

Senate Bill No. 41–Committee on Education

CHAPTER.....

AN ACT relating to education; revising provisions governing the membership of the Commission on Professional Standards in Education; eliminating the special qualifications license to teach; revising provisions relating to the granting of additional licenses to teachers; revising provisions relating to applications for a license to be a teacher or other educational personnel; authorizing the Department of Education to require annual background checks of employees who have access to certain confidential information; revising provisions relating to the notification of employees whose licenses are near expiration; revising provisions governing the disclosure of certain information about licensed personnel; revising provisions related to the suspension or revocation of a license of any teacher, administrator or other licensed employee; establishing provisions relating to hearings conducted by the State Board of Education; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Commission on Professional Standards in Education and provides that the Commission consists of eleven members who are appointed by the Governor, including two members who are administrators of schools who are employed by a school district or charter school to provide administrative service at an individual school. (NRS 391.011) **Section 4.5** of this bill requires the Commission to include: (1) one member who is such an administrator; and (2) one member who is the superintendent of schools of a school district.

Existing law authorizes the Superintendent of Public Instruction to issue a special qualifications license, which authorizes a person who holds a postsecondary degree and meets certain other requirements to teach in designated grades and designated subject matters within the field of his or her degree. (NRS 391.019, 391.031, 391.033). **Sections 5 and 8** of this bill eliminate this type of license. **Sections 1, 6 and 12** of this bill make conforming changes.

Existing law requires the Commission on Professional Standards in Education to prescribe regulations for licensing teachers and other educational personnel. (NRS 391.019) **Section 5** makes nonsubstantive changes to these provisions for clarification purposes by: (1) requiring a qualified provider to provide in-person or virtual supervised, school-based experiences; and (2) removing the specific examples of middle school or junior high school education and the endorsement to teach English as a second language.

Existing law requires the Commission to submit a report containing certain information to the State Board of Education and the Legislative Committee on Education on or before December 1 each year. (NRS 391.028) **Section 7** of this bill changes the date of submission to on or before December 31.

Existing law authorizes the Superintendent to issue to a teacher licensed to teach elementary education, middle school or junior high school education or secondary education an additional license to teach outside the teacher's grade level and experience if he or she meets the course requirements and qualifications for the



license. (NRS 391.0315) **Section 9** of this bill expands the teachers and licenses that qualify under this provision to include early childhood education and requires that such teachers meet any competency testing requirements.

Existing law requires every applicant to be licensed as a teacher or other educational personnel to submit to a background investigation and requires a license to be issued if the information obtained as a result of the background investigation does not indicate that the applicant has committed certain types of conduct. (NRS 391.033) **Section 10.5** of this bill provides that the following would result in a license not being issued: (1) an indication that there has been a substantiated report of abuse or neglect of a child; and (2) an indication that the applicant has a warrant for his or her arrest. **Section 10.5** provides that if the information indicates that a substantiated report of child abuse or neglect exists against the applicant, the Superintendent shall: (1) suspend the application process; (2) notify the applicant of the substantiated report; and (3) provide the applicant with an opportunity to rebut the substantiated report.

Existing law requires teachers initially licensed on or after July 1, 2015, to complete a course in multicultural education meeting certain requirements prescribed by the Commission. (NRS 391.0347) **Sections 11 and 29** of this bill instead apply this requirement to teachers initially licensed on or after July 1, 2019.

Existing law provides that certain information provided in an application for a license as a teacher or to perform other educational functions is confidential. (NRS 391.035) **Section 11.5** of this bill authorizes the Department of Education to require an employee who has access to such confidential information to annually submit fingerprints and written authorization to forward such fingerprints to the Central Repository for Nevada Records of Criminal History. **Section 11.5** further authorizes the Department to deny an employee access to confidential information provided in an application if the information obtained from the Central Repository indicates that the employee has been convicted of a felony or any offense involving moral turpitude.

Section 13 of this bill eliminates the requirement that the board of trustees for each school district must notify each licensed employee of the expiration date of his or her license not later than 6 months before the expiration date. **Section 13** instead requires the Department to notify licensed personnel whose license is within 9 months of expiring of the date on which the license will expire.

Upon the request of a parent or legal guardian of a pupil who is enrolled in a public school, **section 16** of this bill requires the board of trustees of the school district in which the school is located or the governing body of a charter school to provide to the parent or guardian information regarding the professional qualifications of any licensed employee of the public school in which the pupil is enrolled. **Section 16** additionally requires that such information include the competency examinations passed by the teacher.

Existing law requires that certain notice be given to a licensee before the revocation or suspension of his or her license and that the licensee be given the opportunity for a hearing. (NRS 391.322) **Section 23** of this bill revises the provisions relating to the recommendation to suspend or revoke a license when the Department receives notice of certain convictions. **Section 25** authorizes the State Board to issue a letter of reprimand to any teacher, administrator or licensed employee upon receiving notice of certain types of conduct. **Section 27** of this bill adds requirements for the rules of procedure of such hearings and revises provisions related to the parties that will bear certain costs of such hearings.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~[omitted material]~~ is material to be omitted.



