

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; revising
provisions governing the reciprocal licensure of
educational personnel; and providing other matters
properly relating thereto.

Legislative Counsel's Digest:

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

Existing law requires the Commission to adopt regulations which provide for
the reciprocal licensure of educational personnel from other states. (NRS 391.032)
Section 2 of this bill requires those regulations to include provisions providing for
the reciprocal licensure of persons who hold a license 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:

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

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

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

17 4. *A license to teach special education, which authorizes the*
18 *holder to teach pupils with disabilities or gifted and talented*
19 *pupils, or both.*

20 5. A special license, which authorizes the holder to teach or
21 perform other educational functions in a school or program as
22 designated in the license.

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

30 **Sec. 2.** NRS 391.032 is hereby amended to read as follows:

31 391.032 1. Except as otherwise provided in NRS 391.027,
32 the Commission shall:

33 (a) Consider and may adopt regulations which provide for the
34 issuance of conditional licenses to teachers and other educational
35 personnel before completion of all courses of study or other
36 requirements for a license in this State.

37 (b) Adopt regulations which provide for the reciprocal licensure
38 of educational personnel from other states ~~H~~ *including, without*
39 *limitation, for the reciprocal licensure of persons who hold a*
40 *license to teach special education.*

41 2. The regulations adopted pursuant to paragraph (b) of
42 subsection 1 may provide an exemption from the examinations



* A B 3 9 5 R 1 *

1 required for initial licensure for teachers and other educational
2 personnel from another state if the Commission determines that the
3 examinations required for initial licensure for teachers and other
4 educational personnel in that state are comparable to the
5 examinations required for initial licensure in this State.

6 3. A person who is issued a conditional license must complete
7 all courses of study and other requirements for a license in this State
8 which is not conditional within 3 years after the date on which a
9 conditional license is issued.

10 **Sec. 3.** NRS 391.166 is hereby amended to read as follows:

11 391.166 1. There is hereby created the Grant Fund for
12 Incentives for Licensed Educational Personnel to be administered by
13 the Department. The Department may accept gifts and grants from
14 any source for deposit in the Grant Fund.

15 2. The board of trustees of each school district shall establish a
16 program of incentive pay for licensed teachers, school
17 psychologists, school librarians, school counselors and
18 administrators employed at the school level which must be designed
19 to attract and retain those employees. The program must be
20 negotiated pursuant to chapter 288 of NRS and must include,
21 without limitation, the attraction and retention of:

22 (a) Licensed teachers, school psychologists, school librarians,
23 school counselors and administrators employed at the school level
24 who have been employed in that category of position for at least 5
25 years in this State or another state and who are employed in schools
26 which are at-risk, as determined by the Department pursuant to
27 subsection 8; and

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

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

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

42 5. The Superintendent of Public Instruction shall compile a list
43 of the financial incentives recommended by each school district that
44 submitted an application. On or before December 1 of each year, the



* A B 3 9 5 R 1 *

1 Superintendent shall submit the list to the Interim Finance
2 Committee for its approval of the recommended incentives.

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

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

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

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

25 (b) The transiency rate of pupils;

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

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

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

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

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

42 (a) Governor;

43 (b) State Board;

44 (c) Interim Finance Committee;



* A B 3 9 5 R 1 *

- 1 (d) If the report is submitted in an even-numbered year, Director
- 2 of the Legislative Counsel Bureau for transmittal to the next regular
- 3 session of the Legislature; and
- 4 (e) Legislative Committee on Education.
- 5 **Sec. 4.** This act becomes effective on July 1, 2011.

