

SENATE BILL NO. 148—COMMITTEE ON FINANCE

(ON BEHALF OF LEGISLATIVE COMMITTEE ON EDUCATION)

FEBRUARY 15, 2001

Referred to Committee on Finance

SUMMARY—Makes various changes regarding educational personnel. (BDR 34-219)

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 the provisions governing the increase of salary for a teacher who is certified by the National Board for Professional Teaching Standards; requiring the boards of trustees of school districts to pay the increase of salary retroactively under certain circumstances; authorizing under certain circumstances the employment of licensed teachers who do not hold endorsements in a particular subject area; authorizing under certain circumstances the licensure and employment of teachers who are not citizens of the United States; authorizing transfers of money from the state distributive school account to continue the operation of the regional training programs for the professional development of teachers and administrators and to provide 1 additional day of professional development for teachers; making an appropriation for the reimbursement of certain costs of teachers who acquire certification by the National Board for Professional Teaching Standards; 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:  
6     (a) For each fund within the school district, including, without  
7     limitation, the school district's general fund and any special revenue fund  
8     which receives state money, the total number and salaries of licensed and  
9     nonlicensed persons whose salaries are paid from the fund and who are  
10    employed by the school district in full-time positions or in part-time



1 positions added together to represent full-time positions. Information must  
2 be provided for the current school year based upon the school district's  
3 final budget, including any amendments and augmentations thereto, and for  
4 the preceding school year. An employee must be categorized as filling an  
5 instructional, administrative, instructional support or other position.  
6 (b) The count of pupils computed pursuant to paragraph (a) of  
7 subsection 1 of NRS 387.1233.  
8 (c) The average daily attendance for the preceding school year and the  
9 estimated average daily attendance for the current school year of part-time  
10 pupils enrolled in courses which are approved by the department as  
11 meeting the requirements for an adult to earn a high school diploma.  
12 (d) The school district's actual expenditures in the fiscal year  
13 immediately preceding the report.  
14 (e) The school district's proposed expenditures for the current fiscal  
15 year.  
16 (f) The schedule of salaries for licensed employees in the current school  
17 year and a statement of whether the negotiations regarding salaries for the  
18 current school year have been completed. If the negotiations have not been  
19 completed at the time the schedule of salaries is submitted, the board of  
20 trustees shall submit a supplemental report to the superintendent of public  
21 instruction upon completion of negotiations or the determination of an  
22 arbitrator concerning the negotiations that includes the schedule of salaries  
23 agreed to or required by the arbitrator.  
24 (g) The number of teachers who received an increase in salary pursuant  
25 to subsection 2 of NRS 391.160 for the current and preceding fiscal years.  
26 *If the board of trustees is required to pay an increase in salary*  
27 *retroactively pursuant to subsection 2 of NRS 391.160, the board of*  
28 *trustees shall submit a supplemental report to the superintendent of*  
29 *public instruction not later than February 15 of the year in which the*  
30 *retroactive payment was made that includes the number of teachers to*  
31 *whom an increase in salary was paid retroactively.*  
32 (h) The number of employees eligible for health insurance within the  
33 school district for the current and preceding fiscal years and the amount  
34 paid for health insurance for each such employee during those years.  
35 (i) The rates for fringe benefits, excluding health insurance, paid by the  
36 school district for its licensed employees in the preceding and current fiscal  
37 years.  
38 (j) The amount paid for extra duties, supervision of extracurricular  
39 activities and supplemental pay and the number of employees receiving  
40 that pay in the preceding and current fiscal years.  
41 2. On or before November 25 of each year, the superintendent of  
42 public instruction shall submit to the department of administration and the  
43 fiscal analysis division of the legislative counsel bureau, in a format  
44 approved by the director of the department of administration, a compilation  
45 of the reports made by each school district pursuant to subsection 1.  
46 3. The superintendent of public instruction shall, in the compilation  
47 required by subsection 2, reconcile the revenues and expenditures of the  
48 school districts with the apportionment received by those districts from the  
49 state distributive school account for the preceding year.



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1     **Sec. 2.** Chapter 391 of NRS is hereby amended by adding thereto a  
2 new section to read as follows:

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

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

23     **Sec. 3.** NRS 391.019 is hereby amended to read as follows:

24     391.019 1. Except as otherwise provided in NRS 391.027, the  
25 commission:

26         (a) Shall adopt regulations:

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

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

32             (3) ~~Requiring~~ *Except as otherwise provided in section 2 of this act,*  
33 *requiring* teachers to obtain from the department an endorsement in a field  
34 of specialization to be eligible to teach in that field of specialization.