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

Section 1. NRS 385.635 is hereby amended to read as follows:
385.635 1. The Office of Parental Involvement and Family Engagement created by NRS 385.630 shall:

(a) Review and evaluate the programs implemented by the school districts and public schools, including, without limitation, programs which are supported in part with money received from the Federal Government, for carrying out and increasing parental involvement and family engagement in the public schools. The review and evaluation must include an identification of current strategies and practices for effective parental involvement and family engagement.

(b) Develop a list of practices which have been proven effective in increasing the involvement of parents and the engagement of families in the education of their children, including, without limitation, practices that increase the ability of school districts and public schools to effectively reengage parents and families and provide those parents and families with the skills and resources necessary to support the academic achievement of their children.

(c) Work in cooperation with the Statewide Council for the Coordination of the Regional Training Programs in carrying out the duties of the Office, including, without limitation, the establishment of a statewide training program concerning parental involvement and family engagement required pursuant to NRS 391A.135.

(d) Provide information to the school districts and public schools on the availability of competitive grants for programs which offer:

(1) Professional development for educational personnel on practices to reengage disengaged parents and families in the education of their children;

(2) Training for parents and families in skills of leadership and volunteerism;

(3) Family literacy training;

(4) Home visitation programs to encourage the involvement of parents and the engagement of families in the education of their children; and

(5) Other innovative programs that are designed to increase the involvement of parents and the engagement of families in the academic achievement of their children.

(e) Provide support to those school districts which have established an advisory council on parental involvement and family engagement pursuant to NRS 385.625 and encourage those school



districts which have not established such an advisory council to consider creating an advisory council for the school district.

(f) Build the capacity of public schools to work in collaboration with parents to establish policies for the involvement of parents and the engagement of families, including, without limitation, policies that focus on partnerships between public schools and the parents and families of children enrolled in public schools and the empowerment of parents and families in support of the education of their children.

(g) Work in cooperation with the Commission on Professional Standards in Education in developing the regulations required by paragraph ~~(4)~~ (g) of subsection 1 of NRS 391.019 and monitoring the implementation of those regulations.

(h) Establish, in collaboration with the State Board, guidelines to assist parents and families in helping their children achieve the standards of content and performance adopted by the State Board pursuant to NRS 389.520.

(i) Collaborate with the Nevada State Parent Information and Resource Center, the Parent Training and Information Centers, the Nevada Parent Teacher Association, the Advisory Council and the teachers who are trained to serve as liaisons to parents and legal guardians of pupils enrolled in public schools to plan and implement a statewide summit on parental involvement and family engagement, which must be held at least biennially. After each summit, the Office of Parental Involvement and Family Engagement shall evaluate the success of the summit in consultation with the entities identified in this paragraph.

(j) Assist each school district and the public schools within the school district with incorporating strategies and practices for effective parental involvement and family engagement into the plans to improve the achievement of pupils prepared by the public schools pursuant to NRS 385A.650.

(k) Work in partnership with the Advisory Council to:

(1) Review and evaluate the annual reports of accountability prepared by the board of trustees of each school district pursuant to NRS 385A.070 relating to parental involvement and family engagement in the school districts and public schools;

(2) Review and evaluate the plans to improve the achievement of pupils prepared by each public school pursuant to NRS 385A.650 relating to the strategies and practices for effective parental involvement and family engagement incorporated into the plans; and



(3) Review the status of the implementation of the provisions of this section and the effectiveness of the Office in carrying out the duties prescribed in this section.

2. On or before August 1 of each year, the Office of Parental Involvement and Family Engagement shall prepare a report which includes a summary of the:

(a) Status of the progress made by the school districts and public schools in effectively involving parents and engaging families in the education of their children and an identification of any areas where further improvement is needed; and

(b) Activities of the Office during the immediately preceding school year, including the progress made by the Office, in consultation with the Advisory Council, in assisting the school districts and public schools with increasing the effectiveness of involving parents and engaging families in the education of their children.

3. The Department shall post on its Internet website:

(a) The list of practices developed by the Office of Parental Involvement and Family Engagement pursuant to paragraph (b) of subsection 1;

(b) The report prepared by the Office pursuant to subsection 2; and

(c) Any other information that the Office finds useful for the school districts, public schools, parents, families and general public relating to effective parental involvement and family engagement.

Secs. 2-4. (Deleted by amendment.)

Sec. 4.5. NRS 391.011 is hereby amended to read as follows:

391.011 1. The Commission on Professional Standards in Education, consisting of eleven members appointed by the Governor, is hereby created.

2. Five members of the Commission must be teachers who teach in the classroom as follows:

(a) One who holds a license to teach secondary education and teaches in a secondary school.

(b) One who holds a license to teach middle school or junior high school education and teaches in a middle school or junior high school.

(c) One who holds a license to teach elementary education and teaches in an elementary school.

(d) One who holds a license to teach special education and teaches special education.



(e) One who holds a license to teach pupils in a program of early childhood education and teaches in a program of early childhood education.

3. The remaining members of the Commission must include:

(a) One school counselor, psychologist, speech-language pathologist, audiologist, or social worker who is licensed pursuant to this chapter and employed by a school district or charter school.

