passage and approval.**

36 **2. Sections 2 to 7, inclusive, of this act become effective on July 1,**
37 **1999.**