

ASSEMBLY BILL NO. 110—COMMITTEE ON EDUCATION

(ON BEHALF OF THE DEPARTMENT OF EDUCATION)

FEBRUARY 21, 2005

Referred to Concurrent Committees on Education
and Ways and Means

SUMMARY—Revises provisions governing incentives for teachers teaching in certain subject areas and schools. (BDR 34-376)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

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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 school personnel; revising the provisions governing the purchase of retirement credit for teaching in certain subject areas and schools; providing for the purchase of retirement credit for certain other licensed employees of school districts; allowing a licensed employee who is eligible for the purchase of retirement credit to receive a stipend in lieu of the retirement credit; requiring the Department of Education to make an allocation from the State Distributive School Account to provide stipends to certain educational personnel; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the boards of trustees of school districts to pay the cost of retirement credits for certain licensed teachers and school psychologists. The board is required to pay one-fifth of 1 year of retirement credit when the teacher or psychologist meets certain conditions. (NRS 391.165)

This bill extends the right to receive such retirement credit to all licensed employees of an "at risk" school but removes the right for licensed teachers to receive such credit if they are employees of a school that has been given the designation of demonstrating need for improvement. The Department of Education is required to develop a formula for determining which schools are "at risk."



This bill also allows a licensed employee of a school district who is qualified to receive a purchase of retirement credit to receive a stipend of \$2,500 in lieu of the purchase of service.

This bill requires the board of trustees of each school district to submit annually to the Department of Education, State Board of Education, Legislative Committee on Education and Legislature a report of the success of the purchase of service and payment of stipends in recruiting and retaining licensed personnel.

This bill provides for the transfer of money from the State Distributive School Account to provide stipends to certain postprobationary teachers and principals employed in isolated schools in remote and rural areas of Nevada.

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

Section 1. NRS 391.165 is hereby amended to read as follows:

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

(a) The ~~teacher or school psychologist~~ *employee* is a member of the Public Employees' Retirement System and has at least 5 years of service;

(b) The ~~teacher or school psychologist~~ *employee* has been employed as a licensed ~~teacher or~~ *employee, including, without limitation, a* licensed school psychologist in this State for at least 5 consecutive school years, regardless of whether the employment was with one or more school districts in this State;

(c) Each evaluation of the ~~teacher or school psychologist~~ *employee* conducted pursuant to NRS 391.3125 , *if applicable, or other formal evaluation of the employee if NRS 391.3125 does not apply*, is at least satisfactory for the years of employment required by paragraph (b); and

(d) In addition to the years of employment required by paragraph (b):

(1) The ~~teacher~~ *employee* has been employed as a licensed ~~teacher for 2 school years~~ *employee* at a school within the school district *and* during his employment at the school , ~~;~~

~~—(I) Which carried the designation of demonstrating need for improvement; or~~

~~—(II) At which at least 65 percent of the pupils who are enrolled in~~ the school ~~[are children who are]~~ *is designated as* at risk ~~;~~ *in accordance with the formula prescribed by the Department pursuant to subsection 5;*

(2) The *employee is a* teacher *who* holds an endorsement in the field of mathematics, science, special education or English as a



1 second language and has been employed for at least 1 school year to
2 teach in the subject area for which he holds an endorsement; or

3 (3) The **employee is a** school psychologist **who** has been
4 employed as a licensed school psychologist for at least 1 school
5 year.

6 ➔ The provisions of this paragraph do not require consecutive years
7 of employment or employment at the same school within the school
8 district.

9 2. Except as otherwise provided in subsection 3, the board of
10 trustees of a school district shall pay the cost for a licensed ~~teacher~~
11 ~~or school psychologist~~ **employee** to purchase one-fifth of a year of
12 service for each year that ~~a teacher or school psychologist~~ **the**
13 **employee** satisfies the requirements of subsection 1. **A licensed**
14 **employee who is eligible for the purchase of service may elect to**
15 **receive, in lieu of the purchase of service, a stipend in the amount**
16 **of \$2,500.** If, in 1 school year, ~~a teacher~~ **an employee** satisfies the
17 criteria set forth in both subparagraphs (1) and (2) of paragraph (d)
18 of subsection 1, the school district in which the ~~teacher~~ **employee**
19 is employed is not required to pay for more than one-fifth of a year
20 of service pursuant to subsection 2 of NRS 286.300 **or to pay for**
21 **more than one stipend, as applicable,** for that school year.