(b) ~~Two administrators of schools who are~~ *One administrator of a school who is* employed by a school district or charter school to provide administrative service at an individual school. Such ~~administrators~~ *an administrator* must not provide service at the district level.

(c) The dean of the College of Education at one of the universities in the Nevada System of Higher Education, or a representative of one of the Colleges of Education nominated by such a dean for appointment by the Governor.

(d) One member who is the parent or legal guardian of a pupil enrolled in a public school.

(e) One member who has expertise and experience in the operation of a business.

(f) One member who is the superintendent of schools of a school district.

4. Three of the five appointments made pursuant to subsection 2 must be made from a list of names of at least three persons for each position that is submitted to the Governor by an employee organization representing the majority of teachers in the State who teach in the educational level from which the appointment is being made.

5. The appointment made pursuant to:

(a) Paragraph (a) of subsection 3 must be made from a list of names of at least three persons that is submitted to the Governor by an employee organization representing the majority of school counselors, psychologists, speech-language pathologists, audiologists or social workers in this State who are not administrators.

(b) Paragraph (b) of subsection 3 must be made from a list of names of at least three persons ~~for each position~~ that is submitted to the Governor by the organization of administrators for schools in which the majority of administrators of schools in this State have membership.

(c) Paragraph (d) of subsection 3 must be made from a list of names of persons submitted to the Governor by the Nevada Parent Teacher Association or its successor organization.



(d) Paragraph (f) of subsection 3 must be made from a list of names of persons submitted to the Governor by the Nevada Association of School Superintendents.

Sec. 5. NRS 391.019 is hereby amended to read as follows:

391.019 1. Except as otherwise provided in NRS 391.027, the Commission shall adopt regulations:

(a) Prescribing the qualifications for licensing teachers and other educational personnel ~~[, including, without limitation, the qualifications for a license to teach middle school or junior high school education,]~~ and the procedures for the issuance and renewal of those licenses. The regulations:

(1) Must include, without limitation, the qualifications for licensing teachers and administrators pursuant to an alternative route to licensure which provides that the required education and training may be provided by any qualified provider which has been approved by the Commission, including, without limitation, institutions of higher education and other providers that operate independently of an institution of higher education. The regulations adopted pursuant to this subparagraph must:

(I) Establish the requirements for approval as a qualified provider;

(II) Require a qualified provider to be selective in its acceptance of students;

(III) Require a qualified provider to provide *in-person or virtual* supervised, school-based experiences and ongoing support for its students, such as mentoring and coaching;

(IV) Significantly limit the amount of course work required or provide for the waiver of required course work for students who achieve certain scores on tests;

(V) Allow for the completion in 2 years or less of the education and training required under the alternative route to licensure;

(VI) Provide that a person who has completed the education and training required under the alternative route to licensure and who has satisfied all other requirements for licensure may apply for a regular license pursuant to sub-subparagraph (VII) regardless of whether the person has received an offer of employment from a school district, charter school or private school; and

(VII) Upon the completion by a person of the education and training required under the alternative route to licensure and the satisfaction of all other requirements for licensure, provide for the



issuance of a regular license to the person pursuant to the provisions of this chapter and the regulations adopted pursuant to this chapter.

(2) Must require an applicant for a license to teach middle school or junior high school education or secondary education to demonstrate proficiency in a field of specialization or area of concentration by successfully completing course work prescribed by the Department or completing a subject matter competency examination prescribed by the Department with a score deemed satisfactory.

(3) Must not prescribe qualifications which are more stringent than the qualifications set forth in NRS 391.0315 for a licensed teacher who applies for an additional license in accordance with that section.

(b) Identifying fields of specialization in teaching which require the specialized training of teachers.

(c) Except as otherwise provided in NRS 391.125, requiring teachers to obtain from the Department an endorsement in a field of specialization to be eligible to teach in that field of specialization. ~~including, without limitation, an endorsement to teach English as a second language.~~

(d) Setting forth the educational requirements a teacher must satisfy to qualify for an endorsement in each field of specialization.

(e) Setting forth the qualifications and requirements for obtaining a license or endorsement to teach American Sign Language, including, without limitation, being registered with the Aging and Disability Services Division of the Department of Health and Human Services pursuant to NRS 656A.100 to engage in the practice of interpreting in an educational setting.

(f) Requiring teachers and other educational personnel to be registered with the Aging and Disability Services Division pursuant to NRS 656A.100 to engage in the practice of interpreting in an educational setting if they:

(1) Provide instruction or other educational services; and

(2) Concurrently engage in the practice of interpreting, as defined in NRS 656A.060.

