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FIRST REPRINT

A.B. 264

ASSEMBLY BILL NO. 264—ASSEMBLYMEN GIUNCHIGLIANI, WILLIAMS, ANDERSON, ATKINSON, ARBERRY, BUCKLEY, CHOWNING, CLABORN, COLLINS, CONKLIN, GOLDWATER, HORNE, KOIVISTO, LESLIE, MANENDO, MCCLAIN, MORTENSON, OCEGUERA, PARKS, PERKINS AND PIERCE

MARCH 10, 2003

Referred to Concurrent Committees on Education and Ways and Means

SUMMARY—Makes various changes governing education. (BDR 34-62)

FISCAL NOTE: Effect on Local Government: Yes. Effect on the State: Contains Appropriation not included in Executive Budget.

CONTAINS UNFUNDED MANDATE (§§ 18, 19, 41, 70) (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; providing for an incremental increase in the number of days of school during a school year; revising provisions governing the purchase of retirement credit by boards of trustees of school districts for certain teachers; making an appropriation for school districts to provide programs of enhanced compensation; requiring boards of trustees of school districts to pay a minimum starting salary for teachers and prohibiting the payment of signing bonuses; and providing other matters properly relating thereto.

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

- 1 Secs. 1-11. (Deleted by amendment.)
2 Sec. 12. NRS 386.550 is hereby amended to read as follows:
3 386.550 1. A charter school shall:



- 1 (a) Comply with all laws and regulations relating to
2 discrimination and civil rights.
- 3 (b) Remain nonsectarian, including, without limitation, in its
4 educational programs, policies for admission and employment
5 practices.
- 6 (c) Refrain from charging tuition or fees, levying taxes or
7 issuing bonds.
- 8 (d) Comply with any plan for desegregation ordered by a court
9 that is in effect in the school district in which the charter school is
10 located.
- 11 (e) Comply with the provisions of chapter 241 of NRS.
- 12 (f) Except as otherwise provided in this paragraph, schedule and
13 provide annually at least as many days of instruction as are required
14 of other public schools located in the same school district as the
15 charter school is located. The governing body of a charter school
16 may submit a written request to the Superintendent of Public
17 Instruction for a waiver from providing the days of instruction
18 required by this paragraph. The Superintendent of Public Instruction
19 may grant such a request if the governing body demonstrates to the
20 satisfaction of the Superintendent that:
- 21 (1) Extenuating circumstances exist to justify the waiver; and
22 (2) The charter school will provide at least as many hours or
23 minutes of instruction as would be provided under a program
24 consisting of ~~180~~ 182 days.
- 25 (g) Cooperate with the board of trustees of the school district in
26 the administration of the achievement and proficiency examinations
27 administered pursuant to NRS 389.015 and the examinations
28 required pursuant to NRS 389.550 to the pupils who are enrolled in
29 the charter school.
- 30 (h) Comply with applicable statutes and regulations governing
31 the achievement and proficiency of pupils in this state.
- 32 (i) Provide instruction in the core academic subjects set forth in
33 subsection 1 of NRS 389.018, as applicable for the grade levels of
34 pupils who are enrolled in the charter school, and provide at least
35 the courses of study that are required of pupils by statute or
36 regulation for promotion to the next grade or graduation from a
37 public high school and require the pupils who are enrolled in the
38 charter school to take those courses of study. This paragraph does
39 not preclude a charter school from offering, or requiring the pupils
40 who are enrolled in the charter school to take, other courses of study
41 that are required by statute or regulation.
- 42 (j) If the parent or legal guardian of a child submits an
43 application to enroll in kindergarten, first grade or second grade at
44 the charter school, comply with NRS 392.040 regarding the ages for
45 enrollment in those grades.



1 (k) Refrain from using public money to purchase real property
2 or buildings without the approval of the sponsor.

3 (l) Hold harmless, indemnify and defend the sponsor of the
4 charter school against any claim or liability arising from an act or
5 omission by the governing body of the charter school or an
6 employee or officer of the charter school. An action at law may not
7 be maintained against the sponsor of a charter school for any cause
8 of action for which the charter school has obtained liability
9 insurance.

