
SENATE BILL NO. 92—COMMITTEE ON EDUCATION

(ON BEHALF OF THE LIEUTENANT GOVERNOR)

PREFILED DECEMBER 20, 2014

Referred to Committee on Education

SUMMARY—Revises provisions relating to personnel of public schools. (BDR 34-485)

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

CONTAINS UNFUNDED MANDATE (§§ 9, 20)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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

AN ACT relating to education; requiring any teacher or substitute teacher hired to teach in any public school to be highly qualified; revising the qualifications for an administrator in a charter school; requiring certain schools to employ an assistant principal; requiring the board of trustees of a school district to adopt certain policies; providing that certain postprobationary employees revert to probationary status under certain circumstances; requiring that the statewide performance evaluation system take certain factors into account for the evaluation of district-level administrators; requiring the board of trustees of a school district to consider specified factors in carrying out a reduction in force; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Federal law requires school districts that receive certain federal funds to ensure
2 that all teachers hired after a certain date are highly qualified. (20 U.S.C. § 6319(a))
3 In order to be “highly qualified” under federal law, a teacher is required to: (1) have
4 full state certification or have passed the state teacher licensing examination; (2)
5 hold a license in the state in which he or she is teaching; and (3) meet certain other
6 requirements. (20 U.S.C. § 7801(23)) Existing law requires a teacher who teaches
7 certain subjects in certain public schools to be highly qualified. (NRS 386.590,
8 391.100) Notwithstanding the provisions of any collective bargaining agreement or



9 contract of employment to the contrary, **sections 9 and 20** of this bill require any
10 teacher or substitute teacher hired to teach in any public school, including a charter
11 school, to be highly qualified. **Sections 2, 3, 10, 14-19, 22 and 23** of this bill make
12 changes consistent with this requirement. **Sections 5 and 13** of this bill prohibit a
13 school district or the governing body of a charter school from attempting to avoid
14 compliance with this requirement.

15 Existing law also authorizes the governing body of a charter school to employ
16 such administrators as it deems necessary and requires that a person employed as an
17 administrator possess one of the following: (1) a valid teacher's license with an
18 administrative endorsement; (2) a master's degree in school, public or business
19 administration; or (3) a baccalaureate degree and at least 5 years of experience in
20 school, business or public administration. (NRS 386.590) **Section 9** revises those
21 requirements to provide that a person employed as an administrator must possess
22 all of those qualifications. **Section 20** requires any vacancy in an assistant principal
23 position in a school other than a charter school to be filled before any vacancy in an
24 administrative position at a district level.

25 Existing law establishes a system of objective evaluation of teachers,
26 administrators and other licensed personnel in a school district. (NRS 391.3125,
27 391.3127) Existing law provides that when a teacher or administrator is hired, he or
28 she is employed as a probationary employee for 3 years and has no right to
29 employment after any of those 3 years. Existing law further provides that a
30 probationary employee who completes a 3-year probationary period and meets
31 certain other requirements becomes a postprobationary employee in the ensuing
32 year of employment. (NRS 391.3197) Existing law requires a postprobationary
33 teacher or administrator who receives an evaluation designating his or her
34 performance as minimally effective or ineffective to be evaluated three times in the
35 immediately succeeding school year. (NRS 391.3125, 391.3127) Existing law also
36 provides that a postprobationary employee who receives an evaluation designating
37 his or her performance as minimally effective or ineffective for 2 consecutive
38 school years becomes a probationary employee. (NRS 391.3129) **Section 26** of this
39 bill instead provides that, upon the issuance of a first evaluation designating a
40 postprobationary employee as minimally effective or ineffective, the employee
41 reverts to probationary status.

42 Existing law requires the Teachers and Leaders Council of Nevada to make
43 recommendations to the State Board of Education concerning the adoption of
44 regulations for establishing a statewide performance evaluation system. (NRS
45 391.460) Existing law requires the State Board to adopt regulations establishing
46 such a system based upon the recommendations of the Council. (NRS 391.465)
47 **Section 28** of this bill requires the performance evaluation system recommended by
48 the Council to ensure that each district level administrator is evaluated using a
49 system that takes into account the level of resources provided to the schools under
50 the administrative supervision of the administrator. **Section 29** of this bill requires
51 that the State Board include this recommendation in the statewide performance
52 evaluation system.

53 Existing law provides that when a reduction in the workforce is necessary, the
54 board of trustees of a school district must not lay off a teacher or an administrator
55 based solely on seniority. (NRS 288.151) **Section 30** of this bill requires the board
56 of trustees of a school district to consider certain factors when reducing the
57 workforce. **Section 30** also provides that, if two or more employees are similarly
58 situated after the application of those factors, the decision by the board of trustees
59 to lay off one or more of the employees may be based on seniority.



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

1 **Section 1.** NRS 385.007 is hereby amended to read as follows:
2 385.007 As used in this title, unless the context otherwise
3 requires:

4 1. "Charter school" means a public school that is formed
5 pursuant to the provisions of NRS 386.490 to 386.649, inclusive ~~and~~,
6 *and section 5 of this act.*

7 2. "Department" means the Department of Education.

8 3. "Homeschooled child" means a child who receives
9 instruction at home and who is exempt from compulsory attendance
10 pursuant to NRS 392.070.

11 4. "Limited English proficient" has the meaning ascribed to it
12 in 20 U.S.C. § 7801(25).

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

19 6. "State Board" means the State Board of Education.

20 7. "University school for profoundly gifted pupils" has the
21 meaning ascribed to it in NRS 392A.040.

22 **Sec. 2.** NRS 385.3478 is hereby amended to read as follows:

23 385.3478 1. The annual report of accountability prepared
24 pursuant to NRS 385.347 must include information on teachers and
25 paraprofessionals, including, without limitation:

26 (a) Information on the professional qualifications of teachers
27 employed by each school in the district and the district as a whole,
28 including, without limitation, each charter school sponsored by the
29 district. The information must include, without limitation:

30 (1) The percentage of teachers who are:

31 (I) Providing instruction pursuant to NRS 391.125; *or*

32 (II) ~~Providing instruction pursuant to a waiver of the~~
33 ~~requirements for licensure for the grade level or subject area in~~
34 ~~which the teachers are employed; or~~

35 ~~—(III)—~~ Otherwise providing instruction without an
36 endorsement for the subject area in which the teachers are
37 employed;

38 (2) The percentage of classes in the core academic subjects,
39 as set forth in NRS 389.018, that are not taught by highly qualified
40 teachers;

41 (3) The percentage of classes in the core academic subjects,
42 as set forth in NRS 389.018, that are not taught by highly qualified



1 teachers, in the aggregate and disaggregated by high-poverty
2 compared to low-poverty schools, which for the purposes of this
3 subparagraph means schools in the top quartile of poverty and the
4 bottom quartile of poverty in this State;

5 (4) For each middle school, junior high school and high
6 school:

7 (I) The number of persons employed as substitute
8 teachers for 20 consecutive days or more in the same classroom or
9 assignment, designated as long-term substitute teachers, including
10 the total number of days long-term substitute teachers were
11 employed at each school, identified by grade level and subject area;
12 and

13 (II) The number of persons employed as substitute
14 teachers for less than 20 consecutive days, designated as short-term
15 substitute teachers, including the total number of days short-term
16 substitute teachers were employed at each school, identified by
17 grade level and subject area; and

18 (5) For each elementary school:

19 (I) The number of persons employed as substitute
20 teachers for 20 consecutive days or more in the same classroom or
21 assignment, designated as long-term substitute teachers, including
22 the total number of days long-term substitute teachers were
23 employed at each school, identified by grade level; and

24 (II) The number of persons employed as substitute
25 teachers for less than 20 consecutive days, designated as short-term
26 substitute teachers, including the total number of days short-term
27 substitute teachers were employed at each school, identified by
28 grade level.

29 (b) Records of attendance of teachers who provide instruction,
30 for each school in the district and the district as a whole, including,
31 without limitation, each charter school sponsored by the district. The
32 records of attendance maintained by a school for purposes of this
33 paragraph must include the number of teachers who are in
34 attendance at school and the number of teachers who are absent
35 from school. A teacher shall be deemed in attendance if the teacher
36 is excused from being present in the classroom by the school in
37 which the teacher is employed for one of the following reasons:

38 (1) Acquisition of knowledge or skills relating to the
39 professional development of the teacher; or

40 (2) Assignment of the teacher to perform duties for
41 cocurricular or extracurricular activities of pupils.

42 (c) Information on the paraprofessionals employed by each
43 public school in the district, including, without limitation, each
44 charter school sponsored by the district. The information must
45 include:



1 (1) The number of paraprofessionals employed at the school;
2 and

3 (2) The number and percentage of all paraprofessionals who
4 do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The
5 reporting requirements of this subparagraph apply to
6 paraprofessionals who are employed in positions supported with
7 Title I money and to paraprofessionals who are not employed in
8 positions supported with Title I money.

9 2. As used in this section:

10 (a) "Highly qualified" has the meaning ascribed to it in 20
11 U.S.C. § 7801(23).

12 (b) "Paraprofessional" has the meaning ascribed to it in
13 NRS 391.008.

14 **Sec. 3.** NRS 385.3581 is hereby amended to read as follows:

15 385.3581 1. The annual report of accountability prepared by
16 the State Board pursuant to NRS 385.3572 must include information
17 on teachers and paraprofessionals, including, without limitation:

18 (a) For each school district, including, without limitation, each
19 charter school in the district, and for this State as a whole,
20 information on the professional qualifications of teachers employed
21 by the school districts and charter schools, including, without
22 limitation:

23 (1) The percentage of teachers who are:

24 (I) Providing instruction pursuant to NRS 391.125; *or*

25 (II) ~~Providing instruction pursuant to a waiver of the~~
26 ~~requirements for licensure for the grade level or subject area in~~
27 ~~which the teachers are employed; or~~

28 ~~—(III)—~~ Otherwise providing instruction without an
29 endorsement for the subject area in which the teachers are
30 employed;

31 (2) The percentage of classes in the core academic subjects,
32 as set forth in NRS 389.018, in this State that are not taught by
33 highly qualified teachers;

34 (3) The percentage of classes in the core academic subjects,
35 as set forth in NRS 389.018, in this State that are not taught by
36 highly qualified teachers, in the aggregate and disaggregated by
37 high-poverty compared to low-poverty schools, which for the
38 purposes of this subparagraph means schools in the top quartile of
39 poverty and the bottom quartile of poverty in this State;

40 (4) For each middle school, junior high school and high
41 school:

42 (I) The number of persons employed as substitute
43 teachers for 20 consecutive days or more in the same classroom or
44 assignment, designated as long-term substitute teachers, including
45 the total number of days long-term substitute teachers were



1 employed at each school, identified by grade level and subject area;
2 and

3 (II) The number of persons employed as substitute
4 teachers for less than 20 consecutive days, designated as short-term
5 substitute teachers, including the total number of days short-term
6 substitute teachers were employed at each school, identified by
7 grade level and subject area; and

8 (5) For each elementary school:

9 (I) The number of persons employed as substitute
10 teachers for 20 consecutive days or more in the same classroom or
11 assignment, designated as long-term substitute teachers, including
12 the total number of days long-term substitute teachers were
13 employed at each school, identified by grade level; and

14 (II) The number of persons employed as substitute
15 teachers for less than 20 consecutive days, designated as short-term
16 substitute teachers, including the total number of days short-term
17 substitute teachers were employed at each school, identified by
18 grade level.

