

SENATE BILL NO. 268—SENATOR BEERS

MARCH 22, 2005

Referred to Committee on Human Resources and Education

SUMMARY—Revises provisions governing qualifications for employment as administrators of school districts. (BDR 34-945)

FISCAL NOTE: Effect on Local Government: No.
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 educational personnel; providing that the board of trustees of a school district shall not employ or reemploy a person as an administrator unless that person has certain experience in providing classroom instruction; providing an exception for administrators who are not licensed teachers; and providing other matters properly relating thereto.

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

Section 1. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this subsection, the board of trustees of a school district shall not employ or reemploy a person as an administrator unless the person has provided instruction in the classroom as a licensed teacher for at least one semester in the 5 years immediately preceding the date of employment or the date of reemployment, as applicable. The provisions of this subsection do not apply to the employment or reemployment of a person as an administrator if that person does not hold a license to teach.

2. As used in this section, “administrator” means each person on the schedule of salaries of a school district as an administrator who is employed to provide administrative service at the:



- 1 (a) District level;
2 (b) School level, including, without limitation, a principal or
3 vice principal; or
4 (c) Both the district level and the school level.

5 ➔ The term does not include a teacher whose working time is
6 primarily spent providing instruction in a classroom.

7 Sec. 2. NRS 391.100 is hereby amended to read as follows:

8 391.100 1. ~~The~~ Except as otherwise provided in section 1
9 of this act, the board of trustees of a school district may employ a
10 superintendent of schools, teachers and all other necessary
11 employees.

12 2. A person who is initially hired by the board of trustees of a
13 school district on or after January 8, 2002, to teach in a program
14 supported with money from Title I must possess the qualifications
15 required by 20 U.S.C. § 6319(a). For the purposes of this
16 subsection, a person is not "initially hired" if he has been employed
17 as a teacher by another school district or charter school in this State
18 without an interruption in employment before the date of hire by his
19 current employer.

20 3. A person who is employed as a teacher, regardless of the
21 date of hire, must possess, on or before July 1, 2006, the
22 qualifications required by 20 U.S.C. § 6319(a) if he teaches:

- 23 (a) English, reading or language arts;
24 (b) Mathematics;
25 (c) Science;
26 (d) Foreign language;
27 (e) Civics or government;
28 (f) Economics;
29 (g) Geography;
30 (h) History; or
31 (i) The arts.

32 4. The board of trustees of a school district:

33 (a) May employ teacher aides and other auxiliary,
34 nonprofessional personnel to assist licensed personnel in the
35 instruction or supervision of children, either in the classroom or at
36 any other place in the school or on the grounds thereof. A person
37 who is initially hired as a paraprofessional by a school district on or
38 after January 8, 2002, to work in a program supported with Title I
39 money must possess the qualifications required by 20 U.S.C. §
40 6319(c). A person who is employed as a paraprofessional by a
41 school district, regardless of the date of hire, to work in a program
42 supported with Title I money must possess, on or before January 8,
43 2006, the qualifications required by 20 U.S.C. § 6319(c). For the
44 purposes of this paragraph, a person is not "initially hired" if he has
45 been employed as a paraprofessional by another school district or



1 charter school in this State without an interruption in employment
2 before the date of hire by his current employer.

3 (b) Shall establish policies governing the duties and
4 performance of teacher aides.

5 5. Each applicant for employment pursuant to this section,
6 except a teacher or other person licensed by the Superintendent of
7 Public Instruction, must, as a condition to employment, submit to
8 the school district a full set of his fingerprints and written
9 permission authorizing the school district to forward the fingerprints
10 to the Central Repository for Nevada Records of Criminal History
11 for its report on the criminal history of the applicant and for
12 submission to the Federal Bureau of Investigation for its report on
13 the criminal history of the applicant.

14 6. Except as otherwise provided in subsection 7, the board of
15 trustees of a school district shall not require a licensed teacher or
16 other person licensed by the Superintendent of Public Instruction
17 pursuant to NRS 391.033 who has taken a leave of absence from
18 employment authorized by the school district, including, without
19 limitation:

20 (a) Sick leave;

21 (b) Sabbatical leave;

22 (c) Personal leave;

23 (d) Leave for attendance at a regular or special session of the
24 Legislature of this State if the employee is a member thereof;

25 (e) Maternity leave; and

26 (f) Leave permitted by the Family and Medical Leave Act of
27 1993, 29 U.S.C. §§ 2601 et seq.,

28 ➔ to submit a set of his fingerprints as a condition of return to or
29 continued employment with the school district if the employee is in
30 good standing when the employee began the leave.