(g) ~~Providing for the issuance and renewal of a special qualifications license to an applicant who holds a bachelor's degree, a master's degree or a doctoral degree from an accredited degree-granting postsecondary educational institution in a field for which the applicant will provide instruction in a classroom and who has:~~

~~(1) At least 2 years of experience teaching at an accredited degree-granting postsecondary educational institution in a field for~~



~~which the applicant will provide instruction in a classroom and at least 3 years of experience working in that field; or~~

~~— (2) At least 5 years of experience working in a field for which the applicant will provide instruction in a classroom.~~

~~➔ An applicant for licensure pursuant to this paragraph who holds a bachelor's degree must submit proof of participation in a program of student teaching or mentoring or agree to participate in a program of mentoring or courses of pedagogy for the first 2 years of the applicant's employment as a teacher with a school district or charter school.~~

~~— (h) Requiring an applicant for a special qualifications license to:~~

~~— (1) Pass each examination required by subsection 1 of NRS 391.021 for the specific subject or subjects in which the applicant will provide instruction; or~~

~~— (2) Hold a valid license issued by a professional licensing board of any state that is directly related to the subject area of the bachelor's degree, master's degree or doctoral degree held by the applicant.~~

~~— (i) Setting forth the subject areas that may be taught by a person who holds a special qualifications license, based upon the subject area of the bachelor's degree, master's degree or doctoral degree held by that person.~~

~~— (j) Providing for the issuance and renewal of a special qualifications license to an applicant who:~~

~~— (1) Holds a bachelor's degree or a graduate degree from an accredited college or university in the field for which the applicant will be providing instruction;~~

~~— (2) Is not licensed to teach public school in another state;~~

~~— (3) Has at least 5 years of experience teaching with satisfactory evaluations at a school that is accredited by a national or regional accrediting agency recognized by the United States Department of Education; and~~

~~— (4) Submits proof of participation in a program of student teaching or mentoring or agrees to participate in a program of mentoring for the first year of the applicant's employment as a teacher with a school district or charter school if the applicant holds a graduate degree or, if the applicant holds a bachelor's degree, submits proof of participation in a program of student teaching or mentoring or agrees to participate in a program of mentoring or courses of pedagogy for the first 2 years of his or her employment as a teacher with a school district or charter school.~~



~~➔ An applicant for licensure pursuant to this paragraph is exempt from each examination required by subsection 1 of NRS 391.021 if the applicant successfully passed the examination in another state.~~

~~—(k)~~ Prescribing course work on parental involvement and family engagement. The Commission shall work in cooperation with the Office of Parental Involvement and Family Engagement created by NRS 385.630 in developing the regulations required by this paragraph.

~~{(h)}~~ (h) Establishing the requirements for obtaining an endorsement on the license of a teacher, administrator or other educational personnel in cultural competency.

2. Except as otherwise provided in NRS 391.027, the Commission may adopt such other regulations as it deems necessary for its own government or to carry out its duties.

3. Any regulation which increases the amount of education, training or experience required for licensing:

(a) Must, in addition to the requirements for publication in chapter 233B of NRS, be publicized before its adoption in a manner reasonably calculated to inform those persons affected by the change.

(b) Must not become effective until at least 1 year after the date it is adopted by the Commission.

(c) Is not applicable to a license in effect on the date the regulation becomes effective.

~~{4. A person who is licensed pursuant to paragraph (g) or (j) of subsection 1:~~

~~—(a) Shall comply with all applicable statutes and regulations.~~

~~—(b) Except as otherwise provided by specific statute, is entitled to all benefits, rights and privileges conferred by statutes and regulations on licensed teachers.~~

~~—(c) Except as otherwise provided by specific statute, if the person is employed as a teacher by the board of trustees of a school district or the governing body of a charter school, is entitled to all benefits, rights and privileges conferred by statutes and regulations on the licensed employees of a school district or charter school, as applicable.]~~

Sec. 6. NRS 391.021 is hereby amended to read as follows:

391.021 Except as otherwise provided in ~~{paragraph (j) of subsection 1 of NRS 391.019 and}~~ NRS 391.027, the Commission shall adopt regulations governing examinations for the initial licensing of teachers and other educational personnel. The regulations adopted by the Commission must ensure that the examinations test the ability of the applicant to teach and the



applicant's knowledge of each specific subject he or she proposes to teach. Teachers and educational personnel from another state who obtain a reciprocal license pursuant to NRS 391.032 are not required to take the examinations for the initial licensing of teachers and other educational personnel described in this section or any other examination for initial licensing required by the regulations adopted by the Commission.

Sec. 7. NRS 391.028 is hereby amended to read as follows:

391.028 On or before December ~~HH~~ **31** of each year, the Commission shall submit a written report to the State Board and the Legislative Committee on Education. The report must include, without limitation:

1. A summary of the regulations adopted by the Commission and the status of those regulations;
2. A work plan which designates the proposed activities of the Commission during the next year; and
3. A description of the progress and status of each regulation relating to the licensure of educational personnel which the Commission is required to adopt pursuant to a legislative measure enacted within the two previous regular sessions of the Legislature or any special session of the Legislature occurring within that time. If the Commission has not adopted a required regulation, the Commission shall include in the report a detailed explanation describing the reasons each regulation was not adopted.

Sec. 8. 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 pupils in a program of early childhood education, which authorizes the holder to teach in any program of early childhood education in the State.
2. A license to teach elementary education, which authorizes the holder to teach in any elementary school in the State.
3. 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 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.
4. 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.