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

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

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

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

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

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

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



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1     **Sec. 4.** NRS 391.060 is hereby amended to read as follows:  
2     391.060   1. Except as otherwise provided in *this section and* NRS  
3     391.070, it is unlawful for:

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

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

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

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

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

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

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

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

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

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

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

36    4. *Upon compliance with all applicable federal laws and regulations,*  
37    *the board of trustees of a school district may employ a person who does*  
38    *not meet the requirements of subsection 1 if the person holds a license*  
39    *issued by the superintendent of public instruction pursuant to subsection*  
40    *2. A teacher's employment with a school district pursuant to this*  
41    *subsection automatically expires on the date that he is no longer entitled*  
42    *to work in the United States pursuant to federal laws and regulations.*

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

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

47    **Sec. 5.** NRS 391.080 is hereby amended to read as follows:

48    391.080   1. Each teacher or other licensed employee employed in this  
49    state whose compensation is payable out of public money, except teachers



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1 employed pursuant to the provisions of *subsection 4 of NRS 391.060 or*  
2 NRS 391.070, must take and subscribe to the constitutional oath of office  
3 before entering upon the discharge of his duties.

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

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

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

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

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

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

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

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

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

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

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

47 4. A school district may give the credit required by subsection 3 for  
48 previous teaching service earned in another state if the commission has  
49 approved the standards for licensing teachers of that state. The commission



1 shall adopt regulations that establish the criteria by which the commission  
2 will consider the standards for licensing teachers of other states for the  
3 purposes of this subsection. The criteria may include, without limitation,  
4 whether the commission has authorized reciprocal licensure of educational  
5 personnel from the state under consideration.

6 5. This section does not:

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

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

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

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

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

19 **Sec. 7.** NRS 391.170 is hereby amended to read as follows:

20 391.170 1. Except as otherwise provided in subsection 2, a teacher or  
21 other employee for whom a license is required is not entitled to receive any  
22 portion of public money for schools as compensation for services rendered  
23 unless:

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

26 (b) He has a license authorizing him to teach or perform other  
27 educational functions at the level and *except as otherwise provided in*  
28 *section 2 of this act*, in the field for which he is employed, issued in  
29 accordance with law and in full force at the time the services are rendered.

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

33 **Sec. 8.** 1. The department of education is hereby authorized to  
34 transfer from the state distributive school account to the school districts  
35 specified in this section the following sums for fiscal years 2001-2002 and  
36 2002-2003:

|    |                                     |                    |                    |
|----|-------------------------------------|--------------------|--------------------|
| 37 |                                     |                    |                    |
| 38 | <u>School District</u>              | <u>2001-2002</u>   | <u>2002-2003</u>   |
| 39 | Clark County School District .....  | \$2,365,491        | \$3,041,127        |
| 40 | Douglas County School District..... | \$832,851          | \$892,339          |
| 41 | Elko County School District.....    | \$871,023          | \$915,738          |
| 42 | Washoe County School District ..... | <u>\$1,082,890</u> | <u>\$1,197,768</u> |
| 43 |                                     | \$5,152,255        | \$6,046,972        |
| 44 |                                     |                    |                    |

45 2. A school district that receives an allocation pursuant to subsection 1  
46 shall:

47 (a) Use the money to maintain and continue the operation of a regional  
48 training program for the professional development of teachers and



1 administrators established by the school district pursuant to section 16 of  
2 chapter 559, Statutes of Nevada 1999, at page 2930;

3 (b) Comply with the provisions of section 16 of chapter 559, Statutes of  
4 Nevada 1999, at page 2930; and

5 (c) Notwithstanding the provisions of subsection 9 of section 16 of  
6 chapter 559, Statutes of Nevada 1999, at page 2930, to the contrary,  
7 provide training for teachers in the standards established by the council to  
8 establish academic standards for public schools pursuant to NRS 389.520.

9 3. In lieu of the requirement of paragraph (b) of subsection 13 of  
10 section 16 of chapter 559, Statutes of Nevada 1999, at page 2930, the  
11 annual report of the board of trustees of a school district must include an  
12 evaluation of whether the training received by teachers through the  
13 regional training program in the immediately preceding year included the  
14 standards of content and performance established by the council to  
15 establish academic standards for public schools pursuant to NRS 389.520.

16 4. Any remaining balance of the transfers made by subsection 1 for the  
17 2001-2002 fiscal year must be added to the money received by the school  
18 districts for the 2002-2003 fiscal year and may be expended as that money  
19 is expended. Any remaining balance of the transfers made by subsection 1  
20 for the 2002-2003 fiscal year, including any money added from the  
21 allocation for the previous fiscal year, must not be committed for  
22 expenditure after June 30, 2003, and reverts to the state distributive school  
23 account as soon as all payments of money committed have been made.

24 **Sec. 9.** 1. The school districts that receive an allocation pursuant to  
25 section 8 of this act are hereby authorized to continue the consortium  
26 formed pursuant to section 17 of chapter 559, Statutes of Nevada 1999, at  
27 page 2934, and to receive \$65,000 in each fiscal year of the 2001-2003  
28 biennium from the state distributive school account to spend for an  
29 evaluation of the regional training programs for the professional  
30 development of teachers and administrators.

