REQUIRES TWO-THIRDS MAJORITY VOTE
(§§ 4, 13, 21, 24)

A.B. 77

ASSEMBLY BILL NO. 77—COMMITTEE ON EDUCATION
(ON BEHALF OF THE DEPARTMENT OF EDUCATION)

PREFILED NOVEMBER 17, 2016

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Referred to Committee on Education

SUMMARY—Revises provisions related to teachers and other educational personnel. (BDR 34-253)

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

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

AN ACT relating to education; revising provisions concerning reporting and monitoring of criminal cases and actions taken pursuant to criminal convictions of certain charter school employees and applicants for employment; revising provisions relating to the suspension of a license to teach; requiring the Department of Education to maintain an employment record of each licensed employee employed by a school district or charter school; revising provisions concerning employment of licensed teachers who do not hold an endorsement to teach in certain subject areas; revising provisions relating to reciprocal licensure; providing that teachers and other educational personnel may obtain a license to teach pupils in a program of early childhood education; revising provisions governing the assignment of certain teachers and administrators; revising provisions governing the Commission on Professional Standards in Education; requiring that any cost associated with employing a substitute teacher while a teacher who is a member of certain councils or commissions attends meetings must be paid the school district or charter school that employs the member; authorizing the Department to charge and collect certain fees for the monitoring of certain criminal cases; authorizing the Department to charge and collect a fee to review certain information submitted by a prospective applicant for licensure; and providing other matters properly relating thereto.
Legislative Counsel’s Digest:

Section 21 of this bill adds a license to teach pupils in a program of early childhood education to the kinds of licenses available for teachers and other educational personnel. Section 24 of this bill increases the minimum amount of the fee that the Commission on Professional Standards in Education may impose for the issuance or renewal of a license to teach. Section 13 of this bill authorizes the Department of Education to charge and collect a fee to: (1) review information pertaining to a person’s qualifications for a license to teach or perform other educational functions; and (2) provide feedback to the person concerning whether the information submitted indicates that the person may satisfy one or more of the requirements for the issuance of a license and, if so, the kind of license for which the person may be eligible.

Section 14 of this bill requires the Department to maintain a permanent, confidential employment record of each licensed employee employed by a school district or charter school.

Existing law requires the Department to adopt regulations that establish a procedure for the notification, tracking and monitoring of the status of criminal cases involving licensed educational personnel. (NRS 391.055) Section 4 of this bill requires the Department to adopt regulations that establish a similar procedure for the notification, tracking and monitoring of the status of criminal cases involving teachers and administrators who are employed by a charter school but are not licensed.

Existing law requires the board of trustees of each school district and the governing body of each charter school to adopt a policy which requires a licensed employee of the school district or charter school to report to the school district or charter school if the employee is arrested for or convicted of a crime. (NRS 391.056) Section 5 of this bill requires the governing body of a charter school to adopt a similar policy regarding a teacher or administrator who is not licensed but who is employed by a charter school as a teacher or administrator.

Existing law requires the superintendent of schools of each school district and the administrative head of each charter school to submit certain information relating to the arrest of a licensed employee to the Department. (NRS 391.057) Section 6 of this bill requires the administrative head of each charter school to submit information relating to the arrest of an unlicensed teacher or administrator to the Department.

Existing law provides immunity from civil or criminal liability for any person who makes a report, causes or conducts an investigation, or submits information relating to the arrest of a licensed employee who is arrested for or convicted of a crime. (NRS 391.059) Section 7 of this bill extends this immunity from liability to every person who makes a report, causes or conducts an investigation or submits information relating to an unlicensed teacher or administrator who is arrested for or convicted of a crime.

Existing law authorizes the State Board of Education, after notice and an opportunity for a hearing, to suspend or revoke the license of any teacher, administrator or other licensed employee under certain circumstances, including, without limitation, conviction of the teacher, administrator or other licensed employee of a felony, a crime involving moral turpitude or certain sex offenses. (NRS 391.330) Section 8 of this bill requires the governing body of a charter school to terminate the employment of any teacher or administrator who is employed by the charter school but is not licensed upon conviction of a felony, a crime involving moral turpitude or certain sex offenses.

Section 26 of this bill provides that the board of trustees of a school district need only seek to obtain the consent of a principal before transferring certain teachers or administrators to a school. Section 26 also requires the superintendent of a school district to submit the plan to address the assignment of certain teachers
and administrators to the State Board of Education. Sections 10 and 27 of this bill authorize the Superintendent of Public Instruction to prescribe the date by which each charter school and school district must submit certain information regarding licensed employees employed by the governing body of the charter school or the school district during that year.

Existing law authorizes the board of trustees of a school district, with the approval of the Superintendent of Public Instruction, to employ licensed teachers who do not hold an endorsement to teach in certain subject areas for which there is a shortage of teachers. (NRS 391.125) Section 28 of this bill: (1) removes the requirement for approval of the Superintendent; and (2) requires a board of trustees that employs such teachers to submit a written report to the Superintendent and the Commission concerning the employment of such teachers.

Existing law provides that if an employee’s license lapses during a time that school is in session, a certain period must pass before the employee is suspended from employment. (NRS 391.3015) Section 29 of this bill provides that if the Superintendent denies an application for renewal of a license, the licensee may be suspended immediately.