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

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

~~[7. 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 paragraph (g) or (j) of subsection 1 of NRS 391.019.]~~

Sec. 9. NRS 391.0315 is hereby amended to read as follows:

391.0315 1. A person licensed to teach *early childhood education*, elementary education, middle school or junior high school education or secondary education in this State may apply for and the Superintendent of Public Instruction may issue to that person an additional license to teach *early childhood education*, elementary education, middle school or junior high school education or secondary education, other than for teaching pupils with disabilities, which is outside the person's grade level of experience if the applicant meets the course work requirements , *competency testing requirements* and qualifications for the license.

2. A licensed teacher who applies for an additional license pursuant to this section must not be required to participate in a program of student teaching as a condition for the issuance of the additional license if the applicant has 3 years of verified teaching experience.

Sec. 10. (Deleted by amendment.)

Sec. 10.5. NRS 391.033 is hereby amended to read as follows:

391.033 1. All licenses for teachers and other educational personnel are granted by the Superintendent of Public Instruction pursuant to regulations adopted by the Commission and as otherwise provided by law.

2. An application for the issuance of a license must include the social security number of the applicant.

3. Every applicant for a license must submit with his or her application:

(a) A complete set of his or her fingerprints and written permission authorizing the Superintendent to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its initial report on the criminal history of the applicant and for reports thereafter upon renewal of the license



pursuant to subsection 8 of NRS 179A.075, and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant; and

(b) Written authorization for the Superintendent to obtain any information concerning the applicant that may be available from the Statewide Central Registry and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant has resided within the immediately preceding 5 years.

4. In conducting an investigation into the background of an applicant for a license, the Superintendent may cooperate with any appropriate law enforcement agency to obtain information relating to the criminal history of the applicant, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant.

5. The Superintendent may issue a provisional license pending receipt of the reports of the Federal Bureau of Investigation and the Central Repository for Nevada Records of Criminal History if the Superintendent determines that the applicant is otherwise qualified.

6. Except as otherwise provided in subsection 7, a license must be issued to, or renewed for, as applicable, an applicant if:

(a) The Superintendent determines that the applicant is qualified;

(b) The information obtained by the Superintendent pursuant to subsections 3 and 4:

(1) Does not indicate that the applicant has been convicted of a felony or any offense involving moral turpitude ~~[-or-~~

~~—(2) Indicates]~~ *or indicates* that the applicant has been convicted of a felony or an offense involving moral turpitude but the Superintendent determines that the conviction is unrelated to the position within the county school district or charter school for which the applicant applied or for which he or she is currently employed, as applicable; ~~[and]~~

(2) Does not indicate that there has been a substantiated report of abuse or neglect of a child, as defined in NRS 432B.020, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 made against the applicant in any state; and

(3) Does not indicate that the applicant has a warrant for his or her arrest; and

(c) For initial licensure, the applicant submits the statement required pursuant to NRS 391.034.

7. If, pursuant to subparagraph (2) of paragraph (b) of subsection 6, the information indicates that a substantiated report



has been made against the applicant in any state, the Superintendent shall:

- (a) Suspend the application process;*
- (b) Notify the applicant of the substantiated report; and*
- (c) Provide the applicant an opportunity to rebut the substantiated report.*

8. The Superintendent may deny an application for a license pursuant to this section if ~~[a]~~:

(a) A report on the criminal history of the applicant from the Federal Bureau of Investigation or the Central Repository for Nevada Records of Criminal History indicates that the applicant has been arrested for or charged with a sexual offense involving a minor or pupil, including, without limitation, any attempt, solicitation or conspiracy to commit such an offense ~~[~~

~~—8.] ; and~~

(b) The Superintendent ~~[for his or her designee may deny the application for a license after providing written]~~ *provides to the applicant:*

(1) *Written* notice of his or her intent to deny the application ; ~~[to the applicant]~~ and ~~[providing an]~~

(2) *An* opportunity for the applicant to have a hearing.

9. To request a hearing pursuant to subsection 8, an applicant must submit a written request to the Superintendent within 15 days after receipt of the notice by the applicant. Such a hearing must be conducted in accordance with regulations adopted by the State Board. If no request for a hearing is filed within that time, the Superintendent may deny the license.

10. If the Superintendent denies an application for a license pursuant to this section, the Superintendent must, within 15 days after the date on which the application is denied, provide notice of the denial to the school district or charter school that employs the applicant if the applicant is employed by a school district or charter school. Such a notice must not state the reasons for denial.

11. The Department shall:

(a) Maintain a list of the names of persons whose applications for a license are denied due to conviction of a sexual offense involving a minor;

(b) Update the list maintained pursuant to paragraph (a) monthly; and

(c) Provide this list to the board of trustees of a school district or the governing body of a charter school upon request.

