

SENATE BILL NO. 168—SENATOR RAWSON

FEBRUARY 15, 2001

Referred to Committee on Human Resources and Facilities

SUMMARY—Establishes system of classification for licensure of teachers. (BDR 34-737)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§ 7)
(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 educational personnel; requiring the commission on professional standards in education to adopt regulations prescribing objective criteria and qualifications for a system of classification for the licensure of teachers; authorizing a licensed teacher to apply to the board of trustees of the school district in which he is employed for a mentor or master classification; requiring the boards of trustees of school districts to pay augmented salaries to teachers who hold licenses with mentor or master classifications; 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 386.595 is hereby amended to read as follows:
2 386.595 1. Except as otherwise provided in this subsection and
3 subsections 2 and 3, the provisions of the collective bargaining agreement
4 entered into by the board of trustees of the school district in which the
5 charter school is located apply to the terms and conditions of employment
6 of employees of the charter school. If a written charter is renewed, the
7 employees of the charter school may, at the time of renewal, apply for
8 recognition as a bargaining unit pursuant to NRS 288.160.
9 2. A charter school is exempt from the specific provisions of the
10 collective bargaining agreement that controls the:
11 (a) Periods of preparation time for teachers, provided that the charter
12 school allows at least the same amount of time for preparation as the
13 school district;
14 (b) Times of day that a teacher may work;
15 (c) Number of hours that a teacher may work in 1 day;
16 (d) Number of hours and days that a teacher may work in 1 week; and
17 (e) Number of hours and days that a teacher may work in 1 year.



1 If a teacher works more than the number of hours or days prescribed in the
2 collective bargaining agreement, the teacher must be compensated for the
3 additional hours or days in an amount calculated by prorating the salary for
4 the teacher that is set forth in the collective bargaining agreement.

5 3. A teacher or a governing body of a charter school may request that
6 the board of trustees of the school district and other persons who entered
7 into the collective bargaining agreement grant a waiver from specific
8 provisions of the collective bargaining agreement for the teacher or
9 governing body.

10 4. All employees of a charter school shall be deemed public
11 employees.

12 5. The governing body of a charter school may make all employment
13 decisions with regard to its employees pursuant to NRS 391.311 to
14 391.3197, inclusive, unless the applicable collective bargaining agreement
15 contains separate provisions relating to the discipline of licensed
16 employees of a school.

17 6. If the written charter of a charter school is revoked, the employees
18 of the charter school must be reassigned to employment within the school
19 district in accordance with the collective bargaining agreement.

20 7. The board of trustees of a school district that is a sponsor of a
21 charter school shall grant a leave of absence, not to exceed 6 years, to any
22 employee who is employed by the board of trustees who requests such a
23 leave of absence to accept employment with the charter school. After the
24 first school year in which an employee is on a leave of absence, he may
25 return to his former teaching position with the board of trustees. After the
26 third school year, an employee who is on a leave of absence may submit a
27 written request to the board of trustees to return to a comparable teaching
28 position with the board of trustees. After the sixth school year, an
29 employee shall either submit a written request to return to a comparable
30 teaching position or resign from the position for which his leave was
31 granted. The board of trustees shall grant a written request to return to a
32 comparable position pursuant to this subsection even if the return of the
33 employee requires the board of trustees to reduce the existing work force of
34 the school district. The board of trustees may require that a request to
35 return to a teaching position submitted pursuant to this subsection be
36 submitted at least 90 days before the employee would otherwise be
37 required to report to duty.

38 8. An employee who is on a leave of absence from a school district
39 pursuant to this section shall contribute to and be eligible for all benefits
40 for which he would otherwise be entitled, including, without limitation,
41 participation in the public employees' retirement system and accrual of
42 time for the purposes of leave and retirement. The time during which such
43 an employee is on leave of absence and employed in a charter school does
44 not count toward the acquisition of permanent status with the school
45 district.

46 9. Upon the return of a teacher to employment in the school district,
47 ~~the~~ the teacher is entitled to ~~the~~ :



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1 (a) The same level of retirement, salary and any other benefits to which
2 he would otherwise be entitled if he had not taken a leave of absence to
3 teach in a charter school ~~H~~ ; and

4 (b) Except as otherwise provided in subsection 3 of NRS 391.033, a
5 license with the same classification, as determined pursuant to sections 3
6 and 4 of this act, that he held at the time he took the leave of absence to
7 teach in the charter school, if his license was classified pursuant to
8 sections 3 and 4 of this act before he took the leave of absence to teach in
9 the charter school.