19 (b) The attendance of teachers who provide instruction, reported
20 for each school district, including, without limitation, each charter
21 school in the district, and for this State as a whole.

22 (c) Information on the paraprofessionals employed at public
23 schools in this State, including, without limitation, the charter
24 schools in this State. The information must include:

25 (1) The number of paraprofessionals employed, reported for
26 each school district, including, without limitation, each charter
27 school in the district, and for this State as a whole; and

28 (2) For each school district, including, without limitation,
29 each charter school in the district, and for this State as a whole, the
30 number and percentage of all paraprofessionals who do not satisfy
31 the qualifications set forth in 20 U.S.C. § 6319(c). The reporting
32 requirements of this subparagraph apply to paraprofessionals who
33 are employed in programs supported with Title I money and to
34 paraprofessionals who are not employed in programs supported with
35 Title I money.

36 2. As used in this section:

37 (a) "Highly qualified" has the meaning ascribed to it in 20
38 U.S.C. § 7801(23).

39 (b) "Paraprofessional" has the meaning ascribed to it in
40 NRS 391.008.

41 **Sec. 4.** NRS 385.635 is hereby amended to read as follows:

42 385.635 1. The Office of Parental Involvement and Family
43 Engagement created by NRS 385.630 shall:

44 (a) Review and evaluate the programs implemented by the
45 school districts and public schools, including, without limitation,



1 programs which are supported in part with money received from the
2 Federal Government, for carrying out and increasing parental
3 involvement and family engagement in the public schools. The
4 review and evaluation must include an identification of current
5 strategies and practices for effective parental involvement and
6 family engagement.

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

14 (c) Work in cooperation with the Statewide Council for the
15 Coordination of the Regional Training Programs in carrying out the
16 duties of the Office, including, without limitation, the establishment
17 of a statewide training program concerning parental involvement
18 and family engagement required pursuant to NRS 391.520.

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

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

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

27 (3) Family literacy training;

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

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

34 (e) Provide support to those school districts which have
35 established an advisory council on parental involvement and family
36 engagement pursuant to NRS 385.625 and encourage those school
37 districts which have not established such an advisory council to
38 consider creating an advisory council for the school district.

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



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

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

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

19 (j) Assist each school district and the public schools within the
20 school district with incorporating strategies and practices for
21 effective parental involvement and family engagement into the plans
22 to improve the achievement of pupils prepared by the public schools
23 pursuant to NRS 385.357.

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

25 (1) Review and evaluate the annual reports of accountability
26 prepared by the board of trustees of each school district pursuant to
27 NRS 385.347 relating to parental involvement and family
28 engagement in the school districts and public schools;

29 (2) Review and evaluate the plans to improve the
30 achievement of pupils prepared by each public school pursuant to
31 NRS 385.357 relating to the strategies and practices for effective
32 parental involvement and family engagement incorporated into the
33 plans; and

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

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

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

44 (b) Activities of the Office during the immediately preceding
45 school year, including the progress made by the Office, in



1 consultation with the Advisory Council, in assisting the school
2 districts and public schools with increasing the effectiveness of
3 involving parents and engaging families in the education of their
4 children.

5 3. The Department shall post on its Internet website:

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

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

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

14 **Sec. 5.** Chapter 386 of NRS is hereby amended by adding
15 thereto a new section to read as follows:

16 *The governing body of a charter school shall not attempt to*
17 *avoid compliance with the requirements of subsection 1 of NRS*
18 *386.590 in any manner, including, without limitation by:*

19 1. *Combining classes; or*

20 2. *Requiring teachers who meet the qualifications required by*
21 *subsection 1 of NRS 386.590 to act as substitute teachers during a*
22 *period that would otherwise be a preparatory period.*

23 **Sec. 6.** NRS 386.490 is hereby amended to read as follows:

24 386.490 As used in NRS 386.490 to 386.649, inclusive, *and*
25 *section 5 of this act*, the words and terms defined in NRS 386.492
26 to 386.503, inclusive, have the meanings ascribed to them in those
27 sections.

28 **Sec. 7.** NRS 386.535 is hereby amended to read as follows:

29 386.535 Except as otherwise provided in NRS 386.5351:

30 1. The sponsor of a charter school may revoke a written charter
31 or terminate a charter contract before the expiration of the charter if
32 the sponsor determines that:

33 (a) The charter school, its officers or its employees:

34 (1) Committed a material breach of the terms and conditions
35 of the written charter or charter contract;

36 (2) Failed to comply with generally accepted standards of
37 fiscal management;

38 (3) Failed to comply with the provisions of NRS 386.490 to
39 386.649, inclusive, *and section 5 of this act* or any other statute or
40 regulation applicable to charter schools; or

41 (4) If the charter school holds a charter contract, has
42 persistently underperformed, as measured by the performance
43 indicators, measures and metrics set forth in the performance
44 framework for the charter school;



1 (b) The charter school has filed for a voluntary petition of
2 bankruptcy, is adjudicated bankrupt or insolvent, or is otherwise
3 financially impaired such that the charter school cannot continue to
4 operate; or

5 (c) There is reasonable cause to believe that revocation or
6 termination is necessary to protect the health and safety of the pupils
7 who are enrolled in the charter school or persons who are employed
8 by the charter school from jeopardy, or to prevent damage to or loss
9 of the property of the school district or the community in which the
10 charter school is located.

11 2. Before the sponsor revokes a written charter or terminates a
12 charter contract, the sponsor shall provide written notice of its
13 intention to the governing body of the charter school. The written
14 notice must:

15 (a) Include a statement of the deficiencies or reasons upon
16 which the action of the sponsor is based;

17 (b) Except as otherwise provided in subsection 4, prescribe a
18 period, not less than 30 days, during which the charter school may
19 correct the deficiencies, including, without limitation, the date on
20 which the period to correct the deficiencies begins and the date on
21 which that period ends;

22 (c) Prescribe the date on which the sponsor will make a
23 determination regarding whether the charter school has corrected the
24 deficiencies, which determination may be made during the public
25 hearing held pursuant to subsection 3; and

26 (d) Prescribe the date on which the sponsor will hold a public
27 hearing to consider whether to revoke the written charter or
28 terminate the charter contract.

29 3. Except as otherwise provided in subsection 4, not more than
30 90 days after the notice is provided pursuant to subsection 2, the
31 sponsor shall hold a public hearing to make a determination
32 regarding whether to revoke the written charter or terminate the
33 charter contract. If the charter school corrects the deficiencies to the
34 satisfaction of the sponsor within the time prescribed in paragraph
35 (b) of subsection 2, the sponsor shall not revoke the written charter
36 or terminate the charter contract of the charter school. The sponsor
37 may not include in a written notice pursuant to subsection 2 any
38 deficiency which was included in a previous written notice and
39 which was corrected by the charter school, unless the deficiency
40 recurred after being corrected.

41 4. The sponsor of a charter school and the governing body of
42 the charter school may enter into a written agreement that prescribes
43 different time periods than those set forth in subsections 2 and 3.

44 5. If the written charter is revoked or the charter contract is
45 terminated, the sponsor of the charter school shall submit a written



1 report to the Department and the governing body of the charter
2 school setting forth the reasons for the termination not later than 10
3 days after revoking the written charter or terminating the charter
4 contract.

5 **Sec. 8.** NRS 386.551 is hereby amended to read as follows:

6 386.551 The provisions of NRS 386.490 to 386.649, inclusive,
7 *and section 5 of this act* and any other statute or regulation
8 applicable to a charter school or its officers or employees govern the
9 formation and operation of charter schools in this State.

10 **Sec. 9.** NRS 386.590 is hereby amended to read as follows:

11 386.590 1. ~~[Except as otherwise provided in this subsection,
12 at least 70 percent of the teachers who provide instruction at a
13 charter school must be licensed teachers. If a charter school is a
14 vocational school, the charter school shall, to the extent practicable,
15 ensure that at least 70 percent of the teachers who provide
16 instruction at the school are licensed teachers, but in no event may
17 more than 50 percent of the teachers who provide instruction at the
18 school be unlicensed teachers.]~~

19 ~~—2.]~~ A governing body of a charter school shall employ:

20 (a) If the charter school offers instruction in kindergarten or
21 grade 1, 2, 3, 4, 5, 6, 7 or 8, a licensed teacher to teach pupils who
22 are enrolled in those grades. ~~[If required by subsection 3 or 4, such a
23 teacher must possess the qualifications required by 20 U.S.C. §
24 6319(a).]~~

25 (b) If the charter school offers instruction in grade 9, 10, 11 or
26 12, a licensed teacher to teach pupils who are enrolled in those
27 grades. ~~[for the subjects set forth in subsection 4. If required by
28 subsection 3 or 4, such a teacher must possess the qualifications
29 required by 20 U.S.C. § 6319(a).]~~

30 (c) In addition to the requirements of paragraphs (a) and (b):

31 (1) If a charter school specializes in arts and humanities,
32 physical education or health education, a licensed teacher to teach
33 those courses of study.