Under existing law, the membership of the Advisory Council on Parental and Family Engagement, the Commission on Professional Standards in Education, the Teachers and Leaders Council of Nevada and the Statewide Council for the Coordination of the Regional Training Programs includes one or more members who are teachers. (NRS 385.610, 391.015, 391.455, 391A.130) Sections 1, 18, 30 and 31 of this bill provide that any costs associated with employing a substitute teacher while a member who is a teacher is attending a meeting of such a body, the school district or charter school that employs the member is responsible for such costs. Sections 15-17 of this bill revise provisions governing the membership, terms and officers of the Commission on Professional Standards in Education.

Existing law requires the Commission to adopt regulations governing examinations for the initial licensing of teachers and authorizes the Commission to provide an exemption from such examinations for teachers and other educational personnel from another state under certain circumstances. (NRS 391.021, 391.032) Sections 19, 20 and 22 of this bill revise provisions governing exemptions from the examinations for initial licensure for teachers and educational personnel from other states who obtain a reciprocal license. Section 22 also removes the requirement that the regulations adopted by the Commission that provide for reciprocal licensure of educational personnel from other states include provisions regarding persons who obtain a license pursuant to an alternative route to licensure.
(c) One administrator of a public school;
(d) One representative of a private business or industry;
(e) One member of the board of trustees of a school district in a
county whose population is 100,000 or more;
(f) One member of the board of trustees of a school district in a
county whose population is less than 100,000; and
(g) One member who is the President of the Board of Managers
of the Nevada Parent Teacher Association or its successor
organization, or a designee nominated by the President.
* The Superintendent of Public Instruction shall, to the extent
practicable, ensure that the members the Superintendent appoints to
the Advisory Council reflect the ethnic, economic and geographic
diversity of this State.
3. The Speaker of the Assembly shall appoint one member of
the Assembly to the Advisory Council.
4. The Majority Leader of the Senate shall appoint one member
of the Senate to the Advisory Council.
5. The Advisory Council shall elect a Chair and Vice Chair
from among its members. The Chair and Vice Chair serve a term of
1 year.
6. After the initial terms:
   (a) The term of each member of the Advisory Council who is
appointed by the Superintendent of Public Instruction is 3 years.
   (b) The term of each member of the Advisory Council who is
appointed by the Speaker of the Assembly and the Majority Leader
of the Senate is 2 years.
7. The Department shall provide:
   (a) Administrative support to the Advisory Council; and
   (b) All information that is necessary for the Advisory Council to
carry out its duties.
8. For each day or portion of a day during which a member of
the Advisory Council who is a Legislator attends a meeting of the
Advisory Council or is otherwise engaged in the business of the
Advisory Council, except during a regular or special session of
the Legislature, the member is entitled to receive the:
   (a) Compensation provided for a majority of the members of the
Legislature during the first 60 days of the preceding regular session;
   (b) Per diem allowance provided for state officers generally; and
   (c) Travel expenses provided pursuant to NRS 218A.655.
* The compensation, per diem allowances and travel expenses of
the legislative members of the Advisory Council must be paid from
the Legislative Fund.
9. A member of the Advisory Council who is not a Legislator
is entitled to receive the per diem allowance and travel expenses
provided for state officers and employees generally for each day or
portion of a day during which the member attends a meeting of the
Advisory Council or is otherwise engaged in the business of the
Advisory Council. The per diem allowance and travel expenses for
the members of the Advisory Council who are not Legislators must
be paid by the Department.

10. Any costs associated with employing a substitute teacher
while a member of the Advisory Council who is a teacher attends a
meeting of the Advisory Council must be paid by the school district
or charter school that employs the member.

Sec. 2. Chapter 388A of NRS is hereby amended by adding
thereto the provisions set forth as sections 3 to 8, inclusive, of this
act.

Sec. 3. As used in sections 3 to 8, inclusive, of this act,
“arrest” has the meaning ascribed to it in NRS 171.104.

Sec. 4. 1. The Department shall adopt regulations that
establish a procedure for the notification, tracking and monitoring
of the status of criminal cases involving teachers and
administrators who are employed by a charter school but are not
licensed pursuant to chapter 391 of NRS. The procedure must
include, without limitation:

(a) The method by which the administrative head of a charter
school must notify the Department in a timely manner of the
arrest of such an employee if:

(1) The act for which the employee is arrested:

(I) May be a ground for the suspension or revocation of
a person’s license pursuant to NRS 391.330; and

(II) Is not excluded by the Department from the
notification requirements of this section; and

(2) The charter school has knowledge of the arrest.

(b) The method by which the administrative head of a charter
school must notify the Department in a timely manner of:

(1) Each action, if any, taken against the employee by the
charter school after the arrest; and

(2) The conviction of the employee, if the employee is
convicted of the act for which he or she was arrested.

(c) The steps the Department must follow in response to the
receipt of notice pursuant to this section, including, without
limitation, the preparation of a separate file on the employee for
the documentation and monitoring of the status of the case.

2. Each file that is maintained on an employee pursuant to
subsection 1 must include, without limitation:

(a) The date on which the employee was arrested and the date
on which the Department received notice of the arrest from the
charter school;

(b) The reason why the employee was arrested;
(c) The steps taken by the Department in response to all notices received by the Department from a charter school pursuant to subsection 1; and

(d) The final resolution of the case and the date of resolution.