10 10. An employee of a charter school who is not on a leave of absence
11 from a school district is eligible for all benefits for which he would be
12 eligible for employment in a public school, including, without limitation,
13 participation in the public employees' retirement system.

14 11. For all employees of a charter school:

15 (a) The compensation that a teacher or other school employee would
16 have received if he were employed by the school district must be used to
17 determine the appropriate levels of contribution required of the employee
18 and employer for purposes of the public employees' retirement system.

19 (b) The compensation that is paid to a teacher or other school employee
20 that exceeds the compensation that he would have received if he were
21 employed by the school district must not be included for the purposes of
22 calculating future retirement benefits of the employee.

23 12. If the board of trustees of a school district in which a charter
24 school is located manages a plan of group insurance for its employees, the
25 governing body of the charter school may negotiate with the board of
26 trustees to participate in the same plan of group insurance that the board of
27 trustees offers to its employees. If the employees of the charter school
28 participate in the plan of group insurance managed by the board of trustees,
29 the governing body of the charter school shall:

30 (a) Ensure that the premiums for that insurance are paid to the board of
31 trustees; and

32 (b) Provide, upon the request of the board of trustees, all information
33 that is necessary for the board of trustees to provide the group insurance to
34 the employees of the charter school.

35 Sec. 2. Chapter 391 of NRS is hereby amended by adding thereto the
36 provisions set forth as sections 3 and 4 of this act.

37 Sec. 3. 1. The commission shall adopt regulations prescribing
38 objective criteria and qualifications pursuant to which the license of each
39 teacher who is licensed to teach in this state must be classified as:

40 (a) A master;

41 (b) A mentor;

42 (c) A general teacher; or

43 (d) An associate.

44 2. The objective criteria and qualifications prescribed in the
45 regulations adopted by the commission pursuant to subsection 1 must set
46 forth, without limitation, that a license with an associate classification is
47 held by a teacher who is a probationary employee of a school district or
48 charter school.



1 **Sec. 4.** 1. *If a teacher who is employed by the board of trustees of a*
2 *school district successfully completes his probationary period, the board*
3 *of trustees of the school district that employs the teacher shall, as soon as*
4 *practicable, convert the license held by the teacher to a license with a*
5 *general teacher classification.*

6 2. *On or before November 1, a teacher who is employed by the board*
7 *of trustees of a school district may apply to the board of trustees of the*
8 *school district in which he is employed to receive a license with a mentor*
9 *or master classification.*

10 3. *On or before January 1 immediately following the date of*
11 *application, the board of trustees of each school district shall, applying*
12 *the objective criteria and qualifications prescribed in the regulations*
13 *adopted by the commission pursuant to section 3 of this act, review the*
14 *applications submitted pursuant to subsection 2 and determine the*
15 *teachers who are entitled to receive a license with a mentor or master*
16 *classification.*

17 4. *If a teacher who fails to receive a license with a mentor or master*
18 *classification believes that the determination of the board of trustees was*
19 *in error, the teacher may, not later than January 15, submit a written*
20 *request to the superintendent of public instruction to review his*
21 *application.*

22 5. *Not later than February 15, the superintendent of public*
23 *instruction shall, applying the objective criteria and qualifications*
24 *prescribed in the regulations adopted by the commission pursuant to*
25 *section 3 of this act, render a decision on each request for review. A*
26 *decision to deny the application is final and not appealable, but does not*
27 *preclude the timely submission of such an application in future school*
28 *years.*

29 6. *If the application of a teacher to receive a license with a mentor or*
30 *master classification is approved:*

31 (a) *The board of trustees of the school district in which the teacher is*
32 *employed shall pay an augmented salary to the teacher pursuant to*
33 *subsection 1 of NRS 391.160 commencing with the school year*
34 *immediately succeeding the school year in which the application was*
35 *approved.*

36 (b) *The teacher maintains the classification until such time as he*
37 *applies for and receives another classification, regardless of whether the*
38 *teacher obtains employment with the board of trustees of another school*
39 *district in this state.*

40 **Sec. 5.** NRS 391.031 is hereby amended to read as follows:

41 391.031 1. There are the following kinds of licenses for teachers and
42 other educational personnel in this state:

43 ~~111~~ (a) A license to teach elementary education, which authorizes the
44 holder to teach in any elementary school in the state.

45 ~~121~~ (b) A license to teach secondary education, which authorizes the
46 holder to teach in his major or minor field of preparation or in both fields
47 in any secondary school. He may teach only in these fields unless an
48 exception is approved pursuant to regulations adopted by the commission.



1 ~~13.1~~ (c) A special license, which authorizes the holder to teach or
2 perform other educational functions in a school or program as designated
3 in the license.

