

ASSEMBLY BILL NO. 162—COMMITTEE ON EDUCATION

MARCH 3, 2005

Referred to Committee on Education

SUMMARY—Revises provisions governing charter schools and educational personnel. (BDR 34-934)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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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 operation of charter schools, the employees of charter schools and the enrollment of pupils in charter schools; providing for the issuance of a license to teach to certain persons with graduate degrees and work experience; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that the board of trustees of a school district and the State Board of Education may serve as sponsors of charter schools. (NRS 386.515)

This bill authorizes a charter school to request a change in the sponsorship of the charter school in accordance with objective criteria adopted by the State Board of Education. This bill also provides that upon the first renewal of a written charter and each renewal thereafter, the sponsor of the charter school may not prescribe additional requirements or terms for the charter school unless the additional requirements or terms are specifically authorized by statute, regulation or the written charter.

Under existing law, a charter school must accept applications for enrollment in the order in which applications are received. If the number of eligible children who apply for enrollment is greater than the available spaces in the charter school, the charter school must enroll pupils on the basis of a lottery system. (NRS 386.580)

This bill authorizes a charter school that is dedicated to providing educational programs and opportunities to at-risk pupils to give preference in enrollment to: (1) a sibling of a pupil who is currently enrolled in the charter school; or (2) a pupil who resides within 2 miles of the charter school if the charter school is located in an area with a high percentage of at-risk pupils.

Existing law provides that the employees of a charter school who are on leaves of absence from the school district are governed by the collective bargaining agreement of the district for the first 3 years of employment with the charter school. (NRS 386.595)



This bill removes those provisions and provides specific authority for the governing body of a charter school to make decisions concerning the terms and conditions of employment of the employees of the charter school. The collective bargaining agreement of the school district continues to apply to an employee who is on approved leave of absence only with respect to matters relating to his status and employment with the school district.

Under existing law, the Commission on Professional Standards in Education prescribes the requirements for the issuance of a license to teach by the Superintendent of Public Instruction. (NRS 391.019)

This bill requires the Commission to adopt regulations providing for the issuance of a license to teach to a person who: (1) holds a graduate degree from an accredited college or university in the field for which he will be providing instruction; (2) is not licensed to teach in another state; (3) has at least 5 years of experience teaching with satisfactory evaluations at an accredited private school; and (4) has participated in a program of student teaching or mentoring or agrees to participate in a program of mentoring.

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

Section 1. Chapter 386 of NRS is hereby amended by adding thereto a new section to read as follows:

The provisions of NRS 386.500 to 386.610, inclusive, and any other statute or regulation applicable to charter schools or its officers or employees govern the formation and operation of charter schools in this State. Upon the first renewal of a written charter and each renewal thereafter, the sponsor of a charter school shall not prescribe additional requirements or otherwise require a charter school to comply with additional terms or conditions unless the sponsor is specifically authorized by statute, regulation or the written charter.

Sec. 2. NRS 386.500 is hereby amended to read as follows:

386.500 For the purposes of NRS 386.500 to 386.610, inclusive, *and section 1 of this act*, a pupil is "at risk" if he has an economic or academic disadvantage such that he requires special services and assistance to enable him to succeed in educational programs. The term includes, without limitation, pupils who are members of economically disadvantaged families, pupils who are limited English proficient, pupils who are at risk of dropping out of high school and pupils who do not meet minimum standards of academic proficiency. The term does not include a pupil with a disability.

Sec. 3. NRS 386.527 is hereby amended to read as follows:

386.527 1. If the State Board or the board of trustees of a school district approves an application to form a charter school, it shall grant a written charter to the applicant. The State Board or the board of trustees, as applicable, shall, not later than 10 days after the



1 approval of the application, provide written notice to the
2 Department of the approval and the date of the approval. If the
3 board of trustees approves the application, the board of trustees shall
4 be deemed the sponsor of the charter school.

5 **2.** If the State Board approves the application:

6 (a) The State Board shall be deemed the sponsor of the charter
7 school.

8 (b) Neither the State of Nevada, the State Board nor the
9 Department is an employer of the members of the governing body of
10 the charter school or any of the employees of the charter school.

