

Amendment No. 186

Assembly Amendment to Assembly Bill No. 395

(BDR 34-808)

Proposed by: Assembly Committee on Education**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

CLP/KCR



Date: 4/11/2011

A.B. No. 395—Creates a separate category of licensure to teach special education.
(BDR 34-808)



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:

Section 1. NRS 391.031 is hereby amended to read as follows:
391.031 There are the following kinds of licenses for teachers and other educational personnel in this State:
1. A license to teach elementary education, which authorizes the holder to teach in any elementary school in the State.

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

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

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

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

~~5-1~~ 6. A special license designated as a special qualifications license, which authorizes the holder to teach only in the grades and subject areas designated in the license. A special qualifications license is valid for 3 years and may be renewed in accordance with the applicable regulations of the Commission adopted pursuant to subparagraph (7) or (10) of paragraph (a) of subsection 1 of NRS 391.019.

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

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

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

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

2. The regulations adopted pursuant to paragraph (b) of subsection 1 may provide an exemption from the examinations required for initial licensure for teachers and other educational personnel from another state if the Commission determines that the examinations required for initial licensure for teachers and other educational personnel in that state are comparable to the examinations required for initial licensure in this State.

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

~~Sec. 2-1~~ **Sec. 3. NRS 391.166 is hereby amended to read as follows:**

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

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

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

(b) Teachers who hold ~~fast~~ 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;

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

4 (e) Legislative Committee on Education.

5 ~~Sec. 3.~~ **Sec. 4.** This act becomes effective on July 1, 2011.