

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 under certain circumstances; requiring the Legislative Committee on Education to study issues relating to the use of long-term substitute teachers; 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) **Section 1** of this bill requires a school district which has entered
4 into such an agreement to employ certain student teachers as substitutes when
5 licensed teachers are not available to fill those positions. **Section 3** of this bill
6 requires the Legislative Committee on Education to conduct a study of issues
7 relating to the use of long-term substitute teachers during the 2007-2009 interim.

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.***



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:

(a) Assigned to teach in the subject area and grade level, as applicable, in which the student teacher is completing his student teaching.

(b) Supervised by a licensed teacher. A licensed teacher so assigned must:

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

(2) 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 who is not employed as a substitute teacher to be paid for time spent completing his student teaching, including, without limitation, time spent completing course work and assignments required for completion of a program of study offered by the Nevada System of Higher Education or an accredited postsecondary educational institution.

5. Except as otherwise provided in this subsection, 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. The board of trustees is not required to provide additional compensation to:

(a) A licensed teacher who is employed by the school district for the primary purpose of supervising student teachers and who is



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1 *not otherwise employed for the purpose of providing classroom*
2 *instruction to pupils; or*

3 *(b) A licensed teacher who receives compensation from the*
4 *Nevada System of Higher Education or an accredited*
5 *postsecondary educational institution for supervising student*
6 *teachers.*

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

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

12 391.273 1. Except as otherwise provided in subsections 4 and
13 10 *H* *and except for persons who are supervised pursuant to*
14 *section 1 of this act*, the unlicensed personnel of a school district
15 must be directly supervised by licensed personnel in all duties which
16 are instructional in nature. To the extent practicable, the direct
17 supervision must be such that the unlicensed personnel are in the
18 immediate location of the licensed personnel and are readily
19 available during such times when supervision is required.

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

23 3. Unlicensed personnel may temporarily perform duties under
24 administrative supervision which are not primarily instructional in
25 nature.

26 4. Except as otherwise provided in subsection 5, upon
27 application by a superintendent of schools, the Superintendent of
28 Public Instruction may grant an exemption from the provisions of
29 subsection 1. The Superintendent shall not grant an exemption
30 unless:

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

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

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

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

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

44 5. The exemption authorized by subsection 4 does not apply to
45 a paraprofessional if the provisions of 20 U.S.C. § 6319 and the



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1 regulations adopted pursuant thereto require the paraprofessional to
2 be directly supervised by a licensed teacher.

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

7 (a) The name of the exempt employee;

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

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

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

14 7. The Superintendent of Public Instruction may adopt
15 regulations prescribing the procedure to apply for an exemption
16 pursuant to this section and the criteria for the granting of such
17 exemptions.

18 8. Except in an emergency, it is unlawful for the board of
19 trustees of a school district to allow a person employed as a
20 teacher's aide to serve as a teacher unless the person is a legally
21 qualified teacher licensed by the Superintendent of Public
22 Instruction. As used in this subsection, "emergency" means an
23 unforeseen circumstance which requires immediate action and
24 includes the fact that a licensed teacher or substitute teacher is not
25 immediately available.

26 9. If the Superintendent of Public Instruction determines that
27 the board of trustees of a school district has violated the provisions
28 of subsection 8, he shall take such actions as are necessary to reduce
29 the amount of money received by the district pursuant to NRS
30 387.124 by an amount equal to the product when the following
31 numbers are multiplied together:

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

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

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

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

43 **Sec. 3.** 1. The Legislative Committee on Education shall,
44 during the 2007-2009 interim, study issues relating to the use of
45 long-term substitute teachers, including, without limitation:



(a) The effect of the use of long-term substitutes who are not licensed teachers on the performance of pupils and the effect of the use of student teachers as substitutes pursuant to section 1 of this act on the performance of pupils;

(b) The number of long-term substitutes employed in this State and the number employed by each school district, including, without limitation, the number who are not licensed teachers;

(c) The number of student teachers employed as substitutes pursuant to section 1 of this act in this State and the number employed by each school district;

(d) The average time for which a long-term substitute is assigned to a single class;

(e) Methods to reduce the use of long-term substitutes, including, without limitation, methods to reduce the number of long-term substitutes who are not licensed teachers or not student teachers employed pursuant to section 1 of this act; and

(f) Any other issues relating to the use of long-term substitutes.

2. The Legislative Committee on Education may appoint a subcommittee to conduct the study required pursuant to subsection 1 or may request that an appropriate entity which is responsible for studying the coordination of elementary, secondary and postsecondary education in this State conduct the study and report to the Committee.

3. On or before February 1, 2009, the Legislative Committee on Education shall submit a report of the results of the study conducted pursuant to this section and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmission to the 75th Session of the Nevada Legislature.

Sec. 4. This act becomes effective on July 1, 2007.