34 (2) If a charter school specializes in the construction industry
35 or other building industry, licensed teachers to teach courses of
36 study relating to the industry. ~~[if those teachers are employed full-
37 time.]~~

38 (3) If a charter school specializes in the construction industry
39 or other building industry and the school offers courses of study in
40 computer education, technology or business, licensed teachers to
41 teach those courses of study. ~~[if those teachers are employed full-
42 time.]~~

43 ~~—3.— A person who is initially hired by the governing body of a
44 charter school on or after January 8, 2002, to teach in a program
45 supported with money from Title I must possess the qualifications~~



1 ~~required by 20 U.S.C. § 6319(a). For the purposes of this~~
2 ~~subsection, a person is not “initially hired” if the person has been~~
3 ~~employed as a teacher by another school district or charter school in~~
4 ~~this State without an interruption in employment before the date of~~
5 ~~hire by his or her current employer.~~

6 ~~— 4. A]~~

7 **2. Notwithstanding the provisions of any collective**
8 **bargaining agreement or contract of employment to the contrary,**
9 **a teacher or substitute teacher** who is employed by a charter school,
10 regardless of the date of hire, must, on or before July 1, ~~[2006,]~~
11 ~~2015~~, possess the qualifications required by 20 U.S.C. § 6319(a). ~~[If~~
12 ~~the teacher teaches one or more of the following subjects:~~

13 ~~— (a) English, reading or language arts;~~

14 ~~— (b) Mathematics;~~

15 ~~— (c) Science;~~

16 ~~— (d) Foreign language;~~

17 ~~— (e) Civics or government;~~

18 ~~— (f) Economics;~~

19 ~~— (g) Geography;~~

20 ~~— (h) History; or~~

21 ~~— (i) The arts.~~

22 ~~— 5. Except as otherwise provided in NRS 386.588, a charter~~
23 ~~school may employ a person who is not licensed pursuant to the~~
24 ~~provisions of chapter 391 of NRS to teach a course of study for~~
25 ~~which a licensed teacher is not required pursuant to subsections 2, 3~~
26 ~~and 4 if the person has:~~

27 ~~— (a) A degree, a license or a certificate in the field for which the~~
28 ~~person is employed to teach at the charter school; and~~

29 ~~— (b) At least 2 years of experience in that field.~~

30 ~~— 6.] 3.~~ Except as otherwise provided in **subsection 4 and** NRS
31 386.588, a charter school shall employ such administrators for the
32 school as it deems necessary. A person employed as an
33 administrator must possess:

34 (a) A valid teacher’s license issued pursuant to chapter 391 of
35 NRS with an administrative endorsement;

36 (b) A master’s degree in school administration, public
37 administration or business administration; ~~[or]~~ **and**

38 (c) At least 5 years of experience in school administration,
39 public administration or business administration and a baccalaureate
40 degree.

41 ~~[7.] 4.~~ **A charter school shall employ an assistant principal.**
42 **Any person employed as an assistant principal must meet the**
43 **requirements for licensure for an administrator prescribed by the**
44 **Commission on Professional Standards in Education pursuant to**



1 ***NRS 391.019 at the time he or she begins his or her employment***
2 ***as an assistant principal.***

3 **5.** Except as otherwise provided in subsection ~~8.1~~ **6**, the
4 portion of the salary or other compensation of an administrator
5 employed by a charter school that is derived from public funds must
6 not exceed the salary or other compensation, as applicable, of the
7 highest paid administrator in a comparable position in the school
8 district in which the charter school is located. For purposes of
9 determining the salary or other compensation of the highest paid
10 administrator in a comparable position in the school district, the
11 salary or other compensation of the superintendent of schools of that
12 school district must not be included in the determination.

13 ~~8.1~~ **6.** If the salary or other compensation paid to an
14 administrator employed by a charter school from public funds
15 exceeds the maximum amount prescribed in subsection ~~7.1~~ **5**, the
16 sponsor of the charter school shall conduct an audit of the salary or
17 compensation. The audit must include, without limitation, a review
18 of the reasons set forth by the governing body of the charter school
19 for the salary or other compensation and the interests of the public
20 in using public funds to pay that salary or compensation. If the
21 sponsor determines that the payment of the salary or other
22 compensation from public funds is justified, the sponsor shall
23 provide written documentation of its determination to the governing
24 body of the charter school and to the Department. If the sponsor
25 determines that the payment of the salary or other compensation
26 from public funds is not justified, the governing body of the charter
27 school shall reduce the salary or compensation paid to the
28 administrator from public funds to an amount not to exceed the
29 maximum amount prescribed in subsection ~~7.1~~ **5**.

30 ~~9.1~~ **7.** A charter school shall not employ a person pursuant to
31 this section if the person's license to teach or provide other
32 educational services has been revoked or suspended in this State or
33 another state.

34 ~~10.1~~ **8.** On or before November 15 of each year, a charter
35 school shall submit to the Department, in a format prescribed by the
36 Superintendent of Public Instruction, the following information for
37 each person who is licensed pursuant to chapter 391 of NRS and
38 who is employed by the governing body on October 1 of that year:

39 (a) The amount of salary or compensation of the licensed
40 person, including, without limitation, verification of compliance
41 with subsection ~~7.1~~ **5**, if applicable to that person; and

42 (b) The designated assignment, as that term is defined by the
43 Department, of the licensed person.



1 **Sec. 10.** NRS 386.595 is hereby amended to read as follows:

2 386.595 1. All employees of a charter school shall be deemed
3 public employees.

4 2. The governing body of a charter school may make all
5 decisions concerning the terms and conditions of employment with
6 the charter school and any other matter relating to employment with
7 the charter school. In addition, the governing body may make all
8 employment decisions with regard to its employees pursuant to NRS
9 391.311 to 391.3197, inclusive, unless a collective bargaining
10 agreement entered into by the governing body pursuant to chapter
11 288 of NRS contains separate provisions relating to the discipline of
12 licensed employees of a school.

13 3. Upon the request of the governing body of a charter school,
14 the board of trustees of a school district shall, with the permission of
15 the licensed employee who is seeking employment with the charter
16 school, transmit to the governing body a copy of the employment
17 record of the employee that is maintained by the school district. The
18 employment record must include, without limitation, each
19 evaluation of the licensed employee conducted by the school district
20 and any disciplinary action taken by the school district against the
21 licensed employee.

22 4. Except as otherwise provided in this subsection, if the
23 written charter of a charter school is revoked or a charter contract is
24 terminated, as applicable, or if a charter school ceases to operate as
25 a charter school, the licensed employees of the charter school must
26 be reassigned to employment within the school district in
27 accordance with the applicable collective bargaining agreement. A
28 school district is not required to reassign a licensed employee of a
29 charter school pursuant to this subsection if the employee:

30 (a) Was not granted a leave of absence by the school district to
31 accept employment at the charter school pursuant to subsection 5;

32 (b) Was granted a leave of absence by the school district and did
33 not submit a written request to return to employment with the school
34 district in accordance with subsection 5; ~~or~~

35 (c) *Fails to comply with the requirements of subsection 3 of*
36 *NRS 391.100; or*

37 (d) Does not comply with or is otherwise not eligible to return to
38 employment pursuant to subsection 6, including, without limitation,
39 the refusal of the licensed employee to allow the school district to
40 obtain the employment record of the employee that is maintained by
41 the charter school.

42 5. The board of trustees of a school district shall grant a leave
43 of absence, not to exceed 3 years, to any licensed employee who is
44 employed by the board of trustees who requests such a leave of
45 absence to accept employment with a charter school. After the first



1 school year in which a licensed employee is on a leave of absence,
2 the employee may return to a comparable teaching position with the
3 board of trustees. After the third school year, a licensed employee
4 shall either submit a written request to return to a comparable
5 teaching position or resign from the position for which the
6 employee's leave was granted. The board of trustees shall grant a
7 written request to return to a comparable position pursuant to this
8 subsection even if the return of the licensed employee requires the
9 board of trustees to reduce the existing workforce of the school
10 district. The board of trustees is not required to accept the return of
11 the licensed employee if the employee does not comply with or is
12 otherwise not eligible to return to employment pursuant to
13 subsection 6, including, without limitation, the refusal of the
14 licensed employee to allow the school district to obtain the
15 employment record of the employee that is maintained by
16 the charter school. The board of trustees may require that a request
17 to return to a comparable teaching position submitted pursuant to
18 this subsection be submitted at least 90 days before the employee
19 would otherwise be required to report to duty.

20 6. Upon the request of the board of trustees of a school district,
21 the governing body of a charter school shall, with the permission of
22 the licensed employee who is granted a leave of absence from the
23 school district pursuant to this section, transmit to the school district
24 a copy of the employment record of the employee that is maintained
25 by the charter school before the return of the employee to
26 employment with the school district pursuant to subsection 4 or 5.
27 The employment record must include, without limitation, each
28 evaluation of the licensed employee conducted by the charter school
29 and any disciplinary action taken by the charter school against the
30 licensed employee. Before the return of the licensed employee, the
31 board of trustees of the school district may conduct an investigation
32 into any misconduct of the licensed employee during the leave of
33 absence from the school district and take any appropriate
34 disciplinary action as to the status of the person as an employee of
35 the school district, including, without limitation:

36 (a) The dismissal of the employee from employment with the
37 school district; or

38 (b) Upon the employee's return to employment with the school
39 district, documentation of the disciplinary action taken against the
40 employee into the employment record of the employee that is
41 maintained by the school district.

42 7. If a school district conducts an investigation pursuant to
43 subsection 6:



1 (a) The licensed employee is not entitled to return to
2 employment with the school district until the investigation is
3 complete; and

4 (b) The investigation must be conducted within a reasonable
5 time.

6 8. A licensed employee who is on a leave of absence from a
7 school district pursuant to this section:

8 (a) Shall contribute to and be eligible for all benefits for which
9 the employee would otherwise be entitled, including, without
10 limitation, participation in the Public Employees' Retirement
11 System and accrual of time for the purposes of leave and retirement.

12 (b) Continues, while the employee is on leave, to be covered by
13 the collective bargaining agreement of the school district only with
14 respect to any matter relating to his or her status or employment
15 with the district.

16 ➔ The time during which such an employee is on a leave of absence
17 and employed in a charter school does not count toward the
18 acquisition of permanent status with the school district.

19 9. Upon the return of a teacher to employment in the school
20 district, the teacher is entitled to the same level of retirement, salary
21 and any other benefits to which the teacher would otherwise be
22 entitled if the teacher had not taken a leave of absence to teach in a
23 charter school.

24 10. An employee of a charter school who is not on a leave of
25 absence from a school district is eligible for all benefits for which
26 the employee would be eligible for employment in a public school,
27 including, without limitation, participation in the Public Employees'
28 Retirement System.