11 ~~[2-]~~ **3.** *Upon the initial renewal of a written charter and each
12 renewal thereafter, the governing body of a charter school may
13 request a change in the sponsorship of the charter school to an
14 entity that is authorized to sponsor charter schools pursuant to
15 NRS 386.515. The State Board shall adopt objective criteria for
16 the conditions under which such a request may be granted.*

17 **4.** Except as otherwise provided in subsection ~~[4-]~~ **6**, a written
18 charter must be for a term of 6 years unless the governing body of a
19 charter school renews its initial charter after 3 years of operation
20 pursuant to subsection 2 of NRS 386.530. A written charter must
21 include all conditions of operation set forth in paragraphs (a) to (o),
22 inclusive, of subsection 2 of NRS 386.520 and include the kind of
23 school, as defined in subsections 1 to 4, inclusive, of NRS 388.020
24 for which the charter school is authorized to operate. If the State
25 Board is the sponsor of the charter school, the written charter must
26 set forth the responsibilities of the sponsor and the charter school
27 with regard to the provision of services and programs to pupils with
28 disabilities who are enrolled in the charter school in accordance with
29 the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400
30 et seq., and NRS 388.440 to 388.520, inclusive. As a condition of
31 the issuance of a written charter pursuant to this subsection, the
32 charter school must agree to comply with all conditions of operation
33 set forth in NRS 386.550.

34 ~~[3-]~~ **5.** The governing body of a charter school may submit to
35 the sponsor of the charter school a written request for an amendment
36 of the written charter of the charter school. Such an amendment may
37 include, without limitation, the expansion of instruction and other
38 educational services to pupils who are enrolled in grade levels other
39 than the grade levels of pupils currently enrolled in the charter
40 school if the expansion of grade levels does not change the kind of
41 school, as defined in NRS 388.020, for which the charter school is
42 authorized to operate. If the proposed amendment complies with the
43 provisions of this section, NRS 386.500 to 386.610, inclusive, *and*
44 *section 1 of this act*, and any other statute or regulation applicable to



1 charter schools, the sponsor shall amend the written charter in
2 accordance with the proposed amendment. If a charter school
3 wishes to expand the instruction and other educational services
4 offered by the charter school to pupils who are enrolled in grade
5 levels other than the grade levels of pupils currently enrolled in the
6 charter school and the expansion of grade levels changes the kind of
7 school, as defined in NRS 388.020, for which the charter school is
8 authorized to operate, the charter school must submit a new
9 application to form a charter school.

10 ~~[4]~~ 6. The State Board shall adopt objective criteria for the
11 issuance of a written charter to an applicant who is not prepared to
12 commence operation on the date of issuance of the written charter.
13 The criteria must include, without limitation, the:

14 (a) Period for which such a written charter is valid; and

15 (b) Timelines by which the applicant must satisfy certain
16 requirements demonstrating its progress in preparing to commence
17 operation.

18 ➤ A holder of such a written charter may apply for grants of money
19 to prepare the charter school for operation. A written charter issued
20 pursuant to this subsection must not be designated as a conditional
21 charter or a provisional charter or otherwise contain any other
22 designation that would indicate the charter is issued for a temporary
23 period.

24 ~~[5]~~ 7. The holder of a written charter that is issued pursuant to
25 subsection ~~[4]~~ 6 shall not commence operation of the charter school
26 and is not eligible to receive apportionments pursuant to NRS
27 387.124 until the sponsor has determined that the requirements
28 adopted by the State Board pursuant to subsection ~~[4]~~ 6 have been
29 satisfied and that the facility the charter school will occupy has been
30 inspected and meets the requirements of any applicable building
31 codes, codes for the prevention of fire, and codes pertaining to
32 safety, health and sanitation. Except as otherwise provided in this
33 subsection, the sponsor shall make such a determination 30 days
34 before the first day of school for the:

35 (a) Schools of the school district in which the charter school is
36 located that operate on a traditional school schedule and not a year-
37 round school schedule; or

38 (b) Charter school,

39 ➤ whichever date the sponsor selects. The sponsor shall not require
40 a charter school to demonstrate compliance with the requirements of
41 this subsection more than 30 days before the date selected.
42 However, it may authorize a charter school to demonstrate
43 compliance less than 30 days before the date selected.



