

ASSEMBLY BILL NO. 432—ASSEMBLYMEN KIHUEN, SEGERBLOM, ANDERSON, BOBZIEN, BUCKLEY, CONKLIN, DENIS, GERHARDT, HORNE, KOIVISTO, MANENDO, MORTENSON, MUNFORD, OHRENSCHALL, PARKS, PIERCE AND WOMACK

MARCH 19, 2007

JOINT SPONSOR: SENATOR WIENER

Referred to Committee on Education

SUMMARY—Revises provisions governing the suspension and termination of certain educational personnel for failure to maintain a valid license. (BDR 34-1192)

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 education; requiring a school district to maintain an employee in his position of employment rather than suspend his employment for failure to maintain a valid license if the lapse of the employee's license occurs during a time that school is in session; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill requires the Superintendent of Public Instruction to provide written notice to a person who is licensed pursuant to chapter 391 of NRS of the date of expiration of the person's license.

Existing law prescribes the action that must be taken by a school district if the license of a teacher or other person who is licensed pursuant to chapter 391 of NRS fails to maintain his license in force. (NRS 391.301-391.309) A school district shall immediately suspend without pay such a person from employment. If the person does not reinstate his license within a prescribed time, the school district shall terminate the person's employment. (NRS 391.302) **Section 3** of this bill provides that if the employee's license lapses during a time that school is in session, the employee must not be suspended from employment for 90 days or until the end of the school year, whichever is longer. The person's employment shall be deemed terminated if the person does not reinstate his license within the prescribed time.



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 the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *The Superintendent of Public Instruction shall provide written notice to each person who holds a license issued pursuant to this chapter of the date on which the license expires. The written notice must be mailed, by first-class mail, to the last known address of the licensee, as reflected in the records of the Superintendent, not less than 6 months and not more than 1 year before the date of expiration.*

Sec. 3. 1. *Except as otherwise provided by subsection 3, if the license of an employee lapses during a time that school is in session:*

(a) The school district that employs him shall provide written notice to the employee of the lapse of his license and of the provisions of this section;

(b) The employee must not be suspended from employment for the lapsed license for a period of 90 days after the date of the notice pursuant to paragraph (a) or the end of the school year, whichever is longer; and

(c) The employee's license shall be deemed valid for the period described in paragraph (b) for purposes of the employee's continued employment with the school district during that period.

2. *If a school district complies with subsection 1 and an employee fails to reinstate his license within the time prescribed in paragraph (b) of subsection 1, his employment shall be deemed terminated at the end of the period described in paragraph (b) of subsection 1 and the school district is not otherwise required to comply with NRS 391.301 to 391.309, inclusive.*

3. *The provisions of this section do not apply to an employee whose license has been suspended or revoked by the State Board pursuant to NRS 391.320 to 391.361, inclusive.*

Sec. 4. NRS 391.120 is hereby amended to read as follows:

391.120 1. Boards of trustees of the school districts in this State may employ legally qualified teachers and other licensed personnel and may determine their salaries and the length of the term of school for which they are employed. These conditions and any other conditions agreed upon by the parties must be embodied in a written contract, or notice of reemployment, to be approved by the board of trustees and accepted and signed by the employee. A copy of the contract or notice of reemployment, properly written, must be delivered to each teacher or other licensed employee not later than the opening of the term of school.



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

3. It is unlawful for the board of trustees of any school district to employ any teacher who is not legally qualified to teach all the grades which the teacher is engaged to teach. ~~[[The]]~~ *Except as otherwise provided in section 3 of this act, the* board of trustees shall suspend or terminate, as applicable, the employment of any teacher who fails to maintain a license issued pursuant to this chapter in force, if such a license is required for employment. Any such suspension or termination must comply with the requirements of NRS 391.301 to 391.309, inclusive ~~[[,]]~~ *and section 3 of this act.*

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

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

(b) The designated assignment, as that term is defined by the Department of Education, of the employee.

Sec. 5. NRS 391.301 is hereby amended to read as follows:

391.301 As used in NRS 391.301 to 391.309, inclusive, *and section 3 of this act*, unless the context otherwise requires, "employee" means a person who:

1. Is employed by a school district in this State; and

2. Is required, as a condition of his employment, to hold a license issued pursuant to this chapter.

Sec. 6. NRS 391.302 is hereby amended to read as follows:

391.302 1. ~~[[The]]~~ *Except as otherwise provided in section 3 of this act, if* an employee fails to maintain his license in force, the school district that employs him shall:

(a) Immediately suspend the employee without pay; and

(b) Terminate his employment if he fails to reinstate his license within the time prescribed by subsection 2 of NRS 391.305.

2. If an employee is suspended pursuant to this section and, within 90 days after the date of suspension, is granted by the Department or Commission an extension of time or any other relief which has the effect of reinstating or continuing his license in force, the suspension of the employee is ineffective and the school district shall immediately reinstate the employee while his license remains in force. The employee must be reinstated to the position he held at the time of his suspension. If the employee thereafter fails again to maintain his license in force, the school district shall again suspend



the employee without pay and proceed in accordance with NRS 391.305, 391.308 and 391.309.

Sec. 7. NRS 391.3115 is hereby amended to read as follows:

391.3115 1. The demotion, suspension, dismissal and nonreemployment provisions of NRS 391.311 to 391.3197, inclusive, do not apply to:

(a) Substitute teachers; or

(b) Adult education teachers.

2. The provisions of NRS 391.311 to 391.3194, inclusive, do not apply to a teacher whose employment is suspended or terminated pursuant to subsection 3 of NRS 391.120 **or section 3 of this act** for failure to maintain a license in force.

3. A licensed employee who is employed in a position fully funded by a federal or private categorical grant or to replace another licensed employee during that employee's leave of absence is employed only for the duration of the grant or leave. Such a licensed employee and licensed employees who are employed on temporary contracts for 90 school days or less, or its equivalent in a school district operating under an alternative schedule authorized pursuant to NRS 388.090, to replace licensed employees whose employment has terminated after the beginning of the school year are entitled to credit for that time in fulfilling any period of probation and during that time the provisions of NRS 391.311 to 391.3197, inclusive, for demotion, suspension or dismissal apply to them.

Sec. 8. The provisions of this act apply to any employee who fails to maintain his license in force on or after July 1, 2007.

Sec. 9. This act becomes effective on July 1, 2007.

