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FIRST REPRINT

S.B. 319

SENATE BILL NO. 319—SENATORS DONDERO LOOP, WOODHOUSE,
DENIS, PARKS; BROOKS, CANCELA, CANNIZZARO, D.
HARRIS, OHRENSCHALL, RATTI AND SCHEIBLE

MARCH 18, 2019

Referred to Committee on Education

SUMMARY—Revises provisions relating to education.
(BDR 34-1063)

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; defining “school counselor,” “school psychologist” and “school social worker” for certain purposes; establishing the duties of a school counselor, psychologist and social worker; requiring certain school counselors, psychologists, social workers, audiologists, occupational therapists and physical therapists to receive an additional 5 percent of the base salary each year; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides for the licensing of social workers. (Chapter 641B of NRS) Existing law requires the Commission on Professional Standards in Education to adopt regulations prescribing the qualifications for licensing educational personnel. (NRS 391.019) **Section 1** of this bill defines school counselor, school psychologist and school social worker, respectively, for the school environment. **Sections 3-5** of this bill establish the duties of a school counselor, psychologist and social worker, respectively, employed by a school district. **Section 1.5** of this bill requires a public school, to the extent that money is available, to employ a school counselor on a full-time basis and provide for a comprehensive school counseling program.

Existing law requires an annual 5 percent salary increase for teachers, speech-language pathologists and school library media specialists who hold certain national certifications. (NRS 391.161-391.163) **Section 6** of this bill requires an additional 5 percent to be added to the base salary of a counselor, psychologist or social worker who holds a national certification unless an applicable collective bargaining agreement provides for a greater increase. **Section 6.5** of this bill requires an additional 5 percent to be added to the base salary of an audiologist,



occupational therapist or physical therapist who holds a national certification unless an applicable collective bargaining agreement provides for a greater increase.

Section 7 of this bill makes a conforming change.

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

Section 1. NRS 385.007 is hereby amended to read as follows:

385.007 As used in this title, unless the context otherwise requires:

1. "Achievement charter school" means a public school operated by a charter management organization, as defined in NRS 388B.020, an educational management organization, as defined in NRS 388B.030, or other person pursuant to a contract with the Achievement School District pursuant to NRS 388B.210 and subject to the provisions of chapter 388B of NRS.

2. "Department" means the Department of Education.

3. "English learner" has the meaning ascribed to it in 20 U.S.C. § 7801(20).

4. "Homeschooled child" means a child who receives instruction at home and who is exempt from compulsory attendance pursuant to NRS 392.070, but does not include an opt-in child.

5. "Local school precinct" has the meaning ascribed to it in NRS 388G.535.

6. "Opt-in child" means a child for whom an education savings account has been established pursuant to NRS 353B.850, who is not enrolled full-time in a public or private school and who receives all or a portion of his or her instruction from a participating entity, as defined in NRS 353B.750.

7. "Public schools" means all kindergartens and elementary schools, junior high schools and middle schools, high schools, charter schools and any other schools, classes and educational programs which receive their support through public taxation and, except for charter schools, whose textbooks and courses of study are under the control of the State Board.

8. "School bus" has the meaning ascribed to it in NRS 484A.230.

9. *"School counselor" or "counselor" means a person who holds a license issued pursuant to chapter 391 of NRS and an endorsement to serve as a school counselor issued pursuant to regulations adopted by the Commission on Professional Standards in Education or who is otherwise authorized by the Superintendent of Public Instruction to serve as a school counselor.*



10. "School psychologist" or "psychologist" means a person who holds a license issued pursuant to chapter 391 of NRS and an endorsement to serve as a school psychologist issued pursuant to regulations adopted by the Commission on Professional Standards in Education or who is otherwise authorized by the Superintendent of Public Instruction to serve as a school psychologist.

11. "School social worker" or "social worker" means a social worker licensed pursuant to chapter 641B of NRS who holds a license issued pursuant to chapter 391 of NRS and an endorsement to serve as a school social worker issued pursuant to regulations adopted by the Commission on Professional Standards in Education or who is otherwise authorized by the Superintendent of Public Instruction to serve as a school social worker.