12. The Superintendent shall forward all information obtained from an investigation of an applicant pursuant to subsections 3 and 4



to the board of trustees of a school district, the governing body of a charter school or university school for profoundly gifted pupils or the administrator of a private school where the applicant is employed or seeking employment. *Except as otherwise provided in this section, any information shared with the board of trustees of a school district, the governing body of a charter school or university school for profoundly gifted pupils or the administrator of a private school is confidential and must not be disclosed to any person other than the applicant.* The board of trustees, governing body or administrator, as applicable, may use a substantiated report of the abuse or neglect of a child, as defined in NRS 392.281, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) In making determinations concerning assignments, requiring retraining, imposing discipline, hiring or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

13. The Superintendent, the board of trustees of a school district, the governing body of a charter school or university school for profoundly gifted pupils or the administrator of a private school may not be held liable for damages resulting from any action of the Superintendent, board of trustees, governing body or administrator, as applicable, authorized by subsection 4 or 12.

14. As used in this section, “sexual offense” has the meaning ascribed to it in NRS 179D.097.

Sec. 11. NRS 391.0347 is hereby amended to read as follows:

391.0347 1. Any licensed teacher who is initially licensed on or after July 1, ~~2015,~~ 2019, except for a teacher who is licensed only as a substitute teacher, must submit with his or her first application for renewal of his or her license to teach proof of the completion of a course in multicultural education. If the licensed teacher is initially issued a nonrenewable license, he or she must submit such proof with his or her first application for a renewable license to teach.

2. The Commission shall adopt regulations:

(a) That prescribe the required contents of a course in multicultural education which must be completed pursuant to this section;

(b) That prescribe the number of credits which must be earned by a licensed teacher in a course in multicultural education; and

(c) As otherwise necessary to carry out the requirements of this section.



Sec. 11.5. NRS 391.035 is hereby amended to read as follows:

391.035 1. Except as otherwise provided in NRS 239.0115 and 391.033, an application to the Superintendent of Public Instruction for a license as a teacher or to perform other educational functions and all documents in the Department's file relating to the application, including:

- (a) The applicant's health records;
 - (b) The applicant's fingerprints and any report from the Federal Bureau of Investigation or the Central Repository for Nevada Records of Criminal History or information from the Statewide Central Registry or any equivalent registry maintained by a governmental agency in another jurisdiction;
 - (c) Transcripts of the applicant's records at colleges or other educational institutions;
 - (d) The applicant's scores on the examinations administered pursuant to the regulations adopted by the Commission;
 - (e) Any correspondence concerning the application; and
 - (f) Any other personal information,
- ↪ are confidential.

2. It is unlawful to disclose or release the information in an application or any related document except pursuant to paragraph (d) of subsection 8 of NRS 179A.075 or the applicant's written authorization.

3. The Department shall, upon request, make available the applicant's file for inspection by the applicant during regular business hours.

4. The Department may annually require any employee of the Department who has access to information contained within an application or any related document to submit to the Department:

(a) A complete set of his or her fingerprints and written permission authorizing the Department to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the employee and for submission to the Federal Bureau of Investigation for its report on the criminal history of the employee; and

(b) Written authorization for the Department to obtain any information concerning the applicant that may be available from the Statewide Central Registry and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant has resided within the immediately preceding 5 years.

5. If the information obtained by the Department pursuant to subsection 4 indicates that the employee has been convicted of a felony or any offense involving moral turpitude, the Department



may take such action, as determined by the Department, to deny that employee access to information contained within an application or any related document.

Sec. 12. NRS 391.037 is hereby amended to read as follows:

391.037 1. The Commission shall:

(a) Prescribe by regulation the standards for approval of a course of study or training offered by an educational institution to qualify a person to be a teacher or administrator or to perform other educational functions. The regulations prescribed pursuant to this paragraph must include, without limitation, training on how to identify a pupil who is at risk for dyslexia or related disorders.

(b) Maintain descriptions of the approved courses of study required to qualify for endorsements in fields of specialization and provide to an applicant, upon request, the approved course of study for a particular endorsement.

2. Except for an applicant who submits an application for the issuance of a license pursuant to subparagraph (1) of paragraph (a) ~~for paragraph (g) or (j)~~ of subsection 1 of NRS 391.019, an applicant for a license as a teacher or administrator or to perform some other educational function must submit with his or her application, in the form prescribed by the Superintendent of Public Instruction, proof that the applicant has satisfactorily completed a course of study and training approved by the Commission pursuant to subsection 1.

Sec. 13. NRS 391.042 is hereby amended to read as follows:

391.042 1. The Department shall:

(a) Maintain a directory of the name of each person who holds a license issued pursuant to this chapter and the date on which his or her license expires;

(b) Make the directory readily available to licensed educational personnel and to the general public on the Internet website maintained by the Department; and

(c) Provide to the board of trustees of ~~each~~ a school district, ~~at the end of each calendar month,~~ *upon the request of the board of trustees or upon the request of the human resources office of a school or school district acting on behalf of the board of trustees,* an electronic file with a list of each licensed employee who is employed by the board of trustees and whose license will expire within the 9 months immediately following that calendar month.

2. The ~~board of trustees of a school district shall notify each licensed employee identified in the list received pursuant to paragraph (c) of subsection 1 of the date on which his or her license will expire. The notice must be provided not later than 6 months~~



~~before the date of expiration of the license.}~~ *Department shall notify in writing each person who holds a license pursuant to this chapter whose license is within 9 months of expiring of the date on which his or her license will expire.*

Secs. 14 and 15. (Deleted by amendment.)