10 (m) Provide written notice to the parents or legal guardians of
11 pupils in grades 9 to 12, inclusive, who are enrolled in the charter
12 school of whether the charter school is accredited by the
13 Commission on Schools of the Northwest Association of Schools
14 and Colleges.

15 (n) Adopt a final budget in accordance with the regulations
16 adopted by the Department. A charter school is not required to adopt
17 a final budget pursuant to NRS 354.598 or otherwise comply with
18 the provisions of chapter 354 of NRS.

19 (o) If the charter school provides a program of distance
20 education pursuant to NRS 388.820 to 388.874, inclusive, comply
21 with all statutes and regulations that are applicable to a program of
22 distance education for purposes of the operation of the program.

23 2. A charter school shall not provide instruction through a
24 program of distance education to children who are exempt from
25 compulsory attendance authorized by the State Board pursuant to
26 subsection 1 of NRS 392.070. As used in this subsection, "distance
27 education" has the meaning ascribed to it in NRS 388.826.

28 **Sec. 13.** NRS 386.550 is hereby amended to read as follows:

29 386.550 1. A charter school shall:

30 (a) Comply with all laws and regulations relating to
31 discrimination and civil rights.

32 (b) Remain nonsectarian, including, without limitation, in its
33 educational programs, policies for admission and employment
34 practices.

35 (c) Refrain from charging tuition or fees, levying taxes or
36 issuing bonds.

37 (d) Comply with any plan for desegregation ordered by a court
38 that is in effect in the school district in which the charter school is
39 located.

40 (e) Comply with the provisions of chapter 241 of NRS.

41 (f) Except as otherwise provided in this paragraph, schedule and
42 provide annually at least as many days of instruction as are required
43 of other public schools located in the same school district as the
44 charter school is located. The governing body of a charter school
45 may submit a written request to the Superintendent of Public



1 Instruction for a waiver from providing the days of instruction
2 required by this paragraph. The Superintendent of Public Instruction
3 may grant such a request if the governing body demonstrates to the
4 satisfaction of the Superintendent that:

5 (1) Extenuating circumstances exist to justify the waiver; and

6 (2) The charter school will provide at least as many hours or
7 minutes of instruction as would be provided under a program
8 consisting of 185 days.

9 (g) Cooperate with the board of trustees of the school district in
10 the administration of the achievement and proficiency examinations
11 administered pursuant to NRS 389.015 and the examinations
12 required pursuant to NRS 389.550 to the pupils who are enrolled in
13 the charter school.

14 (h) Comply with applicable statutes and regulations governing
15 the achievement and proficiency of pupils in this state.

16 (i) Provide instruction in the core academic subjects set forth in
17 subsection 1 of NRS 389.018, as applicable for the grade levels of
18 pupils who are enrolled in the charter school, and provide at least
19 the courses of study that are required of pupils by statute or
20 regulation for promotion to the next grade or graduation from a
21 public high school and require the pupils who are enrolled in the
22 charter school to take those courses of study. This paragraph does
23 not preclude a charter school from offering, or requiring the pupils
24 who are enrolled in the charter school to take, other courses of study
25 that are required by statute or regulation.

26 (j) If the parent or legal guardian of a child submits an
27 application to enroll in kindergarten, first grade or second grade at
28 the charter school, comply with NRS 392.040 regarding the ages for
29 enrollment in those grades.

30 (k) Refrain from using public money to purchase real property
31 or buildings without the approval of the sponsor.

32 (l) Hold harmless, indemnify and defend the sponsor of the
33 charter school against any claim or liability arising from an act or
34 omission by the governing body of the charter school or an
35 employee or officer of the charter school. An action at law may not
36 be maintained against the sponsor of a charter school for any cause
37 of action for which the charter school has obtained liability
38 insurance.

39 (m) Provide written notice to the parents or legal guardians of
40 pupils in grades 9 to 12, inclusive, who are enrolled in the charter
41 school of whether the charter school is accredited by the
42 Commission on Schools of the Northwest Association of Schools
43 and Colleges.

44 (n) Adopt a final budget in accordance with the regulations
45 adopted by the Department. A charter school is not required to adopt



1 a final budget pursuant to NRS 354.598 or otherwise comply with
2 the provisions of chapter 354 of NRS.

3 (o) If the charter school provides a program of distance
4 education pursuant to NRS 388.820 to 388.874, inclusive, comply
5 with all statutes and regulations that are applicable to a program of
6 distance education for purposes of the operation of the program.

