

**(REPRINTED WITH ADOPTED AMENDMENTS)****FIRST REPRINT****A.B. 409**

ASSEMBLY BILL NO. 409—ASSEMBLYMEN MANENDO, ANDERSON, OHRENSCHALL, GIBBONS, WILLIAMS, ARBERRY, BACHE, BUCKLEY, CHOWNING, CLABORN, COLLINS, DE BRAGA, FREEMAN, GIUNCHIGLIANI, GOLDWATER, KOIVISTO, LEE, LESLIE, MCCLAIN, NEIGHBORS, OCEGUERA, PARKS, PERKINS AND PRICE

MARCH 16, 2001

Referred to Concurrent Committees on Education  
and Ways and Means

SUMMARY—Makes various changes regarding education and educational personnel.  
(BDR 34-301)

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

CONTAINS UNFUNDED MANDATE §§ (1-6, 18)  
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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 education; revising provisions governing the increase in salary for a teacher who is certified by the National Board for Professional Teaching Standards; revising provisions governing the budgets for school districts; prescribing a pupil-teacher ratio for the fourth grade; making appropriations for special education; authorizing expenditures from the state distributive account for programs of remedial study; making appropriations for educational technology; making appropriations for the employment of school nurses and school psychologists; making an appropriation for the reimbursement of certain costs of teachers who acquire certification by the National Board for Professional Teaching Standards; making an appropriation for school districts to provide programs to pupils who have limited proficiency in the English language; 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.** NRS 387.303 is hereby amended to read as follows:
- 2 387.303 1. Not later than November 10 of each year, the board of
- 3 trustees of each school district shall submit to the superintendent of public
- 4 instruction and the department of taxation a report which includes the
- 5 following information:



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

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

13 (c) The average daily attendance for the preceding school year and the  
14 estimated average daily attendance for the current school year of part-time  
15 pupils enrolled in courses which are approved by the department as  
16 meeting the requirements for an adult to earn a high school diploma.

17 (d) The school district's actual expenditures in the fiscal year  
18 immediately preceding the report. *The report must specifically set forth*  
19 *the actual expenditures for programs and courses of study in art, music*  
20 *and physical education.*

21 (e) The school district's proposed expenditures for the current fiscal  
22 year.

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

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

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

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

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

48 2. On or before November 25 of each year, the superintendent of  
49 public instruction shall submit to the department of administration and the



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1 fiscal analysis division of the legislative counsel bureau, in a format  
2 approved by the director of the department of administration, a compilation  
3 of the reports made by each school district pursuant to subsection 1.

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

8 **Sec. 2.** NRS 387.304 is hereby amended to read as follows:

9 387.304 The department shall:

10 1. Conduct an annual audit of the count of pupils for apportionment  
11 purposes reported by each school district pursuant to NRS 387.123 and the  
12 data reported by each school district that is used to measure the  
13 effectiveness of the implementation of the plan developed by each school  
14 district to reduce the pupil-teacher ratio in kindergarten and grades 1, 2  
15 ~~and 3,~~ **3 and 4**, as required by NRS 388.710.

16 2. Review each school district's report of the annual audit conducted  
17 by a public accountant as required by NRS 354.624, and the annual report  
18 prepared by each district as required by NRS 387.303, and report the  
19 findings of the review to the state board and the legislative committee on  
20 education, with any recommendations for legislation, revisions to  
21 regulations or training needed by school district employees. The report by  
22 the department must identify school districts which failed to comply with  
23 any statutes or administrative regulations of this state or which had any:

- 24 (a) Long-term obligations in excess of the general obligation debt limit;  
25 (b) Deficit fund balances or retained earnings in any fund;  
26 (c) Deficit cash balances in any fund;  
27 (d) Variances of more than 10 percent between total general fund  
28 revenues and budgeted general fund revenues; or  
29 (e) Variances of more than 10 percent between total actual general fund  
30 expenditures and budgeted total general fund expenditures.

