SENATE BILL NO. 226–COMMITTEE ON HUMAN RESOURCES AND FACILITIES

MARCH 3, 2003

Referred to Committee on Finance

SUMMARY—Establishes system for classifying teachers. (BDR 34-246)

FISCAL NOTE: Effect on Local Government: Yes. Effect on the State: Yes.

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

AN ACT relating to educational personnel; establishing a system of classification for teachers; requiring the Commission on Professional Standards in Education to adopt regulations for the system of classifying teachers; authorizing the boards of trustees of school districts to assign additional duties to teachers with mentor or master classifications; requiring the boards of trustees of school districts to pay augmented salaries to mentor and master teachers who are assigned additional duties; and providing other matters properly relating thereto.

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

Section 1. NRS 386.595 is hereby amended to read as follows:
 386.595 1. All employees of a charter school shall be deemed
 public employees.

4 2. Except as otherwise provided in this subsection, the 5 provisions of the collective bargaining agreement entered into by the board of trustees of the school district in which the charter school is 6 7 located apply to the terms and conditions of employment of employees of the charter school who are on a leave of absence from 8 9 the school district pursuant to subsection 5, including, without limitation, any provisions relating to representation by the employee 10 11 organization that is a party to the collective bargaining agreement of



the school district in a grievance proceeding or other dispute arising
 out of the agreement. The provisions of the collective bargaining
 agreement apply to each employee for the first 3 years that he is on
 a leave of absence from the school district. After the first 3 years
 that the employee is on a leave of absence:

6 (a) If he is subsequently reassigned by the school district 7 pursuant to subsection 5, he is covered by the collective bargaining 8 agreement of the school district.

9 (b) If he continues his employment with the charter school, he is 10 covered by the collective bargaining agreement of the charter 11 school, if applicable.

3. Except as otherwise provided in subsection 2, the governing body of a charter school may make all employment decisions with regard to its employees pursuant to NRS 391.311 to 391.3197, 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.

4. Except as otherwise provided in this subsection, if the
written charter of a charter school is revoked or if a charter school
ceases to operate as a charter school, the employees of the charter
school must be reassigned to employment within the school district
in accordance with the applicable collective bargaining agreement.
A school district is not required to reassign an employee of a charter
school pursuant to this subsection if the employee:

(a) Was not granted a leave of absence by the school district to
teach at the charter school pursuant to subsection 5; or

(b) Was granted a leave of absence by the school district and did
not submit a written request to return to employment with the school
district in accordance with subsection 5.

The board of trustees of a school district that is a sponsor of 31 5. 32 a charter school shall grant a leave of absence, not to exceed 6 years, 33 to any employee who is employed by the board of trustees who requests such a leave of absence to accept employment with the 34 charter school. After the first school year in which an employee is 35 on a leave of absence, he may return to his former teaching position 36 37 with the board of trustees. After the third school year, an employee who is on a leave of absence may submit a written request to the 38 39 board of trustees to return to a comparable teaching position with 40 the board of trustees. After the sixth school year, an employee shall 41 either submit a written request to return to a comparable teaching 42 position or resign from the position for which his leave was granted. 43 The board of trustees shall grant a written request to return to a 44 comparable position pursuant to this subsection even if the return of 45 the employee requires the board of trustees to reduce the existing



workforce of the school district. The board of trustees may require
 that a request to return to a teaching position submitted pursuant to
 this subsection be submitted at least 90 days before the employee
 would otherwise be required to report to duty.

6. An employee who is on a leave of absence from a school 5 district pursuant to this section shall contribute to and be eligible for 6 all benefits for which he would otherwise be entitled, including, 7 8 without limitation, participation in the Public Employees' 9 Retirement System and accrual of time for the purposes of leave and 10 retirement. The time during which such an employee is on leave of absence and employed in a charter school does not count toward the 11 acquisition of permanent status with the school district. 12

7. Upon the return of a teacher to employment in the school
district, the teacher is entitled to the same teacher is

(a) Level of retirement, salary and any other benefits to which
 he would otherwise be entitled if he had not taken a leave of absence
 to teach in a charter school.

(b) Classification, as set forth in section 4 of this act, that he
held at the time he took the leave of absence if his classification is
valid on the date of his return to the school district.