12. "State Board" means the State Board of Education.

~~10.~~ 13. "University school for profoundly gifted pupils" has the meaning ascribed to it in NRS 388C.040.

Sec. 1.5. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

Each public school, including, without limitation, each charter school, shall, to the extent that money is available for that purpose:

1. *Employ a school counselor at the school on a full-time basis.*

2. *Provide for a comprehensive program for school counseling developed by a school counselor pursuant to section 3 of this act.*

Sec. 2. Chapter 391 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 6.5, inclusive, of this act.

Sec. 3. 1. A school counselor shall:

(a) *Design and deliver a comprehensive program for school counseling that promotes achievement of pupils; and*

(b) *Devote not less than 80 percent of his or her time providing direct or indirect services to pupils.*

2. A school counselor may, through consultation or collaboration with other educational personnel or by providing direct services:

(a) *Analyze data concerning the academic, career, social and emotional development of pupils to identify issues, needs and challenges of pupils;*

(b) *Address needs relating to the academic, career, social and emotional development of all pupils;*



(c) Advocate for equitable access to a rigorous education for all pupils and work to remove systemic barriers to such access;

(d) Deliver school counseling lessons through large-group, classroom, small-group and individual settings to promote pupil success;

(e) Provide to individual pupils services relating to academic planning and goal setting;

(f) Provide peer facilitation, crisis counseling and short-term counseling to pupils in individual and small-group settings;

(g) Provide referrals to a pupil and the parent or legal guardian of a pupil, as needed, for additional support services provided by the school or within the community;

(h) Participate on committees within the school and the school district, as appropriate; and

(i) Participate in planning for and implementing a response to a crisis at the school.

3. Each school counselor must be supervised by a licensed administrator.

Sec. 4. 1. A school psychologist may, through consultation or collaboration with other educational personnel or by providing direct services:

(a) Deliver mental and behavioral health services to pupils in a school;

(b) Collaborate with the school, community and parents or legal guardians of pupils to promote a safe and supportive learning environment;

(c) Provide preventative, intervention and postintervention services through integrated systems of support;

(d) Collect and analyze data on the mental and behavioral health of pupils;

(e) Administer applicable assessments to pupils;

(f) Monitor the progress of the academic, mental and behavioral health of pupils;

(g) Assist with the development and implementation of school-wide practices to promote learning;

(h) Analyze resilience and risk factors of pupils;

(i) Provide instructional support to other educational personnel;

(j) Evaluate and make recommendations for the improvement of special education services;

(k) Promote diversity in development and learning;

(l) Conduct research and evaluate programs related to the mental and behavioral health of pupils; and

(m) Participate in planning for and implementing a response to a crisis at the school.



2. In a school district in which more than 50,000 pupils were enrolled during the preceding school year, each school psychologist must be supervised by a psychologist licensed pursuant to chapter 391 of NRS who is a licensed administrator.

3. In a school district in which not more than 50,000 pupils were enrolled during the preceding school year, each school psychologist must be supervised by a licensed administrator.

Sec. 5. 1. A school social worker may, through consultation or collaboration with other educational personnel or by providing direct services:

- (a) Act as a liaison between the home, school and community;
- (b) Provide therapy, counseling and support services for pupils and the families of pupils;
- (c) Provide individual and small-group therapy, counseling and support services;
- (d) Provide mediation services;
- (e) Advocate for the academic, social and emotional success of pupils;
- (f) Assist other educational personnel with case management;
- (g) Write applications for grants, as necessary;
- (h) Assist other educational personnel, including, without limitation, a school psychologist, with developing a plan for providing prevention and intervention services to pupils;
- (i) Administer biopsychosocial assessments to pupils, as necessary;
- (j) Support the learning of pupils;
- (k) Provide services for professional development of staff;
- (l) Provide support and consultation to the school, the pupils and the parents or legal guardians of pupils at the school regarding, without limitation, education law and services related to special education;
- (m) Provide strengths-based assessments for the school, the pupils and the parents or legal guardians of pupils at the school;
- (n) Assist parents or legal guardians with problem solving;
- (o) Assist pupils with developing social skills;
- (p) Provide referrals to pupils and parents or legal guardians of pupils for education services; and
- (q) Participate in planning for and implementing a response to a crisis at the school.

