

SENATE BILL NO. 47—COMMITTEE ON EDUCATION

(ON BEHALF OF THE CLARK COUNTY SCHOOL DISTRICT)

PREFILED NOVEMBER 16, 2022

Referred to Committee on Education

SUMMARY—Revises provisions relating to teachers.
(BDR 34-379)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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

AN ACT relating to education; creating the Public Education Employee Working Conditions Task Force; prescribing the membership, powers and duties of the Task Force; authorizing the board of trustees of a school district to build, purchase or rent certain residential dwellings for employees; abolishing the fees for certain licenses; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Nevada State Teacher Recruitment and Retention Advisory Task Force for the purpose of evaluating and addressing the challenges in attracting and retaining teachers throughout this State. (NRS 391.490-391.496) **Section 5** of this bill creates the Public Education Employee Working Conditions Task Force. **Section 4** of this bill defines the term "Task Force" to refer to the Task Force created by **section 5**. **Sections 5, 7 and 12** of this bill set forth the membership, powers and duties of the Task Force. **Section 5** also: (1) prescribes certain procedural requirements governing the operation of the Task Force; (2) provides that members of the Task Force are entitled to a per diem allowance and travel expenses while engaged in the business of the Task Force; and (3) requires the Department of Education to provide administrative support to the Task Force. **Section 6** of this bill establishes procedures for the appointment of members to the Task Force. **Section 7** requires the Task Force to establish recommended standards for: (1) the working conditions of the employees of school districts, charter schools, the Department and the State Public Charter School Authority; and (2) the operation and accessibility of pathways to entering professions in public education. **Section 7** also requires the Task Force to analyze the degree to which school districts, charter schools, the Department, the State Public Charter School Authority and persons and entities involved in the operation of pathways to entering



professions in public education are making progress toward meeting the recommended standards. **Section 7** also requires the Task Force to make recommendations to the Joint Interim Standing Committee on Education, the school districts and charter schools of this State, the Department, the State Public Charter School Authority and persons and entities involved in the operation of pathways to entering professions in public education concerning measures to improve: (1) the working conditions of the employees of school districts, charter schools, the Department and the State Public Charter School Authority; and (2) the operation and accessibility of pathways to entering professions in public education. **Section 12** of this bill requires the Task Force to commission a third party to perform a statewide study of the working conditions for employees of the school districts and charter schools of this State, the Department and the State Public Charter School Authority.

Existing law authorizes the board of trustees of a school district to build, purchase or rent certain buildings, including teacherages. (NRS 393.080) **Section 10** of this bill expands this authority by authorizing the board of trustees of a school district to build, purchase or rent other residential dwellings for employees of the school district. **Section 10** authorizes the board of trustees of a school district to own or rent teacherages or other dwellings directly or through a partnership with another entity. **Section 1** of this bill authorizes the board of trustees of a school district to use money in certain funds and accounts for that purpose, and **section 2** of this bill authorizes the board of trustees of a school district to issue general obligation bonds to raise money for that purpose. **Section 11** of this bill requires the board of trustees of a school district to maintain residential dwellings for employees in such repair as is necessary for the comfort and health of teachers and other employees of the school district.

Existing law requires the Commission on Professional Standards in Education to fix fees by regulation for the initial issuance of a license as a teacher or other educational personnel and the renewal of such a license. (NRS 391.040) **Section 15** of this bill repeals the authority to adopt such regulations, and **section 13** of this bill provides that any regulations prescribing such fees are void. **Sections 8 and 9** of this bill remove references to such fees.

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

Section 1. NRS 387.205 is hereby amended to read as follows:
387.205 1. Subject to the provisions of subsection 3, money on deposit in the county school district fund or in a separate account, if the board of trustees of a school district has elected to establish such an account pursuant to the provisions of NRS 354.603, must be used for:

(a) Maintenance and operation of the public schools controlled by the county school district.

(b) Payment of premiums for Nevada industrial insurance.

(c) Rent of schoolhouses.

(d) Construction, furnishing or rental of teacherages ~~and~~ *and other residential dwellings for employees of the school district*, when approved by the Superintendent of Public Instruction.



(e) Transportation of pupils, including the purchase of new buses.

(f) Programs of nutrition, if such expenditures do not curtail the established school program or make it necessary to shorten the school term, and each pupil furnished lunch whose parent or guardian is financially able so to do pays at least the actual cost of the lunch.

(g) Membership fees, dues and contributions to an interscholastic activities association.

(h) Repayment of a loan made from the State Permanent School Fund pursuant to NRS 387.526.

(i) Programs of education and projects relating to air quality pursuant to NRS 445B.500.