8. An employee of a charter school who is not on a leave of
absence from a school district is eligible for all benefits for which he
would be eligible for employment in a public school, including,
without limitation, participation in the Public Employees'
Retirement System.

9. For all employees of a charter school:

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(a) The compensation that a teacher or other school employee
would have received if he were employed by the school district must
be used to determine the appropriate levels of contribution required
of the employee and employer for purposes of the Public
Employees' Retirement System.

(b) The compensation that is paid to a teacher or other school employee that exceeds the compensation that he would have received if he were employed by the school district must not be included for the purposes of calculating future retirement benefits of the employee.

37 10. If the board of trustees of a school district in which a 38 charter school is located manages a plan of group insurance for its employees, the governing body of the charter school may negotiate 39 40 with the board of trustees to participate in the same plan of group 41 insurance that the board of trustees offers to its employees. If the 42 employees of the charter school participate in the plan of group 43 insurance managed by the board of trustees, the governing body of 44 the charter school shall:



1 (a) Ensure that the premiums for that insurance are paid to the 2 board of trustees; and

3 (b) Provide, upon the request of the board of trustees, all 4 information that is necessary for the board of trustees to provide the 5 group insurance to the employees of the charter school.

Sec. 2. NRS 387.303 is hereby amended to read as follows:

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7 387.303 1. Not later than November 10 of each year, the 8 board of trustees of each school district shall submit to the 9 Superintendent of Public Instruction and the Department of 10 Taxation a report which includes the following information:

(a) For each fund within the school district, including, without 11 limitation, the school district's general fund and any special revenue 12 13 fund which receives state money, the total number and salaries of 14 licensed and nonlicensed persons whose salaries are paid from the fund and who are employed by the school district in full-time 15 positions or in part-time positions added together to represent full-16 time positions. Information must be provided for the current school 17 year based upon the school district's final budget, including any 18 19 amendments and augmentations thereto, and for the preceding school year. An employee must be categorized as filling an 20 21 instructional, administrative, instructional support or other position.

(b) The count of pupils computed pursuant to paragraph (a) of subsection 1 of NRS 387.1233.

(c) The school district's actual expenditures in the fiscal yearimmediately preceding the report.

26 (d) The school district's proposed expenditures for the current27 fiscal year.

28 (e) The schedule of salaries for licensed employees in the current school year and a statement of whether the negotiations 29 30 regarding salaries for the current school year have been completed. 31 If the negotiations have not been completed at the time the schedule of salaries is submitted, the board of trustees shall submit a 32 33 supplemental report to the Superintendent of Public Instruction upon completion of negotiations or the determination of an arbitrator 34 35 concerning the negotiations that includes the schedule of salaries 36 agreed to or required by the arbitrator.

(f) The number of teachers who received an increase in salary 37 pursuant to [subsection 2 of] NRS 391.160 for the current and 38 39 preceding fiscal years. If the board of trustees is required to pay an 40 increase in salary retroactively pursuant to subsection 2 of NRS 41 391.160, the board of trustees shall submit a supplemental report to 42 the Superintendent of Public Instruction not later than February 15 43 of the year in which the retroactive payment was made that includes 44 the number of teachers to whom an increase in salary was paid retroactively. 45



1 (g) The number of employees eligible for health insurance 2 within the school district for the current and preceding fiscal years 3 and the amount paid for health insurance for each such employee 4 during those years.

5 (h) The rates for fringe benefits, excluding health insurance, 6 paid by the school district for its licensed employees in the 7 preceding and current fiscal years.

8 (i) The amount paid for extra duties, supervision of 9 extracurricular activities and supplemental pay and the number of 10 employees receiving that pay in the preceding and current fiscal 11 years.

(j) The expenditures from the account created pursuant to subsection 3 of NRS 179.1187. The report must indicate the total amount received by the district in the preceding fiscal year, and the specific amount spent on books and computer hardware and software for each grade level in the district.

17 2. On or before November 25 of each year, the Superintendent 18 of Public Instruction shall submit to the Department of 19 Administration and the Fiscal Analysis Division of the Legislative 20 Counsel Bureau, in a format approved by the Director of the 21 Department of Administration, a compilation of the reports made by 22 each school district pursuant to subsection 1.

