

ASSEMBLY BILL NO. 60—COMMITTEE ON EDUCATION

(ON BEHALF OF THE LEGISLATIVE COMMITTEE ON EDUCATION)

FEBRUARY 16, 2005

Referred to Concurrent Committees on Education
and Ways and Means

SUMMARY—Revises certain provisions regarding school personnel. (BDR 34-477)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Contains Appropriation not included
in Executive Budget.

CONTAINS UNFUNDED MANDATE (§ 1)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to education; expanding the personnel of a school district who are eligible for certain retirement credit; authorizing certain teachers to receive a stipend in lieu of the purchase of retirement credit; requiring the Department of Education to make an allocation from the State Distributive School Account to purchase one-fifth of a year of service or to provide a stipend to certain educational personnel, to provide signing bonuses to newly hired teachers and to provide stipends to certain educational personnel; requiring the board of trustees of each school district to review the years of experience of each principal in the district; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law directs the board of trustees of a school district to pay the cost of
- 2 retirement credits for certain licensed teachers and school psychologists. The
- 3 purpose of this program is to provide an incentive for teachers to work with at-risk
- 4 pupils, to work in schools that need improvement or to work in certain subject
- 5 areas. In addition, this program provides an incentive to school psychologists
- 6 employed at schools, regardless of the status of the school. The law requires the



board of trustees to pay one-fifth of 1 year of retirement credit when the teacher or school psychologist meets certain conditions. (NRS 391.165)

This bill allows certain teachers to opt to receive a stipend rather than the purchase of retirement credit. The amount of the stipend would be the value of one-fifth of 1 year of retirement credit for each year that the teacher is eligible. An employee may not receive more than 5 years of retirement credit or stipends, or any combination of the two benefits.

This bill also expands the retirement credit program to include principals, assistant principals, deans, registrars, school librarians, school counselors and school nurses.

This bill provides for the transfer of money from the State Distributive School Account to be used for various purposes. First, money is transferred for the purchase of service or the payment of stipends, as applicable, for teachers and school psychologists. Money is also transferred for the purchase of service for the principals, assistant principals, deans and registrars, but not for the school librarians, school counselors and school nurses. The board of trustees is prohibited from assigning or reassigning these school employees to circumvent the requirement to purchase retirement credit or pay stipends. In addition, the employee's salary may not include the cost of paying for the retirement credit or stipends.

This bill also provides for the transfer of money to pay signing bonuses to certain newly hired teachers during the 2005-2006 school year and the 2006-2007 school year. This bill also transfers money to provide stipends for certain postprobationary teachers and principals employed in isolated schools in remote and rural areas of Nevada.

This bill further requires the board of trustees of each school district to determine whether there is a correlation between the years of administrative experience of principals and failure of a school to make adequate yearly progress. Based on such information, the boards are required to develop a plan to address discrepancies. The boards are also required to submit a report to the Legislative Committee on Education.

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]~~
subsections 2 and 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 ,
principal, assistant principal, dean, registrar, school librarian,
school counselor or school nurse 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 *so*
employed ~~[as a licensed teacher or 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 is not applicable*, 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, *principal, assistant principal, dean, registrar, school librarian, school counselor or school nurse* for 2 school years at a school within the school district 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 at risk;

(2) The *employee is a* teacher *who* holds an endorsement in the field of mathematics, science, special education or English as a second language and has been employed for at least 1 school year to teach in the subject area for which he holds an endorsement; or

(3) The *employee is a* school psychologist *who* has been *so* employed ~~as a licensed school psychologist~~ *in that capacity at a school* for at least 1 school year.

↳ The provisions of this paragraph do not require consecutive years of employment or employment at the same school within the school district.

2. Except as otherwise provided in subsection 3, the board of trustees of a school district shall pay the cost for a licensed teacher, ~~or~~ school psychologist ~~to~~, *principal, assistant principal, dean, registrar, school librarian, school counselor or school nurse to* purchase one-fifth of a year of service for each year that ~~a teacher or school psychologist~~ *the employee* satisfies the requirements of subsection 1. *In lieu of the purchase of service, a licensed teacher who satisfies the criteria set forth in subparagraph (2) of paragraph (d) of subsection 1 may elect to receive a stipend in the amount of the cost to purchase one-fifth of a year of service.*

3. If, in 1 school year, a teacher satisfies the criteria set forth in both subparagraphs (1) and (2) of paragraph (d) of subsection 1, the school district in which the teacher is employed is not required to pay for more than one-fifth of a year of service pursuant to subsection 2 of NRS 286.300 *or to pay for more than one stipend, as applicable*, for that school year.