31 3. In preparing its biennial budgetary request for the state distributive  
32 school account ~~[-consult]~~ :

33 *(a) Consult with the superintendent of schools of each school district or*  
34 *a person designated by the superintendent.*

35 *(b) Ensure that the amount requested for each school district is*  
36 *adjusted based upon the percentage of inflation for textbooks, library*  
37 *books and supplies and materials relating to instruction. The Consumer*  
38 *Price Index published by the United States Department of Labor for July*  
39 *preceding each biennium must be used in determining the percentage of*  
40 *inflation.*

41 4. Provide, in consultation with the budget division of the department  
42 of administration and the fiscal analysis division of the legislative counsel  
43 bureau, training to the financial officers of school districts in matters  
44 relating to financial accountability.

45 **Sec. 3.** NRS 388.700 is hereby amended to read as follows:

46 388.700 1. Except as otherwise provided in subsections 2, 3 and 6,  
47 after the last day of the first month of the school year, the ratio in each  
48 school district of pupils per class in ~~[-kindergarten]~~ :



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1 *(a) Kindergarten* and grades 1, 2 and 3 per licensed teacher designated  
2 to teach those classes full time must not exceed 15 to 1 in classes where  
3 core curriculum is taught.

4 *(b) Grade 4 per licensed teacher designated to teach those classes full*  
5 *time must not exceed 22 to 1 in classes where core curriculum*  
6 *is taught.*

7 In determining this ratio, all licensed educational personnel who teach  
8 kindergarten or grade 1, 2, ~~or~~ 3 *or 4* must be counted except teachers of  
9 art, music, physical education or special education, counselors, librarians,  
10 administrators, deans and specialists.

11 2. A school district may, within the limits of any plan adopted pursuant  
12 to NRS 388.720, assign a pupil whose enrollment in a grade occurs after  
13 the last day of the first month of the school year to any existing class  
14 regardless of the number of pupils in the class.

15 3. The state board may grant to a school district a variance from the  
16 limitation on the number of pupils per class set forth in subsection 1 for  
17 good cause, including the lack of available financial support specifically  
18 set aside for the reduction of pupil-teacher ratios.

19 4. The state board shall, on or before February 1 of each odd-  
20 numbered year, report to the legislature on:

21 (a) Each variance granted by it during the preceding biennium,  
22 including the specific justification for the variance.

23 (b) The data reported to it by the various school districts pursuant to  
24 subsection 2 of NRS 388.710, including an explanation of that data, and  
25 the current pupil-teacher ratios per class in kindergarten and grades 1, 2  
26 ~~and 3,~~ *3 and 4.*

27 5. The department shall, on or before November 15 of each year,  
28 report to the chief of the budget division of the department of  
29 administration and the fiscal analysis division of the legislative counsel  
30 bureau:

31 (a) The number of teachers employed;

32 (b) The number of teachers employed in order to attain the ratio  
33 required by subsection 1;

34 (c) The number of pupils enrolled; and

35 (d) The number of teachers assigned to teach in the same classroom  
36 with another teacher or in any other arrangement other than one teacher  
37 assigned to one classroom of pupils,  
38 during the current school year in kindergarten and grades 1, 2 ~~and 3,~~ *3*  
39 *and 4* for each school district.

40 6. The provisions of this section do not apply to a charter school.

41 **Sec. 4.** NRS 388.710 is hereby amended to read as follows:

42 388.710 1. The state board, in consultation with the trustees of the  
43 school districts and the recognized associations representing licensed  
44 educational personnel, after receiving comments from the general public,  
45 shall determine the data that must be monitored by each school district and  
46 used to measure the effectiveness of the implementation of the plan  
47 developed by each school district to reduce the pupil-teacher ratio per class  
48 in kindergarten and grades 1, 2 ~~and 3,~~ *3 and 4.*



1 2. Each school district shall report the data to the state board as  
2 required by the state board.

3 **Sec. 5.** NRS 388.720 is hereby amended to read as follows:

4 388.720 Each school district together with the recognized associations  
5 representing licensed educational personnel shall develop a plan to reduce  
6 the district's pupil-teacher ratio per class in kindergarten and grades 1, 2  
7 ~~and 3~~, **3 and 4** within the limits of available financial support specifically  
8 set aside for this purpose and submit that plan to the state board.