7 2. A charter school shall not provide instruction through a
8 program of distance education to children who are exempt from
9 compulsory attendance authorized by the State Board pursuant to
10 subsection 1 of NRS 392.070. As used in this subsection, "distance
11 education" has the meaning ascribed to it in NRS 388.826.

12 **Secs. 14-17.** (Deleted by amendment.)

13 **Sec. 18.** NRS 388.090 is hereby amended to read as follows:

14 388.090 1. Except as otherwise permitted pursuant to this
15 section, boards of trustees of school districts shall schedule and
16 provide a minimum of ~~180~~ 182 days of free school in the districts
17 under their charge.

18 2. The Superintendent of Public Instruction may, upon
19 application by a board of trustees, authorize a reduction of not more
20 than 15 school days in a particular district to establish or maintain a
21 12-month school program or a program involving alternative
22 scheduling, if the board of trustees demonstrates that the proposed
23 schedule for the program provides for a greater number of minutes
24 of instruction than would be provided under a program consisting of
25 ~~180~~ 182 school days. Before authorizing a reduction in the number
26 of required school days pursuant to this subsection, the
27 Superintendent of Public Instruction must find that the proposed
28 schedule will be used to alleviate problems associated with a growth
29 in enrollment or overcrowding, or to establish and maintain a
30 program of alternative schooling, including, without limitation, a
31 program of distance education provided by the board of trustees
32 pursuant to NRS 388.820 to 388.874, inclusive.

33 3. The Superintendent of Public Instruction may, upon
34 application by a board of trustees, authorize the addition of minutes
35 of instruction to any scheduled day of free school if days of free
36 school are lost because of any interscholastic activity. Not more than
37 5 days of free school so lost may be rescheduled in this manner.

38 4. Each school district shall schedule at least 3 contingent days
39 of school in addition to the number of days required by this section
40 ~~3~~ which must be used if a natural disaster, inclement weather or an
41 accident necessitates the closing of a majority of the facilities within
42 the district.

43 5. If more than 3 days of free school are lost because a natural
44 disaster, inclement weather or an accident necessitates the closing of
45 a majority of the facilities within a school district, the



1 Superintendent of Public Instruction, upon application by the school
2 district, may permit the additional days lost to be counted as school
3 days in session. The application must be submitted in the manner
4 prescribed by the Superintendent of Public Instruction.


5 6. The State Board shall adopt regulations providing
6 procedures for changing schedules of instruction to be used if a
7 natural disaster, inclement weather or an accident necessitates the
8 closing of a particular school within a school district.

9 **Sec. 19** NRS 388.090 is hereby amended to read as follows:

10 388.090 1. Except as otherwise permitted pursuant to this
11 section, boards of trustees of school districts shall schedule and
12 provide a minimum of 185 days of free school in the districts under
13 their charge.

14 2. The Superintendent of Public Instruction may, upon
15 application by a board of trustees, authorize a reduction of not more
16 than 15 school days in a particular district to establish or maintain a
17 12-month school program or a program involving alternative
18 scheduling, if the board of trustees demonstrates that the proposed
19 schedule for the program provides for a greater number of minutes
20 of instruction than would be provided under a program consisting of
21 185 school days. Before authorizing a reduction in the number of
22 required school days pursuant to this subsection, the Superintendent
23 of Public Instruction must find that the proposed schedule will be
24 used to alleviate problems associated with a growth in enrollment or
25 overcrowding, or to establish and maintain a program of alternative
26 schooling, including, without limitation, a program of distance
27 education provided by the board of trustees pursuant to NRS
28 388.820 to 388.874, inclusive.

29 3. The Superintendent of Public Instruction may, upon
30 application by a board of trustees, authorize the addition of minutes
31 of instruction to any scheduled day of free school if days of free
32 school are lost because of any interscholastic activity. Not more than
33 5 days of free school so lost may be rescheduled in this manner.

34 4. Each school district shall schedule at least 3 contingent days
35 of school in addition to the number of days required by this section
36  which must be used if a natural disaster, inclement weather or an
37 accident necessitates the closing of a majority of the facilities within
38 the district.