Sec. 4. NRS 386.580 is hereby amended to read as follows:

386.580 1. An application for enrollment in a charter school may be submitted to the governing body of the charter school by the parent or legal guardian of any child who resides in this State. Except as otherwise provided in this subsection ~~[1]~~ *and subsection 2*, a charter school shall enroll pupils who are eligible for enrollment in the order in which the applications are received. If the board of trustees of the school district in which the charter school is located has established zones of attendance pursuant to NRS 388.040, the charter school shall, if practicable, ensure that the racial composition of pupils enrolled in the charter school does not differ by more than 10 percent from the racial composition of pupils who attend public schools in the zone in which the charter school is located. ~~[1]~~ *Except as otherwise provided in subsection 2, if* more pupils who are eligible for enrollment apply for enrollment in the charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll *pursuant to this subsection* on the basis of a lottery system.

2. *A charter school that is dedicated to providing educational programs and opportunities to pupils who are at risk may enroll a child who:*

(a) Is a sibling of a pupil who is currently enrolled in the charter school; or

(b) Resides within 2 miles of the charter school if the charter school is located in an area that the sponsor of the charter school determines includes a high percentage of children who are at risk, before the charter school enrolls other pupils who are eligible for enrollment. If more pupils described in this subsection who are eligible apply for enrollment than the number of spaces available, the charter school shall determine which applicants to enroll pursuant to this subsection on the basis of a lottery system.

3. Except as otherwise provided in subsection ~~[6-]~~ 7, a charter school shall not accept applications for enrollment in the charter school or otherwise discriminate based on the:

- (a) Race;
- (b) Gender;
- (c) Religion;
- (d) Ethnicity; or
- (e) Disability,

↳ of a pupil.

~~[3-]~~ 4. If the governing body of a charter school determines that the charter school is unable to provide an appropriate special education program and related services for a particular disability of a pupil who is enrolled in the charter school, the governing body may request that the board of trustees of the school district of the



1 county in which the pupil resides transfer that pupil to an
2 appropriate school.

3 ~~[4.]~~ 5. Except as otherwise provided in this subsection, upon
4 the request of a parent or legal guardian of a child who is enrolled in
5 a public school of a school district or a private school, or a parent or
6 legal guardian of a homeschooled child, the governing body of the
7 charter school shall authorize the child to participate in a class that
8 is not otherwise available to the child at his school or home school
9 or participate in an extracurricular activity at the charter school if:

10 (a) Space for the child in the class or extracurricular activity is
11 available; and

12 (b) The parent or legal guardian demonstrates to the satisfaction
13 of the governing body that the child is qualified to participate in the
14 class or extracurricular activity.

15 ➔ If the governing body of a charter school authorizes a child to
16 participate in a class or extracurricular activity pursuant to this
17 subsection, the governing body is not required to provide
18 transportation for the child to attend the class or activity. A charter
19 school shall not authorize such a child to participate in a class or
20 activity through a program of distance education provided by the
21 charter school pursuant to NRS 388.820 to 388.874, inclusive.

22 ~~[5.]~~ 6. The governing body of a charter school may revoke its
23 approval for a child to participate in a class or extracurricular
24 activity at a charter school pursuant to subsection ~~[4.]~~ 5 if the
25 governing body determines that the child has failed to comply with
26 applicable statutes, or applicable rules and regulations. If the
27 governing body so revokes its approval, neither the governing body
28 nor the charter school is liable for any damages relating to the denial
29 of services to the child.

30 ~~[6.]~~ 7. This section does not preclude the formation of a
31 charter school that is dedicated to provide educational services
32 exclusively to pupils:

33 (a) With disabilities;

34 (b) Who pose such severe disciplinary problems that they
35 warrant an educational program specifically designed to serve a
36 single gender and emphasize personal responsibility and
37 rehabilitation; or

38 (c) Who are at risk.

39 ➔ If more eligible pupils apply for enrollment in such a charter
40 school than the number of spaces which are available, the charter
41 school shall determine which applicants to enroll *pursuant to this*
42 *subsection* on the basis of a lottery system.