29 11. For all employees of a charter school:

30 (a) The compensation that a teacher or other school employee
31 would have received if he or she were employed by the school
32 district must be used to determine the appropriate levels of
33 contribution required of the employee and employer for purposes of
34 the Public Employees' Retirement System.

35 (b) The compensation that is paid to a teacher or other school
36 employee that exceeds the compensation that the employee would
37 have received if he or she were employed by the school district must
38 not be included for the purposes of calculating future retirement
39 benefits of the employee.

40 12. If the board of trustees of a school district in which a
41 charter school is located manages a plan of group insurance for its
42 employees, the governing body of the charter school may negotiate
43 with the board of trustees to participate in the same plan of group
44 insurance that the board of trustees offers to its employees. If the
45 employees of the charter school participate in the plan of group



1 insurance managed by the board of trustees, the governing body of
2 the charter school shall:

3 (a) Ensure that the premiums for that insurance are paid to the
4 board of trustees; and

5 (b) Provide, upon the request of the board of trustees, all
6 information that is necessary for the board of trustees to provide the
7 group insurance to the employees of the charter school.

8 **Sec. 11.** NRS 386.650 is hereby amended to read as follows:

9 386.650 1. The Department shall establish and maintain an
10 automated system of accountability information for Nevada. The
11 system must:

12 (a) Have the capacity to provide and report information,
13 including, without limitation, the results of the achievement of
14 pupils:

15 (1) In the manner required by 20 U.S.C. §§ 6301 et seq., and
16 the regulations adopted pursuant thereto, and NRS 385.347 and
17 385.3572; and

18 (2) In a separate reporting for each group of pupils identified
19 in the statewide system of accountability for public schools;

20 (b) Include a system of unique identification for each pupil:

21 (1) To ensure that individual pupils may be tracked over time
22 throughout this State;

23 (2) That, to the extent practicable, may be used for purposes
24 of identifying a pupil for both the public schools and the Nevada
25 System of Higher Education, if that pupil enrolls in the System after
26 graduation from high school; and

27 (3) Which must, to the extent money is available for this
28 purpose, include, without limitation, a unique identifier for each
29 pupil whose parent or guardian is a member of the Armed Forces of
30 the United States, a reserve component thereof or the National
31 Guard in a manner that will allow for the disaggregation of each
32 category;

33 (c) Have the capacity to provide longitudinal comparisons of the
34 academic achievement, rate of attendance and rate of graduation of
35 pupils over time throughout this State;

36 (d) Have the capacity to perform a variety of longitudinal
37 analyses of the results of individual pupils on assessments,
38 including, without limitation, the results of pupils by classroom and
39 by school;

40 (e) Have the capacity to identify which teachers are assigned to
41 individual pupils;

42 (f) Have the capacity to provide other information concerning
43 schools and school districts that is not linked to individual pupils,
44 including, without limitation, the ratings of schools and, if available,
45 school districts pursuant to the statewide system of accountability



1 for public schools and an identification of which schools, if any, are
2 persistently dangerous;

3 (g) Have the capacity to access financial accountability
4 information for each public school, including, without limitation,
5 each charter school, for each school district and for this State as a
6 whole; and

7 (h) Be designed to improve the ability of the Department, the
8 sponsors of charter schools, the school districts and the public
9 schools in this State, including, without limitation, charter schools,
10 to account for the pupils who are enrolled in the public schools,
11 including, without limitation, charter schools.

12 ➤ The information maintained pursuant to paragraphs (c), (d) and
13 (e) must be used for the purpose of improving the achievement of
14 pupils and improving classroom instruction. Except as otherwise
15 provided in subsection ~~¶~~ 8 of NRS 391.3125 and subsection ~~¶~~ 7
16 of NRS 391.3127, information on pupil achievement data, as
17 prescribed by the State Board pursuant to NRS 391.465, must
18 account for at least 50 percent, but must not be used as the sole
19 criterion, in evaluating the performance of or taking disciplinary
20 action against an individual teacher or other employee.

21 2. The board of trustees of each school district shall:

22 (a) Adopt and maintain the program prescribed by the
23 Superintendent of Public Instruction pursuant to subsection 3 for the
24 collection, maintenance and transfer of data from the records of
25 individual pupils to the automated system of information, including,
26 without limitation, the development of plans for the educational
27 technology which is necessary to adopt and maintain the program;

28 (b) Provide to the Department electronic data concerning pupils
29 as required by the Superintendent of Public Instruction pursuant to
30 subsection 3; and

31 (c) Ensure that an electronic record is maintained in accordance
32 with subsection 3 of NRS 386.655.

33 3. The Superintendent of Public Instruction shall:

34 (a) Prescribe a uniform program throughout this State for the
35 collection, maintenance and transfer of data that each school district
36 must adopt, which must include standardized software;

37 (b) Prescribe the data to be collected and reported to the
38 Department by each school district and each sponsor of a charter
39 school pursuant to subsection 2 and by each university school for
40 profoundly gifted pupils;

41 (c) Prescribe the format for the data;

42 (d) Prescribe the date by which each school district shall report
43 the data to the Department;

44 (e) Prescribe the date by which each charter school shall report
45 the data to the sponsor of the charter school;



1 (f) Prescribe the date by which each university school for
2 profoundly gifted pupils shall report the data to the Department;

3 (g) Prescribe standardized codes for all data elements used
4 within the automated system and all exchanges of data within the
5 automated system, including, without limitation, data concerning:

- 6 (1) Individual pupils;
- 7 (2) Individual teachers;
- 8 (3) Individual schools and school districts; and
- 9 (4) Programs and financial information;

10 (h) Provide technical assistance to each school district to ensure
11 that the data from each public school in the school district,
12 including, without limitation, each charter school and university
13 school for profoundly gifted pupils located within the school
14 district, is compatible with the automated system of information and
15 comparable to the data reported by other school districts; and

16 (i) Provide for the analysis and reporting of the data in the
17 automated system of information.

18 4. The Department shall establish, to the extent authorized by
19 the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. §
20 1232g, and any regulations adopted pursuant thereto, a mechanism
21 by which persons or entities, including, without limitation, state
22 officers who are members of the Executive or Legislative Branch,
23 administrators of public schools and school districts, teachers and
24 other educational personnel, and parents and guardians, will have
25 different types of access to the accountability information contained
26 within the automated system to the extent that such information is
27 necessary for the performance of a duty or to the extent that such
28 information may be made available to the general public without
29 posing a threat to the confidentiality of an individual pupil.

30 5. The Department may, to the extent authorized by the Family
31 Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g,
32 and any regulations adopted pursuant thereto, enter into an
33 agreement with the Nevada System of Higher Education to provide
34 access to data contained within the automated system for research
35 purposes.

36 **Sec. 12.** NRS 388.866 is hereby amended to read as follows:

37 388.866 1. The board of trustees of a school district or the
38 governing body of a charter school that provides a program of
39 distance education shall ensure that:

40 (a) For each course offered through the program, a teacher:

41 (1) Provides the work assignments to each pupil enrolled in
42 the course that are necessary for the pupil to complete the course;

43 (2) Meets or otherwise communicates with the pupil at least
44 once each week during the course to discuss the pupil's progress;
45 and



1 (3) Enters into a written agreement with the pupil and the
2 pupil's parent or legal guardian outlining the objectives of the
3 course, the timeline for completion of the course and the method by
4 which the progress of the pupil will be assessed; or

5 (b) The program satisfies the requirements of a plan to operate
6 an alternative program of education submitted by the school district
7 and approved pursuant to NRS 388.537.

8 2. ~~If a course offered through a program of distance education~~
9 ~~is a core academic subject, as defined in NRS 389.018, the]~~
10 *Notwithstanding the provisions of any collective bargaining*
11 *agreement or contract of employment to the contrary, the* teacher
12 who fulfills the requirements of subsection 1 must ~~be a:~~
13 ~~(a) Licensed teacher; or~~
14 ~~(b) Teacher, instructor or professor who provides instruction at a~~
15 ~~community college or university. Such a teacher, instructor or~~
16 ~~professor may only be assigned to a course of distance education in~~
17 ~~the subject area for which he or she provides instruction at a~~
18 ~~community college or university.]~~ *possess, on or before July 1,*
19 *2015, the qualifications required by 20 U.S.C. § 6319(a).*

20 **Sec. 13.** Chapter 391 of NRS is hereby amended by adding
21 thereto a new section to read as follows:

22 *A school district shall not attempt to avoid compliance with the*
23 *requirements of subsection 3 of NRS 391.100 in any manner,*
24 *including, without limitation by:*

25 1. *Combining classes; or*

26 2. *Requiring teachers who meet the qualifications required by*
27 *subsection 3 of NRS 391.100 to act as substitute teachers during a*
28 *period that would otherwise be a preparatory period.*

29 **Sec. 14.** NRS 391.019 is hereby amended to read as follows:

30 391.019 1. Except as otherwise provided in NRS 391.027,
31 the Commission shall adopt regulations:

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

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



- 1 (I) Establish the requirements for approval as a qualified
2 provider;
- 3 (II) Require a qualified provider to be selective in its
4 acceptance of students;
- 5 (III) Require a qualified provider to provide supervised,
6 school-based experiences and ongoing support for its students, such
7 as mentoring and coaching;
- 8 (IV) Significantly limit the amount of course work
9 required or provide for the waiver of required course work for
10 students who achieve certain scores on tests;
- 11 (V) Allow for the completion in 2 years or less of the
12 education and training required under the alternative route to
13 licensure;
- 14 (VI) Provide that a person who has completed the
15 education and training required under the alternative route to
16 licensure and who has satisfied all other requirements for licensure
17 may apply for a regular license pursuant to sub-subparagraph (VII)
18 regardless of whether the person has received an offer of
19 employment from a school district, charter school or private school;
20 and
- 21 (VII) Upon the completion by a person of the education
22 and training required under the alternative route to licensure and the
23 satisfaction of all other requirements for licensure, provide for the
24 issuance of a regular license to the person pursuant to the provisions
25 of this chapter and the regulations adopted pursuant to this chapter.
- 26 (2) Must not prescribe qualifications which are more
27 stringent than the qualifications set forth in NRS 391.0315 for a
28 licensed teacher who applies for an additional license in accordance
29 with that section.
- 30 (b) Identifying fields of specialization in teaching which require
31 the specialized training of teachers.
- 32 (c) Except as otherwise provided in NRS 391.125, requiring
33 teachers to obtain from the Department an endorsement in a field of
34 specialization to be eligible to teach in that field of specialization,
35 including, without limitation, an endorsement to teach English as a
36 second language based upon the recommendations of the English
37 Mastery Council pursuant to NRS 388.411.
- 38 (d) Setting forth the educational requirements a teacher must
39 satisfy to qualify for an endorsement in each field of specialization.
- 40 (e) Setting forth the qualifications and requirements for
41 obtaining a license or endorsement to teach American Sign
42 Language, including, without limitation, being registered with the
43 Aging and Disability Services Division of the Department of Health
44 and Human Services pursuant to NRS 656A.100 to engage in the
45 practice of interpreting in an educational setting.