39 5. If more than 3 days of free school are lost because a natural
40 disaster, inclement weather or an accident necessitates the closing of
41 a majority of the facilities within a school district, the
42 Superintendent of Public Instruction, upon application by the school
43 district, may permit the additional days lost to be counted as school
44 days in session. The application must be submitted in the manner
45 prescribed by the Superintendent of Public Instruction.



1 6. The State Board shall adopt regulations providing
2 procedures for changing schedules of instruction to be used if a
3 natural disaster, inclement weather or an accident necessitates the
4 closing of a particular school within a school district.

5 **Secs. 20-40.** (Deleted by amendment.)

6 **Sec. 41.** NRS 391.165 is hereby amended to read as follows:

7 391.165 1. Except as otherwise provided in ~~subsection 3 of~~
8 this section and except as otherwise required as a result of NRS
9 286.537, the board of trustees of a school district shall pay the cost
10 for a licensed teacher to purchase one-fifth of a year of service
11 pursuant to subsection 2 of NRS 286.300 if:

12 (a) The teacher is a member of the Public Employees'
13 Retirement System ; ~~and has at least 5 years of service;~~

14 (b) The teacher has been employed as a licensed teacher ~~in this~~
15 ~~state~~ for at least 5 ~~consecutive~~ school years ; ~~regardless of~~
16 ~~whether the employment was with one or more school districts in~~
17 ~~this state;~~

18 (c) Each evaluation of the teacher ~~conducted pursuant to NRS~~
19 ~~391.3125~~ is at least satisfactory for the years of employment
20 required by paragraph (b); and

21 (d) In addition to the years of employment required by
22 paragraph (b), the teacher has been employed as a licensed teacher
23 for 1 school year at a school within the school district which, for
24 that school year, carries the designation of demonstrating need for
25 improvement pursuant to NRS 385.367.

26 2. Except as otherwise provided in ~~subsection 3,~~ *this section,*
27 the board of trustees of a school district shall pay the cost for a
28 licensed teacher to purchase one-fifth of a year of service *pursuant*
29 *to subsection 2 of NRS 286.300 if:*

30 *(a) The teacher is a member of the Public Employees'*
31 *Retirement System;*

32 *(b) The teacher has been employed as a licensed teacher for at*
33 *least 5 school years;*

34 *(c) Each evaluation of the teacher is at least satisfactory for*
35 *the years of employment required by paragraph (b); and*

36 *(d) In addition to the years of employment required by*
37 *paragraph (b), the teacher has been employed as a licensed*
38 *teacher for 1 school year at a school within the school district*
39 *where, for that school year, at least 65 percent of the pupils who*
40 *are enrolled in the school are children who are at-risk.*

41 3. *Except as otherwise provided in subsection 4, the board of*
42 *trustees of a school district shall pay the cost for a licensed teacher*
43 *to purchase:*



1 (a) *One-fifth of a year of service* for each year that a teacher is
2 employed as a teacher at a school within the school district that is
3 described in paragraph (d) of subsection 1 ~~[-~~

4 ~~—3.]~~ ; or

5 (b) *One-fifth of a year of service for each year that a teacher is*
6 *employed as a teacher at a school within the school district that is*
7 *described in paragraph (d) of subsection 2.*

8 *If, in 1 school year, a teacher satisfies the criteria set forth in both*
9 *subsections 1 and 2, the school district in which the teacher is*
10 *employed shall, for that school year, pay the cost for the teacher to*
11 *purchase one-fifth of a year of service pursuant to subsection 2 of*
12 *NRS 286.300.*

13 4. In no event may the years of service purchased by a licensed
14 teacher as a result of subsection 2 of NRS 286.300 exceed 5 years.

15 ~~[4.]~~ 5. The board of trustees of a school district shall not:

16 (a) Assign or reassign a licensed teacher to circumvent the
17 requirements of this section.

18 (b) Include ~~[]~~ as part of a teacher’s salary ~~[]~~ the costs of paying
19 the teacher to purchase service pursuant to this section.

20 ~~[5.]~~ 6. As used in this section ~~[, “service”]~~ :

21 (a) *A child is “at-risk” if he is eligible for free and reduced-*
22 *price lunches pursuant to 42 U.S.C. §§ 1751 et seq.*

23 (b) *“Service”* has the meaning ascribed to it in NRS 286.078.

