

Amendment No. 90

Assembly Amendment to Assembly Bill No. 162

(BDR 34-934)

Proposed by: Committee on Education

Amendment Box:

Resolves Conflicts with: N/A

Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____
Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____

Amend the bill as a whole by deleting sections 1 through 12 and renumbering sections 13 and 14 as sections 1 and 2.

Amend sec. 14, page 15, line 28, by deleting “***13***” and inserting “***1***”.

Amend the bill as a whole by deleting sections 15 through 17 and renumbering sections 18 through 20 as sections 3 through 5.

Amend sec. 18, page 20, line 2, by deleting “, ~~for~~” and inserting “or”.

Amend sec. 18, page 20, by deleting line 3 and inserting “school district”.

Amend sec. 18, page 20, line 5, by deleting “, ~~for~~” and inserting “or”.

Amend sec. 18, page 20, by deleting line 6 and inserting “trustees, as”.

Amend sec. 18, page 20, by deleting lines 18 through 25 and inserting:

MAM/KCR

Date: 4/4/2005

A.B. No. 162—Revises provisions governing charter schools and educational personnel.

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

Amend sec. 18, page 21, line 8, by deleting “13” and inserting “1”.

Amend sec. 20, page 24, by deleting lines 8 through 28 and inserting:

~~“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”.~~

Amend sec. 20, page 24, line 29, after “school” by inserting:

“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”.

Amend sec. 20, page 24, line 35, by deleting “4.” and inserting “[4.] 3.”.

Amend sec. 20, page 24, line 43, by deleting “5;” and inserting “[5.] 4;”.

Amend sec. 20, page 25, line 3, by deleting “5.” and inserting “[5.] 4.”.

Amend sec. 20, page 25, line 4, by deleting “5.” and inserting “[5.] 4.”.

Amend sec. 20, page 25, by deleting lines 23 through 30 and inserting:

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

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

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

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

Amend sec. 20, page 25, line 31, by deleting “7.” and inserting “[7.] 6.”.

Amend sec. 20, page 25, line 35, by deleting “8.” and inserting “[8.] 7.”.

Amend sec. 20, page 25, line 40, by deleting “9.” and inserting “[9.] 8.”.

Amend sec. 20, page 26, line 6, by deleting “10.” and inserting “[10.] 9.”.

Amend the bill as a whole by deleting sec. 21 and renumbering sections 22 and 23 as sections 6 and 7.

Amend the bill as a whole by deleting sec. 24 and renumbering sec. 25 as sec. 8.

Amend sec. 25, page 32, by deleting lines 11 through 25 and inserting:

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

Amend sec. 25, page 32, line 26, by deleting “(a)” and inserting “1.”.

Amend sec. 25, page 32, line 27, by deleting “(b)” and inserting “2.”.

Amend sec. 25, page 32, line 30, by deleting “(c)” and inserting “3.”.

Amend the bill as a whole by renumbering sections 26 and 27 as sections 10 and 11 and adding a new section designated sec. 9, following sec. 25, to read as follows:

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

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

(a) Shall adopt regulations:

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

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

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

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

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

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

(I) Provide instruction or other educational services; and

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

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

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

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

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

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

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

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

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

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

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

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

Amend sec. 26, page 32, by deleting lines 37 and 38, and inserting:

“391.021 Except as otherwise provided in ~~[NRS]~~ *subparagraph (7) of paragraph (a) of subsection 1 of NRS 391.019 and* 391.027, the Commission shall adopt regulations”.

Amend sec. 27, page 33, by deleting lines 18 and 19 and inserting:

“*application for the issuance of a license pursuant to subparagraph (7) of paragraph (a) of subsection 1 of NRS 391.019, an* applicant for a license as a teacher or administrator or to”.

Amend the bill as a whole by renumbering sec. 28 as sec. 13 and adding a new section designated sec. 12, following sec. 27, to read as follows:

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

Amend sec. 28, page 33, line 25, by deleting “section 20” and inserting:

“sections 4 and 12”.

Amend sec. 28, page 33, by deleting line 27 and inserting:

“2. Sections 1, 2, 3 and 5 to 11, inclusive, of this”.

Amend the title of the bill to read as follows:

“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.”.

**If this amendment is adopted, the Legislative
Counsel's Digest will be changed to read as follows:**

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.