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

5 (1) Provide instruction or other educational services; and

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

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

13 ~~—— (1) At least 2 years of experience teaching at an accredited
14 degree granting postsecondary educational institution in a field for
15 which the applicant will provide instruction in a classroom and at
16 least 3 years of experience working in that field; or~~

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

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

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

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

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

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

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

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

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

43 ~~—— (3) Has at least 5 years of experience teaching with
44 satisfactory evaluations at a school that is accredited by a national or~~



1 ~~regional accrediting agency recognized by the United States~~
2 ~~Department of Education; and~~

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

12 ~~—An applicant for licensure pursuant to this paragraph is exempt~~
13 ~~from each examination required by NRS 391.021 if the applicant~~
14 ~~successfully passed the examination in another state.~~

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

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

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

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

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

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

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

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

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

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



1 **Sec. 15.** NRS 391.021 is hereby amended to read as follows:

2 391.021 Except as otherwise provided in ~~[paragraph (j) of~~
3 ~~subsection 1 of NRS 391.019 and]~~ NRS 391.027, the Commission
4 shall adopt regulations governing examinations for the initial
5 licensing of teachers and other educational personnel. The
6 examinations must test the ability of the applicant to teach and the
7 applicant's knowledge of each specific subject he or she proposes to
8 teach. Each examination must include the following subjects:

- 9 1. The laws of Nevada relating to schools;
- 10 2. The Constitution of the State of Nevada; and
- 11 3. The Constitution of the United States.

12 ↪ The provisions of this section do not prohibit the Commission
13 from adopting regulations pursuant to subsection 2 of NRS 391.032
14 that provide an exemption from the examinations for teachers and
15 other educational personnel from another state if the Commission
16 determines that the examinations required for initial licensure for
17 teachers and other educational personnel in that state are comparable
18 to the examinations required for initial licensure in this State.

19 **Sec. 16.** NRS 391.031 is hereby amended to read as follows:

20 391.031 There are the following kinds of licenses for teachers
21 and other educational personnel in this State:

22 1. A license to teach elementary education, which authorizes
23 the holder to teach in any elementary school in the State.

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

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

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

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

41 ~~—6. A special license designated as a special qualifications~~
42 ~~license, which authorizes the holder to teach only in the grades and~~
43 ~~subject areas designated in the license. A special qualifications~~
44 ~~license is valid for 3 years and may be renewed in accordance with~~



1 ~~the applicable regulations of the Commission adopted pursuant to~~
2 ~~paragraph (g) or (j) of subsection 1 of NRS 391.019.]~~

3 **Sec. 17.** NRS 391.032 is hereby amended to read as follows:

4 391.032 1. Except as otherwise provided in NRS 391.027,
5 the Commission shall:

6 (a) Consider and may adopt regulations which provide for the
7 issuance of conditional licenses to teachers and other educational
8 personnel ~~[before completion of all courses of study or other~~
9 ~~requirements for a license in this State.]~~ *participating in an*
10 *alternative route to licensure that complies with the requirements*
11 *of 34 C.F.R. § 200.56(a)(2)(ii)(A).*

12 (b) Adopt regulations which provide for the reciprocal licensure
13 of educational personnel from other states , including, without
14 limitation, for the reciprocal licensure of persons who hold a license
15 to teach special education. Such regulations must include, without
16 limitation, provisions for the reciprocal licensure of persons who
17 obtained a license pursuant to an alternative route to licensure which
18 the Commission determines is as rigorous or more rigorous than the
19 alternative route to licensure prescribed pursuant to subparagraph
20 (1) of paragraph (a) of subsection 1 of NRS 391.019.

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

28 3. A person who is issued a conditional license *pursuant to*
29 *this section* must complete all courses of study and other
30 requirements for a license in this State which is not conditional
31 within 3 years after the date on which a conditional license is issued.

32 **Sec. 18.** NRS 391.033 is hereby amended to read as follows:

33 391.033 1. All licenses for teachers and other educational
34 personnel are granted by the Superintendent of Public Instruction
35 pursuant to regulations adopted by the Commission and as
36 otherwise provided by law.

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

39 3. Every applicant for a license must submit with his or her
40 application a complete set of his or her fingerprints and written
41 permission authorizing the Superintendent to forward the
42 fingerprints to the Central Repository for Nevada Records of
43 Criminal History for its initial report on the criminal history of the
44 applicant and for reports thereafter upon renewal of the license
45 pursuant to subsection 6 of NRS 179A.075, and for submission to



1 the Federal Bureau of Investigation for its report on the criminal
2 history of the applicant.

3 4. ~~4. [The Superintendent may issue a provisional license pending
4 receipt of the reports of the Federal Bureau of Investigation and the
5 Central Repository for Nevada Records of Criminal History if the
6 Superintendent determines that the applicant is otherwise qualified.
7 —5.]~~ A license must be issued to, or renewed for, as applicable,

8 an applicant if:

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

11 (b) The reports on the criminal history of the applicant from the
12 Federal Bureau of Investigation and the Central Repository for
13 Nevada Records of Criminal History:

14 (1) Do not indicate that the applicant has been convicted of a
15 felony or any offense involving moral turpitude; or

16 (2) Indicate that the applicant has been convicted of a felony
17 or an offense involving moral turpitude but the Superintendent
18 determines that the conviction is unrelated to the position within the
19 county school district or charter school for which the applicant
20 applied or for which he or she is currently employed, as applicable;
21 and

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

24 **Sec. 19.** NRS 391.037 is hereby amended to read as follows:

25 391.037 1. The State Board shall:

26 (a) Prescribe by regulation the standards for approval of a course
27 of study or training offered by an educational institution to qualify a
28 person to be a teacher or administrator or to perform other
29 educational functions.

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

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



1 **Sec. 20.** NRS 391.100 is hereby amended to read as follows:

2 391.100 1. The board of trustees of a school district may
3 employ a superintendent of schools, teachers and all other necessary
4 employees.

5 2. ~~[A person who is initially hired by the board of trustees of a~~
6 ~~school district on or after January 8, 2002, to teach in a program~~
7 ~~supported with money from Title I must possess the qualifications~~
8 ~~required by 20 U.S.C. § 6319(a). For the purposes of this~~
9 ~~subsection, a person is not "initially hired" if he or she has been~~
10 ~~employed as a teacher by another school district or charter school in~~
11 ~~this State without an interruption in employment before the date of~~
12 ~~hire by the person's current employer.] *The board of trustees of a*~~
13 ~~*school district shall employ an assistant principal in each*~~
14 ~~*elementary or secondary school in the district. Any vacancy in an*~~
15 ~~*assistant principal position in any elementary or secondary school*~~
16 ~~*in a school district must be filled before any vacancy in an*~~
17 ~~*administrative position at the district level. Any person employed*~~
18 ~~*as an assistant principal, including, without limitation, to fill a*~~
19 ~~*vacancy, must meet the requirements for licensure for an*~~
20 ~~*administrator prescribed by the Commission on Professional*~~
21 ~~*Standards in Education pursuant to NRS 391.019 at the time he or*~~
22 ~~*she begins his or her employment as an assistant principal.*~~

23 3. ~~[A]~~ *Notwithstanding the provisions of any collective*
24 *bargaining agreement or contract of employment to the contrary,*
25 *a person who is employed as a **teacher or substitute** teacher,*
26 *regardless of the date of hire, must possess, on or before July 1,*
27 ~~[2006.] 2015~~, *the qualifications required by 20 U.S.C. § 6319(a). ~~if~~*
28 ~~*the person teaches:*~~

- 29 ~~—(a) English, reading or language arts;~~
30 ~~—(b) Mathematics;~~
31 ~~—(c) Science;~~
32 ~~—(d) Foreign language;~~
33 ~~—(e) Civics or government;~~
34 ~~—(f) Economics;~~
35 ~~—(g) Geography;~~
36 ~~—(h) History; or~~
37 ~~—(i) The arts.]~~

38 4. The board of trustees of a school district:

39 (a) May employ teacher aides and other auxiliary,
40 nonprofessional personnel to assist licensed personnel in the
41 instruction or supervision of children, either in the classroom or at
42 any other place in the school or on the grounds thereof. A person
43 who is initially hired as a paraprofessional by a school district on or
44 after January 8, 2002, to work in a program supported with Title I
45 money must possess the qualifications required by 20 U.S.C. §



1 6319(c). A person who is employed as a paraprofessional by a
2 school district, regardless of the date of hire, to work in a program
3 supported with Title I money must possess, on or before January 8,
4 2006, the qualifications required by 20 U.S.C. § 6319(c). For the
5 purposes of this paragraph, a person is not "initially hired" if he or
6 she has been employed as a paraprofessional by another school
7 district or charter school in this State without an interruption in
8 employment before the date of hire by the person's current
9 employer.

10 (b) Shall establish policies governing the duties and
11 performance of teacher aides.

12 5. Each applicant for employment pursuant to this section,
13 except a teacher or other person licensed by the Superintendent of
14 Public Instruction, must, as a condition to employment, submit to
15 the school district a full set of the applicant's fingerprints and
16 written permission authorizing the school district to forward the
17 fingerprints to the Central Repository for Nevada Records of
18 Criminal History for its report on the criminal history of the
19 applicant and for submission to the Federal Bureau of Investigation
20 for its report on the criminal history of the applicant.

21 6. Except as otherwise provided in subsection 7, the board of
22 trustees of a school district shall not require a licensed teacher or
23 other person licensed by the Superintendent of Public Instruction
24 pursuant to NRS 391.033 who has taken a leave of absence from
25 employment authorized by the school district, including, without
26 limitation:

27 (a) Sick leave;

28 (b) Sabbatical leave;

29 (c) Personal leave;

30 (d) Leave for attendance at a regular or special session of the
31 Legislature of this State if the employee is a member thereof;

32 (e) Maternity leave; and

33 (f) Leave permitted by the Family and Medical Leave Act of
34 1993, 29 U.S.C. §§ 2601 et seq.,

35 ➔ to submit a set of his or her fingerprints as a condition of return
36 to or continued employment with the school district if the employee
37 is in good standing when the employee began the leave.