43 **Sec. 5.** NRS 386.595 is hereby amended to read as follows:

44 386.595 1. All employees of a charter school shall be deemed
45 public employees.



2. ~~[Except as otherwise provided in this subsection, the provisions of the collective bargaining agreement entered into by the board of trustees of the school district in which the charter school is located apply to the terms and conditions of employment of employees of the charter school who are on a leave of absence from the school district pursuant to subsection 5, including, without limitation, any provisions relating to representation by the employee organization that is a party to the collective bargaining agreement of the school district in a grievance proceeding or other dispute arising out of the agreement. The provisions of the collective bargaining agreement apply to each employee for the first 3 years that he is on a leave of absence from the school district. After the first 3 years that the employee is on a leave of absence:~~

~~—(a) If he is subsequently reassigned by the school district pursuant to subsection 5, he is covered by the collective bargaining agreement of the school district.~~

~~—(b) If he continues his employment with the charter school, he is covered by the collective bargaining agreement of the charter school, if applicable.~~

~~3. Except as otherwise provided in subsection 2, the~~ *The governing body of a charter school may make all decisions concerning the terms and conditions of employment with the charter school and any other matter relating to employment with the charter school. In addition, the governing body* may make all employment decisions with regard to its employees pursuant to NRS 391.311 to 391.3197, inclusive, unless a collective bargaining agreement entered into by the governing body pursuant to chapter 288 of NRS contains separate provisions relating to the discipline of licensed employees of a school.

~~[4.]~~ 3. Except as otherwise provided in this subsection, if the written charter of a charter school is revoked or if a charter school ceases to operate as a charter school, the employees of the charter school must be reassigned to employment within the school district in accordance with the applicable collective bargaining agreement. A school district is not required to reassign an employee of a charter school pursuant to this subsection if the employee:

(a) Was not granted a leave of absence by the school district to teach at the charter school pursuant to subsection ~~[5.]~~ 4; or

(b) Was granted a leave of absence by the school district and did not submit a written request to return to employment with the school district in accordance with subsection ~~[5.]~~ 4.

~~[5.]~~ 4. The board of trustees of a school district that is a sponsor of a charter school shall grant a leave of absence, not to exceed 6 years, to any employee who is employed by the board of trustees who requests such a leave of absence to accept employment



1 with the charter school. After the first school year in which an
2 employee is on a leave of absence, he may return to his former
3 teaching position with the board of trustees. After the third school
4 year, an employee who is on a leave of absence may submit a
5 written request to the board of trustees to return to a comparable
6 teaching position with the board of trustees. After the sixth school
7 year, an employee shall either submit a written request to return to a
8 comparable teaching position or resign from the position for which
9 his leave was granted. The board of trustees shall grant a written
10 request to return to a comparable position pursuant to this
11 subsection even if the return of the employee requires the board of
12 trustees to reduce the existing workforce of the school district. The
13 board of trustees may require that a request to return to a teaching
14 position submitted pursuant to this subsection be submitted at least
15 90 days before the employee would otherwise be required to report
16 to duty.

17 ~~[6-]~~ 5. An employee who is on a leave of absence from a
18 school district pursuant to this section ~~[shall]~~ :

19 (a) *Shall* contribute to and be eligible for all benefits for which
20 he would otherwise be entitled, including, without limitation,
21 participation in the Public Employees' Retirement System and
22 accrual of time for the purposes of leave and retirement.

23 (b) *Continues, while he is on leave, to be covered by the*
24 *collective bargaining agreement of the school district only with*
25 *respect to any matter relating to his status or employment with the*
26 *district.*

27 ➔ The time during which such an employee is on *a* leave of absence
28 and employed in a charter school does not count toward the
29 acquisition of permanent status with the school district.

30 ~~[7-]~~ 6. Upon the return of a teacher to employment in the
31 school district, he is entitled to the same level of retirement, salary
32 and any other benefits to which he would otherwise be entitled if he
33 had not taken a leave of absence to teach in a charter school.

34 ~~[8-]~~ 7. An employee of a charter school who is not on a leave
35 of absence from a school district is eligible for all benefits for which
36 he would be eligible for employment in a public school, including,
37 without limitation, participation in the Public Employees'
38 Retirement System.