3. If the Department maintains a file on an employee pursuant to this section and the employee is not convicted of an offense, the file and any related documents must not be made a part of that employee’s permanent employment record.

4. The Department may prescribe a fee to be assessed against a charter school for the costs incurred by the Department for tracking and monitoring the status of a criminal case in accordance with the requirements prescribed pursuant to this section. Any fee prescribed pursuant to this section must be calculated to produce the revenue estimated to cover the costs related to tracking and monitoring the status of a criminal case, but the amount of the fee for tracking and monitoring the status of a criminal case must not exceed the actual cost to the Department of tracking and monitoring the status of the criminal case.

Sec. 5. The governing body of each charter school shall adopt a policy which requires a person who is employed by the charter school as a teacher or administrator but who is not licensed pursuant to chapter 391 of NRS to report to the charter school if the employee is arrested for or convicted of a crime. The policy must include, without limitation, an identification of:

1. The crimes for which an arrest or conviction must be reported;
2. The person to whom the report must be made; and
3. The time period after the arrest or conviction in which the report must be made.

Sec. 6. The administrative head of each charter school shall submit all information required by the Department pursuant to section 4 of this act within the period prescribed by the Department.

Sec. 7. Immunity from civil or criminal liability extends to every person who, pursuant to sections 3 to 8, inclusive, of this act, in good faith:

1. Participates in the making of a report;
2. Causes or conducts an investigation of a person who is employed by the charter school as a teacher or administrator who is not licensed pursuant to chapter 391 of NRS and who is arrested; or
3. Submits information to the Department concerning a person who is employed by the charter school as a teacher or administrator, who is not licensed pursuant to chapter 391 of NRS and who is arrested.
Sec. 8. The governing body of a charter school shall terminate the employment of any teacher or administrator who is employed by the charter school but is not licensed pursuant to chapter 391 of NRS upon his or her conviction of a:

1. Felony or crime involving moral turpitude; or
2. Sex offense under NRS 200.366, 200.368, 201.190, 201.220, 201.230, 201.540 or 201.560 in which a pupil enrolled in the charter school was the victim.

Sec. 9. NRS 388A.515 is hereby amended to read as follows:

388A.515 1. Each applicant for employment with a charter school, except a licensed teacher or other person licensed by the Superintendent of Public Instruction, must, as a condition to employment, submit to the governing body of the charter school a complete set of the applicant’s fingerprints and written permission authorizing the governing body to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant.

2. If the reports on the criminal history of an applicant indicate that the applicant has not been convicted of a felony or an offense involving moral turpitude, the governing body of the charter school may employ the applicant.

3. If a report on the criminal history of an applicant indicates that the applicant has been convicted of a felony or an offense involving moral turpitude and the governing body of the charter school does not disqualify the applicant from further consideration of employment on the basis of that report, the governing body shall, upon the written authorization of the applicant, forward a copy of the report to the Superintendent of Public Instruction. If the applicant refuses to provide his or her written authorization to forward a copy of the report pursuant to this subsection, the charter school shall not employ the applicant.

4. [The] Not later than 15 days after receiving a report on the criminal history of an applicant, the Superintendent of Public Instruction or the Superintendent’s designee shall [promptly] review the report to determine whether the conviction of the applicant is related or unrelated to the position with the charter school for which the applicant has applied. If the applicant desires employment with the charter school, the applicant shall, upon the request of the Superintendent of Public Instruction or the Superintendent’s designee, provide any further information that the Superintendent or the designee determines is necessary to make the determination. If the governing body of the charter school desires to employ the applicant, the governing body shall, upon the request of the
Superintendent of Public Instruction or the Superintendent’s
designee, provide any further information that the Superintendent or
the designee determines is necessary to make the determination. The
Superintendent of Public Instruction or the Superintendent’s
designee shall provide written notice of the determination to the
applicant and to the governing body of the charter school.

5. If the Superintendent of Public Instruction or the
Superintendent’s designee determines that the conviction of the
applicant is related to the position with the charter school for which
the applicant has applied, the governing body of the charter school
shall not employ the applicant. If the Superintendent of Public
Instruction or the Superintendent’s designee determines that the
conviction of the applicant is unrelated to the position with the
charter school for which the applicant has applied, the governing
body of the charter school may employ the applicant for that
position.

Sec. 10. NRS 388A.524 is hereby amended to read as follows:

388A.524  1. A charter school shall not employ a person
pursuant to NRS 388A.518 or 388A.521 if the person’s license to
teach or provide other educational services has been revoked or
suspended in this State or another state.

2. [On or before November 15 of each year, a] A charter school
shall annually, on or before the date prescribed by the
Superintendent of Public Instruction, submit to the Department, in
a format prescribed by the Superintendent of Public Instruction, the
following information for each person who is licensed pursuant to
chapter 391 of NRS and who is employed by the governing body
on October 1 of that year:

(a) The amount of salary or compensation of the licensed
person, including, without limitation, verification of compliance
with subsection 2 of NRS 388A.521, if applicable to that person;
and

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

Sec. 11. NRS 388A.533 is hereby amended to read as follows:

388A.533  1. All employees of a charter school shall be
deemed public employees.