2. Each school social worker must be supervised by a licensed administrator.

Sec. 6. 1. Except as otherwise provided in subsection 2, each year when determining the salary of a person who is employed by a school district as a school counselor, psychologist or social worker, the school district shall add 5 percent to the



1 salary that the person would otherwise receive in 1 year for the
2 person's classification on the schedule of salaries of the school
3 district if:

4 (a) On or before September 15 of the school year, the person
5 has submitted evidence satisfactory to the school district of the
6 current certification of the person:

7 (1) As a school counselor by the National Board for
8 Professional Teaching Standards or its successor organization;

9 (2) As a national certified school counselor by the National
10 Board for Certified Counselors or its successor organization;

11 (3) As a nationally certified school psychologist by the
12 National Association of School Psychologists or its successor
13 organization;

14 (4) As a school psychologist by the American Board of
15 School Psychology or its successor organization; or

16 (5) As a certified school social work specialist by the
17 National Association of Social Workers or its successor
18 organization; and

19 (b) The person is assigned by the school district to serve as a
20 school counselor, psychologist or social worker, as applicable,
21 during that school year.

22 ➤ No increase in salary may be given pursuant to this section
23 during a particular school year to a person who submits evidence
24 of certification after September 15 of that school year. Once a
25 person has submitted evidence of such certification to the school
26 district, the school district shall retain the evidence in its records,
27 as applicable, for future school years. An increase in salary given
28 in accordance with this section is in addition to any other increase
29 to which the person may otherwise be entitled.

30 2. If an applicable collective bargaining agreement provides
31 for a greater increase to the salary of a person who satisfies the
32 requirements of paragraphs (a) and (b) of subsection 1 than the
33 increase in salary provided by subsection 1, the provisions of
34 the collective bargaining agreement prevail.

35 **Sec. 6.5.** 1. Except as otherwise provided in subsection 2,
36 each year when determining the salary of a person who is
37 employed by a school district as an audiologist, occupational
38 therapist or physical therapist, the school district shall add 5
39 percent to the salary that the person would otherwise receive in 1
40 year for the person's classification on the schedule of salaries of
41 the school district if:

42 (a) On or before September 15 of the school year, the person
43 has submitted evidence satisfactory to the school district of the
44 current certification of the person:

45 (1) As a nationally certified audiologist;



(2) *As a nationally certified occupational therapist; or*

(3) *As a nationally certified physical therapist; and*

(b) *The person is assigned by the school district to serve as an audiologist, occupational therapist or physical therapist, as applicable, during that school year.*

➤ *No increase in salary may be given pursuant to this section during a particular school year to a person who submits evidence of certification after September 15 of that school year. Once a person has submitted evidence of such certification to the school district, the school district shall retain the evidence in its records, as applicable, for future school years. An increase in salary given in accordance with this section is in addition to any other increase to which the person may otherwise be entitled.*

2. *If an applicable collective bargaining agreement provides for a greater increase to the salary of a person who satisfies the requirements of paragraphs (a) and (b) of subsection 1 than the increase in salary provided by subsection 1, the provisions of the collective bargaining agreement prevail.*

Sec. 7. NRS 391.160 is hereby amended to read as follows:

391.160 The salaries of teachers and other employees must be determined by the character of the service required as described in NRS 391.161 to 391.169, inclusive ~~§~~, *and sections 6 and 6.5 of this act.* A school district shall not discriminate between male and female employees in the matter of salary.

Sec. 8. This act becomes effective on July 1, 2019.