3. The Superintendent of Public Instruction shall, in the
compilation required by subsection 2, reconcile the revenues and
expenditures of the school districts with the apportionment received
by those districts from the State Distributive School Account for the
preceding year.

28 Sec. 3. Chapter 391 of NRS is hereby amended by adding 29 thereto the provisions set forth as sections 4 to 8, inclusive, of this 30 act.

31 Sec. 4. 1. Each teacher who is a probationary employee of 32 a school district or charter school shall be deemed to be classified 33 as a teacher.

2. If a teacher successfully completes his probationary period of employment with the board of trustees of a school district or the governing body of a charter school, he shall be deemed to be classified as a general teacher.

38 3. A person who is employed by the board of trustees of a 39 school district may be classified as a:

40 (a) Mentor teacher; or

41 (b) Master teacher,

42 if he satisfies the qualifications set forth in section 5 of this act

43 and satisfies any additional criteria and qualifications prescribed

44 by the Commission pursuant to subsection 4.

45 4. The Commission shall:



1 (a) Adopt regulations prescribing the procedures for the 2 issuance and renewal of a classification pursuant to section 5 of 3 this act.

4 (b) Consider and may adopt regulations prescribing objective 5 criteria and qualifications in addition to those set forth in section 6 5 of this act that a teacher must satisfy to be classified as a mentor 7 teacher or a master teacher.

8 Sec. 5. 1. On or before November 1, a person who is 9 classified as a:

10 (a) General teacher and who is employed by the board of 11 trustees of a school district may submit an application to the board 12 of trustees to be reclassified as a mentor teacher if the teacher:

(1) Holds a master's degree or higher in:

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(I) The subject area in which he teaches; or

15 (II) If he holds a license to teach elementary education, 16 a core academic subject, as defined in NRS 389.018;

17 (2) Holds certification issued by the National Board for 18 Professional Teaching Standards; and

(3) Has at least 4 years of teaching experience.

20 (b) Mentor teacher and who is employed by the board of 21 trustees of a school district may submit an application to the board 22 of trustees to be reclassified as a master teacher if he has at least 2 23 years of teaching experience with a classification as a mentor 24 teacher.

25 2. On or before January 1 immediately following the date of 26 application for reclassification, the board of trustees shall review 27 each application submitted pursuant to subsection 1 to determine 28 whether the applicant satisfies the qualifications set forth in 29 subsection 1 and any additional criteria and qualifications 30 prescribed by the Commission pursuant to section 4 of this act. If 31 the board of trustees determines that an applicant satisfies the qualifications set forth in subsection 1 and any additional criteria 32 33 and qualifications prescribed by the Commission pursuant to section 4 of this act, the board of trustees shall transmit the 34 application and a letter of approval to the Commission. On or 35 before January 15 immediately following the date of application, 36 37 the board of trustees shall transmit all applications so approved.

38 3. On or before March 1 immediately following the date of 39 application for reclassification, the Commission shall review each 40 application that it receives pursuant to subsection 2 to determine 41 whether the applicant satisfies the qualifications set forth in 42 subsection 1 and any additional criteria and qualifications 43 prescribed by the Commission pursuant to section 4 of this act. If 44 the Commission approves an application, the Commission shall



provide written notice on or before April 1 to the board of trustees
 of the school district in which the applicant is employed.

3 4. If an application is approved by the Commission, the board 4 of trustees of the school district in which the applicant is employed 5 shall:

6 (a) Reclassify the person as a mentor teacher or master 7 teacher, as applicable; and

8 (b) Pay the person an augmented salary pursuant to 9 subsection 3 or 4 of NRS 391.160, as applicable, commencing with 10 the school year immediately following the school year in which the 11 application for reclassification was approved if that person is 12 assigned additional duties prescribed by the board of trustees 13 pursuant to section 6 of this act.

14 5. A person who has been classified by the board of trustees 15 of a school district pursuant to this section as a mentor teacher or a master teacher maintains that classification until the 16 classification lapses for nonrenewal or the person does not 17 otherwise satisfy the requirements for renewal. Each school 18 19 district in this state shall recognize a classification as a mentor 20 teacher or a master teacher that is made in accordance with this 21 section regardless of which school district made the classification.