4 2. *In addition to the kinds of licenses described in subsection 1, the*
5 *license of each teacher who is licensed to teach in this state must be*
6 *classified in accordance with the objective criteria and qualifications*
7 *prescribed in the regulations adopted by the commission pursuant to*
8 *section 3 of this act as:*

- 9 (a) *A master;*
10 (b) *A mentor;*
11 (c) *A general teacher; or*
12 (d) *An associate.*

13 3. *A person shall hold a license with an associate classification for*
14 *the duration of his probationary employment with the board of trustees of*
15 *a school district or the governing body of a charter school, as applicable.*

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

17 391.033 1. All licenses for teachers and other educational personnel
18 are granted by the superintendent of public instruction pursuant to
19 regulations adopted by the commission and as otherwise provided by law.

20 2. *An initial license issued by the superintendent of public*
21 *instruction, including, without limitation, an initial license issued to a*
22 *teacher who is employed by the governing body of a charter school, must*
23 *be a license with an associate classification.*

24 3. *If a teacher who is employed by the governing body of a charter*
25 *school successfully completes his probationary period while employed at*
26 *the charter school, the teacher may apply to the superintendent of public*
27 *instruction to receive a license with a general teacher classification. The*
28 *superintendent shall convert the license held by the teacher to a license*
29 *with a general teacher classification if he determines that the teacher has*
30 *achieved postprobationary status. A teacher who is employed by the*
31 *governing body of a charter school is not eligible to receive a license with*
32 *a mentor or master classification.*

33 4. An application for the issuance of a license must include the social
34 security number of the applicant.

35 ~~13.1~~ 5. Every applicant for a license must submit with his application a
36 complete set of his fingerprints and written permission authorizing the
37 superintendent to forward the fingerprints to the Federal Bureau of
38 Investigation and to the central repository for Nevada records of criminal
39 history for their reports on the criminal history of the applicant.

40 ~~14.1~~ 6. The superintendent may issue a provisional license pending
41 receipt of the reports of the Federal Bureau of Investigation and the central
42 repository for Nevada records of criminal history if he determines that the
43 applicant is otherwise qualified.

44 ~~15.1~~ 7. A license must be issued to an applicant if:

- 45 (a) The superintendent determines that the applicant is qualified;
46 (b) The reports on the criminal history of the applicant from the Federal
47 Bureau of Investigation and the central repository for Nevada records of
48 criminal history:



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

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

7 (c) The applicant submits the statement required pursuant to NRS
8 391.034.

9 **Sec. 7.** 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. *Each year, the board of trustees of each school district shall*
14 *determine the average salary for the current year of all the teachers who*
15 *are employed by the school district who hold a license with a general*
16 *teacher classification. Each year, the salary of each teacher employed by*
17 *a school district who holds a license with a mentor classification must be*
18 *in an amount equal to one and one-half times the average salary for that*
19 *year of all the teachers who are employed by that school district who hold*
20 *a license with a general teacher classification. Each year, the salary of*
21 *each teacher employed by a school district who holds a license with a*
22 *master classification must be in an amount equal to two times the*
23 *average salary for that year of all the teachers who are employed by that*
24 *school district who hold a license with a general teacher classification. A*
25 *teacher who receives an augmented salary based on a mentor or master*
26 *classification pursuant to this subsection is ineligible for any other*
27 *increase in salary during the school year except the 5-percent increase*
28 *described in subsection 2, if applicable. A teacher who is employed by the*
29 *governing body of a charter school is not eligible to receive an*
30 *augmented salary pursuant to this subsection.*

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

36 (a) On or before September 15 of the school year, the teacher has
37 submitted evidence satisfactory to the school district of his current
38 certification; and

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

41 No increase in salary may be given during a particular school year to a
42 teacher who submits evidence of certification after September 15 of that
43 school year. Once a teacher has submitted evidence of such certification to
44 the school district, the school district shall retain the evidence in its
45 records, as applicable, for future school years. An increase in salary given
46 in accordance with this subsection is in addition to any other increase to
47 which the teacher may otherwise be entitled ~~H~~ , *including, without*
48 *limitation, an augmented salary provided pursuant to subsection 1.*



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

5 (a) Give the teacher the same credit for previous teaching service as he
6 was receiving from his former employer at the end of his former
7 employment; ~~and~~

8 (b) Give the teacher credit for his final year of service with his former
9 employer, if credit for that service is not included in credit given pursuant
10 to paragraph (a) ~~and~~; and

11 *(c) Pay an augmented salary to the teacher pursuant to subsection 1 if*
12 *the teacher received such an augmented salary from his former employer*
13 *and possesses the appropriate license with a mentor or master*
14 *classification.*

15 4. A school district may give the credit required by subsection 3 for
16 previous teaching service earned in another state if the commission has
17 approved the standards for licensing teachers of that state. The commission
18 shall adopt regulations that establish the criteria by which the commission
19 will consider the standards for licensing teachers of other states for the
20 purposes of this subsection. The criteria may include, without limitation,
21 whether the commission has authorized reciprocal licensure of educational
22 personnel from the state under consideration.

