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ASSEMBLY BILL NO. 453—ASSEMBLYMEN WOODBURY, HARDY;  
CARPENTER, CHRISTENSEN, CLABORN, COBB, GOEDHART,  
GOICOECHEA, GRADY, HAMBRICK, MANENDO AND  
STEWART

MARCH 16, 2009

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JOINT SPONSOR: SENATOR CEGAVSKE

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Referred to Committee on Education

SUMMARY—Revises provisions governing programs of incentive pay for certain employees of school districts. (BDR 34-879)

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

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

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AN ACT relating to education; revising provisions governing programs of incentive pay for certain employees of school districts; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 Existing law creates the Grant Fund for Incentives for Licensed Educational  
2 Personnel and requires the board of trustees of each school district to establish a  
3 program of incentive pay for licensed teachers, school psychologists, school  
4 librarians, school counselors and administrators employed by the school district.  
5 (NRS 391.166) This bill requires the board of trustees of a school district to assign  
6 priorities to the types of financial incentives included in the program based upon  
7 the specific needs of the school district.

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

1 **Section 1.** NRS 391.166 is hereby amended to read as follows:  
2 391.166 1. There is hereby created the Grant Fund for  
3 Incentives for Licensed Educational Personnel to be administered by



1 the Department. The Department may accept gifts and grants from  
2 any source for deposit in the Grant Fund.

3 2. The board of trustees of each school district shall establish a  
4 program of incentive pay for licensed teachers, school  
5 psychologists, school librarians, school counselors and  
6 administrators employed at the school level which must be designed  
7 to attract and retain those employees. The program must be  
8 negotiated pursuant to chapter 288 of NRS and ~~must~~ *may* include,  
9 without limitation, the attraction and retention of:

10 (a) Licensed teachers, school psychologists, school librarians,  
11 school counselors and administrators employed at the school level  
12 who have been employed in that category of position for at least 5  
13 years in this State or another state and who are employed in schools  
14 which are at-risk, as determined by the Department pursuant to  
15 subsection 8; and

16 (b) Teachers who hold an endorsement in the field of  
17 mathematics, science, special education, English as a second  
18 language or other area of need within the school district, as  
19 determined by the Superintendent of Public Instruction.

20 3. A program of incentive pay established by a school district  
21 must specify the ~~type~~ *types* of financial incentives offered to the  
22 licensed educational personnel ~~and~~ *and assign priorities to those*  
23 *incentives based upon the specific needs identified by the board of*  
24 *trustees of the school district.* Money available for the program  
25 must not be used to negotiate the salaries of individual employees  
26 who participate in the program.

27 4. If the board of trustees of a school district wishes to receive  
28 a grant of money from the Grant Fund, the board of trustees shall  
29 submit to the Department an application on a form prescribed by the  
30 Department. The application must include a description of the  
31 program of incentive pay established by the school district ~~and~~ *,*  
32 *including, without limitation, the priorities assigned to the*  
33 *financial incentives by the board of trustees of the school district.*

34 5. The Superintendent of Public Instruction shall compile a list  
35 of the financial incentives recommended by each school district that  
36 submitted an application. On or before December 1 of each year, the  
37 Superintendent shall submit the list to the Interim Finance  
38 Committee for its approval of the recommended incentives.

39 6. After approval of the list of incentives by the Interim  
40 Finance Committee pursuant to subsection 5 and within the limits of  
41 money available in the Grant Fund, the Department shall provide  
42 grants of money to each school district that submits an application  
43 pursuant to subsection 4 based upon the amount of money that is  
44 necessary to carry out each program. If an insufficient amount of  
45 money is available to pay for each program submitted to the



1 Department, the amount of money available must be distributed pro  
2 rata based upon the number of licensed employees who are  
3 estimated to be eligible to participate in the program in each school  
4 district that submitted an application.

5 7. An individual employee may not receive as a financial  
6 incentive pursuant to a program an amount of money that is more  
7 than \$3,500 per year.

8 8. The Department shall, in consultation with representatives  
9 appointed by the Nevada Association of School Superintendents and  
10 the Nevada Association of School Boards, develop a formula for  
11 identifying at-risk schools for purposes of this section. The formula  
12 must be developed on or before July 1 of each year and include,  
13 without limitation, the following factors:

14 (a) The percentage of pupils who are eligible for free or  
15 reduced-price lunches pursuant to 42 U.S.C. §§ 1751 et seq.;

16 (b) The transiency rate of pupils;

17 (c) The percentage of pupils who are limited English proficient;

18 (d) The percentage of pupils who have individualized education  
19 programs;

20 (e) The percentage of pupils who score in the bottom two  
21 quarters on the mathematics portion or the reading portion, or both,  
22 of the high school proficiency examination; and

23 (f) The percentage of pupils who drop out of high school before  
24 graduation.

25 9. The board of trustees of each school district that receives a  
26 grant of money pursuant to this section shall evaluate the  
27 effectiveness of the program for which the grant was awarded. The  
28 evaluation must include, without limitation, an evaluation of  
29 whether the program is effective in recruiting and retaining the  
30 personnel as set forth in subsection 2. On or before December 1 of  
31 each year, the board of trustees shall submit a report of its  
32 evaluation to the:

33 (a) Governor;

34 (b) State Board;

35 (c) Interim Finance Committee;

36 (d) If the report is submitted in an even-numbered year, Director  
37 of the Legislative Counsel Bureau for transmittal to the next regular  
38 session of the Legislature; and

39 (e) Legislative Committee on Education.

40 **Sec. 2.** This act becomes effective on July 1, 2009.