2. Money on deposit in the county school district fund, or in a separate account, if the board of trustees of a school district has elected to establish such an account pursuant to the provisions of NRS 354.603, when available, may be used for:

(a) Purchase of sites for school facilities.

(b) Purchase of buildings for school use.

(c) Repair and construction of buildings for school use.

3. The board of trustees of a school district, in allocating the use of money pursuant to this section, shall prioritize expenditures in a manner which ensures that the budgetary priorities determined pursuant to NRS 387.301 are carried out.

Sec. 2. NRS 387.335 is hereby amended to read as follows:

387.335 1. The board of trustees of a county school district may issue its general obligations to raise money for the following purposes, and no others:

(a) Construction, design or purchase of new buildings for schools, including, but not limited to, teacherages ~~and~~ *and other residential dwellings for employees of the school district*, dormitories, dining halls, gymnasiums and stadiums.

(b) Enlarging, remodeling or repairing existing buildings or grounds for schools, including, but not limited to, teacherages ~~and~~ *and other residential dwellings for employees of the school district*, dormitories, dining halls, gymnasiums and stadiums.

(c) Acquiring sites for building schools, or additional real property for necessary purposes related to schools, including, but not limited to, playgrounds, athletic fields and sites for stadiums.

(d) Paying expenses relating to the acquisition of school facilities which have been leased by a school district pursuant to NRS 393.080.

(e) Purchasing necessary motor vehicles and other equipment to be used for the transportation of pupils or furniture and equipment for schools. If money from the issuance of general obligations is



used to purchase vehicles and other equipment used for the transportation of pupils or furniture and equipment to replace existing vehicles and equipment or furniture and equipment, as applicable, and the existing vehicles and equipment or furniture and equipment subsequently are sold, the proceeds from the sale must be applied toward the retirement of those obligations.

2. Any one or more of the purposes enumerated in subsection 1 may, by order of the board of trustees entered in its minutes, be united and voted upon as one single proposition.

3. Any question submitted pursuant to this section and any question submitted pursuant to NRS 387.3285 may, by order of the board of trustees entered in its minutes, be united and voted upon as a single proposition.

Sec. 3. Chapter 391 of NRS is hereby amended by adding thereto the provisions set forth as sections 4 to 7, inclusive, of this act.

Sec. 4. *As used in sections 4 to 7, inclusive, of this act, unless the context otherwise requires, "Task Force" means the Public Education Employee Working Conditions Task Force created by section 5 of this act.*

Sec. 5. 1. *There is hereby created the Public Education Employee Working Conditions Task Force consisting of the following 11 members appointed by the Legislative Commission:*

(a) Two employees of a school district, each of whom must be employed by a school district located in a county whose population is less than 100,000;

(b) Two employees of a school district, each of whom must be employed by a school district located in a county whose population is 100,000 or more but less than 700,000;

(c) Three employees of a school district, each of whom must be employed by a school district located in a county whose population is 700,000 or more;

(d) One employee of the Department;

(e) Two experts in the field of human resources for public entities, at least one of whom must be employed as an executive of human resources for a school district; and

(f) One employee of the State Public Charter School Authority.

2. *A person may not serve concurrently on the Task Force and:*

(a) As the superintendent of a school district; or

(b) On another statewide or regional board, commission, council, task force or similar body related to education.

3. *Each member of the Task Force serves a term of 2 years and may be reappointed to one additional 2-year term following the initial full term of the member. If any member of the Task*



Force ceases to be qualified for the position to which the member is appointed, the position shall be deemed vacant. If a vacancy occurs, the Legislative Commission shall appoint a member who meets the qualifications prescribed by subsection 1 for the vacant position to fill the vacancy for the remainder of the unexpired term.

4. The Task Force shall, at its first meeting after the appointment of members pursuant to section 6 of this act or the first meeting after the position of Chair becomes vacant, elect a Chair from among its members.

5. The Task Force shall meet at least four times each year and may meet at other times upon the call of the Chair or a majority of the members of the Task Force.

6. Six members of the Task Force constitute a quorum, and a quorum may exercise all the power and authority conferred on the Task Force.

7. Members of the Task Force serve without compensation except that for each day or portion of a day during which a member of the Task Force attends a meeting of the Task Force or is otherwise engaged in the business of the Task Force, the member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

8. Each member of the Task Force who is an officer or employee of the State or a local government must be relieved from the duties of the member without loss of regular compensation so that the member may prepare for and attend meetings of the Task Force and perform any work necessary to carry out the duties of the Task Force in the most timely manner practicable. A state agency or local government shall not require an officer or employee who is a member of the Task Force to make up that time the member is absent from work to carry out his or her duties as a member, and shall not require the member to take annual vacation or compensatory time for the absence.