31 2. The consortium of school districts, after consulting with the  
32 legislative bureau of educational accountability and program evaluation,  
33 shall use the money allocated by subsection 1 to:

34 (a) Continue the services of the consultant hired pursuant to section 17  
35 of chapter 559, Statutes of Nevada 1999, at page 2934, to conduct an  
36 evaluation of the effectiveness of the four regional training programs; or

37 (b) Hire another qualified, independent consultant to conduct an  
38 evaluation of the effectiveness of the four regional training programs.

39 The evaluation must include, without limitation, a review of the annual  
40 reports submitted by the governing body of each regional training program  
41 pursuant to subsection 12 of section 16 of chapter 559, Statutes of Nevada  
42 1999, at page 2930, and the annual reports submitted by the board of  
43 trustees of each school district pursuant to subsection 13 of section 16 of  
44 chapter 559, Statutes of Nevada 1999, at page 2930.

45 3. On or before February 1, 2003, the consultant shall submit a written  
46 report of the results of his evaluation to the consortium and the legislative  
47 bureau of educational accountability and program evaluation. On or before  
48 February 19, 2003, the legislative bureau of educational accountability and  
49 program evaluation shall submit a copy of the written evaluation, including



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1 any recommendations for legislation, to the director of the legislative  
2 counsel bureau for transmission to the 72nd session of the Nevada  
3 Legislature.

4 4. Any remaining balance of the allocation made by subsection 1 must  
5 not be committed for expenditure after June 30, 2003, and reverts to the  
6 state distributive school account as soon as all payments of money  
7 committed have been made.

8 **Sec. 10.** 1. The department of education is hereby authorized to  
9 transfer from the state distributive school account the sum of \$14.8 million  
10 for the addition of 1 day to each school year of the 2001-2003 biennium to  
11 be used for the professional development of teachers. The department shall  
12 allocate this money in a fair and equitable manner among the 17 county  
13 school districts to ensure that the requirements of subsection 2 are met.

14 2. A school district that receives an allocation of money pursuant to  
15 subsection 1 shall:

16 (a) Add 1 day to the regular school year to each school year of the  
17 2001-2003 biennium to be used for 1 additional day of professional  
18 development for teachers;

19 (b) Require the teachers who are employed by the school district to  
20 attend at least 1 additional day of professional development for training  
21 that:

22 (1) Includes the standards established by the council to establish  
23 academic standards for public schools pursuant to NRS 389.520; and

24 (2) Is provided by a regional training program for the professional  
25 development of teachers and administrators established pursuant to section  
26 16 of chapter 559, Statutes of Nevada 1999, at page 2930; and

27 (c) Use the money to pay for the salaries and other compensation of  
28 teachers to attend 1 additional day of professional development as required  
29 by paragraph (b).

30 3. Any remaining balance of the sum authorized for expenditure  
31 pursuant to subsection 1 must not be committed for expenditure after June  
32 30, 2003, and reverts to the state distributive school account as soon as all  
33 payments of money committed have been made.

34 **Sec. 11.** 1. There is hereby appropriated from the state general fund  
35 to the department of education the sum of \$150,000 for reimbursement of  
36 certain costs of public school teachers related to acquiring certification by  
37 the National Board for Professional Teaching Standards.

38 2. If a public school teacher desires to obtain reimbursement from the  
39 department of education for the costs that will be incurred in acquiring  
40 certification by the National Board for Professional Teaching Standards, the  
41 teacher shall file a statement of intended certification with the school  
42 district or the governing body of the charter school by whom he is  
43 employed. The statement must be filed at least 1 year before the teacher  
44 reasonably believes that he will acquire the certification. Upon receipt of  
45 such a statement, the school district or governing body shall forward a copy  
46 of the statement to the department of education.



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

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

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

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

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

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

37    6. The department of education shall use any money that it receives  
38 pursuant to this subsection to reimburse the costs of other teachers who  
39 acquire certification by the National Board of Professional Teaching  
40 Standards. The department of education shall not use the money  
41 appropriated by subsection 1 to reimburse costs related to certification  
42 acquired by a teacher before July 1, 2001.

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



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- 1     **Sec. 12.** The board of trustees of a school district shall pay the  
2 increase in salary required by subsection 2 of NRS 391.160 retroactively  
3 for the 2000-2001 school year for each teacher employed by the board of  
4 trustees who:  
5     1. Acquired certification by the National Board for Professional  
6 Teaching Standards in the year 2000;  
7     2. Submits evidence satisfactory to the school district of the teacher's  
8 current certification; and  
9     3. Provided classroom instruction during the 2000-2001 school year.  
10    **Sec. 13.** This act becomes effective on July 1, 2001.

