

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A.B. 311

ASSEMBLY BILL NO. 311—ASSEMBLYMEN GIUNCHIGLIANI, ANDERSON, BACHE, PARNELL, GIBBONS, ARBERRY, BUCKLEY, CHOWNING, CLABORN, COLLINS, DE BRAGA, DINI, FREEMAN, GOLDWATER, LEE, LESLIE, MANENDO, MCCLAIN, NEIGHBORS, OCEGUERA, OHRENSCHALL, PARKS, PERKINS, PRICE, SMITH AND WILLIAMS

MARCH 9, 2001

Referred to Concurrent Committees on Education
and Ways and Means

SUMMARY—Revises provisions governing educational personnel. (BDR 34-1084)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State: 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; revising provisions governing the determination of salaries and the purchase of retirement credit for certain teachers; revising provisions governing sick leave of employees of a school district; authorizing the board of regents of the University of Nevada to administer a program of loans for students who are enrolled in teaching programs; providing for the waiver of those loans by the board of regents under certain circumstances; making an appropriation for the loan program; making an appropriation to reimburse certain costs incurred by licensed teachers in obtaining endorsements in certain fields of specialization; and providing other matters properly relating thereto.

1 WHEREAS, An effective public school system relies significantly upon
2 the wisdom, knowledge, talent and skills provided by teachers and other
3 educational personnel; and

4 WHEREAS, The legislature believes that to perpetuate an effective public
5 school system, the boards of trustees of the school districts in this state
6 should take action to attract and retain qualified teachers and other
7 educational personnel; and

8 WHEREAS, Boards of trustees of school districts in this state should
9 consider the various professional and personal demands placed upon
10 persons in the 21st century and provide in their contracts of employment
11 the opportunity for teachers and other educational personnel to work
12 pursuant to a scheduling plan commonly known as flexible time and other
13 innovative scheduling plans that are suitable to the needs of the teachers
14 and other educational personnel; now, therefore,



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

Section 1. 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 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 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 5:

(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; and

(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).

4. A school district ~~may~~ *shall* 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. This section does not:

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

(b) Permit a school district to deny a teacher credit for his previous teaching service on the ground that the service differs in kind from the



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1 teaching experience for which credit is otherwise given by the school
2 district.

3 6. As used in this section, "previous teaching service" means the total
4 of:

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

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

8 **Sec. 2.** NRS 391.165 is hereby amended to read as follows:

9 391.165 1. Except as otherwise provided in ~~subsection 3 of~~ this
10 section and except as otherwise required as a result of NRS 286.537, the
11 board of trustees of a school district shall pay the cost for a licensed teacher
12 to purchase ~~one-fifth~~ *one-fourth* of a year of service pursuant to
13 subsection 2 of NRS 286.300 if:

14 (a) The teacher is a member of the public employees' retirement system
15 and has at least 5 years of service;

16 (b) The teacher has been employed as a licensed teacher in this state for
17 at least 5 consecutive school years, regardless of whether the employment
18 was with one or more school districts in this state;

19 (c) Each evaluation of the teacher conducted pursuant to NRS 391.3125
20 is at least satisfactory for the years of employment required by paragraph
21 (b); and

22 (d) In addition to the years of employment required by paragraph (b),
23 the teacher has been employed as a licensed teacher for 1 school year at a
24 school within the school district which, for that school year, carries the
25 designation of demonstrating need for improvement pursuant to NRS
26 385.367.

27 2. Except as otherwise provided in ~~subsection 3;~~ *this section*, the
28 board of trustees of a school district shall pay the cost for a licensed teacher
29 to purchase ~~one-fifth~~ *one-half* of a year of service *pursuant to subsection*
30 *2 of NRS 286.300 if:*

31 *(a) The teacher is a member of the public employees' retirement*
32 *system and has at least 5 years of service;*

33 *(b) The teacher has been employed as a licensed teacher in this state*
34 *for at least 5 consecutive school years, regardless of whether the*
35 *employment was with one or more school districts in this state;*

36 *(c) Each evaluation of the teacher conducted pursuant to NRS*
37 *391.3125 is at least satisfactory for the years of employment required by*
38 *paragraph (b); and*

39 *(d) In addition to the years of employment required by paragraph (b),*
40 *the teacher has been employed as a licensed teacher for 1 school year at*
41 *a school within the school district where, for that school year, at least 65*
42 *percent of the pupils who are enrolled in the school are pupils at risk.*