9. The Department shall provide administrative support to the Task Force.

Sec. 6. 1. On or before August 1 of an odd-numbered year, a person who wishes to serve on the Task Force must submit to the Legislative Commission an application on the form prescribed by the Department. If the applicant is an employee of a school district, the application must be accompanied by a letter from the superintendent of the school district endorsing the applicant for membership on the Task Force.

2. On or before September 1 of each odd-numbered year, the Legislative Commission shall appoint the members of the Task



Force in accordance with section 5 of this act for a 2-year term commencing on September 1 of the odd-numbered year.

3. To the extent possible, the Legislative Commission shall appoint a variety of educational professionals to serve on the Task Force, including, without limitation:

- (a) Licensed teachers;
- (b) Substitute teachers;
- (c) Education support professionals; and
- (d) Administrators.

4. As used in this section, “education support professional” means a person, other than a teacher or administrator, who is employed to work at a public school. The term includes, without limitation:

- (a) Paraprofessionals;
- (b) School police officers, school resource officers and other providers of security services at a school;
- (c) School nurses;
- (d) School counselors;
- (e) School psychologists;
- (f) School social workers;
- (g) Drivers of school buses;
- (h) Secretaries;
- (i) Members of the custodial or maintenance staff; and
- (j) Workers in food services.

Sec. 7. 1. The Task Force shall:

(a) Establish recommended standards for:

(1) The working conditions of the employees of school districts, charter schools, the Department and the State Public Charter School Authority; and

(2) The operation and accessibility of pathways to entering professions in public education.

(b) Analyze the degree to which the school districts and charter schools of this State, the Department, the State Public Charter School Authority and persons and entities involved in the operation and accessibility of pathways to entering professions in public education are making progress toward meeting the recommended standards established pursuant to paragraph (a).

(c) Make recommendations to the Joint Interim Standing Committee on Education, the school districts and charter schools of this State, the Department, the State Public Charter School Authority and persons and entities involved in the operation of pathways to entering professions in public education concerning measures to improve:



(1) *The working conditions of the employees of school districts, charter schools, the Department and the State Public Charter School Authority; and*

(2) *The operation and accessibility of pathways to entering professions in public education.*

(d) *On or before August 1 of each even-numbered year, present to the Joint Interim Standing Committee on Education recommendations for legislation to improve:*

(1) *The working conditions of the employees of school districts, charter schools, the Department and the State Public Charter School Authority; and*

(2) *The operation and accessibility of pathways to entering professions in public education.*

(e) *On or before December 31 of each even-numbered year, submit a report describing the findings and recommendations of the Task Force to:*

(1) *The Director of the Legislative Counsel Bureau for transmittal to the Legislature;*

(2) *The Superintendent of Public Instruction;*

(3) *The superintendent of each school district in this State; and*

(4) *The Executive Director of the State Public Charter School Authority.*

2. *The recommended standards established pursuant to paragraph (a) of subsection 1 must address all factors that influence the working conditions of the employees of school districts, charter schools, the Department and the State Public Charter School Authority and the operation and accessibility of pathways to entering professions in public education, including, without limitation, funding, operations, staffing and internal policies.*

Sec. 8. NRS 391.0965 is hereby amended to read as follows:

391.0965 1. The Department may charge and collect a fee of \$50 to review information pertaining to and provide feedback concerning a person's qualifications for a license to teach or perform other educational functions, including, without limitation, records from a college or other educational institution and scores on examinations administered pursuant to the regulations adopted by the Commission, before the person applies for such a license. ~~[Except as otherwise provided in subsection 4, the]~~ The money received from the fee collected pursuant to this section must be deposited with the State Treasurer for credit to the appropriate account of the Department.

2. Upon submission and payment of the fee prescribed pursuant to subsection 1, the Department shall review the



information submitted pursuant to that subsection and provide feedback to a person concerning whether the information submitted by the person is indicative of whether the person appears to satisfy all or some of the requirements for the issuance of a license and, if so, the kind of license for which it appears the person may satisfy the requirements.

3. The submission of information pursuant to subsection 1 or any feedback provided by the Department pursuant to subsection 2 is not a substitute for the application process prescribed by NRS 391.033 and does not confer upon any person a right to the issuance of a license.

~~[4. If the Department determines from the information submitted pursuant to subsection 1 that the person satisfies the requirements for the issuance of a license, the fee prescribed pursuant to subsection 1 must be applied toward the fee prescribed for the initial issuance of a license by the Commission pursuant to NRS 391.040.]~~

Sec. 9. 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:

(a) Unprofessional conduct.