9 **Sec. 6.** NRS 391.160 is hereby amended to read as follows:

10 391.160 1. The salaries of teachers and other employees must be  
11 determined by the character of the service required. A school district shall  
12 not discriminate between male and female employees in the matter of  
13 salary.

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

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

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

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

35 3. In determining the salary of a licensed teacher who is employed by a  
36 school district after the teacher has been employed by another school  
37 district in this state, the present employer shall, except as otherwise  
38 provided in subsection 5:

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

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

45 4. A school district may give the credit required by subsection 3 for  
46 previous teaching service earned in another state if the commission has  
47 approved the standards for licensing teachers of that state. The commission  
48 shall adopt regulations that establish the criteria by which the commission  
49 will consider the standards for licensing teachers of other states for the



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1 purposes of this subsection. The criteria may include, without limitation,  
2 whether the commission has authorized reciprocal licensure of educational  
3 personnel from the state under consideration.

4 5. This section does not:

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

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

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

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

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

17 **Sec. 7.** 1. There is hereby appropriated from the state general fund  
18 to the state distributive school account for special education program units  
19 for charter schools:

20 For the fiscal year 2001-2002..... \$802,215

21 For the fiscal year 2002-2003..... \$1,091,000

22 2. The superintendent of public instruction shall allocate the money  
23 appropriated by subsection 1 for special education program units to charter  
24 schools that provide special education to pupils with disabilities in  
25 accordance with NRS 388.440 to 388.520, inclusive.

26 3. The sums appropriated by subsection 1 are available for either fiscal  
27 year. Any balance of those sums must not be committed for expenditure  
28 after June 30, 2003, and reverts to the state general fund as soon as all  
29 payments of money committed have been made.

30 **Sec. 8.** 1. There is hereby appropriated from the state general fund  
31 to the state distributive school account for additional funding of special  
32 education program units:

33 For the fiscal year 2001-2002..... \$15,170,385

34 For the fiscal year 2002-2003..... \$32,098,371

35 2. The money appropriated by subsection 1:

36 (a) Is in addition to the amount of money otherwise appropriated for  
37 special education program units.

38 (b) Must be allocated by the superintendent of public instruction to  
39 school districts in proportion to the amount of money otherwise received  
40 by each school district for special education program units.

41 3. The sums appropriated by subsection 1 are available for either fiscal  
42 year. Any balance of those sums must not be committed for expenditure  
43 after June 30, 2003, and reverts to the state general fund as soon as all  
44 payments of money committed have been made.

45 **Sec. 9.** 1. There is hereby appropriated from the state general fund  
46 to the state distributive school account to pay for the reductions in the  
47 number of special education cases per teacher:

48 For the fiscal year 2001-2002..... \$4,011,075

49 For the fiscal year 2002-2003..... \$4,364,000



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1     2. The money appropriated by subsection 1 must be allocated by the  
2 superintendent of public instruction to school districts to pay for the  
3 reductions in the number of special education cases per teacher as set forth  
4 in the revised adopted regulation of the state board of education, LCB File  
5 No. R027-00, which became effective on July 1, 2000.

6     3. The sums appropriated by subsection 1 are available for either fiscal  
7 year. Any balance of those sums must not be committed for expenditure  
8 after June 30, 2003, and reverts to the state general fund as soon as all  
9 payments of money committed have been made.

10    **Sec. 10.** 1. The department of education is hereby authorized to  
11 spend the following sums from the state distributive school account for  
12 programs of remedial study for schools that have been designated as  
13 demonstrating need for improvement and certain other schools:

14       For the fiscal year 2001-2002..... \$7,982,712

15       For the fiscal year 2002-2003..... \$7,982,712

16 The money allocated pursuant to this section must be used to provide  
17 programs of remedial study that have been approved by the department of  
18 education as being effective in improving pupil achievement.

19     2. A school may submit an application to the department of education  
20 for transmission to the state board of examiners for an allocation from the  
21 amount authorized by subsection 1 if the school:

22       (a) Receives a designation as demonstrating need for improvement  
23 pursuant to NRS 385.367.

24       (b) Did not receive a designation because the school had too few pupils  
25 enrolled in a grade level that is tested pursuant to NRS 389.015, but the test  
26 scores of the pupils indicate that the school would have received a  
27 designation as demonstrating need for improvement.