6. A classification as a mentor teacher or a master teacher is valid for 5 years. To renew such a classification, a person must submit an application for renewal directly to the Commission in a format and within the time prescribed by the Commission. The application must be accompanied by evidence that the applicant has satisfied each requirement for the renewal of the classification.

Sec. 6. 1. The board of trustees of each school district shall
 prescribe additional duties that a:

31 (a) Mentor teacher must be assigned to be eligible to receive 32 an increase in salary pursuant to subsection 3 of NRS 391.160.

(b) Master teacher must be assigned to be eligible to receive an
 increase in salary pursuant to subsection 4 of NRS 391.160.

2. The board of trustees of a school district may assign
additional duties prescribed pursuant to subsection 1 to a mentor
teacher or a master teacher who is employed by the board of
trustees.

39 Sec. 7. The board of trustees of a school district may accept 40 gifts, grants and donations to carry out the requirements of 41 sections 4 to 8, inclusive, of this act and to pay the augmented 42 salaries required by subsections 3 and 4 of NRS 391.160.

43 Sec. 8. 1. The Commission shall submit to the Legislative 44 Committee on Education created pursuant to NRS 218.5352 a 45 written report that describes the progress of the Commission in



1 carrying out its duties pursuant to sections 4 to 8, inclusive, of this act and an evaluation of the progress of each school district in 2 carrying out the requirements of those sections. The written report 3 must be submitted on a quarterly basis, or at such times as the 4 Chairman of the Legislative Committee on Education requests. 5 2. The board of trustees of each school district shall submit to 6 7 the Legislative Committee on Education created pursuant to NRS 8 218.5352 a written report that describes the progress of the school district in carrying out the requirements of sections 4 to 8, 9 inclusive, of this act and NRS 391.160 as it relates to those 10 sections. The written report must be submitted on a quarterly 11

basis, or at such times as the Chairman of the Legislative 12 13 *Committee on Education requests.* 14

Sec. 9. NRS 391.160 is hereby amended to read as follows:

15 391.160 1. The salaries of teachers and other employees must be determined by the character of the service required. A school 16 district shall not discriminate between male and female employees 17 18 in the matter of salary.

19 2. [Each] Except as otherwise provided in this subsection, 20 *each* year when determining the salary of a teacher who holds 21 certification issued by the National Board for Professional Teaching Standards, a school district shall add 5 percent to the salary that the 22 teacher would otherwise receive in 1 year for his classification on 23 24 the schedule of salaries for the school district if:

25 (a) On or before January 31 of the school year, the teacher has 26 submitted evidence satisfactory to the school district of his current 27 certification; and

28 (b) The teacher is assigned by the school district to provide 29 classroom instruction during that school year.

30 No increase in salary may be given during a particular school year 31 to a teacher who submits evidence of certification after January 31 of that school year. For the first school year that a teacher submits 32 33 evidence of his current certification, the board of trustees of 34 the school district to whom the evidence was submitted shall pay the 35 increase in salary required by this subsection retroactively to the beginning of that school year. Once a teacher has submitted 36 37 evidence of such certification to the school district, the school 38 district shall retain the evidence in its records, as applicable, for 39 future school years. An increase in salary given in accordance with 40 this subsection is in addition to any other increase to which the 41 teacher may otherwise be entitled. Neither a mentor teacher nor a 42 master teacher is entitled to receive an increase in salary pursuant 43 to this subsection if the teacher receives an increase pursuant to 44 subsection 3 or 4.