Sec. 16. NRS 391.097 is hereby amended to read as follows:

391.097 1. Upon the request of a parent or legal guardian of a pupil who is enrolled in a public school, the board of trustees of the school district in which the school is located or the governing body of the charter school, as applicable, shall provide to the parent or guardian information regarding the professional qualifications of ~~[the pupil's teachers.]~~ *any licensed employee of the public school in which the pupil is enrolled.* The State Board shall prescribe the time by which such information must be provided after receipt of the request by the school district or charter school. The information provided must include, without limitation:

(a) For each teacher who provides instruction to the pupil:

(1) Whether the teacher holds a license for the grade level and subject area in which the teacher provides instruction;

(2) Whether the teacher is:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teacher is employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teacher is employed; ~~[and]~~

(3) The degree held by the teacher and any other graduate certification or degree held by the teacher, including, without limitation, the field in which each degree or certification was obtained; and

(4) The competency examinations passed by the teacher; and

(b) If a paraprofessional, as defined in NRS 391.008, provides services to the pupil, the qualifications of the paraprofessional.

2. At the beginning of each school year, the board of trustees of each school district and the governing body of each charter school shall provide written notice to the parents and guardians of each pupil enrolled in a school within the school district or enrolled in the charter school, as applicable, that a parent or guardian may request information pursuant to subsection 1. The State Board shall prescribe the date by which the notice required by this subsection must be provided.



3. The information required pursuant to subsection 1 and the notice required pursuant to subsection 2 must be provided in a uniform and understandable format and, to the extent practicable, in a language that parents and guardians can understand.

Secs. 17-22. (Deleted by amendment.)

Sec. 23. NRS 391.322 is hereby amended to read as follows:

391.322 1. If the board of trustees of a school district, *the governing body of a charter school* or the Superintendent of Public Instruction or the Superintendent's designee submits a recommendation to the State Board for the suspension or revocation of a license issued pursuant to this chapter, the State Board shall ~~give~~ *send* written notice of the recommendation to the person to whom the license has been issued ~~at~~ *at the address on file with the Department.*

2. A notice given pursuant to subsection 1 must contain:

(a) A statement of the charge upon which the recommendation is based;

(b) A copy of the recommendation received by the State Board;

(c) A statement that the licensee is entitled to a hearing before a hearing officer if the licensee makes a written request for the hearing as provided by subsection 3; and

(d) A statement that the grounds and procedure for the suspension or revocation of a license are set forth in NRS 391.320 to 391.361, inclusive.

3. A licensee to whom notice has been given pursuant to this section may request a hearing before a hearing officer selected pursuant to subsection 4. Such a request must be in writing and must be filed with the Superintendent of Public Instruction within 15 days after receipt of the notice by the licensee.

4. Upon receipt of a request filed pursuant to subsection 3, the Superintendent of Public Instruction shall request from the Hearings Division of the Department of Administration a list of potential hearing officers. The licensee requesting a hearing and the Superintendent of Public Instruction shall select a person to serve as hearing officer from the list provided by the Hearings Division of the Department of Administration by alternately striking one name until the name of only one hearing officer remains. The Superintendent of Public Instruction shall strike the first name.

5. Except as otherwise provided in subsection 6, if no request for a hearing is filed within the time specified in subsection 3, the State Board may suspend or revoke the license or take no action on the recommendation.



6. If the Department receives notice of a conviction of a licensee and the conviction is for an act which is a ground for the suspension or revocation of a license, the State Board shall immediately process the recommendation in accordance with the provisions of NRS 391.320 to 391.361, inclusive. If no request for a hearing is filed within the time specified in subsection 3, the State Board may accept, reject or modify the recommendation.

Sec. 24. (Deleted by amendment.)

Sec. 25. NRS 391.330 is hereby amended to read as follows:

391.330 **1.** The State Board may suspend or revoke the license of any teacher, administrator or other licensed employee, *or may issue a letter of reprimand to any teacher, administrator or other licensed employee*, after notice and an opportunity for hearing have been provided pursuant to NRS 391.322 and 391.323, for:

~~{1. Immoral or unprofessional}~~

~~(a) Unprofessional~~ conduct.

~~{2.}~~ *(b) Immorality, as defined in NRS 391.650.*

~~(c)~~ Evident unfitness for service.

~~{3.}~~ *(d)* Physical or mental incapacity which renders the teacher, administrator or other licensed employee unfit for service.

~~{4.}~~ *(e)* Conviction of a felony or crime involving moral turpitude.

~~{5.}~~ *(f)* Conviction of a sex offense under NRS 200.366, 200.368, 201.190, 201.220, 201.230, 201.540 or 201.560 in which a pupil enrolled in a school of a county school district was the victim.

~~{6.}~~ *(g)* Knowingly advocating the overthrow of the Federal Government or of the State of Nevada by force, violence or unlawful means.

