

Amendment No. 289

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| Senate Amendment to Senate Bill No. 191 | (BDR 34-562) |
| Proposed by: Senate Committee on Education | |
| Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes | |

Adoption of this amendment will MAINTAIN the unfunded mandate not requested by the affected local government to S.B. 191 (§§ 7-9).

| ASSEMBLY ACTION | | | Initial and Date | SENATE ACTION | | | Initial and Date | | |
|-----------------|--------------------------|------|--------------------------|---------------|--------------|--------------------------|------------------|--------------------------|--|
| Adopted | <input type="checkbox"/> | Lost | <input type="checkbox"/> | | Adopted | <input type="checkbox"/> | Lost | <input type="checkbox"/> | |
| Concurred In | <input type="checkbox"/> | Not | <input type="checkbox"/> | | Concurred In | <input type="checkbox"/> | Not | <input type="checkbox"/> | |
| Receded | <input type="checkbox"/> | Not | <input type="checkbox"/> | | Receded | <input type="checkbox"/> | Not | <input type="checkbox"/> | |

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.

AMM/RBL



Date: 4/15/2019

S.B. No. 191—Requires each public school in a school district to establish and maintain a school library. (BDR 34-562)



SENATE BILL NO. 191—~~[SENATOR]~~ SENATORS WOODHOUSE ; AND DONDERO LOOP

FEBRUARY 18, 2019

Referred to Committee on Education

SUMMARY—Requires each public school in a school district to establish and maintain a school library. (BDR 34-562)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§§ 7-9)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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 each public school in a school district, including a charter school, to establish and maintain a school library that meets certain standards; requiring the State Board of Education to adopt regulations prescribing the minimum standards for a school library; prescribing requirements and exceptions for employing a ~~school~~ teacher librarian; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the board of trustees of a school district to purchase all new library books which are necessary and have been approved by the State Board of Education to carry out the mandates of the school curriculum. (NRS 393.170) With certain exceptions, existing law also requires a school district to spend in each school year a certain amount of money on library books. (NRS 387.207)

Section 7 of this bill requires each public school in a school district, including each charter school, to establish and maintain a school library that provides library services to the pupils, teachers and administrators of the school. **Section 2.5 of this bill defines “charter school” as a charter school that enrolls 500 or more pupils and excludes a charter school that only offers a full-time program of distance education.** **Section 7** also requires the State Board of Education to adopt regulations that prescribe the minimum requirements of a school library.

With certain exceptions provided in **section 9** of this bill, **section 8** of this bill requires each **public school and each charter** school to employ a ~~school~~ teacher librarian. **Section 6.7 of this bill defines “teacher” as a person employed by a school district to provide library services in a school library and includes a person: (1) who holds an endorsement as a school library media specialist; (2) employed as a paraprofessional to provide support in a school library; or (3) who holds an associate’s degree in library science. Section 8 requires the governing body of a charter school to determine whether to employ a school librarian. who: (1) holds a license to teach; and (2) may hold a certification as a professional school library media specialist issued by the National Board for Professional Teaching Standards.** **Section 8** prohibits the board of trustees of a school district **and the governing body of a charter school** from giving preference to certain

employees who provide library services. **Section 9** provides that a school is not required to employ a ~~school~~ teacher librarian if: (1) the school is unable to employ a ~~school~~ teacher librarian and is granted permission by the superintendent of schools of the school district or the sponsor of the charter school, as applicable, to jointly employ a ~~school~~ teacher librarian with another such school; or (2) the school is located in a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties), is unable to employ certain persons to provide library services and is granted ~~permission~~ a waiver by the ~~superintendent of schools of the school district for the school district to employ a school librarian to provide library services for the school. If the superintendent of schools of a school district located in a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties) approves an application for the school district to employ a school librarian to provide library services to a public school but is unable to employ a school librarian, the superintendent of schools of the school district may apply to the Department of Education for assistance in providing library services to the pupils in that public school.~~ State Board of Education.

Section 9.5 of this bill grandfathers in current school library assistants until July 1, 2025, so that those school library assistants may perform the duties assigned to a teacher librarian set forth in this bill without obtaining a license to teach or any other credentials or endorsements until that date.