22 3. In no event may ~~the~~ :

23 (a) **The** years of service purchased by a licensed ~~teacher or~~
24 ~~school psychologist~~ **employee** as a result of subsection 2 of NRS
25 286.300 exceed 5 years.

26 (b) **A licensed employee receive a stipend in lieu of the**
27 **purchase of service for more than the number of years that he is**
28 **eligible for the purchase of service.**

29 4. The board of trustees of a school district shall not:

30 (a) Assign or reassign a licensed ~~teacher or school~~
31 ~~psychologist~~ **employee** to circumvent the requirements of this
32 section.

33 (b) Include as part of ~~a teacher's or school psychologist's~~ **the**
34 **employee's** salary the costs of paying the ~~teacher or school~~
35 ~~psychologist~~ **employee** to purchase service **or pay a stipend, as**
36 **applicable,** pursuant to this section.

37 5. **The Department shall, in consultation with representatives**
38 **designated by the Nevada Association of School Superintendents**
39 **and the Nevada Association of School Boards, or their successor**
40 **organizations, as applicable, on or before June 30 of each year,**
41 **develop a formula for identifying "at risk" schools for purposes of**
42 **subsection 1. The formula must include, without limitation, the**
43 **following factors:**



1 (a) The percentage of pupils who are eligible for free or
2 reduced price lunches pursuant to 42 U.S.C. §§ 1751 et seq.;

3 (b) The transiency rate of pupils;

4 (c) The percentage of pupils who are limited English
5 proficient;

6 (d) The percentage of pupils who have individualized
7 education programs;

8 (e) The percentage of pupils who score in the bottom two
9 quarters on the mathematics portion or reading portion, or both,
10 of the high school proficiency examination; and

11 (f) The percentage of pupils who drop out of school before
12 graduation.

13 6. The board of trustees of each school district shall evaluate
14 the effectiveness of the purchase of service and the payment of
15 stipends pursuant to this section, including, without limitation, an
16 evaluation of whether the purchase of service and payment of
17 stipends serve as effective tools in recruiting and retaining
18 qualified licensed personnel. On or before July 1 of each year, the
19 board of trustees of each school district shall submit a report of its
20 evaluation and any recommendations to the State Board, the
21 Department, the Legislative Committee on Education and the
22 Director of the Legislative Counsel Bureau for transmission to
23 the next regular session of the Nevada Legislature.

24 7. As used in this section:

25 (a) ~~["A child is "at risk" if he is eligible for free or reduced price~~
26 ~~lunches pursuant to 42 U.S.C. §§ 1751 et seq.]~~ "Individualized
27 education program" has the meaning ascribed to it in 20 U.S.C. §
28 1414(d)(1)(A).

29 (b) "Service" has the meaning ascribed to it in NRS 286.078.

30 **Sec. 2.** 1. The Department of Education shall transfer from
31 the State Distributive School Account the sum of \$500,000 to
32 provide stipends to postprobationary teachers and principals
33 employed in certain schools during the 2005-2007 biennium. The
34 money allocated must be used to provide stipends to
35 postprobationary teachers and principals employed in isolated
36 schools in remote or rural areas of the State that the Department of
37 Education has determined are schools for which the school district
38 in which the school is located has difficulty recruiting and retaining
39 qualified teachers and principals.

40 2. A school district may submit an application to the
41 Department of Education on or before November 1 of each fiscal
42 year for an allocation from the amount transferred pursuant to
43 subsection 1.



3. The Department of Education shall, in consultation with the Budget Division of the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau:

(a) Develop a form for applications for an allocation pursuant to subsection 1.

(b) Establish criteria for a determination that a school district has difficulty recruiting and retaining qualified teachers and principals for a school.

4. Upon receipt of an application submitted pursuant to subsection 2, the Department of Education shall review the application jointly with the Budget Division of the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau.

5. A school district that receives an allocation of money pursuant to this section shall use the money to provide stipends of not more than \$2,000 to postprobationary teachers and principals at schools in the district for which the Department of Education has determined the district has difficulty recruiting and retaining qualified teachers and principals.

6. The sum transferred pursuant to subsection 1 is available for either fiscal year of the 2005-2007 biennium. Any remaining balance of that sum must not be committed for expenditure after June 30, 2007, and must be reverted to the State Distributive School Account on or before September 21, 2007.

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

Sec. 4. 1. This section becomes effective upon passage and approval.

2. Section 1 of this act becomes effective upon passage and approval for the purpose of developing a formula to designate "at risk" schools and on July 1, 2005, for all other purposes.

3. Sections 2 and 3 of this act become effective on July 1, 2005.