~~[3-]~~ 4. In no event may ~~[the]~~ :

(a) *The* years of service purchased by a licensed teacher , ~~[or]~~ school psychologist , *principal, assistant principal, dean, registrar, school librarian, school counselor or school nurse* as a result of subsection 2 of NRS 286.300 exceed 5 years.

~~[4-]~~ (b) *A teacher receive a stipend in lieu of the purchase of service for more than 5 years, calculated from the date on which the teacher first became eligible for the purchase of service.*

(c) *An employee receive more than a total of 5 years of service or stipends, or any combination thereof, pursuant to subsection 2.*

5. The board of trustees of a school district shall not:

(a) Assign or reassign a licensed teacher , ~~[or]~~ school psychologist , *principal, assistant principal, dean, registrar, school librarian, school counselor or school nurse* to circumvent the requirements of this section.

(b) Include as part of ~~[a teacher's or school psychologist's]~~ *the salary of a licensed teacher, school psychologist, principal, assistant principal, dean, registrar, school librarian, school counselor or school nurse* the costs of paying ~~[the teacher or school psychologist]~~ *the employee* to purchase service pursuant to this section.

~~[5-]~~ 6. As used in this section:

(a) A child is "at risk" if he is eligible for free or reduced-price lunches pursuant to 42 U.S.C. §§ 1751 et seq.

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

Sec. 2. 1. The Department of Education shall transfer from the State Distributive School Account the following sums to purchase one-fifth of a year of service or to provide a stipend for certain teachers and school psychologists in accordance with NRS 391.165:

For the Fiscal Year 2005-2006..... \$18,084,233

For the Fiscal Year 2006-2007..... \$20,745,280

2. The Department of Education shall distribute the money transferred pursuant to subsection 1 to the school districts to assist the school districts with paying for the retirement credit or stipend for certain teachers in accordance with subparagraphs (1) and (2) of paragraph (d) of subsection 1 of NRS 391.165 and for paying for the retirement credit for certain school psychologists in accordance with subparagraph (3) of paragraph (d) of subsection 1 of NRS 391.165. The amount of money distributed to each school district must be proportionate to the total costs of paying for the retirement credit or stipend pursuant to NRS 391.165 for each fiscal year. If insufficient money is available from the distribution to pay the total costs necessary to pay the retirement credit or stipend for each fiscal year,



1 the school district shall pay the difference to comply with
2 NRS 391.165.

3 3. Any balance of the sums transferred pursuant to subsection 1
4 remaining at the end of the respective fiscal years must not be
5 committed for expenditure after June 30 of the respective fiscal
6 years and reverts to the State Distributive School Account as soon as
7 all payments of money committed have been made.

8 **Sec. 3.** 1. The Department of Education shall transfer from
9 the State Distributive School Account the following sums to
10 purchase one-fifth of a year of service for certain licensed
11 educational personnel in accordance with NRS 391.165:

12 For the Fiscal Year 2005-2006..... \$1,943,890

13 For the Fiscal Year 2006-2007..... \$2,071,992

14 2. The Department of Education shall distribute the money
15 appropriated by subsection 1 to the school districts to assist the
16 school districts with paying for the retirement credit for certain
17 school principals, assistant principals, deans and registrars in
18 accordance with subparagraph (1) of paragraph (d) of subsection 1
19 of NRS 391.165. The amount of money distributed to each school
20 district must be proportionate to the total costs of paying for the
21 retirement credit pursuant to NRS 391.165 for each fiscal year. If
22 insufficient money is available to pay the total costs necessary to
23 pay the retirement credit for each fiscal year, the school district shall
24 pay the difference to comply with NRS 391.165.

25 3. Any balance of the sums transferred pursuant to subsection 1
26 remaining at the end of the respective fiscal years must not be
27 committed for expenditure after June 30 of the respective fiscal
28 years and reverts to the State Distributive School Account as soon as
29 all payments of money committed have been made.

