

**PROPOSED REGULATION OF THE  
STATE BOARD OF EDUCATION**

**LCB File No. R120-18**

September 6, 2018

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

AUTHORITY: §§1-2, section 1 of Assembly Bill No. 434, chapter 435, Statutes of Nevada 2017, at page 2896.

A REGULATION relating to education; establishing the manner in which to distribute certain money appropriated for the payment of incentives for hiring new teachers or transferring existing teachers to certain public schools; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law appropriates money to provide incentives for new teachers who are hired to teach at Title I schools or schools that are designated as underperforming pursuant to the statewide system of accountability for public schools. Existing law also appropriates money to provide incentives for teachers who are currently employed to teach at a public school in Nevada that is not a Title I school or a school that is designated as underperforming pursuant to the statewide system of accountability for public schools to transfer to teach at such a school. (Section 1 of Assembly Bill No. 434, chapter 435, Statutes of Nevada 2017, at page 2896) This regulation sets forth the manner in which such incentives are provided. **Section 1** of this regulation sets forth the manner in which a school district may apply for a grant of money to provide such incentives for new teachers who are hired to teach at Title I schools or schools that are designated as underperforming pursuant to the statewide system of accountability for public schools. **Section 2** of this regulation sets forth the manner in which a school district may apply for a grant of money to provide such incentives for teachers who are currently employed to teach at a public school in Nevada that is not a Title I school or a school that is designated as underperforming pursuant to the statewide system of accountability for public schools and transfer to teach at such a school.

**Section 1.** This regulation is hereby amended by adding thereto the following transitory language which has the force and effect of law but which will not be codified in the Nevada Administrative Code:

1. On or before October 1, 2018, the board of trustees of a school district may apply to the State Board of Education for a grant of money from the money appropriated pursuant to subsection 1 of section 1 of Assembly Bill No. 434, chapter 435, Statutes of Nevada 2017, at page 2896, to provide incentives for the hiring of new teachers to teach at Title I schools or schools that are designated as underperforming pursuant to the statewide system of accountability for public schools to provide financial incentives to such newly hired teachers. Each application submitted pursuant to this section must include the number of teachers to whom the board of trustees intends to provide such incentives. On or before October 31, 2018, the State Board of Education shall distribute the money to each board of trustees of a school district that submits an application in proportion to the number of teachers to whom the board of trustees plans to provide incentives.

2. Each board of trustees of a school district that receives a grant of money pursuant to subsection 1 must use the money to pay for incentives to newly hired teachers through the program of performance pay and enhanced compensation for the recruitment and retention of licensed teachers and administrators established by the board of trustees pursuant to NRS 391A.450. A board of trustees of a school district may only use such money to provide incentives to licensed teachers who were not employed by the board of trustees during the 2017-2018 school year and are employed full-time to teach in a school that:

- (a) Is a Title I school; or
- (b) Received one of the two lowest possible ratings indicating underperformance of a public school, as determined by the Department of Education pursuant to the statewide system of accountability for public schools, for the 2017-2018 school year.

3. An incentive provided pursuant to subsection 2 may be used to increase the base salary of a teacher for the 2018-2019 school year in an amount not to exceed \$5,000. A teacher who receives such an incentive is not entitled to continue to receive such an incentive after the 2018-2019 school year, and the board of trustees of a school district is not required to pay such an incentive after that school year.

4. The board of trustees of a school district that provides an incentive pursuant to subsection 2 shall provide professional development to each teacher who receives such an incentive for the 2018-2019 school year.

5. A grant of money received by the board of trustees of a school district pursuant to subsection 1 must not be used to settle or arbitrate disputes between a recognized organization representing employees of the school district and the school district, to settle any negotiation or to adjust the schedules of salaries and benefits of the employees of a school district.

6. As used in this section, “Title I school” has the meaning ascribed to it in NRS 385A.040.

**Sec. 2.** This regulation is hereby amended by adding thereto the following transitory language which has the force and effect of law but which will not be codified in the Nevada Administrative Code:

1. On or before October 1, 2018, the board of trustees of a school district may apply to the State Board of Education for a grant of money from the money appropriated pursuant to subsection 2 of section 1 of Assembly Bill No. 434, chapter 435, Statutes of Nevada 2017, at page 2896, to provide incentives for teachers who are currently employed to teach at a public school in Nevada that is not a Title I school or a school designated as underperforming pursuant to the statewide system of accountability for public schools and who transfer to teach at a Title I school or a school with that designation to provide financial incentives to such teachers. Each

application submitted pursuant to this section must include the number of teachers to whom the board of trustees intends to provide such incentives. On or before October 31, 2017, the State Board of Education shall distribute the money to each board of trustees of a school district that submits an application in proportion to the number of teachers to whom the board of trustees plans to provide incentives.

2. Each board of trustees of a school district that receives a grant of money pursuant to subsection 1 must use the money to pay for incentives to teachers who transfer to teach at a Title I school or a school designated as underperforming pursuant to the statewide system of accountability for public schools through the program of performance pay and enhanced compensation for the recruitment and retention of licensed teachers and administrators established by the board of trustees pursuant to NRS 391A.450. A board of trustees of a school district may only use such money to provide incentives to licensed teachers who were employed to teach at a public school in Nevada that is not a Title I school or a school designated as underperforming pursuant to the statewide system of accountability for public schools during the 2017-2018 school year and are employed full-time during the 2018-2019 school year to teach in a school that:

(a) Is a Title I school; or

(b) Received one of the two lowest possible ratings indicating underperformance of a public school, as determined by the Department of Education pursuant to the statewide system of accountability for public schools, for the 2017-2018 school year.

3. An incentive provided pursuant to subsection 2 may be used to increase the base salary of a teacher for the 2018-2019 school year in an amount determined by the board of trustees of a school district pursuant to subsection 7. A teacher who receives such an incentive is not entitled

to continue to receive such an incentive after the 2018-2019 school year, and the board of trustees of a school district is not required to pay such an incentive after that school year.

4. The board of trustees of a school district that provides an incentive pursuant to subsection 2 shall provide professional development to each teacher who receives such an incentive for the 2018-2019 school year.

5. A grant of money received by the board of trustees of a school district pursuant to subsection 1 must not be used to settle or arbitrate disputes between a recognized organization representing employees of the school district and the school district, to settle any negotiation or to adjust the schedules of salaries and benefits of the employees of a school district.

6. The board of trustees of a school district shall not provide an incentive pursuant to subsection 2 unless the teacher who receives the incentive:

(a) Is employed full-time to provide classroom instruction;

(b) Teaches at a grade level or in a subject area in which the school district has a shortage of available teachers or a high need for additional teachers or encounters difficulty in filling vacant teaching positions;

(c) Has received a rating of effective or highly effective under the statewide performance evaluation system established by the State Board of Education pursuant to NRS 391.465 for at least 3 consecutive years before transferring to a Title I school or a school designated as underperforming pursuant to the statewide system of accountability for public schools; and

(d) Has received a license issued by the Superintendent of Public Instruction without provisions and with all endorsements required to teach in the grade level and subject area in which the teacher will provide instruction.

7. Each board of trustees of a school district that receives a grant of money pursuant to subsection 1 shall determine:

(a) The minimum amount and maximum amount of money that may be provided as an incentive pursuant to subsection 2;

(b) When an incentive provided pursuant to subsection 2 will be distributed to a teacher; and

(c) Any additional criteria that may be necessary to address the needs of the school district.

8. As used in this section, “Title I school” has the meaning ascribed to it in NRS 385A.040.