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

Section 1. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this act.

Sec. 2. *As used in sections 2 to 9, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections ~~2.3~~ 2.5 to ~~6.7~~ 6.7, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 2.5. “Charter school” means a charter school that enrolls 500 or more pupils. The term does not include a charter school that only offers a full-time program of distance education.

Sec. 3. “Library services” means lending library books and other materials for use inside and outside of a school for a reasonable period of time at no charge ~~to~~, providing instruction on access and use of library materials, teaching the proper and effective use of information technology and providing reference services and assistance to pupils.

Sec. 4. “Program of distance education” has the meaning ascribed to it in NRS 388.829.

Sec. 5. ~~“School librarian” means a person employed by a school district to provide library services in a school library established and maintained pursuant to section 7 of this act and includes a person:~~

- ~~1. Who holds an endorsement as a school library media specialist;~~
- ~~2. Employed as a paraprofessional to provide support in a school library; or~~
- ~~3. Who holds an associate’s degree in library science.~~ (Deleted by amendment.)

Sec. 6. “School library” means an area or group of areas inside a school containing library books and other materials, including, without limitation, paperback and hardcover books.

Sec. 6.3. “School library assistant” means a person who provides library services in a school library established and maintained pursuant to section 7 of this act and includes a person:

1. Employed as a paraprofessional to provide support in a school library; or
2. Who holds an associate’s degree or higher in library science.

1 Sec. 6.7. "Teacher librarian" means a person who provides library services
2 in a school library established and maintained pursuant to section 7 of this act
3 and who:

4 1. Holds a current license to teach issued pursuant to chapter 391 of NRS;
5 and

6 2. May hold a certification as a professional school library media specialist
7 issued by the National Board for Professional Teaching Standards as described
8 in NRS 391.163.

9 Sec. 7. 1. Each public school in a school district, including, without
10 limitation, each charter school, shall establish and maintain a school library that:

11 (a) Provides library services to the pupils, teachers and administrators of the
12 school; and

13 (b) Meets or exceeds any minimum requirements established by regulation
14 by the State Board pursuant to subsection 2.

15 2. The State Board shall adopt regulations that prescribe the minimum
16 requirements for a school library established pursuant to subsection 1. The
17 regulations must include, without limitation:

18 (a) The minimum number of books, computers and other equipment that
19 must be maintained at each school library;

20 (b) The type of facilities and the minimum amount of space that must be
21 reserved for each school library; and

22 (c) Methods for providing library services, to the greatest extent possible, to
23 pupils in a public school for which physical space for such a school library may
24 be impracticable, including, without limitation, a school with a limited number of
25 rooms, substantially all of which are used for instruction, or a school which
26 provides instruction through programs of distance education.

27 Sec. 8. 1. Except as otherwise provided in this section or section 9 of this
28 act, each public school in a school district, including, without limitation, a
29 charter school, shall employ a [school] teacher librarian.

30 2. [The governing body of each charter school shall determine whether to
31 employ a school librarian.

32 —3. The board of trustees of a school district or the governing body of a
33 charter school, as applicable, shall provide professional development to assist
34 employees interested in obtaining [an associate's degree in library science.

35 —4. The qualifications necessary to become a teacher librarian.

36 3. Until July 1, 2025, the board of trustees of a school district or the
37 governing body of a charter school, as applicable, shall not make a decision to lay
38 off, dismiss, refuse to reemploy or otherwise terminate the employment of any
39 person employed as a [paraprofessional] school library assistant to provide
40 support in a school library only to give preference to employing a [person who
41 holds an endorsement as a school library media specialist.] teacher librarian.