2. [The] Except as otherwise provided in section 8 of this act,
the governing body of a charter school may make all decisions
concerning the terms and conditions of employment with the charter
school and any other matter relating to employment with the charter
school. In addition, the governing body may make all employment
decisions with regard to its employees pursuant to NRS 391.650 to
391.830, inclusive, unless a collective bargaining agreement entered
into by the governing body pursuant to chapter 288 of NRS contains
separate provisions relating to the discipline of licensed employees of a school.

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

**Sec. 12.** Chapter 391 of NRS is hereby amended by adding thereto the provisions set forth as sections 13 and 14 of this act.

**Sec. 13.**
1. The Department may charge and collect a fee of $50 to review information pertaining to and provide feedback concerning a person’s qualifications for a license to teach or perform other educational functions, including, without limitation, records from a college or other educational institution and scores on examinations administered pursuant to the regulations adopted by the Commission, before the person applies for such a license. The money received from the fee collected pursuant to this section must be deposited with the State Treasurer for credit to the appropriate account of the Department.

2. Upon submission and payment of the fee prescribed pursuant to subsection 1, the Department shall review the information submitted pursuant to that subsection and provide feedback to a person concerning whether the information submitted by the person is indicative of whether the person appears to satisfy all or some of the requirements for the issuance of a license and, if so, the kind of license for which it appears the person may satisfy the requirements.

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

**Sec. 14.**
1. The Department shall maintain a permanent employment record for each licensed employee who is employed by a school district or charter school. The employment record must include, without limitation:

(a) The employee’s overall performance rating as highly effective, effective, minimally effective or ineffective under the statewide performance evaluation system established by the State Board pursuant to NRS 391.465 and the criteria for making the designation;
(b) The amount of salary or compensation of the employee reported by a charter school or school district pursuant to paragraph (a) of subsection 2 of NRS 388A.524 or paragraph (a) of subsection 4 of NRS 391.120, respectively; and

(c) The designated assignment of the employee reported by a charter school or school district pursuant to paragraph (b) of subsection 2 of NRS 388A.524 or paragraph (b) of subsection 4 of NRS 391.120, respectively.

2. Each school district and charter school shall annually submit to the Department, in a format prescribed by the Superintendent of Public Instruction, the information prescribed in paragraph (a) of subsection 1 for each licensed employee.

3. Except as otherwise provided in NRS 239.0115, the records maintained by the Department pursuant to subsection 1 are confidential.

Sec. 15. NRS 391.011 is hereby amended to read as follows:

391.011  1. The Commission on Professional Standards in Education, consisting of eleven members appointed by the Governor, is hereby created.

2. Five members of the Commission must be teachers who teach in the classroom as follows:

(a) One who holds a license to teach secondary education and teaches in a secondary school.

(b) One who holds a license to teach middle school or junior high school education and teaches in a middle school or junior high school.

(c) One who holds a license to teach elementary education and teaches in an elementary school.

(d) One who holds a license to teach special education and teaches special education.

(e) One who holds a license to teach pupils in a program of early childhood education and teaches in a program of early childhood education.

3. The remaining members of the Commission must include:

(a) One school counselor or psychologist or other person licensed pursuant to chapter 391 of NRS and employed by a school district or charter school.

(b) Two administrators of schools, at least one of whom must be who are employed by a principal of a school school district or charter school to provide administrative service at an individual school. Such administrators must not provide service at the district level.

(c) The dean of the College of Education at one of the universities in the Nevada System of Higher Education, or a
representative of one of the Colleges of Education nominated by such a dean for appointment by the Governor.

(d) One member who is a representative of the parent or legal guardian of a pupil enrolled in a public school.

(e) One member who has expertise and experience in the operation of a business.

4. The appointments of a counselor, the administrators and three of the five appointments made pursuant to subsection 2 must be made from a list of names of at least three persons for each position that is submitted to the Governor. — (a) For the counselor and teachers, by an employee organization representing the majority of counselors and the majority of teachers in the State of Nevada who teach in the educational level from which the appointment is being made. — (b) For administrators, by an organization of administrators for schools in which the majority of administrators of schools in this State have membership.

5. The appointment made pursuant to:

(a) Paragraph (a) of subsection 3 must be made from a list of names of at least three persons that is submitted to the Commission who is a teacher, administrator, counselor or psychologist must be employed by a private school licensed pursuant to chapter 394 of NRS. Governor by an employee organization representing the majority of school counselors, psychologists or other licensed educational personnel in this State who are not administrators.

(b) Paragraph (b) of subsection 3 must be made from a list of names of at least three persons for each position that is submitted to the Governor by the organization of administrators for schools in which the majority of administrators of schools in this State have membership.

(c) Paragraph (d) of subsection 3 must be made from a list of names of persons submitted to the Governor by the Nevada Parent Teacher Association or its successor organization.

Sec. 16. NRS 391.013 is hereby amended to read as follows:

391.013 No member of the Commission who is a teacher, counselor, administrator or representative of the general public may serve more than two terms.

Sec. 17. NRS 391.015 is hereby amended to read as follows:

391.015 1. The Commission shall annually elect one of its members as President and one of its members as Vice President, to serve at the pleasure of the Commission.