3. Each year when determining the salary of a person who is 1 2 classified as mentor teacher, a school district shall increase the salary of the mentor teacher by 1.5 times the salary that the 3 mentor teacher would otherwise receive in 1 year if he were 4 5 classified as a general teacher if the mentor teacher is assigned to perform the duties prescribed by the board of trustees pursuant to 6 7 section 6 of this act. An increase in salary given in accordance 8 with this subsection is in addition to the mentor teacher's 9 classification on the schedule of salaries of the school district and, 10 except as otherwise provided in subsection 2, any other increase to which the mentor teacher may otherwise be entitled. 11

4. Each year when determining the salary of a person who is 12 13 classified as a master teacher, a school district shall increase the 14 salary of the master teacher by 2 times the salary that the master teacher would otherwise receive in 1 year if he were classified as a 15 16 general teacher if the master teacher is assigned to perform the duties prescribed by the board of trustees pursuant to section 6 of 17 this act. An increase in salary given in accordance with this 18 19 subsection is in addition to the master teacher's classification on the schedule of salaries of the school district and, except as 2021 otherwise provided in subsection 2, any other increase to which 22 the master teacher may otherwise be entitled.

5. In determining the salary of a licensed teacher who is
employed by a school district after the teacher has been employed
by another school district in this state, the present employer shall,
except as otherwise provided in subsection [6:] 8:

(a) Give the teacher the same credit for previous teaching
service as he was receiving from his former employer at the end of
his former employment;

(b) Give the teacher credit for his final year of service with his
former employer, if credit for that service is not included in credit
given pursuant to paragraph (a); and

(c) Place the teacher on the schedule of salaries of the school
district in a classification that is commensurate with the level of
education acquired by the teacher, as set forth in the applicable
negotiated agreement with the present employer.

[4.] 6. A school district may give the credit required by 37 38 subsection $\begin{bmatrix} 3 \\ 5 \end{bmatrix}$ for previous teaching service earned in another state 39 if the Commission has approved the standards for licensing teachers 40 of that state. The Commission shall adopt regulations that establish 41 the criteria by which the Commission will consider the standards for 42 licensing teachers of other states for the purposes of this subsection. 43 The criteria may include, without limitation, whether the 44 Commission has authorized reciprocal licensure of educational 45 personnel from the State under consideration.



[5.] 7. In determining the salary of a licensed administrator, 1 2 other than the superintendent of schools, who is employed by a school district after the administrator has been employed by another 3 school district in this state, the present employer shall, except as 4 5 otherwise provided in subsection [6:] 8:

(a) Give the administrator the same credit for previous 6 7 administrative service as he was receiving from his former 8 employer, at the end of his former employment;

9 (b) Give the administrator credit for his final year of service 10 with his former employer, if credit for that service is not otherwise included in the credit given pursuant to paragraph (a); and 11

(c) Place the administrator on the schedule of salaries of the 12 13 school district in a classification that is comparable to the 14 classification the administrator had attained on the schedule of 15 salaries of his former employer.

[6.] 8. This section does not:

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(a) Require a school district to allow a teacher or administrator 17 more credit for previous teaching or administrative service than the 18 maximum credit for teaching or administrative experience provided 19 for in the schedule of salaries established by it for its licensed 20 21 personnel.

22 (b) Require a school district to pay a mentor teacher or a master teacher an increase in salary pursuant to subsection 3 or 4 23 even if the teacher received an increase in salary as a mentor 24 teacher or master teacher with his former employer if the teacher 25 26 is not assigned additional duties prescribed pursuant to section 6 27 of this act with his present employer.

28 (c) Permit a school district to deny a teacher or administrator 29 credit for his previous teaching or administrative service on the 30 ground that the service differs in kind from the teaching or 31 administrative experience for which credit is otherwise given by the school district. 32

[7.] 9. As used in this section:

(a) "Previous administrative service" means the total of:

35 (1) Any period of administrative service for which an administrator received credit from his former employer at the 36 37 beginning of his former employment; and

38 (2) His period of administrative service in his former 39 employment. 40

(b) "Previous teaching service" means the total of:

41 (1) Any period of teaching service for which a teacher 42 received credit from his former employer at the beginning of his 43 former employment; and

44 (2) His period of teaching service in his former employment.



Sec. 10. NRS 391.3125 is hereby amended to read as follows:

2 391.3125 1. It is the intent of the Legislature that a uniform 3 system be developed for objective evaluation of teachers and other 4 licensed personnel in each school district.