24 **Secs. 42-67.** (Deleted by amendment.)

25 **Sec. 68.** 1. There is hereby appropriated from the State
26 General Fund to the Department of Education the sum of
27 \$5,000,000 for grants of money to school districts that adopt a
28 program of enhanced compensation for certain teachers.

29 2. To receive a grant of money, the board of trustees of a
30 school district must submit an application to the Department of
31 Education that:

32 (a) Sets forth a program adopted by the school district in
33 accordance with subsection 3 to provide enhanced compensation for
34 certain teachers, which must include one or more of the following
35 components:

36 (1) Skills-based pay pursuant to which teachers develop
37 certain skills verified through licensure, certification or some other
38 method.

39 (2) A “career ladder” program, pursuant to which teachers
40 who perform at or above specified standards receive an increase in
41 compensation. Each step requires additional growth, professional
42 development, expertise and additional responsibilities, including,
43 without limitation, mentoring.

44 (3) Market-based pay, pursuant to which one-time bonuses
45 are paid to retain teachers who provide instruction in high-need



1 subject areas such as mathematics, science and special education
2 and to retain teachers who teach in at-risk schools.

3 (b) Includes the amount of money necessary to pay the enhanced
4 compensation pursuant to the program.

5 (c) Includes the number of teachers who are estimated to be
6 eligible for enhanced compensation pursuant to the program.

7 (d) School-based or group-based incentives that award
8 improvements in various measures of performance that are
9 established at the school level.

10 3. If a school district has entered into a collective bargaining
11 agreement pursuant to chapter 288 of NRS that governs the
12 employment of the licensed teachers employed by the school
13 district, the school district shall negotiate with the bargaining agent
14 for the licensed employees of the school district regarding the
15 components of the proposed program of enhanced compensation.

16 4. To the extent money is available from the appropriation
17 made by subsection 1, the Department of Education shall provide
18 grants of money to school districts with approved applications based
19 upon the amount of money that is necessary to carry out each
20 program of enhanced compensation. If an insufficient amount of
21 money is available to pay for each program, the money from the
22 appropriation must be distributed pro rata based upon the number of
23 teachers who are estimated to be eligible to participate in the
24 program in each school district with an approved application.

25 5. Any remaining balance of the appropriation made by
26 subsection 1 must not be committed for expenditure after June 30,
27 2005, and reverts to the State General Fund as soon as all payments
28 of money committed have been made.

29 **Sec. 69.** (Deleted by amendment.)

30 **Sec. 70.** 1. The board of trustees of each school district shall
31 place a teacher who is initially hired by the school district for the
32 2003-2004 school year on the schedule of salaries of the school
33 district at a salary that is at least \$30,000 annually. The board of
34 trustees of each school district shall place a teacher who is initially
35 hired by the school district for the 2004-2005 school year on the
36 schedule of salaries of the school district at a salary that is at least
37 \$30,000 annually.

38 2. Notwithstanding any provision of law to the contrary,
39 neither the Department of Education nor the board of trustees of a
40 school district may pay a signing bonus to a teacher who is initially
41 hired by the school district during the 2003-2005 biennium. The
42 provisions of this subsection do not preclude the payment of fringe
43 benefits that are otherwise paid generally to teachers who are
44 employed by a school district. As used in this subsection, "signing
45 bonus" means any compensation, in addition to the amount a teacher



1 is otherwise entitled to receive in accordance with the schedule of
2 salaries of the school district for the school year, that is paid in
3 exchange for the teacher's agreement to work for the school district
4 or that is paid in exchange for the teacher's service during the first
5 year of employment.

6 3. For the purposes of this section, a person is not "initially
7 hired" if he has been employed as a licensed teacher by another
8 school district or charter school in this state without an interruption
9 in employment before the date of hire by his current employer.

10 **Secs. 71 and 72.** (Deleted by amendment.)

11 **Sec. 73.** The provisions of NRS 354.599 do not apply to any
12 additional expenses of a local government that are related to the
13 provisions of this act.

14 **Sec. 74.** 1. Sections 12, 18, 41, 68, 70 and 73 of this act
15 become effective on July 1, 2003.

16 2. Sections 13 and 19 of this act become effective on July 1,
17 2004.