38 7. A board of trustees of a school district may ask the
39 Superintendent of Public Instruction to require a person licensed by
40 the Superintendent of Public Instruction pursuant to NRS 391.033
41 who has taken a leave of absence from employment authorized by
42 the school district to submit a set of his or her fingerprints as a
43 condition of return to or continued employment with the school
44 district if the board of trustees has probable cause to believe that the



1 person has committed a felony or an offense involving moral
2 turpitude during the period of his or her leave of absence.

3 8. The board of trustees of a school district may employ or
4 appoint persons to serve as school police officers. If the board of
5 trustees of a school district employs or appoints persons to serve as
6 school police officers, the board of trustees shall employ a law
7 enforcement officer to serve as the chief of school police who is
8 supervised by the superintendent of schools of the school district.
9 The chief of school police shall supervise each person appointed or
10 employed by the board of trustees as a school police officer. In
11 addition, persons who provide police services pursuant to subsection
12 9 or 10 shall be deemed school police officers.

13 9. The board of trustees of a school district in a county that has
14 a metropolitan police department created pursuant to chapter 280 of
15 NRS may contract with the metropolitan police department for the
16 provision and supervision of police services in the public schools
17 within the jurisdiction of the metropolitan police department and on
18 property therein that is owned by the school district. If a contract is
19 entered into pursuant to this subsection, the contract must make
20 provision for the transfer of each school police officer employed by
21 the board of trustees to the metropolitan police department. If the
22 board of trustees of a school district contracts with a metropolitan
23 police department pursuant to this subsection, the board of trustees
24 shall, if applicable, cooperate with appropriate local law
25 enforcement agencies within the school district for the provision and
26 supervision of police services in the public schools within the school
27 district and on property owned by the school district, but outside the
28 jurisdiction of the metropolitan police department.

29 10. The board of trustees of a school district in a county that
30 does not have a metropolitan police department created pursuant to
31 chapter 280 of NRS may contract with the sheriff of that county for
32 the provision of police services in the public schools within the
33 school district and on property therein that is owned by the school
34 district.

35 **Sec. 21.** NRS 391.120 is hereby amended to read as follows:

36 391.120 1. Boards of trustees of the school districts in this
37 State may employ legally qualified teachers and other licensed
38 personnel and may determine their salaries and the length of the
39 term of school for which they are employed. These conditions and
40 any other conditions agreed upon by the parties must be embodied
41 in a written contract, or notice of reemployment, to be approved by
42 the board of trustees and accepted and signed by the employee. A
43 copy of the contract or notice of reemployment, properly written,
44 must be delivered to each teacher or other licensed employee not
45 later than the opening of the term of school.



1 2. A board of trustees may not employ teachers or other
2 licensed personnel for any school year commencing after the
3 expiration of the time for which any member of the board of trustees
4 was elected or appointed.

5 3. It is unlawful for the board of trustees of any school district
6 to employ any teacher who is not legally qualified to teach all the
7 grades which the teacher is engaged to teach. Except as otherwise
8 provided in NRS 391.3015, the board of trustees shall suspend or
9 terminate, as applicable, the employment of any teacher who fails to
10 maintain a license issued pursuant to this chapter in force. ~~[, if such~~
11 ~~a license is required for employment.]~~ Any such suspension or
12 termination must comply with the requirements of NRS 391.301 to
13 391.309, inclusive.

14 4. On or before November 15 of each year, the school district
15 shall submit to the Department, in a form prescribed by the
16 Superintendent of Public Instruction, the following information
17 for each licensed employee employed by the school district on
18 October 1 of that year:

19 (a) The amount of salary of the employee; and

20 (b) The designated assignment, as that term is defined by the
21 Department, of the employee.

22 **Sec. 22.** NRS 391.170 is hereby amended to read as follows:

23 391.170 ~~[1. Except as otherwise provided in subsection 2, a]~~
24 **A** teacher or other employee for whom a license is required is not
25 entitled to receive any portion of public money for schools as
26 compensation for services rendered unless he or she:

27 ~~[(a)]~~ **1.** Is legally employed by the board of trustees of the
28 school district or the governing body of the charter school in which
29 he or she is teaching or performing other educational functions.

30 ~~[(b)]~~ **2.** Has a license authorizing him or her to teach or
31 perform other educational functions at the level and, except as
32 otherwise provided in NRS 391.125, in the field for which he or she
33 is employed, issued in accordance with law and in full force at the
34 time the services are rendered.

35 ~~[2. The provisions of subsection 1 do not prohibit the payment~~
36 ~~of public money to teachers or other employees who are employed~~
37 ~~by a charter school for whom a license is not required pursuant to~~
38 ~~the provisions of NRS 386.590.]~~

39 **Sec. 23.** NRS 391.235 is hereby amended to read as follows:

40 391.235 1. The board of trustees of each school district ~~[may]~~
41 **shall** adopt a policy that sets forth procedures and conditions for a
42 program to engage administrators employed by the school district at
43 the district level in annual classroom instruction, observation and
44 other activities in a manner that is appropriate for the
45 responsibilities, position and duties of the administrators. If the



1 board of trustees adopts such a policy, the policy must require each
2 administrator employed by the school district at the district level to:

3 (a) If the administrator holds a license to teach ~~§~~ *and otherwise*
4 *meets the qualifications required by subsection 3 of NRS 391.100,*
5 provide instruction in a core academic subject in a classroom for at
6 least 1 regularly scheduled full instructional day in each school year;
7 or

8 (b) If the administrator does not hold a license to teach:

9 (1) Personally observe a classroom for at least one-half of a
10 regularly scheduled full instructional day in each school year; or

11 (2) Otherwise participate in activities with pupils in the
12 classroom in each school year, including, without limitation, serving
13 as a guest speaker in the classroom, reading to pupils in elementary
14 school and participating in career day.

15 2. If the board of trustees of a school district adopts a policy
16 pursuant to subsection 1, a district-level administrator may choose a
17 school within the school district at which the administrator will
18 carry out the provisions of this section.

19 3. If the board of trustees of a school district adopts a policy
20 pursuant to subsection 1, an administrator who provides instruction
21 pursuant to paragraph (a) of subsection 1 must be assigned as a
22 substitute teacher for the full instructional day in which the
23 administrator carries out the provisions of this section.

24 4. The provisions of this section do not apply to administrators
25 who are employed by a school district to provide administrative
26 service at the school level, including, without limitation, a principal
27 or vice principal.

28 5. As used in this section, "core academic subject" means the
29 core academic subjects designated pursuant to NRS 389.018.

30 **Sec. 24.** NRS 391.3125 is hereby amended to read as follows:

31 391.3125 1. It is the intent of the Legislature that a uniform
32 system be developed for objective evaluation of teachers and other
33 licensed personnel in each school district.

34 2. Each board, following consultation with and involvement of
35 elected representatives of the teachers or their designees, shall
36 develop a policy for objective evaluations in narrative form. The
37 policy must comply with the statewide performance evaluation
38 system established by the State Board pursuant to NRS 391.465.
39 The policy must set forth a means according to which an employee's
40 overall performance is determined to be highly effective, effective,
41 minimally effective or ineffective. Except as otherwise provided in
42 subsection ~~§~~ 8, the policy must require that pupil achievement
43 data, as prescribed by the State Board pursuant to NRS 391.465,
44 account for at least 50 percent of the evaluation. The policy may
45 include an evaluation by the teacher, pupils, administrators or other



1 teachers or any combination thereof. In a similar manner,
2 counselors, librarians and other licensed personnel must be
3 evaluated. A copy of the policy adopted by the board must be filed
4 with the Department. The primary purpose of an evaluation is to
5 provide a format for constructive assistance. Evaluations, while not
6 the sole criterion, must be used in the dismissal process.

7 3. The person charged with the evaluation of a teacher pursuant
8 to this section shall hold a conference with the teacher before and
9 after each scheduled observation of the teacher during the school
10 year.

11 4. A probationary teacher must be evaluated three times during
12 each school year of his or her probationary employment. Each
13 evaluation must include at least one scheduled observation of the
14 teacher during the school year as follows:

15 (a) The first scheduled observation must occur within 40 days
16 after the first day of instruction of the school year;

17 (b) The second scheduled observation must occur after 40 days
18 but within 80 days after the first day of instruction of the school
19 year; and

20 (c) The third scheduled observation must occur after 80 days but
21 within 120 days after the first day of instruction of the school year.

22 5. ~~If a postprobationary teacher receives an evaluation~~
23 ~~designating his or her overall performance as minimally effective or~~
24 ~~ineffective, the postprobationary teacher must be evaluated three~~
25 ~~times in the immediately succeeding school year in accordance with~~
26 ~~the observation schedule set forth in subsection 4. If a~~
27 ~~postprobationary teacher is evaluated three times in a school year~~
28 ~~and he or she receives an evaluation designating his or her overall~~
29 ~~performance as minimally effective or ineffective on the first or~~
30 ~~second evaluation, or both evaluations, the postprobationary teacher~~
31 ~~may request that the third evaluation be conducted by another~~
32 ~~administrator. If a postprobationary teacher requests that his or her~~
33 ~~third evaluation be conducted by another administrator, that~~
34 ~~administrator must be:~~

35 ~~—(a) Employed by the school district or, if the school district has~~
36 ~~five or fewer administrators, employed by another school district in~~
37 ~~this State; and~~

38 ~~—(b) Selected by the postprobationary teacher from a list of three~~
39 ~~candidates submitted by the superintendent.~~

40 ~~—6.]~~ If a postprobationary teacher receives an evaluation
41 designating his or her overall performance as effective, the
42 postprobationary teacher must be evaluated one time in the
43 immediately succeeding school year. The evaluation must include at
44 least two scheduled observations as follows:



1 (a) The first scheduled observation must occur within 80 days
2 after the first day of instruction of the school year; and

3 (b) The second scheduled observation must occur after 80 days
4 but within 120 days after the first day of instruction of the school
5 year.