2. The Superintendent of Public Instruction or the Superintendent’s designee shall serve as the nonvoting Secretary to
the Commission. The Secretary shall coordinate the activities of the
Commission.
Sec. 18. NRS 391.017 is hereby amended to read as follows:
391.017 1. The Commission may meet at least once each
month.
2. A majority of the Commission constitutes a quorum for the
transaction of business.
3. The members of the Commission are entitled to the travel
expenses and subsistence allowances provided by law for state
officers and employees generally while attending meetings of the
Commission.
4. Any costs associated with employing a substitute teacher
while a member of the Commission who is a teacher attends a
meeting of the Commission must be paid by the school district or
charter school that employs the member.
Sec. 19. NRS 391.019 is hereby amended to read as follows:
391.019 1. Except as otherwise provided in NRS 391.027,
the Commission shall adopt regulations:
(a) Prescribing the qualifications for licensing teachers and other
educational personnel, including, without limitation, the
qualifications for a license to teach middle school or junior high
school education, and the procedures for the issuance and renewal of
those licenses. The regulations:
(1) Must include, without limitation, the qualifications for
licensing teachers and administrators pursuant to an alternative route
to licensure which provides that the required education and training
may be provided by any qualified provider which has been approved
by the Commission, including, without limitation, institutions of
higher education and other providers that operate independently of
an institution of higher education. The regulations adopted pursuant
to this subparagraph must:
(I) Establish the requirements for approval as a qualified
provider;
(II) Require a qualified provider to be selective in its
acceptance of students;
(III) Require a qualified provider to provide supervised,
school-based experiences and ongoing support for its students, such
as mentoring and coaching;
(IV) Significantly limit the amount of course work
required or provide for the waiver of required course work for
students who achieve certain scores on tests;
(V) Allow for the completion in 2 years or less of the
education and training required under the alternative route to
licensure;
(VI) Provide that a person who has completed the education and training required under the alternative route to licensure and who has satisfied all other requirements for licensure may apply for a regular license pursuant to sub-subparagraph (VII) regardless of whether the person has received an offer of employment from a school district, charter school or private school; and

(VII) Upon the completion by a person of the education and training required under the alternative route to licensure and the satisfaction of all other requirements for licensure, provide for the issuance of a regular license to the person pursuant to the provisions of this chapter and the regulations adopted pursuant to this chapter.

(2) Must not prescribe qualifications which are more stringent than the qualifications set forth in NRS 391.0315 for a licensed teacher who applies for an additional license in accordance with that section.

(b) Identifying fields of specialization in teaching which require the specialized training of teachers.

(c) Except as otherwise provided in NRS 391.125, requiring teachers to obtain from the Department an endorsement in a field of specialization to be eligible to teach in that field of specialization, including, without limitation, an endorsement to teach English as a second language based upon the recommendations of the English Mastery Council pursuant to NRS 388.411.

(d) Setting forth the educational requirements a teacher must satisfy to qualify for an endorsement in each field of specialization.

(e) Setting forth the qualifications and requirements for obtaining a license or endorsement to teach American Sign Language, including, without limitation, being registered with the Aging and Disability Services Division of the Department of Health and Human Services pursuant to NRS 656A.100 to engage in the practice of interpreting in an educational setting.

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

(1) Provide instruction or other educational services; and

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

(g) Providing for the issuance and renewal of a special qualifications license to an applicant who holds a bachelor’s degree, a master’s degree or a doctoral degree from an accredited degree-granting postsecondary educational institution in a field for which the applicant will provide instruction in a classroom and who has:
(1) At least 2 years of experience teaching at an accredited degree-granting postsecondary educational institution in a field for which the applicant will provide instruction in a classroom and at least 3 years of experience working in that field; or

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

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

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

(1) Pass each examination required by subsection 1 of NRS 391.021 for the specific subject or subjects in which the applicant will provide instruction; or

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

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

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

(1) Holds a bachelor’s degree or a graduate degree from an accredited college or university in the field for which the applicant will be providing instruction;

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

(3) Has at least 5 years of experience teaching with satisfactory evaluations at a school that is accredited by a national or regional accrediting agency recognized by the United States Department of Education; and

(4) Submits proof of participation in a program of student teaching or mentoring or agrees to participate in a program of mentoring for the first year of the applicant’s employment as a teacher with a school district or charter school if the applicant holds a graduate degree or, if the applicant holds a bachelor’s degree, submits proof of participation in a program of student teaching or mentoring or agrees to participate in a program of mentoring or courses of pedagogy for the first 2 years of his or her employment as a teacher with a school district or charter school.
An applicant for licensure pursuant to this paragraph is exempt from each examination required by subsection 1 of NRS 391.021 if the applicant successfully passed the examination in another state.

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

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

3. Any regulation which increases the amount of education, training or experience required for licensing:
   (a) Must, in addition to the requirements for publication in chapter 233B of NRS, be publicized before its adoption in a manner reasonably calculated to inform those persons affected by the change.
   (b) Must not become effective until at least 1 year after the date it is adopted by the Commission.
   (c) Is not applicable to a license in effect on the date the regulation becomes effective.

4. A person who is licensed pursuant to paragraph (g) or (j) of subsection 1:
   (a) Shall comply with all applicable statutes and regulations.
   (b) Except as otherwise provided by specific statute, is entitled to all benefits, rights and privileges conferred by statutes and regulations on licensed teachers.
   (c) Except as otherwise provided by specific statute, if the person is employed as a teacher by the board of trustees of a school district or the governing body of a charter school, is entitled to all benefits, rights and privileges conferred by statutes and regulations on the licensed employees of a school district or charter school, as applicable.