5 2. Each board, following consultation with and involvement of elected representatives of the teachers or their designees, shall 6 7 develop a policy for objective evaluations in narrative form [], 8 including, without limitation, objective evaluations for mentor 9 teachers and for master teachers. The policy must set forth a means according to which an employee's overall performance may be 10 determined to be satisfactory or unsatisfactory. The policy may 11 include an evaluation by the teacher, pupils, administrators or other 12 teachers or any combination thereof. In a similar manner, 13 counselors, librarians and other licensed personnel must be 14 evaluated on forms developed specifically for their respective 15 specialties. A copy of the policy adopted by the board must be filed 16 with the Department. The primary purpose of an evaluation is to 17 provide a format for constructive assistance. Evaluations, while not 18 19 the sole criterion, must be used in the dismissal process.

20 3. A conference and a written evaluation for a probationary 21 employee must be concluded no later than: 22

(a) December 1;

(b) February 1; and

24 (c) April 1,

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of each school year of the probationary period, except that a 25 probationary employee assigned to a school that operates all year 26 27 must be evaluated at least three times during each 12 months of 28 employment on a schedule determined by the board.

4. Whenever an administrator charged with the evaluation of a 29 30 probationary employee believes the employee will not be reemployed for the second year of the probationary period or the 31 school year following the probationary period, he shall bring the 32 matter to the employee's attention in a written document which is 33 separate from the evaluation no later than February 15 of the current 34 35 school year. The notice must include the reasons for the potential decision not to reemploy or refer to the evaluation in which the 36 37 reasons are stated. Such a notice is not required if the probationary 38 employee has received a letter of admonition during the current 39 school year.

40 5. Each postprobationary teacher must be evaluated at least 41 once each year.

42 6. The evaluation of a probationary teacher or a 43 postprobationary teacher must, if necessary, include 44 recommendations for improvements in his performance. A 45 reasonable effort must be made to assist the teacher to correct any



deficiencies noted in the evaluation. The teacher must receive a
 copy of each evaluation not later than 15 days after the evaluation.
 A copy of the evaluation and the teacher's response must be
 permanently attached to the teacher's personnel file.

5 Sec. 11. On or before October 1, 2003, the Commission on 6 Professional Standards in Education shall adopt regulations pursuant 7 to section 4 of this act prescribing the procedures for the issuance 8 and renewal of a classification.

9 Sec. 12. 1. On or before October 1, 2003, the board of 10 trustees of each school district shall:

(a) Prescribe pursuant to section 6 of this act the additional
duties that must be assigned to a mentor teacher and a master
teacher to receive an increase in salary pursuant to section 9 of this
act.

15 (b) Submit a written summary of the additional duties to the 16 Commission on Professional Standards in Education.

2. Each school district shall provide a copy of:

(a) The qualifications for classification as a mentor teacher and a
master teacher pursuant to section 5 of this act and any additional
criteria and qualifications prescribed by the Commission on
Professional Standards in Education pursuant to section 4 of this act;
and

(b) The list of additional duties prescribed by the board oftrustees pursuant to section 6 of this act,

to each public school in the school district for posting on or beforeOctober 6, 2003.

Sec. 13. 1. The Commission on Professional Standards in Education shall submit its first quarterly report to the Legislative Committee on Education pursuant to section 8 of this act on or

30 before November 1, 2003.

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2. The board of trustees of each school district shall submit its
first quarterly report to the Legislative Committee on Education
pursuant to section 8 of this act on or before November 1, 2003.

34 Sec. 14. 1. A person may first apply for classification as a 35 mentor teacher or a master teacher pursuant to section 5 of this act 36 on November 1, 2003.

2. The board of trustees of each school district shall pay the
augmented salaries required by section 9 of this act commencing
with the 2004-2005 school year.

40 **Sec. 15.** The provisions of subsection 1 of NRS 354.599 do 41 not apply to any additional expenses of a local government that are 42 related to the provisions of this act.

43 **Sec. 16.** 1. This section and sections 3 and 6 of this act 44 become effective upon passage and approval.



 Section 4 of this act becomes effective upon passage and approval for the purpose of adopting regulations and on July 1, 2004, for all other purposes.
 Sections 5, 7, 8 and 11 to 15, inclusive, of this act become effective on July 1, 2003.
 Sections 1, 2, 9 and 10 of this act become effective on July 1, 2004.

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July 1, 2004.