6 ~~[7-]~~ 6. If a postprobationary teacher receives an evaluation
7 designating his or her overall performance as highly effective, the
8 postprobationary teacher must be evaluated one time in the
9 immediately succeeding school year. The evaluation must include at
10 least one scheduled observation which must occur within 120 days
11 after the first day of instruction of the school year.

12 ~~[8-]~~ 7. The evaluation of a probationary teacher or a
13 postprobationary teacher pursuant to this section must comply with
14 the regulations of the State Board adopted pursuant to NRS 391.465,
15 which must include, without limitation:

16 (a) An evaluation of the instructional practice of the teacher in
17 the classroom;

18 (b) An evaluation of the professional responsibilities of the
19 teacher to support learning and promote the effectiveness of the
20 school community;

21 (c) Except as otherwise provided in subsection ~~[9-]~~ 8, an
22 evaluation of the performance of pupils enrolled in the school;

23 (d) An evaluation of whether the teacher employs practices and
24 strategies to involve and engage the parents and families of pupils in
25 the classroom;

26 (e) Recommendations for improvements in the performance of
27 the teacher;

28 (f) A description of the action that will be taken to assist the
29 teacher in the areas of instructional practice, professional
30 responsibilities and the performance of pupils; and

31 (g) A statement by the administrator who evaluated the teacher
32 indicating the amount of time that the administrator personally
33 observed the performance of the teacher in the classroom.

34 ~~[9-]~~ 8. The evaluation of a probationary teacher in his or her
35 initial year of employment as a probationary teacher must not
36 include an evaluation of the performance of pupils enrolled in the
37 school. This subsection does not apply to a postprobationary
38 employee who is deemed to be a probationary employee pursuant to
39 NRS 391.3129.

40 ~~[10-]~~ 9. The teacher must receive a copy of each evaluation not
41 later than 15 days after the evaluation. A copy of the evaluation and
42 the teacher's response must be permanently attached to the teacher's
43 personnel file. Upon the request of a teacher, a reasonable effort
44 must be made to assist the teacher to improve his or her



1 performance based upon the recommendations reported in the
2 evaluation of the teacher.

3 **Sec. 25.** NRS 391.3127 is hereby amended to read as follows:

4 391.3127 1. Each board, following consultation with and
5 involvement of elected representatives of administrative personnel
6 or their designated representatives, shall develop an objective policy
7 for the objective evaluation of administrators in narrative form. ~~8 The
9 policy must provide for the evaluation of those administrators who
10 provide primarily administrative services at the school level and
11 who do not provide primarily direct instructional services to pupils,
12 regardless of whether such an administrator is licensed as a teacher
13 or administrator, including, without limitation, a principal and a vice
14 principal.]~~ The policy must comply with the statewide performance
15 evaluation system established by the State Board pursuant to NRS
16 391.465. The policy must set forth a means according to which an
17 administrator's overall performance is determined to be highly
18 effective, effective, minimally effective or ineffective. Except as
19 otherwise provided in subsection ~~8,]~~ 7, the policy must require that
20 pupil achievement data, as prescribed by the State Board pursuant to
21 NRS 391.465, account for at least 50 percent of the evaluation. The
22 policy may include an evaluation by the administrator,
23 superintendent, pupils or other administrators or any combination
24 thereof. A copy of the policy adopted by the board must be filed
25 with the Department and made available to the Commission.

26 2. The person charged with the evaluation of ~~an]~~ *a school*
27 *level* administrator pursuant to this section shall hold a conference
28 with the administrator before and after each scheduled observation
29 of the administrator during the school year.

30 3. A probationary administrator must be evaluated three times
31 during each school year of his or her probationary employment.
32 Each evaluation *of a probationary school level administrator* must
33 include at least one scheduled observation of the ~~probationary]~~
34 administrator during the school year as follows:

35 (a) The first scheduled observation must occur within 40 days
36 after the first day of instruction of the school year;

37 (b) The second scheduled observation must occur after 40 days
38 but within 80 days after the first day of instruction of the school
39 year; and

40 (c) The third scheduled observation must occur after 80 days but
41 within 120 days after the first day of instruction of the school year.

42 4. ~~If a postprobationary administrator receives an evaluation
43 designating his or her overall performance as minimally effective or
44 ineffective, the postprobationary administrator must be evaluated
45 three times in the immediately succeeding school year in accordance
with the observation schedule set forth in subsection 3. If a~~



~~1 postprobationary administrator is evaluated three times in a school
2 year and he or she receives an evaluation designating his or her
3 overall performance as minimally effective or ineffective on the first
4 or second evaluation, or both evaluations, the postprobationary
5 administrator may request that the third evaluation be conducted by
6 another administrator. If a postprobationary administrator requests
7 that his or her third evaluation be conducted by another
8 administrator, that administrator must be:~~

~~9 —(a) Employed by the school district or, if the school district has
10 five or fewer administrators, employed by another school district in
11 this State; and~~

~~12 —(b) Selected by the postprobationary administrator from a list of
13 three candidates submitted by the superintendent.~~

~~14 —5.] If a postprobationary administrator receives an evaluation
15 designating his or her overall performance as effective, the
16 postprobationary administrator must be evaluated one time in the
17 immediately succeeding school year. The evaluation *of a school
18 level administrator* must include at least two scheduled observations
19 as follows:~~

~~20 (a) The first scheduled observation must occur within 80 days
21 after the first day of instruction of the school year; and~~

~~22 (b) The second scheduled observation must occur after 80 days
23 but within 120 days after the first day of instruction of the school
24 year.~~

~~25 [6.] 5. If a postprobationary administrator receives an
26 evaluation designating his or her overall performance as highly
27 effective, the postprobationary administrator must be evaluated one
28 time in the immediately succeeding school year. The evaluation *of a
29 school level administrator* must include at least one scheduled
30 observation which must occur within 120 days after the first day of
31 instruction of the school year.~~

~~32 [7.] 6. The evaluation of an administrator pursuant to this
33 section must comply with the regulations of the State Board adopted
34 pursuant to NRS 391.465, which must include, without limitation [8.]
35 , and as applicable:~~

~~36 (a) An evaluation of the instructional leadership practices of the
37 administrator at the school;~~

~~38 (b) An evaluation of the professional responsibilities of the
39 administrator to support learning and promote the effectiveness of
40 the school community;~~

~~41 (c) Except as otherwise provided in subsection [8.] 7, an
42 evaluation of the performance of pupils enrolled in the school;~~

~~43 (d) An evaluation of whether the administrator employs
44 practices and strategies to involve and engage the parents and
45 families of pupils enrolled in the school;~~



1 (e) Recommendations for improvements in the performance of
2 the administrator; and

3 (f) A description of the action that will be taken to assist the
4 administrator in the areas of instructional leadership practice,
5 professional responsibilities and the performance of pupils.

6 ~~[8.]~~ 7. The evaluation of a probationary administrator in his or
7 her initial year of probationary employment must not include an
8 evaluation of the performance of pupils enrolled in ~~[the]~~ *any*
9 school. This subsection does not apply to a postprobationary
10 employee who is deemed to be a probationary employee pursuant to
11 NRS 391.3129.

12 ~~[9.]~~ 8. Each probationary administrator is subject to the
13 provisions of NRS 391.3128 and 391.3197.

14 ~~[10.]~~ 9. Before a superintendent transfers or assigns an
15 administrator to another administrative position as part of an
16 administrative reorganization, if the transfer or reassignment is to a
17 position of lower rank, responsibility or pay, the superintendent
18 shall give written notice of the proposed transfer or assignment to
19 the administrator at least 30 days before the date on which it is to be
20 effective. The administrator may appeal the decision of the
21 superintendent to the board by requesting a hearing in writing to the
22 president of the board within 5 days after receiving the notice from
23 the superintendent. The board shall hear the matter within 10 days
24 after the president receives the request, and shall render its decision
25 within 5 days after the hearing. The decision of the board is final.

26 *10. As used in this section, "school level administrator"*
27 *means an administrator who provides primarily administrative*
28 *services at the school level and does not provide primarily direct*
29 *instructional services to pupils.*

30 **Sec. 26.** NRS 391.3129 is hereby amended to read as follows:

31 391.3129 A postprobationary employee who receives an
32 evaluation designating his or her overall performance as:

33 1. If evaluated pursuant to NRS 391.3125 or 391.3127, as
34 applicable:

35 (a) Minimally effective; *or*

36 (b) Ineffective; or

37 ~~[(c) Minimally effective during 1 year of the 2-year consecutive~~
38 ~~period and ineffective during the other year of the period; or]~~

39 2. If evaluated pursuant to any other system of evaluation, any
40 designation which indicates that the overall performance of the
41 employee is below average,

42 ~~↳ [for 2 consecutive school years]~~ *upon the issuance of the*
43 *evaluation*, shall be deemed to be a probationary employee for the
44 purposes of NRS 391.311 to 391.3197, inclusive, and must serve an



1 additional probationary period in accordance with the provisions of
2 NRS 391.3197.

3 **Sec. 27.** NRS 391.3197 is hereby amended to read as follows:

4 391.3197 1. A probationary employee is employed on a
5 contract basis for three 1-year periods and has no right to
6 employment after any of the three probationary contract years.

7 2. The board shall notify each probationary employee in
8 writing on or before May 1 of the first, second and third school
9 years of the employee's probationary period, as appropriate,
10 whether the employee is to be reemployed for the second or third
11 year of the probationary period or for the fourth school year as a
12 postprobationary employee. Failure of the board to notify the
13 probationary employee in writing on or before May 1 in the first or
14 second year of the probationary period does not entitle the employee
15 to postprobationary status. The employee must advise the board in
16 writing on or before May 10 of the first, second or third year of the
17 employee's probationary period, as appropriate, of the employee's
18 acceptance of reemployment. If a probationary employee is assigned
19 to a school that operates all year, the board shall notify the employee
20 in writing, in the first, second and third years of the employee's
21 probationary period, no later than 45 days before his or her last day
22 of work for the year under his or her contract whether the employee
23 is to be reemployed for the second or third year of the probationary
24 period or for the fourth school year as a postprobationary employee.
25 Failure of the board to notify a probationary employee in writing
26 within the prescribed period in the first or second year of the
27 probationary period does not entitle the employee to
28 postprobationary status. The employee must advise the board in
29 writing within 10 days after the date of notification of his or her
30 acceptance or rejection of reemployment for another year. Failure to
31 advise the board of the employee's acceptance of reemployment
32 pursuant to this subsection constitutes rejection of the contract. *If a*
33 *probationary employee is notified that the employee will not be*
34 *reemployed, his or her employment ends on the last day of the*
35 *current school year.*

36 3. A probationary employee who:

37 (a) Completes a 3-year probationary period;

38 (b) Receives a designation of "highly effective" or "effective"
39 on each of his or her performance evaluations for 2 consecutive
40 school years; and

41 (c) Receives a notice of reemployment from the school district
42 in the third year of the employee's probationary period,

43 ➔ is entitled to be a postprobationary employee in the ensuing year
44 of employment.