28       (c) Receives a designation as demonstrating adequate achievement, but  
29 more than 40 percent of the pupils enrolled in the school received an  
30 average score below the 26th percentile on one or more of the four subjects  
31 tested pursuant to NRS 389.015.

32       (d) Was designated as demonstrating need for improvement pursuant to  
33 NRS 385.367 in the immediately preceding school year.

34     3. The department of education shall, in consultation with the budget  
35 division of the department of administration and the legislative bureau of  
36 educational accountability and program evaluation, develop a form for  
37 such applications. The form must include, without limitation, a notice that  
38 if money is authorized for programs of remedial study for the 2003-2005  
39 biennium by the 72nd session of the Nevada Legislature, a school that:

40       (a) Receives a designation as demonstrating adequate achievement;

41       (b) Has received an allocation for programs of remedial study for the  
42 immediately preceding 2 years; and

43       (c) Applies for an allocation for a third consecutive year,  
44 may be required to match the allocation equally with other money available  
45 to the school.

46     4. Upon receipt of an application submitted pursuant to subsection 2,  
47 the department of education shall review the application jointly with the  
48 budget division of the department of administration and the legislative  
49 bureau of educational accountability and program evaluation. The



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1 department of education shall transmit the application to the state board of  
2 examiners with the recommendation of the department of education  
3 concerning the allocation of money based upon each application so  
4 received. The state board of examiners, or the clerk of the board if  
5 authorized by the board to act on its behalf, shall consider each such  
6 application and, if it finds that an allocation should be made, recommend  
7 the amount of the allocation to the interim finance committee. The interim  
8 finance committee shall consider each such recommendation, but is not  
9 bound to follow the recommendation of the state board of examiners when  
10 determining the allocation to be received by a school.

11 5. In determining the amount of the allocation, the state board of  
12 examiners and the interim finance committee shall consider:

13 (a) The total number of pupils enrolled in the school who failed to  
14 demonstrate at least adequate achievement on the examinations  
15 administered pursuant to NRS 389.015;

16 (b) The number of subjects tested pursuant to NRS 389.015 on which  
17 more than 40 percent of the pupils enrolled in the school received an  
18 average score below the 26th percentile; and

19 (c) The financial need of the particular school.

20 6. In addition to the considerations set forth in subsection 5, in  
21 determining whether to approve an application for a school that has  
22 received an allocation in the immediately preceding year and in  
23 determining the amount of the allocation for such a school, the state board  
24 of examiners and the interim finance committee shall consider whether the  
25 school has carried out the program of remedial study for which it received  
26 an allocation in a successful manner, as measured by the academic  
27 achievement of the pupils enrolled in the school on the examinations  
28 administered pursuant to NRS 389.015 and any assessments related to the  
29 program of remedial study.

30 7. A school that receives an allocation of money pursuant to this  
31 section shall use the money to:

32 (a) Pay the costs incurred by the school in providing the program of  
33 remedial study required by NRS 385.389. The money must first be applied  
34 to those pupils who the school determines are performing at a level which  
35 poses the highest risk of failure.

36 (b) Pay for the salaries, training or other compensation of teachers and  
37 other educational personnel to provide the program of remedial study,  
38 instructional materials required for the program of remedial study,  
39 equipment necessary to offer the program of remedial study and all other  
40 additional operating costs attributable to the program of remedial study.

41 (c) Supplement and not replace the money the school would otherwise  
42 expend for programs of remedial study.

43 8. Before a school amends a plan for expenditure of an allocation of  
44 money received pursuant to this section, the school district in which the  
45 school is located must submit the proposed amendment to the department  
46 of education to receive approval from the department of education, the  
47 budget division of the department of administration and the legislative  
48 bureau of educational accountability and program evaluation, or the interim  
49 finance committee.



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1 9. The sums appropriated by subsection 1 are available for either fiscal  
2 year. Any balance of those sums must not be committed for expenditure  
3 after June 30, 2003, and reverts to the state distributive school account as  
4 soon as all payments of money committed have been made.