Sec. 20. NRS 391.021 is hereby amended to read as follows:

391.021 1. Except as otherwise provided in paragraph (j) of subsection 1 of NRS 391.019 and NRS 391.027, the Commission shall adopt regulations governing examinations for the initial licensing of teachers and other educational personnel. The regulations adopted by the Commission must ensure that the examinations test the ability of the applicant to teach and the applicant’s knowledge of each specific subject he or she proposes to teach. Teachers and educational personnel from another state who obtain a reciprocal license pursuant to NRS 391.032 are not required to take the examinations for the initial licensing of
teachers and other educational personnel described in this subsection.

2. Except as otherwise provided in subsection 3, in addition to the examinations for the initial licensing of teachers and other educational personnel governed by the regulations adopted by the Commission pursuant to subsection 1, an applicant for initial licensure must take and successfully pass an examination on the following subjects:

   1. (a) The laws of Nevada relating to schools;
   2. (b) The Constitution of the State of Nevada; and
   3. (c) The Constitution of the United States.

3. The provisions of this section do not prohibit the Commission from adopting regulations pursuant to subsection 2 of NRS 391.032 that provide an exemption from the examinations for that teachers and other educational personnel from another state if the Commission determines that the examinations required for initial licensure for teachers and other educational personnel in that state are comparable to the examinations required for initial licensure in this State who obtain a reciprocal license pursuant to NRS 391.032 may obtain an exemption from the requirement to take the examination required by subsection 2.

Sec. 21. NRS 391.031 is hereby amended to read as follows:
391.031 There are the following kinds of licenses for teachers and other educational personnel in this State:
1. A license to teach pupils in a program of early childhood education, which authorizes the holder to teach in any program of early childhood education in the State.
2. A license to teach elementary education, which authorizes the holder to teach in any elementary school in the State.
3. A license to teach middle school or junior high school education, which authorizes the holder to teach in his or her major or minor field of preparation or in both fields in grades 7, 8, and 9 at any middle school or junior high school. He or she may teach only in these fields unless an exception is approved pursuant to regulations adopted by the Commission.
4. A license to teach secondary education, which authorizes the holder to teach in his or her major or minor field of preparation or in both fields in any secondary school. He or she may teach only in these fields unless an exception is approved pursuant to regulations adopted by the Commission.
5. A license to teach special education, which authorizes the holder to teach pupils with disabilities or gifted and talented pupils, or both.
6. A special license, which authorizes the holder to teach or perform other educational functions in a school or program as designated in the license.

7. A special license designated as a special qualifications license, which authorizes the holder to teach only in the grades and subject areas designated in the license. A special qualifications license is valid for 3 years and may be renewed in accordance with the applicable regulations of the Commission adopted pursuant to paragraph (g) or (j) of subsection 1 of NRS 391.019.

Sec. 22. NRS 391.032 is hereby amended to read as follows:

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

(a) Consider and may adopt regulations which provide for the issuance of conditional provisional licenses to teachers and other educational personnel before completion of all courses of study or other requirements for a license in this State.

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

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

3. A person who is issued a conditional provisional license must complete all courses of study and other requirements for a license in this State which is not conditional provisional within 3 years after the date on which a conditional provisional license is issued.

Sec. 23. NRS 391.033 is hereby amended to read as follows:

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

2. An application for the issuance of a license must include the social security number of the applicant.
3. Every applicant for a license must submit with his or her application a complete set of his or her fingerprints and written permission authorizing the Superintendent to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its initial report on the criminal history of the applicant and for reports thereafter upon renewal of the license pursuant to subsection 7 of NRS 179A.075, and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant.

4. The Superintendent may issue a provisional license pending receipt of the reports of the Federal Bureau of Investigation and the Central Repository for Nevada Records of Criminal History if the Superintendent determines that the applicant is otherwise qualified.

5. A license must be issued to, or renewed for, as applicable, an applicant if:
   (a) The Superintendent determines that the applicant is qualified;
   (b) The reports on the criminal history of the applicant from the Federal Bureau of Investigation and the Central Repository for Nevada Records of Criminal History:
      (1) Do not indicate that the applicant has been convicted of a felony or any offense involving moral turpitude; or
      (2) Indicate that the applicant has been convicted of a felony or an offense involving moral turpitude but the Superintendent determines that the conviction is unrelated to the position within the county school district or charter school for which the applicant applied or for which he or she is currently employed, as applicable; and
   (c) For initial licensure, the applicant submits the statement required pursuant to NRS 391.034.

6. If the Superintendent denies an application pursuant to this section, the Superintendent must, within 15 days after the date on which the application is denied, provide notice of the denial to the school district or charter school that employs the applicant if the applicant is employed by a school district or charter school. Such notice must not state the reasons for denial.

Sec. 24. NRS 391.040 is hereby amended to read as follows:

391.040  1. The Commission shall fix fees of not less than $65 but not more than $100 for the:
   (a) Initial issuance of a license, which must include the fees for processing the fingerprints of the applicant by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation; and
   (b) Renewal of a license, which must include the fees for processing the fingerprints of the applicant for renewal by the
Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation.

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

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

Sec. 25. NRS 391.045 is hereby amended to read as follows:

391.045 The Superintendent of Public Instruction shall file with the clerk of the board of trustees of each local school district a directory of all teachers and other educational personnel, including, without limitation, teachers and educational personnel employed by a charter school pursuant to NRS 388A.518, 388A.521, 388A.524, 388A.530 to 388A.544, inclusive, and sections 3 to 8, inclusive, of this act, and 388B.400 to 388B.450, inclusive, who are entitled to draw salaries from the county school district fund, and shall advise the clerk from time to time of any changes or additions to the directory.