39 ~~[9-]~~ 8. For all employees of a charter school:

40 (a) The compensation that a teacher or other school employee
41 would have received if he were employed by the school district must
42 be used to determine the appropriate levels of contribution required
43 of the employee and employer for purposes of the Public
44 Employees' Retirement System.



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

~~10.1~~ 9. If the board of trustees of a school district in which a charter school is located manages a plan of group insurance for its employees, the governing body of the charter school may negotiate with the board of trustees to participate in the same plan of group insurance that the board of trustees offers to its employees. If the employees of the charter school participate in the plan of group insurance managed by the board of trustees, the governing body of the charter school shall:

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

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

Sec. 6. NRS 387.123 is hereby amended to read as follows:

387.123 1. The count of pupils for apportionment purposes includes all pupils who are enrolled in programs of instruction of the school district, including, without limitation, a program of distance education provided by the school district, or pupils who reside in the county in which the school district is located and are enrolled in any charter school, including, without limitation, a program of distance education provided by a charter school, for:

(a) Pupils in the kindergarten department.

(b) Pupils in grades 1 to 12, inclusive.

(c) Pupils not included under paragraph (a) or (b) who are receiving special education pursuant to the provisions of NRS 388.440 to 388.520, inclusive.

(d) Pupils who reside in the county and are enrolled part time in a program of distance education if an agreement is filed with the Superintendent of Public Instruction pursuant to NRS 388.854 or 388.858, as applicable.

(e) Children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570.

(f) Pupils who are enrolled in classes pursuant to subsection 4 of NRS 386.560 and pupils who are enrolled in classes pursuant to subsection ~~4~~ 5 of NRS 386.580.

(g) Pupils who are enrolled in classes pursuant to subsection 3 of NRS 392.070.



(h) Pupils who are enrolled in classes and taking courses necessary to receive a high school diploma, excluding those pupils who are included in paragraphs (d), (f) and (g).

2. The State Board shall establish uniform regulations for counting enrollment and calculating the average daily attendance of pupils. In establishing such regulations for the public schools, the State Board:

(a) Shall divide the school year into 10 school months, each containing 20 or fewer school days, or its equivalent for those public schools operating under an alternative schedule authorized pursuant to NRS 388.090.

(b) May divide the pupils in grades 1 to 12, inclusive, into categories composed respectively of those enrolled in elementary schools and those enrolled in secondary schools.

(c) Shall prohibit the counting of any pupil specified in subsection 1 more than once.

3. Except as otherwise provided in subsection 4 and NRS 388.700, the State Board shall establish by regulation the maximum pupil-teacher ratio in each grade, and for each subject matter wherever different subjects are taught in separate classes, for each school district of this State which is consistent with:

(a) The maintenance of an acceptable standard of instruction;

(b) The conditions prevailing in the school district with respect to the number and distribution of pupils in each grade; and

(c) Methods of instruction used, which may include educational television, team teaching or new teaching systems or techniques.

➔ If the Superintendent of Public Instruction finds that any school district is maintaining one or more classes whose pupil-teacher ratio exceeds the applicable maximum, and unless he finds that the board of trustees of the school district has made every reasonable effort in good faith to comply with the applicable standard, he shall, with the approval of the State Board, reduce the count of pupils for apportionment purposes by the percentage which the number of pupils attending those classes is of the total number of pupils in the district, and the State Board may direct him to withhold the quarterly apportionment entirely.

4. The provisions of subsection 3 do not apply to a charter school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.

Sec. 7. NRS 387.1233 is hereby amended to read as follows:

387.1233 1. Except as otherwise provided in subsection 2, basic support of each school district must be computed by:

(a) Multiplying the basic support guarantee per pupil established for that school district for that school year by the sum of:



1 (1) Six-tenths the count of pupils enrolled in the kindergarten
2 department on the last day of the first school month of the school
3 district for the school year, including, without limitation, the count
4 of pupils who reside in the county and are enrolled in any charter
5 school on the last day of the first school month of the school district
6 for the school year.