5 **Sec. 11.** 1. There is hereby appropriated from the state general fund  
6 to the commission on educational technology created by NRS 388.790 the  
7 sum of \$84,818,230 for educational technology.

8 2. The commission on educational technology shall allocate the money  
9 appropriated by subsection 1 to school districts in accordance with NRS  
10 388.795 for the purposes set forth in paragraph (c) of subsection 5 of NRS  
11 388.795.

12 3. Any remaining balance of the appropriation made by subsection 1  
13 must not be committed for expenditure after June 30, 2003, and reverts to  
14 the state general fund as soon as all payments of money committed have  
15 been made.

16 **Sec. 12.** 1. There is hereby appropriated from the state general fund  
17 to the school districts specified in this section the following sums for use  
18 during the fiscal years 2001-2002 and 2002-2003:

<u>School District</u>	<u>2001-2002</u>	<u>2002-2003</u>
Clark County School District	\$5,492,119	\$5,492,119
Douglas County School District	\$1,910,302	\$1,910,302
Elko County School District	\$2,029,696	\$2,029,696
Washoe County School District	<u>\$2,507,272</u>	<u>\$2,507,272</u>
	\$11,939,389	\$11,939,389

25 2. A school district that receives an allocation pursuant to subsection 1  
26 shall use the money to provide training through the regional training  
27 program for the professional development of teachers and administrators  
28 established by the school district pursuant to section 16 of chapter 559,  
29 Statutes of Nevada 1999, at page 2930. The training must address the needs  
30 of teachers in incorporating the use of educational technology in the  
31 classroom, including, without limitation, training to enable teachers to  
32 instruct pupils in the use of educational technology.

33 3. The sums appropriated by subsection 1 are available for either fiscal  
34 year. Any balance of those sums must not be committed for expenditure  
35 after June 30, 2003, and reverts to the state general fund as soon as all  
36 payments of money committed have been made.

37 **Sec. 13.** 1. There is hereby appropriated from the state general fund  
38 to the fund for the school to careers program created by NRS 388.367 the  
39 sum of \$2,000,000.

40 2. The state board of education shall use the money appropriated by  
41 subsection 1 to provide, in accordance with NRS 388.367, basic allocations  
42 to school districts and institutions of higher education within the University  
43 and Community College System of Nevada, with the remaining funds  
44 allocated to school districts on a per-pupil basis.

45 3. Any remaining balance of the appropriation made by subsection 1  
46 must not be committed for expenditure after June 30, 2003, and reverts to  
47 the state general fund as soon as payments of all money committed have  
48 been made.



1     **Sec. 14.** 1. There is hereby appropriated from the state general fund  
2 to the department of education the sum of \$12,601,000 for a grant program  
3 whereby school districts may apply for money to hire school nurses to  
4 attempt to provide one school nurse for every elementary school, middle  
5 school, junior high school and high school within the school district.

6     2. The department of education shall allocate the money appropriated  
7 by subsection 1 based on the need of each school district and not based on  
8 the order in which the requests are received. A school district that receives  
9 a grant of money shall use the money only to hire additional nurses for the  
10 school district who are qualified pursuant to NRS 391.207 and the  
11 regulations adopted pursuant thereto.

12     3. Money that is granted to a school district from the appropriation  
13 made by subsection 1 must not be:

14     (a) Counted in determining the financial ability of the school district for  
15 purposes of collective bargaining;

16     (b) Used to pay any monetary benefits recommended by a factfinder  
17 pursuant to chapter 288 of NRS; or

18     (c) Used to adjust the salary or benefit of an employee of the school  
19 district.

20     4. Any remaining balance of the appropriation made by subsection 1  
21 must not be committed for expenditure after June 30, 2003, and reverts to  
22 the state general fund as soon as all payments of money committed have  
23 been made.

24     **Sec. 15.** 1. There is hereby appropriated from the state general fund  
25 to the department of education the sum of \$4,000,000 for a grant program  
26 whereby school districts may apply for money to hire school psychologists  
27 to attempt to achieve a ratio of one school psychologist for every 1,200  
28 pupils enrolled in the school district.