31 7. ~~IA~~ **The** board of trustees of a school district may ask the
32 Superintendent of Public Instruction to require a person licensed by
33 the Superintendent of Public Instruction pursuant to NRS 391.033
34 who has taken a leave of absence from employment authorized by
35 the school district to submit a set of his fingerprints as a condition of
36 return to or continued employment with the school district if the
37 board of trustees has probable cause to believe that the person has
38 committed a felony or an offense involving moral turpitude during
39 the period of his leave of absence.

40 8. The board of trustees of a school district may employ or
41 appoint persons to serve as school police officers. If the board of
42 trustees of a school district employs or appoints persons to serve as
43 school police officers, the board of trustees shall employ a law
44 enforcement officer to serve as the chief of school police who is
45 supervised by the superintendent of schools of the school district.



1 The chief of school police shall supervise each person appointed or
2 employed by the board of trustees as a school police officer. In
3 addition, persons who provide police services pursuant to subsection
4 9 or 10 shall be deemed school police officers.

5 9. The board of trustees of a school district in a county that has
6 a metropolitan police department created pursuant to chapter 280 of
7 NRS may contract with the metropolitan police department for the
8 provision and supervision of police services in the public schools
9 within the jurisdiction of the metropolitan police department and on
10 property therein that is owned by the school district. If a contract is
11 entered into pursuant to this subsection, the contract must make
12 provision for the transfer of each school police officer employed by
13 the board of trustees to the metropolitan police department. If the
14 board of trustees of a school district contracts with a metropolitan
15 police department pursuant to this subsection, the board of trustees
16 shall, if applicable, cooperate with appropriate local law
17 enforcement agencies within the school district for the provision and
18 supervision of police services in the public schools within the school
19 district and on property owned by the school district, but outside the
20 jurisdiction of the metropolitan police department.

21 10. The board of trustees of a school district in a county that
22 does not have a metropolitan police department created pursuant to
23 chapter 280 of NRS may contract with the sheriff of that county for
24 the provision of police services in the public schools within the
25 school district and on property therein that is owned by the school
26 district.

27 **Sec. 3.** NRS 391.120 is hereby amended to read as follows:

28 391.120 1. ~~{Boards}~~ *Except as otherwise provided in section*
29 *1 of this act, the board* of trustees of ~~{the school districts}~~ *a school*
30 *district* in this State may employ legally qualified teachers and other
31 licensed personnel and may determine their salaries and the length
32 of the term of school for which they are employed. These conditions
33 and any other conditions agreed upon by the parties must be
34 embodied in a written contract, or notice of reemployment, to be
35 approved by the board of trustees and accepted and signed by the
36 employee. A copy of the contract or notice of reemployment,
37 properly written, must be delivered to each teacher or other licensed
38 employee not later than the opening of the term of school.

39 2. A board of trustees may not employ teachers or other
40 licensed personnel for any school year commencing after the
41 expiration of the time for which any member of the board of trustees
42 was elected or appointed.

43 3. It is unlawful for the board of trustees of any school district
44 to employ any teacher who is not legally qualified to teach all the
45 grades which the teacher is engaged to teach. The board of trustees



1 shall suspend or terminate, as applicable, the employment of any
2 teacher who fails to maintain a license issued pursuant to this
3 chapter in force, if such a license is required for employment. Any
4 such suspension or termination must comply with the requirements
5 of NRS 391.301 to 391.309, inclusive.

6 4. On or before November 15 of each year, the school district
7 shall submit to the Department, in a form prescribed by the
8 Superintendent of Public Instruction, the following information for
9 each licensed employee employed by the school district on
10 October 1 of that year:

11 (a) The amount of salary of the employee; and

12 (b) The designated assignment, as that term is defined by the
13 Department, ~~{of Education,}~~ of the employee.

14 **Sec. 4.** 1. If a person is employed as an administrator by the
15 board of trustees of a school district on July 1, 2005, and that person
16 would otherwise be required to provide instruction in a classroom in
17 accordance with section 1 of this act, the board of trustees:

18 (a) May renew his contract one time if the period of renewal
19 does not exceed 5 years, regardless of whether that person has
20 provided instruction in a classroom in the immediately preceding 5
21 years; and

22 (b) Shall require the person to provide instruction in a classroom
23 in accordance with section 1 of this act as a condition to any further
24 renewals of his contract of employment as an administrator.

25 2. As used in this section, the term "administrator" has the
26 meaning ascribed to it in section 1 of this act.

27 **Sec. 5.** This act becomes effective on July 1, 2005.



