

Assembly Bill No. 27–Committee on Education

CHAPTER.....

AN ACT relating to education; revising provisions governing the licensure of certain teachers who are not citizens or lawful permanent residents of the United States; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Upon request of a school district, existing law authorizes the Superintendent of Public Instruction to issue a license to teach to a person who is not a citizen or lawful permanent resident of the United States but who is otherwise entitled to work in the United States pursuant to federal laws and regulations if: (1) the school district has demonstrated to the satisfaction of the Superintendent that a shortage of teachers exists in the subject area for which the person is qualified; (2) the person is otherwise qualified to teach in the subject area for which there is a shortage of teachers; and (3) the school district agrees to employ the person to teach in the subject area for which there is a shortage of teachers. (NRS 391.060) This bill removes the requirement that a school district demonstrate that a shortage of teachers exists in a particular subject area as a condition to licensure and instead allows such a person to be licensed to teach if: (1) the school district can demonstrate that any shortage of teachers exists or that the school district has not been able to employ a person possessing the skills, experience or abilities of the person to be licensed and such skills, experience or abilities are needed to address an area of concern for the school district; (2) the person is otherwise qualified to teach; and (3) the school district agrees to employ the person. This bill also authorizes the governing body of a charter school to request the Superintendent to issue a license to such a person and employ such a person in the same circumstances as a school district.

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

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

Section 1. NRS 391.060 is hereby amended to read as follows:
391.060 1. Except as otherwise provided in this section and
NRS 391.070, it is unlawful for:

(a) The Superintendent of Public Instruction to issue a license to, or a board of trustees of a school district or a governing body of a charter school to employ, any teacher, instructor, principal or superintendent of schools who is not a citizen of the United States or a person who has filed a valid declaration to become a citizen or valid petition for naturalization, or who is not a lawful permanent resident of the United States.

(b) The State Controller or any county auditor to issue any warrant to any teacher, instructor, principal or superintendent of schools who is not a citizen of the United States or a person who has



filed a valid declaration to become a citizen or valid petition for naturalization, or who is not a lawful permanent resident of the United States.

2. Upon the request of a school district ~~{†}~~ *or the governing body of the charter school, as applicable*, the Superintendent of Public Instruction may issue a license to a person who does not meet the requirements of subsection 1 but is otherwise entitled to work in the United States pursuant to federal laws and regulations if:

(a) The school district *or the governing body of the charter school, as applicable*, has demonstrated to the satisfaction of the Superintendent of Public Instruction that ~~{†}~~:

(1) ~~A shortage of teachers exists {in the subject area for which the person is qualified.}; or~~

(2) *The school district or governing body of the charter school, as applicable, has not been able to employ a person possessing the skills, experience or abilities of the person to be licensed and such skills, experience or abilities are needed to address an area of concern for the school district or charter school;*

(b) The person is otherwise qualified to teach, ~~{in the subject area for which there is a shortage of teachers.}~~ except that the person does not meet the requirements of subsection 1; and

(c) The school district *or governing body of the charter school, as applicable*, agrees to employ the person. ~~{to teach in the subject area for which there is a shortage of teachers.}~~

3. *If the employment of a person to whom a license is issued pursuant to subsection 2 is terminated, the school district or governing body of the charter school, as applicable, must notify the Superintendent of Public Instruction within 5 business days.*

4. A license issued by the Superintendent of Public Instruction pursuant to subsection 2:

(a) Automatically expires on the date that the licensee is no longer entitled to work in the United States pursuant to federal laws and regulations; and

(b) Authorizes the person who holds the license to teach only in the:

(1) School district *or charter school* that submitted the request for the issuance of the license to that person; and

(2) Subject area for which the person is qualified.

~~{†}~~ 5. Upon compliance with all applicable federal laws and regulations, the board of trustees of a school district *or the governing body of a charter school* may employ a person who does not meet the requirements of subsection 1 if the person holds a



license issued by the Superintendent of Public Instruction pursuant to subsection 2. A teacher's employment with a school district *or the governing body of a charter school, as applicable*, pursuant to this subsection automatically expires on the date that he or she is no longer entitled to work in the United States pursuant to federal laws and regulations.

~~15.1~~ 6. The State Controller or a county auditor may issue a warrant to a teacher who is employed pursuant to subsection ~~4.1~~ 5.

~~16.1~~ 7. Any person who violates any of the provisions of this section is guilty of a misdemeanor.

Sec. 2. This act becomes effective upon passage and approval.