43 3. *Except as otherwise provided in subsection 4, the board of trustees*
44 *of a school district shall pay the cost for a licensed teacher to purchase:*

45 *(a) One-fourth of a year of service* for each year that a teacher is
46 employed as a teacher at a school within the school district that is
47 described in paragraph (d) of subsection 1 ~~†~~

48 ~~—3.† ; or~~



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1 ***(b) One-half of a year of service for each year that a teacher is***
2 ***employed as a teacher at a school within the school district that is***
3 ***described in paragraph (d) of subsection 2.***
4 ***If, in 1 school year, a teacher satisfies the criteria set forth in both***
5 ***subsections 2 and 3, the school district in which the teacher is employed***
6 ***shall, for that school year, pay the cost for the teacher to purchase one-***
7 ***half of a year of service pursuant to subsection 2 of NRS 286.300.***
8 4. In no event may the years of service purchased by a licensed teacher
9 as a result of subsection 2 of NRS 286.300 exceed 5 years.
10 ~~14.1~~ 5. The board of trustees of a school district shall not:
11 (a) Assign or reassign a licensed teacher to circumvent the requirements
12 of this section.
13 (b) Include, as part of a teacher's salary, the costs of paying the teacher
14 to purchase service pursuant to this section.
15 ~~15.1~~ 6. As used in this section ~~1. "service"~~ :
16 ***(a) "Pupil at risk" has the meaning ascribed to it in NRS 386.500.***
17 ***(b) "Service" has the meaning ascribed to it in NRS 286.078.***
18 **Sec. 3.** NRS 391.180 is hereby amended to read as follows:
19 391.180 1. As used in this section, "employee" means any employee
20 of a school district or charter school in this state.
21 2. A school month in any public school in this state consists of 4
22 weeks of 5 days each.
23 3. Nothing contained in this section prohibits the payment of
24 employees' compensation in 12 equal monthly payments for 9 or more
25 months' work.
26 4. The per diem deduction from the salary of an employee because of
27 absence from service for reasons other than those specified in this section
28 is that proportion of the yearly salary which is determined by the ratio
29 between the duration of the absence and the total number of contracted
30 work days in the year.
31 5. Boards of trustees shall either prescribe by regulation or negotiate
32 pursuant to chapter 288 of NRS ~~1.1~~ with respect to sick leave, accumulation
33 of sick leave, payment for unused sick leave, sabbatical leave, personal
34 leave, professional leave, military leave and such other leave as they
35 determine to be necessary or desirable for employees. ~~In addition, boards~~
36 ***The regulation or collective bargaining agreement, as applicable, must***
37 ***grant each employee at least 2 days of sick leave set aside specifically to***
38 ***ensure the mental health of and the appropriate management of stress***
39 ***for the employee. Boards*** of trustees may either prescribe by regulation or
40 negotiate pursuant to chapter 288 of NRS with respect to the payment of
41 unused sick leave to licensed teachers in the form of purchase of service
42 pursuant to subsection 3 of NRS 286.300. The amount of service so
43 purchased must not exceed the number of hours of unused sick leave or 1
44 year, whichever is less.
45 6. The salary of any employee unavoidably absent because of personal
46 illness or accident, or because of serious illness, accident or death in the
47 family, may be paid up to the number of days of sick leave accumulated by
48 the employee. An employee may not be credited with more than ~~11.5~~ 17
49 days of sick leave in any 1 school year. Except as otherwise provided in



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1 this subsection, if an employee takes a position with another school district
2 or charter school, all sick leave that he has accumulated must be transferred
3 from his former school district or charter school to his new school district
4 or charter school. The amount of sick leave so transferred may not exceed
5 the maximum amount of sick leave which may be carried forward from one
6 year to the next according to the applicable negotiated agreement or the
7 policy of the district or charter school into which the employee transferred.
8 Unless the applicable negotiated agreement or policy of the employing
9 district or charter school provides otherwise, such an employee:

10 (a) Shall first use the sick leave credited to the employee from the
11 district or charter school into which he transferred before using any of the
12 transferred leave; and

13 (b) Is not entitled to compensation for any sick leave transferred
14 pursuant to this subsection.

15 7. Subject to the provisions of subsection 8:

16 (a) If an intermission of less than 6 days is ordered by the board of
17 trustees of a school district or the governing body of a charter school for
18 any good reason, no deduction of salary may be made therefor.

19 (b) If, on account of sickness, epidemic or other emergency in the
20 community, a longer intermission is ordered by the board of trustees of a
21 school district, the governing body of a charter school or a board of health
22 and the intermission or closing does not exceed 30 days at any one time,
23 there may be no deduction or discontinuance of salaries.

