

ASSEMBLY BILL NO. 395—ASSEMBLYMEN DONDERO LOOP;
BENITEZ-THOMPSON, BOBZIEN, BUSTAMANTE ADAMS,
CONKLIN, DIAZ, FRIERSON, MASTROLUCA, SEGERBLOM
AND SMITH

MARCH 21, 2011

Referred to Committee on Education

SUMMARY—Creates a separate category of licensure to teach
special education. (BDR 34-808)

FISCAL NOTE: Effect on Local Government: No.
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 educational personnel; creating a separate
category of licensure to teach special education; and
providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law designates the following kinds of licenses for teachers and other
2 educational personnel in this State: (1) a license to teach elementary education; (2)
3 a license to teach middle school or junior high school; (3) a license to teach
4 secondary education; (4) a special license authorizing the holder to teach or
5 perform other educational functions; and (5) a special qualifications license
6 authorizing the holder to teach only in the grades and subject areas designated in
7 the license. (NRS 391.031) Existing law also requires the Commission on
8 Professional Standards in Education to adopt regulations requiring teachers to
9 obtain an endorsement in a field of specialization to be eligible to teach in that
10 field. (NRS 391.019) Existing administrative regulations of the Commission require
11 teachers to obtain endorsements to their teaching licenses to teach special
12 education. (NAC 391.340-391.398) **Section 1** of this bill creates a separate
13 category of licensure to teach special education.

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

1 **Section 1.** NRS 391.031 is hereby amended to read as follows:
2 391.031 There are the following kinds of licenses for teachers
3 and other educational personnel in this State:



1 1. A license to teach elementary education, which authorizes
2 the holder to teach in any elementary school in the State.

3 2. A license to teach middle school or junior high school
4 education, which authorizes the holder to teach in his or her major
5 or minor field of preparation or in both fields in grades 7, 8 and 9 at
6 any middle school or junior high school. He or she may teach only
7 in these fields unless an exception is approved pursuant to
8 regulations adopted by the Commission.

9 3. A license to teach secondary education, which authorizes the
10 holder to teach in his or her major or minor field of preparation or in
11 both fields in any secondary school. He or she may teach only in
12 these fields unless an exception is approved pursuant to regulations
13 adopted by the Commission.

14 4. *A license to teach special education, which authorizes the*
15 *holder to teach pupils with disabilities or gifted and talented*
16 *pupils, or both.*

17 5. A special license, which authorizes the holder to teach or
18 perform other educational functions in a school or program as
19 designated in the license.

20 ~~5.1~~ 6. A special license designated as a special qualifications
21 license, which authorizes the holder to teach only in the grades and
22 subject areas designated in the license. A special qualifications
23 license is valid for 3 years and may be renewed in accordance with
24 the applicable regulations of the Commission adopted pursuant to
25 subparagraph (7) or (10) of paragraph (a) of subsection 1 of
26 NRS 391.019.

27 **Sec. 2.** NRS 391.166 is hereby amended to read as follows:

28 391.166 1. There is hereby created the Grant Fund for
29 Incentives for Licensed Educational Personnel to be administered by
30 the Department. The Department may accept gifts and grants from
31 any source for deposit in the Grant Fund.

32 2. The board of trustees of each school district shall establish a
33 program of incentive pay for licensed teachers, school
34 psychologists, school librarians, school counselors and
35 administrators employed at the school level which must be designed
36 to attract and retain those employees. The program must be
37 negotiated pursuant to chapter 288 of NRS and must include,
38 without limitation, the attraction and retention of:

39 (a) Licensed teachers, school psychologists, school librarians,
40 school counselors and administrators employed at the school level
41 who have been employed in that category of position for at least 5
42 years in this State or another state and who are employed in schools
43 which are at-risk, as determined by the Department pursuant to
44 subsection 8; and



(b) Teachers who hold ~~an~~ *a license or* endorsement in the field of mathematics, science, special education, English as a second language or other area of need within the school district, as determined by the Superintendent of Public Instruction.

3. A program of incentive pay established by a school district must specify the type of financial incentives offered to the licensed educational personnel. Money available for the program must not be used to negotiate the salaries of individual employees who participate in the program.

4. If the board of trustees of a school district wishes to receive a grant of money from the Grant Fund, the board of trustees shall submit to the Department an application on a form prescribed by the Department. The application must include a description of the program of incentive pay established by the school district.

5. The Superintendent of Public Instruction shall compile a list of the financial incentives recommended by each school district that submitted an application. On or before December 1 of each year, the Superintendent shall submit the list to the Interim Finance Committee for its approval of the recommended incentives.

6. After approval of the list of incentives by the Interim Finance Committee pursuant to subsection 5 and within the limits of money available in the Grant Fund, the Department shall provide grants of money to each school district that submits an application pursuant to subsection 4 based upon the amount of money that is necessary to carry out each program. If an insufficient amount of money is available to pay for each program submitted to the Department, the amount of money available must be distributed pro rata based upon the number of licensed employees who are estimated to be eligible to participate in the program in each school district that submitted an application.

7. An individual employee may not receive as a financial incentive pursuant to a program an amount of money that is more than \$3,500 per year.

8. The Department shall, in consultation with representatives appointed by the Nevada Association of School Superintendents and the Nevada Association of School Boards, develop a formula for identifying at-risk schools for purposes of this section. The formula must be developed on or before July 1 of each year and include, without limitation, the following factors:

(a) The percentage of pupils who are eligible for free or reduced-price lunches pursuant to 42 U.S.C. §§ 1751 et seq.;

(b) The transiency rate of pupils;

(c) The percentage of pupils who are limited English proficient;

(d) The percentage of pupils who have individualized education programs;



(e) The percentage of pupils who score in the bottom two quarters on the mathematics portion or the reading portion, or both, of the high school proficiency examination; and

(f) The percentage of pupils who drop out of high school before graduation.

9. The board of trustees of each school district that receives a grant of money pursuant to this section shall evaluate the effectiveness of the program for which the grant was awarded. The evaluation must include, without limitation, an evaluation of whether the program is effective in recruiting and retaining the personnel as set forth in subsection 2. On or before December 1 of each year, the board of trustees shall submit a report of its evaluation to the:

(a) Governor;

(b) State Board;

(c) Interim Finance Committee;

(d) If the report is submitted in an even-numbered year, Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature; and

(e) Legislative Committee on Education.

Sec. 3. This act becomes effective on July 1, 2011.