7 (2) The count of pupils enrolled in grades 1 to 12, inclusive,
8 on the last day of the first school month of the school district for the
9 school year, including, without limitation, the count of pupils who
10 reside in the county and are enrolled in any charter school on the last
11 day of the first school month of the school district for the school
12 year.

13 (3) The count of pupils not included under subparagraph (1)
14 or (2) who are enrolled full time in a program of distance education
15 provided by that school district or a charter school located within
16 that school district on the last day of the first school month of the
17 school district for the school year.

18 (4) The count of pupils who reside in the county and are
19 enrolled:

20 (I) In a public school of the school district and are
21 concurrently enrolled part time in a program of distance education
22 provided by another school district or a charter school on the last
23 day of the first school month of the school district for the school
24 year, expressed as a percentage of the total time services are
25 provided to those pupils per school day in proportion to the total
26 time services are provided during a school day to pupils who are
27 counted pursuant to subparagraph (2).

28 (II) In a charter school and are concurrently enrolled part
29 time in a program of distance education provided by a school district
30 or another charter school on the last day of the first school month of
31 the school district for the school year, expressed as a percentage of
32 the total time services are provided to those pupils per school day in
33 proportion to the total time services are provided during a school
34 day to pupils who are counted pursuant to subparagraph (2).

35 (5) The count of pupils not included under subparagraph (1),
36 (2), (3) or (4), who are receiving special education pursuant to the
37 provisions of NRS 388.440 to 388.520, inclusive, on the last day of
38 the first school month of the school district for the school year,
39 excluding the count of pupils who have not attained the age of
40 5 years and who are receiving special education pursuant to
41 subsection 1 of NRS 388.490 on that day.

42 (6) Six-tenths the count of pupils who have not attained the
43 age of 5 years and who are receiving special education pursuant to
44 subsection 1 of NRS 388.490 on the last day of the first school
45 month of the school district for the school year.



(7) The count of children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570 on the last day of the first school month of the school district for the school year.

(8) The count of pupils who are enrolled in classes for at least one semester pursuant to subsection 4 of NRS 386.560, subsection ~~4~~ 5 of NRS 386.580 or subsection 3 of NRS 392.070, expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2).

(b) Multiplying the number of special education program units maintained and operated by the amount per program established for that school year.

(c) Adding the amounts computed in paragraphs (a) and (b).

2. If the enrollment of pupils in a school district or a charter school that is located within the school district on the last day of the first school month of the school district for the school year is less than the enrollment of pupils in the same school district or charter school on the last day of the first school month of the school district for either or both of the immediately preceding 2 school years, the largest number must be used from among the 3 years for purposes of apportioning money from the State Distributive School Account to that school district or charter school pursuant to NRS 387.124.

3. Pupils who are excused from attendance at examinations or have completed their work in accordance with the rules of the board of trustees must be credited with attendance during that period.

4. Pupils who are incarcerated in a facility or institution operated by the Department of Corrections must not be counted for the purpose of computing basic support pursuant to this section. The average daily attendance for such pupils must be reported to the Department of Education.

5. Pupils who are enrolled in courses which are approved by the Department as meeting the requirements for an adult to earn a high school diploma must not be counted for the purpose of computing basic support pursuant to this section.

Sec. 8. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

A person who is licensed pursuant to subparagraph (7) of paragraph (a) of subsection 1 of NRS 391.019:

1. Shall comply with all applicable statutes and regulations.

2. Except as otherwise provided by specific statute, is entitled to all benefits, rights and privileges conferred by statutes and regulations on licensed teachers.



1 3. *Except as otherwise provided by specific statute, if he is*
2 *employed as a teacher by the board of trustees of a school district*
3 *or the governing body of a charter school, is entitled to all*
4 *benefits, rights and privileges conferred by statutes and*
5 *regulations on the licensed employees of a school district or*
6 *charter school, as applicable.*

7 **Sec. 9.** NRS 391.019 is hereby amended to read as follows:

8 391.019 1. Except as otherwise provided in NRS 391.027,
9 the Commission:

10 (a) Shall adopt regulations:

11 (1) Prescribing the qualifications for licensing teachers and
12 other educational personnel, including, without limitation, the
13 qualifications for a license to teach middle school or junior high
14 school education, and the procedures for the issuance and renewal of
15 such licenses.