24 8. If the board of trustees of a school district or the governing body of
25 a charter school orders an extension of the number of days of school to
26 compensate for the days lost as the result of an intermission because of
27 those reasons contained in paragraph (b) of subsection 7, an employee
28 may be required to render his services to the school district or charter
29 school during that extended period. If the salary of the employee was
30 continued during the period of intermission as provided in subsection 7, the
31 employee is not entitled to additional compensation for services rendered
32 during the extended period.

33 9. If any subject referred to in this section is included in an agreement
34 or contract negotiated by:

35 (a) The board of trustees of a school district pursuant to chapter 288 of
36 NRS; or

37 (b) The governing body of a charter school pursuant to
38 NRS 386.595,
39 the provisions of the agreement or contract regarding that subject supersede
40 any conflicting provisions of this section or of a regulation of the board of
41 trustees.

42 **Sec. 4.** Chapter 396 of NRS is hereby amended by adding thereto the
43 provisions set forth as sections 5 to 12, inclusive, of this act.

44 **Sec. 5. 1. *The board of regents may administer, directly or through***
45 ***a designated officer or employee of the system, a program to provide***
46 ***loans for registration fees, laboratory fees and expenses, textbooks and***
47 ***course materials, and living expenses to students who are enrolled in***
48 ***programs of the system that provide courses of study and training for the***
49 ***education of teachers.***



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- 1 2. *Each student to whom such a loan is made must:*
2 (a) *Have been a bona fide resident of this state for at least 6 months*
3 *before his matriculation in the system;*
4 (b) *At the time the loan is made, be enrolled at least part time in a*
5 *program of the system to become a licensed teacher;*
6 (c) *Fulfill all requirements for classification as a student showing*
7 *progression towards completion of the program; and*
8 (d) *Maintain at least a 2.00 grade-point average in each class and at*
9 *least a 2.75 overall grade-point average, on a 4.0 grading scale.*
10 3. *Each such loan must be made upon the following terms:*
11 (a) *All loans must bear interest at 8 percent per annum beginning the*
12 *date when the student receives the loan.*
13 (b) *Each student who receives a loan shall repay the loan with interest*
14 *after the termination of his education for which the loan is made unless*
15 *the amount owed is waived pursuant to section 7 of this act. The loan*
16 *must be repaid in monthly installments over the period allowed with the*
17 *first installment due 1 year after the date of the termination of his*
18 *education for which the loan is made. The amounts of the installments*
19 *must not be less than \$50 and may be calculated to allow a smaller*
20 *payment at the beginning of the period for repayment, with each*
21 *succeeding payment gradually increasing so that the total amount due*
22 *will be paid within the period of repayment. The maximum period for*
23 *repayment of the loans must be:*
24 (1) *Five years for loans that total less than \$10,000.*
25 (2) *Eight years for loans that total \$10,000 or more, but less than*
26 *\$20,000.*
27 (3) *Ten years for loans that total \$20,000 or more.*
28 4. *A delinquency charge may be assessed on an installment that is*
29 *delinquent 10 days or more in the amount of 8 percent of the installment*
30 *or \$4, whichever is greater, but not more than \$15.*
31 5. *If a person is delinquent in repayment, the reasonable costs of*
32 *collection and an attorney's fee may be recovered from the person.*
33 6. *As used in this section, "bona fide resident" has the meaning*
34 *ascribed to it in NRS 396.540.*
35 **Sec. 6. 1. The loans made pursuant to sections 5 to 12, inclusive,**
36 **of this act must not exceed the following amounts per student per**
37 **semester. If the student is enrolled in a program of:**
38 (b) *A community college, \$1,700.*
39 (b) *A university, \$2,005.*
40 2. *Money loaned pursuant to sections 5 to 12, inclusive, of this act*
41 *must be allocated among the campuses of the system in amounts that will*
42 *allow the same percentage of eligible students from each campus who are*
43 *enrolled in programs that provide courses of study and training for the*
44 *education of teachers to receive loans.*
45 **Sec. 7. 1. Except as otherwise provided in this section, a student**
46 **who receives a loan pursuant to sections 5 to 12, inclusive, of this act**
47 **shall repay the loan and accrued interest in full pursuant to the terms of**
48 **the loan.**