42 Sec. 9. 1. If two public schools within a school district, including,
43 without limitation, two charter schools with the same sponsor, are unable to
44 employ a [school] teacher librarian as required by section 8 of this act, the public
45 schools may apply to the superintendent of schools of the school district or the
46 sponsor of the charter schools, as applicable, to jointly employ one [school]
47 teacher librarian to provide library services for each of the public schools. Such
48 an application must identify the reasons each public school is unable to employ a
49 [school] teacher librarian. The superintendent of schools of the school district or
50 the sponsor of the charter schools, as applicable, may approve such an
51 application if [he or she determines] it is determined that each public school
52 made a good faith effort to employ a [school] teacher librarian, but was unable to
53 do so because of:

~~(a) Budgetary constraints;~~
~~(b) Inability to obtain qualified applicants; or~~
~~(c) (b) Any other reason determined to be valid by the superintendent of schools of the school district, or the sponsor of the charter schools, as applicable.~~

2. If a public school, including, without limitation, a charter school, located in a county whose population is less than 100,000 is unable to employ a ~~school~~ teacher librarian as required by section 8 of this act, the public school may apply to the ~~superintendent of schools of the school district for the school district to employ a school librarian to provide library services for the school.~~ State Board for a waiver. Such an application must identify:

(a) Identify the reasons the public school is unable to employ a ~~school~~ teacher librarian. The superintendent of schools of the school district may approve such an application if he or she determines that the public school made a good faith effort to employ a school librarian, but was unable to do so because of:

~~(a) Budgetary constraints;~~
~~(b) Inability to obtain qualified applicants; or~~
~~(c) Any other reason determined to be valid by the superintendent of schools of the school district.~~

3. If the superintendent of schools of a school district located in a county whose population is less than 100,000 approves an application pursuant to subsection 2, but is unable to employ a school librarian to provide library services for a public school within the school district, the superintendent of schools of the school district may apply to the Department for assistance to ensure that the pupils in such a public school receive, to the greatest extent possible, library services provided by a school librarian. Such an application must identify the reasons the superintendent of schools of the school district is unable to employ a school librarian. The Department may approve such an application if it determines that the superintendent of schools of the school district made a good faith effort to employ a school librarian, but was unable to do so because of:

~~(a) Budgetary constraints;~~
~~(b) Inability to obtain qualified applicants; or~~
~~(c) Any other reason determined to be valid by the Department.~~

4. If the Department approves an application submitted pursuant to subsection 3, the Department shall determine the necessary actions to ensure that the pupils in the public school which is the subject of the application receive, to the greatest extent possible, library services provided by a school librarian and provide such assistance to the school district. Such actions may include, without limitation:

~~(a) Imposing conditions or requirements upon the school district;~~
~~(b) The employment of a school librarian by the Department to provide library services to the school district; or~~
~~(c) Any other action the Department determines is necessary and appropriate.~~

5. An application granted by the superintendent of schools of a school district; and

(b) Explain in detail the manner in which the public school will provide library services to all pupils enrolled at the school.

3. A waiver granted pursuant to subsection 1 or 2 for by the Department pursuant to subsection 3, expires on June 30 of the following odd-numbered year.

Sec. 9.5. 1. A school library assistant who is employed at a school in a school district or a charter school on July 1, 2019, shall be deemed to be a

1 teacher librarian for purposes of sections 8 and 9 of this act at that school and
2 any school within that school district or any charter school which has the same
3 sponsor, as applicable, without obtaining a license to teach or any additional
4 credentials or endorsements until July 1, 2025.

5 2. As used in this section:

6 (a) "Charter school" means a charter school that enrolls 500 or more
7 pupils. The term does not include a charter school that only offers a full-time
8 program of distance education.

9 (b) "School library assistant" means a person who provides library
10 services in a school library established and maintained pursuant to section 7 of
11 this act and includes a person:

12 (1) Employed as a paraprofessional to provide support in a school
13 library; or

14 (2) Who holds an associate's degree or higher in library science.

15 (c) "Teacher librarian" means a person who provides library services in a
16 school library established and maintained pursuant to section 7 of this act and
17 includes a person who:

18 (1) Holds a current license to teach issued pursuant to chapter 391 of
19 NRS; and

20 (2) May hold a certification as a professional school library media
21 specialist issued by the National Board for Professional Teaching Standards as
22 described in NRS 391.163.

23 **Sec. 10.** The provisions of NRS 354.599 do not apply to any additional
24 expenses of a local government that are related to the provisions of this act.

25 **Sec. 11.** This act becomes effective:

26 1. Upon passage and approval for the purpose of adopting regulations and
27 performing any other preparatory administrative tasks that are necessary to carry
28 out the provisions of this act; and

29 2. On July 1, 2019, for all other purposes.