Sec. 26. NRS 391.102 is hereby amended to read as follows:

391.102 1. Notwithstanding the provisions of any collective bargaining agreement or contract of employment to the contrary, before the board of trustees of a school district may transfer a teacher or administrator who has received an evaluation designating his or her overall performance as minimally effective or ineffective to another school as a result of decreased enrollment, administrative transfer or a reduction in workforce at a public school, the board of trustees of the school district must seek the consent of the principal of the school to which the teacher or administrator is proposed to be transferred. If such consent is not obtained, the superintendent of schools of the school district:

(a) May assign the teacher or administrator to a school within the district other than the school from which the teacher or administrator was transferred; and

(b) May assign the teacher or administrator to the school at which the principal did not consent to the transfer of the teacher or administrator.

2. The superintendent of schools of a school district shall develop and submit to the State Board a plan to address the assignment of teachers or administrators who have received evaluations designating their overall performance as minimally effective or ineffective when the consent of a principal to a transfer
pursuant to subsection 1 is not obtained. Such a plan must include,
without limitation, a plan for any such teacher or administrator to
receive assistance to help the teacher or administrator, as applicable,
meet the standards for effective teaching, which may include,
without limitation, peer assistance and review, participation in
programs of professional development and other appropriate
training.

Sec. 27. NRS 391.120 is hereby amended to read as follows:

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

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

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

4. [On or before November 15 of each year, the] The school
district shall annually, on or before the date prescribed by the
Superintendent of Public Instruction, submit to the Department, in
a form prescribed by the Superintendent of Public Instruction, the
following information for each licensed employee employed by the
school district [on October 1 of] during that year:
(a) The amount of salary of the employee; and
(b) The designated assignment, as that term is defined by the
Department, of the employee.

Sec. 28. NRS 391.125 is hereby amended to read as follows:

391.125 1. If the board of trustees of a school district
determines that a shortage of teachers exists within the school
district in a particular subject area, the board of trustees may [submit
a written request to the Superintendent of Public Instruction to]
employ persons who are licensed teachers but who do not hold an endorsement to teach in the subject area for which there is a shortage of teachers at a public school within the school district that is not rated as underperforming pursuant to the statewide system of accountability for public schools. [The Superintendent of Public Instruction may grant such a request if the Superintendent determines that a shortage of teachers exists in the subject area. If the Superintendent of Public Instruction grants a request pursuant to this subsection, a] A person who holds a license to teach but not an endorsement in the subject area [for which the request was granted] that he or she is employed to teach may be employed by the school district for not more than 2 school years to teach in that subject area at a public school within the school district that is not rated as underperforming pursuant to the statewide system of accountability for public schools.

2. [If the Superintendent of Public Instruction grants a request pursuant to subsection 1, the Superintendent] The board of trustees of a school district that employs a person to teach pursuant to subsection 1 shall submit a written report to the Superintendent of Public Instruction and the Commission that includes the [name of the school district for which the request was granted] number of persons employed to teach pursuant to subsection 1 and the subject area [for which the request was granted] in which such employees teach. Upon receipt of such a report, the Commission shall consider whether to adopt revisions to the requirements for an endorsement in that subject area to address the shortage of teachers.

Sec. 29. NRS 391.3015 is hereby amended to read as follows:

391.3015  1. Except as otherwise provided by subsection 3, if the license of an employee lapses during a time that school is in session:

(a) The school district that employs him or her shall provide written notice to the employee of the lapse of the employee’s license and of the provisions of this section;  

(b) The employee must not be suspended from employment for the lapsed license for a period of 90 days after the date of the notice pursuant to paragraph (a) or the end of the school year, whichever is longer; and  

(c) The employee’s license shall be deemed valid for the period described in paragraph (b) for purposes of the employee’s continued employment with the school district during that period.

2. If a school district complies with subsection 1 and an employee fails to reinstate his or her license within the time prescribed in paragraph (b) of subsection 1, his or her employment shall be deemed terminated at the end of the period described in
paragraph (b) of subsection 1 and the school district is not otherwise required to comply with NRS 391.301 to 391.309, inclusive.

3. The provisions of this section do not apply to an employee whose license:

(a) License has been suspended or revoked by the State Board pursuant to NRS 391.320 to 391.361, inclusive; or

(b) Application for renewal was denied by the Superintendent of Public Instruction pursuant to NRS 391.033.

Sec. 30. NRS 391.455 is hereby amended to read as follows:

391.455 1. There is hereby created the Teachers and Leaders Council of Nevada consisting of the following 15 members:

(a) The Superintendent of Public Instruction, or his or her designee, who serves as an ex officio member of the Council.

(b) The Chancellor of the Nevada System of Higher Education, or his or her designee, who serves as an ex officio member of the Council.

(c) Four teachers in public schools appointed by the Governor from a list of nominees submitted by the Nevada State Education Association. The members appointed pursuant to this paragraph must represent the geographical diversity of the school districts in this State.