(b) Immorality, as defined in NRS 391.650.

(c) Evident unfitness for service.

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

(e) Conviction of a felony or crime involving moral turpitude.

(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.

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

(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.

(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.



(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.

(k) An intentional violation of NRS 388.497 or 388.499.

(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]~~ *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. 10. NRS 393.080 is hereby amended to read as follows:

393.080 1. The board of trustees of a school district may:

(a) Build, purchase or rent schoolhouses and other school buildings, including, but not limited to ~~[- teacherages, gymnasiums]~~ :

(1) Teacherages and other residential dwellings for employees of the school district. Such teacherages and other dwellings may be directly owned or rented by the school district or operated through a partnership with another person or entity.

(2) Gymnasiums and stadiums. [- and dormitories]

(3) Dormitories and dining halls as provided in NRS 393.090.

(b) Enter into lease agreements for school facilities with an option to purchase the facilities.

(c) Change the location of schools.

(d) Close a school or change the use of the school building to a purpose other than the teaching of kindergarten through 12th grade.



(e) Supervise and inspect the work performed pursuant to a contract to which the provisions of NRS 393.110 apply.

2. Any board of trustees which proposes to change the location of a school, close a school or change the use of a school building as provided in subsection 1 shall give 30 days' written notice to the principal and teachers of the affected school and to the parents of the children attending that school. In addition the board of trustees shall publish a notice of the subject, time and place of the meeting at which the matter will be considered, in a newspaper of general circulation in the county at least 10 days before the meeting.

Sec. 11. NRS 393.100 is hereby amended to read as follows:

393.100 The board of trustees of a school district shall keep the public school buildings, teacherages, *other residential dwellings for employees of the school district*, dormitories, dining halls, gymnasiums, stadiums and all other buildings in its charge in such repair as is necessary for the comfort and health of pupils, ~~and~~ teachers *and other employees of the school district*.

Sec. 12. 1. The Public Education Employee Working Conditions Task Force created by section 5 of this act shall, during the 2023-2024 interim, commission a third party to conduct a study of the working conditions for employees of school districts and charter schools of this State, the Department of Education and the State Public Charter School Authority. The study must include, without limitation, a review of:

(a) Whether the school districts and charter schools of this State, the Department of Education and the State Public Charter School Authority are adequately funded and staffed and the effects of any funding or staffing inadequacies on the working conditions for the employees of those entities; and

(b) The operations and policies of the school districts and charter schools of this State, the Department of Education and the State Public Charter School Authority and ways to improve those operations and policies for the purpose of improving the working conditions for the employees of those entities.

2. The third party commissioned to conduct a study pursuant to subsection 1 shall present the completed study to the Task Force at a meeting of the Task Force.

Sec. 13. Any provisions of any regulation adopted by the Commission on Professional Standards in Education pursuant to NRS 391.040 prescribing a fee, including, without limitation, a fee for the issuance or renewal of a license or the issuance of an endorsement, are void. The Legislative Counsel shall remove those provisions from the Nevada Administrative Code as soon as practicable after July 1, 2023.



1 **Sec. 14.** The provisions of subsection 1 of NRS 218D.380 do
2 not apply to any provision of this act which adds or revises a
3 requirement to submit a report to the Legislature.

4 **Sec. 15.** NRS 391.040 is hereby repealed.

5 **Sec. 16.** This act becomes effective on July 1, 2023.

TEXT OF REPEALED SECTION

391.040 Fees for issuance and renewal of licenses; fee for duplicate license; waiver of fees for certain persons affiliated with Armed Forces.

1. The Commission shall fix fees of not less than \$100 for the:

(a) Initial issuance of a license, which must include the fees for processing the fingerprints of the applicant by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation; and

(b) Renewal of a license, which must include the fees for processing the fingerprints of the applicant for renewal by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation.

2. The fee for issuing a duplicate license is the same as for issuing the original.

3. The portion of each fee which represents the amount charged by the Federal Bureau of Investigation for processing the fingerprints of the applicant must be deposited with the State Treasurer for credit to the appropriate account of the Department of Public Safety. The remaining portion of the money received from the fees must be deposited with the State Treasurer for credit to the appropriate account of the Department of Education.

4. The Department of Education may waive any fee for the initial issuance of a license, the renewal of a license or the issuance of a duplicate license for an applicant or licensee who is a veteran of the Armed Forces of the United States, an applicant or licensee who is a member of the Armed Forces of the United States who is on active duty or an applicant or licensee who is the spouse of such a veteran or member of the Armed Forces of the United States.