1 4. If a probationary employee is notified that the employee will
2 not be reemployed for the school year following the 3-year
3 probationary period, ~~this or her employment ends on the last day of~~
4 ~~the current school year. The] the~~ notice that the employee will not
5 be reemployed must include a statement of the reasons for that
6 decision.

7 5. A new employee who is employed as an administrator to
8 provide primarily administrative services at the school level and
9 who does not provide primarily direct instructional services to
10 pupils, regardless of whether the administrator is licensed as a
11 teacher or administrator, including, without limitation, a principal
12 and vice principal, or a postprobationary teacher who is employed as
13 an administrator to provide those administrative services shall be
14 deemed to be a probationary employee for the purposes of this
15 section and must serve a 3-year probationary period as an
16 administrator in accordance with the provisions of this section. If:

17 (a) A postprobationary teacher who is an administrator is not
18 reemployed as an administrator after any year of his or her
19 probationary period; and

20 (b) There is a position as a teacher available for the ensuing
21 school year in the school district in which the person is employed,
22 ➤ the board of trustees of the school district shall, on or before
23 May 1, offer the person a contract as a teacher for the ensuing
24 school year. The person may accept the contract in writing on or
25 before May 10. If the person fails to accept the contract as a teacher,
26 the person shall be deemed to have rejected the offer of a contract as
27 a teacher.

28 6. An administrator who has completed his or her probationary
29 period pursuant to subsection 5 and is thereafter promoted to the
30 position of principal must serve an additional probationary period of
31 1 year in the position of principal. If an administrator is promoted to
32 the position of principal before completion of his or her
33 probationary period pursuant to subsection 5, the administrator must
34 serve the remainder of his or her probationary period pursuant to
35 subsection 5 or an additional probationary period of 1 year in the
36 position of principal, whichever is longer. If the administrator
37 serving the additional probationary period is not reemployed as a
38 principal after the expiration of the probationary period or additional
39 probationary period, as applicable, the board of trustees of the
40 school district in which the person is employed shall, on or before
41 May 1, offer the person a contract for the ensuing school year for
42 the administrative position in which the person attained
43 postprobationary status. The person may accept the contract in
44 writing on or before May 10. If the person fails to accept such a



1 contract, the person shall be deemed to have rejected the offer of
2 employment.

3 7. If a probationary employee receives notice that he or she
4 will be dismissed before the completion of the current school year,
5 the probationary employee may request an expedited hearing
6 pursuant to the Expedited Labor Arbitration Procedures established
7 by the American Arbitration Association or its successor
8 organization.

9 **Sec. 28.** NRS 391.460 is hereby amended to read as follows:

10 391.460 1. The Council shall:

11 (a) Make recommendations to the State Board concerning the
12 adoption of regulations for establishing a statewide performance
13 evaluation system to ensure that teachers, administrators, ~~who~~
14 ~~provide primarily administrative services at the school level and~~
15 ~~who do not provide primarily direct instructional services to pupils,~~
16 ~~regardless of whether licensed as a teacher or administrator,~~
17 ~~including, without limitation, a principal and vice principal,]~~
18 counselors, librarians and other licensed educational personnel
19 employed by school districts are:

20 (1) Evaluated using multiple, fair, timely, rigorous and valid
21 methods, which includes evaluations based upon pupil achievement
22 data as required by NRS 391.465;

23 (2) Afforded a meaningful opportunity to improve their
24 effectiveness through professional development that is linked to
25 their evaluations; and

26 (3) Provided with the means to share effective educational
27 methods with other teachers, administrators, counselors, librarians
28 and other licensed educational personnel throughout this State.

29 (b) Develop and recommend to the State Board a plan, including
30 duties and associated costs, for the development and implementation
31 of the performance evaluation system by the Department and school
32 districts.

33 (c) Consider the role of professional standards for teachers,
34 administrators to which paragraph (a) applies, counselors, librarians
35 and other licensed educational personnel and, as it determines
36 appropriate, develop a plan for recommending the adoption of such
37 standards by the State Board.

38 (d) Develop and recommend to the State Board a process for
39 peer evaluations of teachers by qualified educational personnel
40 which is designed to provide assistance to teachers in meeting the
41 standards of effective teaching, and includes, without limitation,
42 conducting observations, participating in conferences before and
43 after observations of the teacher and providing information and
44 resources to the teacher about strategies for effective teaching.



1 2. The performance evaluation system recommended by the
2 Council must ensure that:

3 (a) Data derived from the evaluations is used to create
4 professional development programs that enhance the effectiveness
5 of teachers, administrators, counselors, librarians and other licensed
6 educational personnel; ~~and~~

7 (b) A timeline is included for monitoring the performance
8 evaluation system at least annually for quality, reliability, validity,
9 fairness, consistency and objectivity ~~and~~; *and*

10 (c) *Each administrator employed by a school district at the*
11 *district level is evaluated using a system that takes into account the*
12 *level of resources provided to the schools under the administrative*
13 *supervision of the administrator.*

14 3. The Council may establish such working groups, task forces
15 and similar entities from within or outside its membership as
16 necessary to address specific issues or otherwise to assist in its
17 work.

18 4. The State Board shall consider the recommendations made
19 by the Council pursuant to this section and shall adopt regulations
20 establishing a statewide performance evaluation system as required
21 by NRS 391.465.

22 **Sec. 29.** NRS 391.465 is hereby amended to read as follows:

23 391.465 1. The State Board shall, based upon the
24 recommendations of the Teachers and Leaders Council of Nevada
25 submitted pursuant to NRS 391.460, adopt regulations establishing a
26 statewide performance evaluation system which incorporates
27 multiple measures of an employee's performance.

28 2. The statewide performance evaluation system must:

29 (a) Require that an employee's overall performance is
30 determined to be:

- 31 (1) Highly effective;
32 (2) Effective;
33 (3) Minimally effective; or
34 (4) Ineffective.

35 (b) Include the criteria for making each designation identified in
36 paragraph (a). *For administrators employed by a school district at*
37 *the district level, the performance evaluation system must ensure*
38 *that each such administrator is evaluated using a system that takes*
39 *into account the level of resources provided to the schools under*
40 *the administrative supervision of the administrator.*

41 (c) Except as otherwise provided in subsection ~~8~~ 8 of NRS
42 391.3125 and subsection ~~7~~ 7 of NRS 391.3127, require that pupil
43 achievement data account for at least 50 percent of the evaluation.

44 (d) Prescribe the pupil achievement data that must be used as
45 part of the evaluation system pursuant to paragraph (c).



1 (e) Include an evaluation of whether the teacher ~~[.]~~ or
2 administrator ~~[who provides primarily administrative services at the~~
3 ~~school level and who does not provide primarily direct instructional~~
4 ~~services to pupils, regardless of whether the probationary~~
5 ~~administrator is licensed as a teacher or administrator, including,~~
6 ~~without limitation, a principal and vice principal,]~~ employs practices
7 and strategies to involve and engage the parents and families of
8 pupils.

9 (f) Include a process for peer evaluations of teachers by
10 qualified educational personnel which is designed to provide
11 assistance to teachers in meeting the standards of effective teaching,
12 and includes, without limitation, conducting observations,
13 participating in conferences before and after observations of the
14 teacher and providing information and resources to the teacher about
15 strategies for effective teaching. The regulations must include the
16 criteria for school districts to determine which educational personnel
17 are qualified to conduct peer reviews pursuant to the process.

18 **Sec. 30.** NRS 288.151 is hereby amended to read as follows:

19 288.151 ~~[[[~~

20 *1. Except as otherwise provided in subsection 2, if* the board
21 of trustees of a school district determines that a reduction in the
22 existing workforce of the licensed educational personnel in the
23 school district is necessary, the decision to lay off a teacher or an
24 administrator must ~~[not]~~ be based solely on ~~[the seniority of the~~
25 ~~teacher or administrator and may include, without limitation, a~~
26 ~~consideration of]~~ the following factors:

27 ~~[1.]~~ (a) Whether the teacher or administrator is employed in a
28 position which is hard to fill;

29 ~~[2.]~~ (b) Whether the teacher or administrator has received a
30 national board certification;

31 ~~[3.]~~ (c) The performance evaluations of the teacher or
32 administrator;

33 ~~[4.]~~ (d) The disciplinary record of the teacher or administrator
34 within the school district;

35 ~~[5.]~~ (e) The criminal record of the teacher or administrator, if
36 any;

37 ~~[6.]~~ (f) The type of licensure held by the teacher or
38 administrator; and

39 ~~[7.]~~ (g) The type of degree attained by the teacher or
40 administrator and whether the degree is in a subject area that is
41 related to his or her position.

42 *2. If, after consideration of the factors described in*
43 *subsection 1, two or more teachers or administrators are similarly*
44 *situated, the board of trustees of the school district may give*
45 *preference to the more senior teacher or administrator.*



1 **Sec. 31.** The amendatory provisions of this act:

2 1. Do not affect the validity of any conditional, provisional or
3 special qualifications license issued before July 1, 2015, and in
4 effect on that date. Such a license remains valid and effective for all
5 purposes until the date on which it otherwise expires.

6 2. Insofar as they conflict with the provisions of such a
7 contract, do not apply to any contract of employment entered into
8 before July 1, 2015, and in effect on that date, but do apply to any
9 extension or renewal of such a contract and to any contract of
10 employment entered into on or after July 1, 2015.

11 3. Insofar as they conflict with the provisions of such an
12 agreement, do not apply during the current term of any collective
13 bargaining agreement entered into before July 1, 2015, and in effect
14 on that date, but do apply to any extension or renewal of such an
15 agreement and to any such agreement entered into on or after July 1,
16 2015.

17 **Sec. 32.** The provisions of NRS 354.599 do not apply to any
18 additional expenses of a local government that are related to the
19 provisions of this act.

20 **Sec. 33.** This act becomes effective on July 1, 2015.