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- 1 2. If a recipient of a loan desires to have the total amount of his loan
2 waived pursuant to this section, the recipient shall file a statement of
3 intent with the board of regents indicating that the recipient intends to:
- 4 (a) Obtain a license to teach issued pursuant to chapter 391 of NRS;
5 and
- 6 (b) Teach full time for at least:
- 7 (1) Three consecutive school years in any public school where a
8 majority of the pupils enrolled in the school are pupils at risk; or
- 9 (2) Five consecutive school years in any other public school in this
10 state.
- 11 The recipient shall submit verification at least once every 6 months to the
12 board of regents in a format prescribed by the board of regents indicating
13 that the recipient has maintained his status as full-time licensed teacher
14 in a public school in this state.
- 15 3. Upon receipt of such a statement of intent, the board of regents
16 shall defer the payment of the loan until the recipient of the loan has:
- 17 (a) Taught full time as a licensed teacher for:
- 18 (1) Three consecutive school years in any public school where a
19 majority of the pupils enrolled in the school are pupils at risk, regardless
20 of whether he teaches at the same school for all 3 years; or
- 21 (2) Five consecutive school years in any other public school in this
22 state, regardless of whether he teaches at the same school for all 5 years;
23 or
- 24 (b) Left his employment, voluntarily or otherwise, as a full-time
25 licensed teacher in a public school in this state.
- 26 4. If a recipient of a loan who filed a statement of intent pursuant to
27 subsection 2 satisfies the requirements of paragraph (a) of subsection 3,
28 the recipient may apply to the board of regents to request a waiver of the
29 loan and interest that must be repaid. The board of regents shall waive
30 the total amount owed by the recipient upon receipt of credible evidence
31 that the recipient has satisfied the requirements of paragraph (a) of
32 subsection 3.
- 33 5. If a recipient of a loan who filed a statement of intent pursuant to
34 subsection 2 leaves his employment, voluntarily or otherwise, as a full-
35 time licensed teacher in a public school in this state, he shall repay the
36 loan and accrued interest in full pursuant to the terms of the loan.
- 37 6. The board of regents may adopt:
- 38 (a) Regulations that extend the time for completing the qualified
39 teaching service beyond 3 or 5 years, as applicable, for persons who are
40 granted extensions because of hardship; and
- 41 (b) Such other regulations as are necessary to carry out the provisions
42 of sections 5 to 12, inclusive, of this act.
- 43 7. The board of regents shall, in cooperation with the boards of
44 trustees of school districts in this state:
- 45 (a) Identify, on an annual basis, the public schools within this state
46 where a majority of the pupils enrolled are pupils at risk.
- 47 (b) Recruit pupils who are enrolled in high schools in this state into
48 the program to provide loans to students pursuant to sections 5 to 12,
49 inclusive, of this act.



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- 1 8. *As used in this section, "pupil at risk" has the meaning ascribed to*
2 *it in NRS 386.500.*
- 3 **Sec. 8.** *The board of regents or its designee may require:*
- 4 1. *A student to acquire, as security for a student loan, insurance on*
5 *his life and on his health or against his disability, or both.*
- 6 2. *That a financially responsible person agree to be jointly liable with*
7 *the recipient of the loan for the repayment of the loan.*
- 8 **Sec. 9.** *The board of regents or its designee may require, upon notice*
9 *to a recipient of a loan, that he repay the balance and any unpaid interest*
10 *on the loan immediately if:*
- 11 1. *An installment is not paid within 30 days after it is due;*
- 12 2. *The recipient fails to notify the board of regents or its designee,*
13 *within 30 days, of:*
- 14 (a) *A change of name or of the address of his home or place of*
15 *employment; or*
- 16 (b) *The termination of the education for which he received the loan;*
17 *or*
- 18 3. *The recipient fails to comply with a requirement or perform an*
19 *obligation he is required to perform pursuant to an agreement with the*
20 *board of regents or its designee.*
- 21 **Sec. 10.** *A recipient of a loan pursuant to sections 5 to 12, inclusive,*
22 *of this act shall comply with the regulations adopted by the board of*
23 *regents. If a recipient fails to comply, the board of regents or its designee*
24 *may:*
- 25 1. *For each infraction, impose a fine of not more than \$200 against*
26 *the recipient in 1 academic year, and may deny additional money to the*
27 *recipient if he fails to pay the fine when due;*
- 28 2. *Increase the portion of a future loan to be repaid by the recipient;*
29 *and*
- 30 3. *Extend the time by which the recipient is required to teach in this*
31 *state in lieu of repaying his loan.*
- 32 **Sec. 11.** *1. The board of regents or its designee may, after*
33 *receiving an application stating the reasons therefor, grant an extension*
34 *of the period for the repayment of a loan in case of hardship arising out*
35 *of the circumstances of a recipient of a loan. The extension must be for a*
36 *period that will reasonably alleviate that hardship.*
- 37 2. *Applications for extensions must be filed within the time*
38 *prescribed by regulation of the board of regents.*
- 39 **Sec. 12.** *1. The board of regents shall:*
- 40 (a) *Receive, invest, disburse and separately account for all money*
41 *received for the program.*
- 42 (b) *Use all the money that is accounted for separately pursuant to*
43 *paragraph (a) only to provide loans to students and waivers of those*
44 *loans pursuant to the program set forth in sections 5 to 12, inclusive, of*
45 *this act.*
- 46 (c) *Report to the governor and the interim finance committee on or*
47 *before October 1 of each year immediately preceding a regular session of*
48 *the legislature, setting forth in detail the transactions conducted by the*