~~{7.}~~ *(h)* Persistent defiance of or refusal to obey the regulations of the State Board, the Commission or the Superintendent of Public Instruction, defining and governing the duties of teachers, administrators and other licensed employees.

~~{8.}~~ *(i)* Breaches in the security or confidentiality of the questions and answers of the examinations that are administered pursuant to NRS 390.105 and the college and career readiness assessment administered pursuant to NRS 390.610.

~~{9.}~~ *(j)* Intentional failure to observe and carry out the requirements of a plan to ensure the security of examinations and assessments adopted pursuant to NRS 390.270 or 390.275.

~~{10.}~~ *(k)* An intentional violation of NRS 388.497 or 388.499.

~~{11.}~~ *(l)* Knowingly and willfully failing to comply with the provisions of NRS 388.1351.



(m) *A substantiated report of abuse or neglect of a child, as defined in NRS 432B.020, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 made against the applicant in any state.*

2. *The State Board shall adopt regulations governing the process by which a letter of reprimand may be issued to a teacher, administrator or other licensed employee pursuant to this section, including, without limitation, regulations concerning the time period during which a letter of reprimand will remain on the record of the teacher, administrator or other licensed employee.*

3. *A teacher, administrator or other licensed employee whose license is suspended pursuant to this section:*

(a) *May apply to reinstate his or her license after the period of suspension, as determined by the State Board, is completed; and*

(b) *If he or she applies to reinstate his or her license pursuant to paragraph (a), shall:*

(1) *Submit a new application for licensure to the Department; and*

(2) *Pay the appropriate fee for licensure.*

4. *A teacher, administrator or other licensed employee whose license is revoked may not apply to reinstate his or her license and the Department shall not grant a new license to such a person.*

Sec. 26. (Deleted by amendment.)

Sec. 27. NRS 391.355 is hereby amended to read as follows:

391.355 1. The State Board shall adopt rules of procedure for the conduct of hearings conducted pursuant to NRS 391.323.

2. The rules of procedure must provide for boards of trustees of school districts , *governing bodies of charter schools* or the Superintendent of Public Instruction or the Superintendent's designee to bring charges, when cause exists.

3. *The rules of procedure must provide that:*

(a) *The licensed employee, board of trustees of a school district, governing body of a charter school and Superintendent are entitled to be heard, to be represented by an attorney and to call witnesses in their behalf.*

(b) *The hearing officer selected pursuant to NRS 319.322 is entitled to be reimbursed for his or her reasonable actual expenses.*

(c) *If requested by the hearing officer selected pursuant to NRS 391.322, an official transcript must be made.*

(d) *Except as otherwise provided in paragraph (e), the State Board, licensed employee and the Department, board of trustees of a school district or governing body of a charter school which initiated the complaint resulting in the hearing are equally*



responsible for the expense of and compensation for the hearing officer selected pursuant to NRS 319.322 and the expense of the official transcript. The State Board may bill the licensed employee or the Department, board of trustees of a school district or governing body of a charter school which initiated the complaint resulting in the hearing for their percentage of any expenses incurred pursuant to this paragraph.

(e) If the hearing results from a recommendation to revoke or suspend a license based upon a conviction which is a ground for the suspension or revocation of a license pursuant to paragraph (e) or (f) of subsection 1 of NRS 391.330, the licensed employee is fully responsible for the expense of and compensation for the hearing officer selected pursuant to NRS 391.322 and the expense of the official transcript. The State Board may bill the licensed employee for such expenses.

4. A hearing officer selected pursuant to NRS 391.322 shall, upon the request of a party, issue subpoenas to compel the attendance of witnesses and the production of books, records, documents or other pertinent information to be used as evidence in hearings conducted pursuant to NRS 391.323.

Sec. 28. (Deleted by amendment.)

Sec. 28.5. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030,



241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, **391.033**, 391.035, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902, 433.534, 433A.360, 437.145, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 445A.665, 445B.570, 449.209, 449.245, 449A.112, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641.325, 641A.191, 641A.289, 641B.170, 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945,



647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.



(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 28.7. When the term of either member of the Commission on Professional Standards in Education appointed to the Commission pursuant to paragraph (b) of subsection 3 of NRS 391.011 expires, the Governor shall, appoint to the Commission the member of the Commission described in paragraph (f) of subsection 3 of NRS 391.011, as amended by section 4.5 of this bill.

Sec. 29. Notwithstanding the provisions of NRS 391.0347, as amended by section 11 of this act, a person who holds a license to teach which was initially issued on or after July 1, 2015, but before July 1, 2019, is not required to submit with his or her first application for renewal of his or her license to teach proof of the completion of a course in multicultural education pursuant to NRS 391.0347, as amended by section 11 of this act. Such a person must submit such proof with his or her first application for renewal of his or her license submitted on or after July 1, 2019.

Sec. 30. (Deleted by amendment.)

Sec. 31. Notwithstanding the amendatory provisions of this act, a person who holds a special qualifications license to teach issued pursuant to chapter 319 of NRS before July 1, 2019, may continue to teach until the expiration of the license.

Sec. 32. (Deleted by amendment.)

Sec. 33. This act becomes effective on July 1, 2019.