(d) Two administrators in public schools appointed by the Governor from a list of nominees submitted by the Nevada Association of School Administrators and one superintendent of schools of a school district appointed by the Governor from a list of nominees submitted by the Nevada Association of School Superintendents. The members appointed pursuant to this paragraph must represent the geographical diversity of the school districts in this State.

(e) Two persons who are members of boards of trustees of school districts and who are appointed by the Governor from a list of nominees submitted by the Nevada Association of School Boards.

(f) One representative of the regional training programs for the professional development of teachers and administrators created by NRS 391A.120 appointed by the Governor from a list of nominees submitted by the Nevada Association of School Superintendents.

(g) One parent or legal guardian of a pupil enrolled in public school appointed by the Governor from a list of nominees submitted by the Nevada Parent Teacher Association.

(h) Two persons with expertise in the development of public policy relating to education appointed by the Superintendent of Public Instruction. The members appointed pursuant to this paragraph must not otherwise be eligible for appointment pursuant to paragraphs (a) to (g), inclusive.
2. After the initial terms, each appointed member of the Council serves a term of 3 years commencing on July 1 and may be reappointed to one additional 3-year term following his or her initial term. If any appointed member of the Council ceases to be qualified for the position to which he or she was appointed, the position shall be deemed vacant and the appointing authority shall appoint a replacement for the remainder of the unexpired term. A vacancy must be filled in the same manner as the original appointment.

3. The Council shall, at its first meeting and annually thereafter, elect a Chair from among its members.

4. The Council shall meet at least semiannually and may meet at other times upon the call of the Chair or a majority of the members of the Council. Nine members of the Council constitute a quorum, and a quorum may exercise all the power and authority conferred on the Council.

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

6. A member of the Council who is a public employee must be granted administrative leave from the member’s duties to engage in the business of the Council without loss of his or her regular compensation. Such leave does not reduce the amount of the member’s other accrued leave.

7. **Any costs associated with employing a substitute teacher while a member of the Council who is a teacher attends a meeting of the Council must be paid by the school district or charter school that employs the member.**

8. The Department shall provide administrative support to the Council.

9. The Council may apply for and accept gifts, grants, donations and contributions from any source for the purpose of carrying out its duties pursuant to NRS 391.460.

Sec. 31. NRS 391A.130 is hereby amended to read as follows:

391A.130 1. The Statewide Council for the Coordination of the Regional Training Programs, consisting of nine members, is hereby created. The membership of the Council consists of:

(a) The Superintendent of Public Instruction or his or her designee.

(b) One member, who is not a Legislator, appointed by the Majority Leader of the Senate.

(c) One member, who is not a Legislator, appointed by the Speaker of the Assembly.
(d) One member who is a teacher appointed by the Governor from a list of nominees submitted by the Nevada State Education Association.

(e) One member who is an administrator at a public school employed to provide administrative services at the school level and not to provide administrative services at the district level, appointed by the Governor from a list of nominees submitted by the Nevada Association of School Administrators.

(f) One member appointed by the Governor.

(g) Three members, each of whom is a superintendent of schools, or his or her designee, appointed by the governing body of each regional training program to represent the school districts served by the regional training program.

2. In making the appointments pursuant to paragraphs (b) to (g), inclusive, of subsection 1, the appointing authorities shall consider whether the appointments provide a geographical balance between urban and rural areas of this State and represent the cultural diversity of this State.

3. The Statewide Council shall elect a Chair from among its members.

4. After the initial terms, the appointed members of the Statewide Council serve a term of 2 years, commencing on July 1 of the year of appointment. A member may not be appointed to serve more than 3 consecutive terms.

5. A vacancy on the Statewide Council must be filled for the remainder of the unexpired term in the same manner as the original appointment.

6. Members of the Statewide Council serve without salary for their service on the Council. [but are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally for each day or portion of a day during which a member attends a meeting of the Statewide Council or is otherwise engaged in the work of the Statewide Council. The per diem allowance and travel expenses for:

—(a) The members who are appointed by the Majority Leader of the Senate and the Speaker of the Assembly are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally for each day or portion of a day during which a member attends a meeting of the Statewide Council or is otherwise engaged in the work of the Statewide Council. The per diem allowance and travel expenses for the members who are appointed by the Majority Leader of the Senate and the Speaker of the Assembly must be paid from the Legislative Fund.
7. All To the extent that money is appropriated for this purpose, all other members of the Statewide Council are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally for each day or portion of a day during which a member attends a meeting of the Statewide Council or is otherwise engaged in the work of the Statewide Council. The per diem allowance and travel expenses for such members must be paid by the Department.

8. Any costs associated with employing a substitute teacher while a member of the Statewide Council who is a teacher attends a meeting of the Statewide Council must be paid by the school district or charter school that employs the member.

8. The Department shall provide administrative support to the Statewide Council.

9. The governing bodies of the regional training programs may mutually agree to expend a portion of their respective budgets to pay for any administrative support of the Statewide Council that is required in addition to that provided pursuant to subsection 7.8.

Sec. 32. NRS 239.010 is hereby amended to read as follows:

and section 14 of this act, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to
inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 33. The Governor shall, as soon as practicable on or after July 1, 2017, appoint to the Commission on Professional Standards in Education created by NRS 391.011 the members of the Commission described in paragraph (e) of subsection 2 and paragraph (e) of subsection 3 of NRS 391.011, as amended by section 15 of this act.

Sec. 34. This act becomes effective on July 1, 2017.