23 5. This section does not:

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

27 (b) Permit a school district to deny a teacher credit for his previous
28 teaching service on the ground that the service differs in kind from the
29 teaching experience for which credit is otherwise given by the school
30 district.

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

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

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

36 **Sec. 8.** 1. In adopting regulations prescribing objective criteria and
37 qualifications as required pursuant to section 3 of this act, the commission
38 on professional standards in education shall ensure, insofar as is
39 practicable:

40 (a) That the criteria and qualifications pertaining to a license with a
41 mentor classification are established such that not more than 20 percent of
42 all teachers who are licensed to teach in this state and who are employed by
43 the board of trustees of a school district would be able to qualify for such a
44 license.

45 (b) That the criteria and qualifications pertaining to a license with a
46 master classification are established such that not more than 10 percent of
47 all teachers who are licensed to teach in this state and who are employed by
48 the board of trustees of a school district would be able to qualify for such a
49 license.



1 2. The commission on professional standards in education shall adopt
2 regulations prescribing objective criteria and qualifications as required
3 pursuant to section 3 of this act on or before July 1, 2002. As soon as is
4 practicable after adopting the regulations, the commission on professional
5 standards in education shall provide a copy of the regulations to the
6 superintendent of public instruction.

7 3. The superintendent of public instruction shall, on or before
8 August 1, 2002, provide to the board of trustees of each school district a
9 memorandum that describes the substance of the regulations adopted by the
10 commission on professional standards.

11 4. Each school district shall provide a copy of the memorandum to
12 each public school in the district for posting on or before September 1,
13 2002, and shall additionally provide a copy of the memorandum to each
14 union or other organization that represents the licensed employees of the
15 school district in matters of collective bargaining.

16 **Sec. 9.** 1. With the exception of probationary employees, who hold a
17 license with an associate classification as set forth in subsection 2 of
18 section 3 of this act, the license held by each teacher on July 1, 2002, shall
19 be deemed a license with a general teacher classification.

20 2. On or before November 1, 2002, a teacher who is employed by the
21 board of trustees of a school district may apply to the board of trustees of
22 the school district in which he is employed to receive a license with a
23 mentor or master classification.

24 3. On or before January 1, 2003, the board of trustees of each school
25 district shall, applying the objective criteria and qualifications prescribed in
26 the regulations adopted by the commission on professional standards in
27 education pursuant to section 3 of this act, review the applications
28 submitted pursuant to subsection 2 and determine the teachers who are
29 entitled to receive a license with a mentor or master classification.

30 4. If a teacher who fails to receive a license with a mentor or master
31 classification believes that the determination of the board of trustees was in
32 error, the teacher may, not later than January 15, 2003, submit a written
33 request to the superintendent of public instruction to review his application.

34 5. Not later than February 15, 2003, the superintendent of public
35 instruction shall, applying the objective criteria and qualifications
36 prescribed in the regulations adopted by the commission on professional
37 standards in education pursuant to section 3 of this act, render a decision on
38 each request for review. A decision to deny the application is final and
39 unappealable, but does not preclude the timely submission of such an
40 application in future school years.

41 6. If the application of a teacher to receive a license with a mentor or
42 master classification is approved:

43 (a) The board of trustees of the school district in which the teacher is
44 employed shall pay an augmented salary to the teacher pursuant to
45 subsection 1 of NRS 391.160 commencing with the 2003-2004 school
46 year.

47 (b) The teacher maintains the classification until such time as he applies
48 for and receives another classification, regardless of whether the teacher



1 obtains employment with the board of trustees of another school district in
2 this state.

3 **Sec. 10.** The provisions of subsection 1 of NRS 354.599 do not apply
4 to any additional expenses of a local government that are related to the
5 provisions of this act.

6 **Sec. 11.** 1. This section and section 8 of this act become effective on
7 July 1, 2001.

8 2. Section 3 of this act becomes effective on July 1, 2001, for the
9 purpose of adopting regulations prescribing objective criteria and
10 qualifications and on July 1, 2002, for all other purposes.

11 3. Sections 1, 2, 4 to 7, inclusive, and 9 of this act become effective on
12 July 1, 2002.

