

ASSEMBLY BILL NO. 512—COMMITTEE ON EDUCATION

MARCH 23, 2007

Referred to Committee on Education

SUMMARY—Revises provisions governing educational personnel and student teachers. (BDR 34-1370)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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; requiring the board of trustees of a school district to employ certain student teachers as substitute teachers in certain schools and in certain subject areas under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law authorizes a school district to enter into an agreement for the
2 assignment of student teachers within the school district for training purposes.
3 (NRS 391.095) This bill requires a school district which has entered into such an
4 agreement to employ certain student teachers as substitutes in at-risk schools and in
5 hard to fill subject areas when licensed teachers are not available to fill those
6 positions.

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

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

3 *1. A board of trustees of a school district that has entered into*
4 *an agreement pursuant to NRS 391.095 shall, before assigning a*
5 *long-term substitute who is not a licensed teacher, assign a student*
6 *teacher who satisfies the requirements of subsection 2 as a*
7 *substitute teacher to fill positions:*

8 *(a) At schools in which 65 percent or more of the pupils who*
9 *are enrolled in the school are children who are at risk; or*



(b) In the field of mathematics, science, special education or English as a second language.

2. A student teacher who has completed not less than 4 weeks of student teaching in a school district pursuant to NRS 391.095 may apply to the board of trustees of that school district for employment as a substitute teacher. The application must include the written approval of:

(a) The teacher who supervises the student teacher through the Nevada System of Higher Education or accredited postsecondary educational institution, as applicable; and

(b) The teacher who is responsible for supervising the student teacher in the classroom.

3. If a school district employs a student teacher as a substitute teacher pursuant to this section, the school district shall ensure that the student teacher is supervised by a licensed teacher. A licensed teacher so assigned must:

(a) Be available to assist the student teacher and observe the student teacher on a periodic basis; and

(b) Oversee the management of the classroom, instructional duties and administrative duties of the student teacher.

4. A student teacher who is employed as a substitute teacher pursuant to this section is entitled to the rate of pay otherwise payable to substitute teachers employed by the school district for each day the student teacher works as a substitute teacher. Nothing in this section entitles a student teacher to be paid for time spent completing his student teaching.

5. The board of trustees of a school district that employs a student teacher as a substitute teacher pursuant to this section shall, in consultation with the employee organization representing licensed teachers in the school district, provide for compensation of the licensed teacher who supervises the student teacher pursuant to subsection 3 that is in addition to the regular salary of the licensed teacher.

6. As used in this section, "student teacher" means a student of a branch of the Nevada System of Higher Education or an accredited postsecondary educational institution who is assigned to teach for training purposes pursuant to NRS 391.095.

Sec. 2. NRS 391.273 is hereby amended to read as follows:

391.273 1. Except as otherwise provided in subsections 4 and 10 ~~H~~ and except for persons who are supervised pursuant to section 1 of this act, the unlicensed personnel of a school district must be directly supervised by licensed personnel in all duties which are instructional in nature. To the extent practicable, the direct supervision must be such that the unlicensed personnel are in the



1 immediate location of the licensed personnel and are readily
2 available during such times when supervision is required.

3 2. Unlicensed personnel who are exempted pursuant to
4 subsection 4 must be under administrative supervision when
5 performing duties which are instructional in nature.

6 3. Unlicensed personnel may temporarily perform duties under
7 administrative supervision which are not primarily instructional in
8 nature.

9 4. Except as otherwise provided in subsection 5, upon
10 application by a superintendent of schools, the Superintendent of
11 Public Instruction may grant an exemption from the provisions of
12 subsection 1. The Superintendent shall not grant an exemption
13 unless:

14 (a) The duties are within the employee's special expertise or
15 training;

16 (b) The duties relate to the humanities or an elective course of
17 study, or are supplemental to the basic curriculum of a school;

18 (c) The performance of the duties does not result in the
19 replacement of a licensed employee or prevent the employment of a
20 licensed person willing to perform those duties;

21 (d) The secondary or combined school in which the duties will
22 be performed has less than 100 pupils enrolled and is at least 30
23 miles from a school in which the duties are performed by licensed
24 personnel; and

25 (e) The unlicensed employee submits his fingerprints for an
26 investigation pursuant to NRS 391.033.

27 5. The exemption authorized by subsection 4 does not apply to
28 a paraprofessional if the provisions of 20 U.S.C. § 6319 and the
29 regulations adopted pursuant thereto require the paraprofessional to
30 be directly supervised by a licensed teacher.

31 6. The Superintendent of Public Instruction shall file a record
32 of all exempt personnel with the clerk of the board of trustees of
33 each local school district, and advise the clerk of any changes
34 therein. The record must contain:

35 (a) The name of the exempt employee;

36 (b) The specific instructional duties he may perform;

37 (c) Any terms or conditions of the exemption deemed
38 appropriate by the Superintendent of Public Instruction; and

39 (d) The date the exemption expires or a statement that the
40 exemption is valid as long as the employee remains in the same
41 position at the same school.

42 7. The Superintendent of Public Instruction may adopt
43 regulations prescribing the procedure to apply for an exemption
44 pursuant to this section and the criteria for the granting of such
45 exemptions.



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1 8. Except in an emergency, it is unlawful for the board of
2 trustees of a school district to allow a person employed as a
3 teacher's aide to serve as a teacher unless the person is a legally
4 qualified teacher licensed by the Superintendent of Public
5 Instruction. As used in this subsection, "emergency" means an
6 unforeseen circumstance which requires immediate action and
7 includes the fact that a licensed teacher or substitute teacher is not
8 immediately available.

9 9. If the Superintendent of Public Instruction determines that
10 the board of trustees of a school district has violated the provisions
11 of subsection 8, he shall take such actions as are necessary to reduce
12 the amount of money received by the district pursuant to NRS
13 387.124 by an amount equal to the product when the following
14 numbers are multiplied together:

15 (a) The number of days on which the violation occurred;

16 (b) The number of pupils in the classroom taught by the
17 teacher's aide; and

18 (c) The number of dollars of basic support apportioned to the
19 district per pupil per day pursuant to NRS 387.1233.

20 10. The provisions of this section do not apply to unlicensed
21 personnel who are employed by the governing body of a charter
22 school, unless a paraprofessional employed by the governing body
23 is required to be directly supervised by a licensed teacher pursuant
24 to the provisions of 20 U.S.C. § 6319 and the regulations adopted
25 pursuant thereto.

26 **Sec. 3.** This act becomes effective on July 1, 2007.