29     2. The department of education shall allocate the money appropriated  
30 by subsection 1 based on the need of each school district and not based on  
31 the order in which the requests are received. A school district that receives  
32 a grant of money shall use the money only to hire additional school  
33 psychologists for the school district who hold appropriate endorsements to  
34 serve as school psychologists, as prescribed by the commission on  
35 professional standards in education.

36     3. Money that is granted to a school district from the appropriation  
37 made by subsection 1 must not be:

38     (a) Counted in determining the financial ability of the school district for  
39 purposes of collective bargaining;

40     (b) Used to pay any monetary benefits recommended by a factfinder  
41 pursuant to chapter 288 of NRS; or

42     (c) Used to adjust the salary or benefit of an employee of the school  
43 district.

44     4. Any remaining balance of the appropriation made by subsection 1  
45 must not be committed for expenditure after June 30, 2003, and reverts to  
46 the state general fund as soon as all payments of money committed have  
47 been made.

48     **Sec. 16.** 1. There is hereby appropriated from the state general fund  
49 to the department of education the sum of \$150,000 for reimbursement of



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1 certain costs of public school teachers related to acquiring certification by  
2 the National Board for Professional Teaching Standards.

3 2. If a public school teacher desires to obtain reimbursement from the  
4 department of education for the costs that will be incurred in acquiring  
5 certification by the National Board for Professional Teaching Standards, the  
6 teacher shall file a statement of intended certification with the school  
7 district or the governing body of the charter school by whom he is  
8 employed. The statement must be filed at least 1 year before the teacher  
9 reasonably believes that he will acquire the certification. Upon receipt of  
10 such a statement, the school district or governing body shall forward a copy  
11 of the statement to the department of education.

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

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

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

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

23 4. A school district or the governing body of a charter school shall  
24 verify the certification and the statement of costs submitted by a teacher  
25 pursuant to subsection 3. Upon verification, the school district or governing  
26 body shall notify the department of education of the certification and the  
27 amount of verified costs and shall request the department to reimburse the  
28 teacher. Upon receipt of such a request, the department shall cause the  
29 teacher to be reimbursed if the teacher agrees to teach in a public school in  
30 this state, including, without limitation, a charter school, for at least 2 years  
31 after the date on which he receives the reimbursement. Such a  
32 reimbursement must not exceed an amount equal to the actual verified costs  
33 incurred by the teacher or \$2,000, whichever is less, to the extent that  
34 money is available from the appropriation made by subsection 1 for this  
35 purpose or other sources.

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



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1 required by this subsection and the procedures for a teacher to request a  
2 waiver from the repayment.

3 6. The department of education shall use any money that it receives  
4 pursuant to this subsection to reimburse the costs of other teachers who  
5 acquire certification by the National Board of Professional Teaching  
6 Standards. The department of education shall not use the money  
7 appropriated by subsection 1 to reimburse costs related to certification  
8 acquired by a teacher before July 1, 2001.

9 7. Any remaining balance of the appropriation made by subsection 1  
10 must not be committed for expenditure after June 30, 2003, and reverts to  
11 the state general fund as soon as all payments of money committed have  
12 been made.

13 **Sec. 17.** 1. There is hereby appropriated from the state general fund  
14 to the department of education the sum of \$11,000,000 to assist school  
15 districts in providing educational services to pupils whose primary  
16 language is not English and who possess limited proficiency in the English  
17 language. The department shall allocate this money in a fair and equitable  
18 manner among the 17 county school districts.

19 2. A school district that receives an allocation pursuant to subsection 1  
20 shall use the money to establish or expand, as appropriate, educational  
21 programs for pupils enrolled in the school district whose primary language  
22 is not English and who possess limited proficiency in the English language.

23 3. Any remaining balance of the appropriation made by subsection 1  
24 must not be committed for expenditure after June 30, 2003, and reverts to  
25 the state general fund as soon as all payments of money committed have  
26 been made.

27 **Sec. 18.** The board of trustees of a school district shall pay the  
28 increase in salary required by subsection 2 of NRS 391.160 retroactively  
29 for the 2000-2001 school year for each teacher employed by the board of  
30 trustees who:

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

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

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

36 **Sec. 19.** This act becomes effective on July 1, 2001.