30 **Sec. 4.** 1. The Department of Education shall transfer from
31 the State Distributive School Account the following sums to provide
32 signing bonuses to teachers who are newly hired by school districts
33 for the 2005-2006 school year and the 2006-2007 school year.

34 For the Fiscal Year 2005-2006..... \$5,000,000

35 For the Fiscal Year 2006-2007..... \$5,000,000

36 2. A newly hired teacher may not receive a signing bonus until
37 he has taught for a school district in this State for at least 30 days. A
38 teacher may not receive more than one signing bonus pursuant to
39 this section. A teacher who teaches for a school district in this State
40 before July 1, 2005, and who subsequently transfers to another
41 school district in this State is not eligible to receive a signing bonus
42 pursuant to this section.

43 3. A school district that wishes to provide signing bonuses to
44 its newly hired teachers shall submit information to the Department
45 of Education, in a format prescribed by the Department, concerning



1 the number of teachers who are newly hired by the school district to
2 teach for the 2005-2006 school year and the 2006-2007 school year.
3 A school district shall submit a request for each fiscal year that it
4 wishes to provide signing bonuses pursuant to this section.

5 4. The Department of Education shall use the money
6 transferred pursuant to subsection 1 to provide signing bonuses to
7 teachers who are newly hired for the 2005-2006 school year and the
8 2006-2007 school year. The Department shall analyze the total
9 number of newly hired teachers for the 2005-2006 school year and
10 determine the total amount of money to be allocated for Fiscal Year
11 2005-2006 in a manner which will ensure that an adequate amount
12 of money is available for signing bonuses for Fiscal Year 2006-
13 2007. If necessary, the Department shall adjust the amount of each
14 signing bonus for Fiscal Year 2005-2006 to ensure that an adequate
15 amount of money is available to provide signing bonuses to newly
16 hired teachers for Fiscal Year 2006-2007. The amount of a bonus
17 paid to each teacher in either fiscal year must not exceed \$2,000.

18 5. No additional money will be appropriated by the Legislature
19 for the purpose of providing signing bonuses for teachers for the
20 2005-2007 biennium.

21 6. The sums transferred pursuant to subsection 1 are available
22 for either fiscal year. Any remaining balance of those sums must not
23 be committed for expenditure after June 30, 2007, and reverts to the
24 State Distributive School Account as soon as all payments of money
25 committed have been made.

26 **Sec. 5.** 1. The Department of Education shall transfer from
27 the State Distributive School Account the sum of \$500,000 to
28 provide stipends to postprobationary teachers and principals
29 employed in certain schools during the 2005-2007 biennium. The
30 money allocated must be used to provide stipends to
31 postprobationary teachers and principals employed in isolated
32 schools in remote or rural areas of the State that the Department of
33 Education has determined are schools for which the school district
34 in which the school is located has difficulty recruiting and retaining
35 qualified teachers and principals.

36 2. A school district may submit an application to the
37 Department of Education on or before November 1 of each fiscal
38 year for an allocation from the amount transferred pursuant to
39 subsection 1.

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

43 (a) Develop a form for applications for an allocation pursuant to
44 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 reverts to the State Distributive School Account as soon as all payments of money committed have been made.

Sec. 6. 1. The board of trustees of each school district shall review the years of experience as a school administrator of each principal in the district.

2. The review conducted pursuant to subsection 1 must compare the years of administrative experience of each principal of a school in the district that has been designated as failing to make adequate yearly progress pursuant to NRS 385.3613 with the years of such experience of each principal of a school in the district that is achieving adequate yearly progress.

3. If the board of trustees of a school district finds a correlation between the number of years of administrative experience of a principal and whether the school at which he is the principal fails to make adequate yearly progress or achieves adequate yearly progress in a review conducted pursuant to subsection 1, the board of trustees shall develop a plan to address such discrepancies in the assignment of principals based upon years of administrative experience.

4. On or before September 1, 2006, the board of trustees of each school district shall submit a written report of its review pursuant to this section to the Legislative Committee on Education. If applicable, the written report must include the plan developed by the board of trustees pursuant to subsection 3.

Sec. 7. The provisions of subsection 1 of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.



1 **Sec. 8.** This act becomes effective on July 1, 2005.