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

18 (3) Except as otherwise provided in NRS 391.125, requiring
19 teachers to obtain from the Department an endorsement in a field of
20 specialization to be eligible to teach in that field of specialization.

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

23 (5) Setting forth the qualifications and requirements for
24 obtaining a license or endorsement to teach American Sign
25 Language, including, without limitation, being qualified to engage
26 in the practice of interpreting pursuant to subsection 3 of
27 NRS 656A.100.

28 (6) Except as otherwise authorized by subsection 4 of NRS
29 656A.100, requiring teachers and other educational personnel to
30 satisfy the qualifications set forth in subsection 3 of NRS 656A.100
31 if they:

32 (I) Provide instruction or other educational services; and

33 (II) Concurrently engage in the practice of interpreting, as
34 defined in NRS 656A.060.

35 (7) *Providing for the issuance of a license to teach to a*
36 *person who:*

37 (I) *Holds a graduate degree from an accredited college*
38 *or university in the field for which he will be providing*
39 *instruction;*

40 (II) *Is not licensed to teach public school in another*
41 *state;*

42 (III) *Has at least 5 years of experience teaching with*
43 *satisfactory evaluations at a school that is accredited by a national*
44 *or regional accrediting agency recognized by the United States*
45 *Department of Education; and*



1 (IV) *Submits proof of participation in a program of*
2 *student teaching or mentoring or agrees to participate in a*
3 *program of mentoring for the first year of his employment as a*
4 *teacher with a school district or charter school.*

5 ↪ *An applicant for licensure pursuant to this subparagraph is*
6 *exempt from each examination required by NRS 391.021 if the*
7 *applicant successfully passed the examination in another state.*

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

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

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

16 (b) Must not become effective until at least 1 year after the date
17 it is adopted by the Commission.

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

20 **Sec. 10.** NRS 391.021 is hereby amended to read as follows:

21 391.021 Except as otherwise provided in ~~[NRS]~~ *subparagraph*
22 *(7) of paragraph (a) of subsection 1 of NRS 391.019 and* 391.027,
23 the Commission shall adopt regulations governing examinations for
24 the initial licensing of teachers and other educational personnel. The
25 examinations must test the ability of the applicant to teach and his
26 knowledge of each specific subject he proposes to teach. Each
27 examination must include the following subjects:

- 28 1. The laws of Nevada relating to schools;
29 2. The Constitution of the State of Nevada; and
30 3. The Constitution of the United States.

31 ↪ The provisions of this section do not prohibit the Commission
32 from adopting regulations pursuant to subsection 2 of NRS 391.032
33 that provide an exemption from the examinations for teachers and
34 other educational personnel who have previous experience in
35 teaching or performing other educational functions in another state.

36 **Sec. 11.** NRS 391.037 is hereby amended to read as follows:

37 391.037 1. The State Board shall:

38 (a) Prescribe by regulation the standards for approval of a course
39 of study or training offered by an educational institution to qualify a
40 person to be a teacher or administrator or to perform other
41 educational functions.

42 (b) Maintain descriptions of the approved courses of study
43 required to qualify for endorsements in fields of specialization and
44 provide to an applicant, upon request, the approved course of study
45 for a particular endorsement.



1 2. ~~Every~~ *Except for an applicant who submits an*
2 *application for the issuance of a license pursuant to subparagraph*
3 *(7) of paragraph (a) of subsection 1 of NRS 391.019, an* applicant
4 for a license as a teacher or administrator or to perform some other
5 educational function must submit with his application, in the form
6 prescribed by the Superintendent of Public Instruction, proof that he
7 has satisfactorily completed a course of study and training approved
8 by the State Board ~~and~~ *pursuant to subsection 1.*

9 **Sec. 12.** The amendatory provisions of section 5 of this act do
10 not apply to a person who is, before July 1, 2005, employed by a
11 charter school and on a leave of absence from a school district.

12 **Sec. 13.** 1. This section and sections 4 and 12 of this act
13 become effective upon passage and approval.

14 2. Sections 1, 2, 3 and 5 to 11, inclusive, of this act become
15 effective on July 1, 2005.