1 *board of regents relating to the program during the biennium ending*
2 *June 30 of that year.*
3 *(d) Make such recommendations for legislation that the board of*
4 *regents considers appropriate for the program.*
5 *2. The money in the account required by subsection 1 and all interest*
6 *and income earned on that money must remain in the account and does*
7 *not revert to the state general fund at the end of any fiscal year.*
8 **Sec. 13.** 1. There is hereby appropriated to the board of regents of
9 the University of Nevada to provide loans and waivers of those loans
10 pursuant to the program set forth in sections 5 to 12, inclusive, of this act,
11 the sum of \$100,000 from the money:
12 (a) Received by the State of Nevada pursuant to any settlement entered
13 into by the State of Nevada and a manufacturer of tobacco products; or
14 (b) Recovered by the State of Nevada from a judgment in a civil action
15 against a manufacturer of tobacco products.
16 2. The board of regents shall:
17 (a) Use the money appropriated by subsection 1 only to provide loans to
18 students and waivers of those loans pursuant to the program set forth in
19 sections 5 to 12, inclusive, of this act.
20 (b) Account for the money separately and credit that account with any
21 interest and income earned on the money.
22 (c) Use all the money in the account, including, without limitation, all
23 interest and income earned, only to provide loans to students and waivers
24 of those loans pursuant to the program set forth in sections 5 to 12,
25 inclusive, of this act.
26 **Sec. 14.** 1. There is hereby appropriated from the state general fund
27 to the department of education for reimbursement of costs incurred by
28 teachers to obtain endorsements in certain fields of specialization:
29 For the fiscal year 2001-2002..... \$100,000
30 For the fiscal year 2002-2003..... \$100,000
31 2. The department of education shall:
32 (a) In consultation with the boards of trustees of school districts
33 throughout this state, identify fields of specialization where a shortage of
34 teachers exist; and
35 (b) Maintain a list available for public inspection that contains the fields
36 of specialization identified pursuant to paragraph (a).
37 3. A teacher who holds a current license to teach issued pursuant to
38 chapter 391 of NRS may submit an application on a form provided by the
39 department of education for reimbursement of the costs incurred by the
40 teacher after July 1, 2001, in obtaining an endorsement in a field of
41 specialization identified pursuant to subsection 2. The reimbursement must
42 not exceed an amount equal to the actual verified costs incurred by a
43 teacher in obtaining an endorsement or \$2,000, whichever is less.
44 4. The sums appropriated by subsection 1 are available for either fiscal
45 year. Any balance of those sums must not be committed for expenditure
46 after June 30, 2003, and reverts to the state general fund as soon as all
47 payments of money committed have been made.



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1 **Sec. 15.** Notwithstanding any other provisions of law to the contrary,
2 upon receipt of sufficient money received by the State of Nevada on or
3 after July 1, 2001, pursuant to any settlement entered into by the State of
4 Nevada and a manufacturer of tobacco products or recovered by the State
5 of Nevada from a judgment in a civil action against a manufacturer of
6 tobacco products, the state controller shall:

7 1. Disburse the money appropriated by section 13 of this act in its
8 entirety before other disbursements required by law are made; and

9 2. Thereafter, disburse all other money appropriated from this same
10 source on a pro rata basis by percentage allocated by law.

11 **Sec. 16.** 1. This section and sections 1 and 3 to 15, inclusive, of this
12 act become effective on July 1, 2001.

13 2. Section 2 of this act becomes effective on July 1, 2001, and applies
14 to employment for a school year that begins on or after July 1, 2001.

