

Amendment No. 116

Assembly Amendment to Assembly Bill No. 109	(BDR 34-529)
<b>Proposed by:</b> Assembly Committee on Education	
<b>Amends:</b> Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.





ASSEMBLY BILL NO. 109—COMMITTEE ON EDUCATION

(ON BEHALF OF THE LEGISLATIVE COMMITTEE  
ON EDUCATION)

FEBRUARY 10, 2021

Referred to Committee on Education

SUMMARY—Revises provisions relating to charter schools. (BDR 34-529)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

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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 requirements for teachers who provide instruction at a charter school; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Under existing law, at least 70 percent of teachers who provide instruction at a charter school must demonstrate experience and qualifications through licensure or subject matter expertise. Existing law provides that teachers who teach certain subjects at a charter school must be licensed. Under existing law, a charter school may employ a person to teach who does not have a license or subject matter expertise if the person meets certain requirements. (NRS 388A.518) **Section 1** of this bill instead requires that ~~at least 80 percent of~~ teachers who provide instruction at a charter school ~~be licensed~~ **hold a license or endorsement** to teach in this State. **Section 1 requires a person who provides instruction in a core academic subject hold a license to teach. Section 1 removes references to having subject matter expertise and instead requires that a person hold a license or endorsement to teach or meet certain other requirements.**

~~Sections 2-7~~ **Section 6** of this bill ~~make~~ **makes a** conforming ~~changes~~ **change** related to the ~~requirement that all teachers providing instruction at a charter school have a license.~~ **removal of references to subject matter expertise. Section 8** of this bill provides that a teacher who **:(1) is employed to teach at a charter school on or before July 1, 2021, and who** **;(2) does not have a license to teach ; and (3) would be required to obtain a license to teach as a result of the changes in section 1** may continue to teach at the charter school without obtaining a license until July 1, 2026.

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

**Section 1.** NRS 388A.518 is hereby amended to read as follows:

388A.518 1. Except as otherwise provided in this subsection, section, at least 80 percent of the ~~at least 70~~ teachers who provide instruction at a charter school must ~~demonstrate experience and qualifications through licensure or subject~~

1 matter expertise. If a charter school operates a vocational school, the charter school  
 2 shall, to the extent practicable, ensure that at least 70 percent of the teachers who  
 3 provide instruction at the school demonstrate experience and qualifications through  
 4 licensure or subject matter expertise, but in no event may less than 50 percent of the  
 5 teachers who provide instruction at the school demonstrate experience and  
 6 qualifications through licensure or subject matter expertise.] hold a license or  
 7 endorsement to teach issued by the Superintendent of Public Instruction  
 8 pursuant to chapter 391 of NRS.

9 2. If a charter school specializes in:

10 — (a) Arts and humanities, physical education or health education, a teacher must  
 11 demonstrate experience and qualifications through licensure or subject matter  
 12 expertise to teach those courses of study.

13 — (b) The] in the construction industry or other building industry, teachers who  
 14 are employed full-time to teach courses of study relating to business and industry  
 15 [must:

16 — (1) Demonstrate experience and qualifications through subject matter  
 17 expertise; or

18 — (2) Hold] must hold a license or endorsement issued by the  
 19 Superintendent of Public Instruction [which contains an endorsement] pursuant to  
 20 chapter 391 of NRS to teach such courses.

21 3. A teacher who is employed by a charter school, regardless of the date of  
 22 hire, must [demonstrate experience and qualifications through licensure or subject  
 23 matter expertise] be licensed to teach pursuant to chapter 391 of NRS if the  
 24 teacher teaches one or more of the [following subjects:

25 — (a) English language arts;

26 — (b) Mathematics;

27 — (c) Science;

28 — (d) A foreign or world language;

29 — (e) Civics or government;

30 — (f) Economics;

31 — (g) Geography;

32 — (h) History; or

33 — (i) The arts.] core academic subjects designated pursuant to NRS 389.018.

34 4. Except as otherwise provided in NRS 388A.515, a charter school may  
 35 employ a person who does not [demonstrate experience and qualifications through  
 36 licensure or subject matter expertise] hold a license or endorsement to teach issued  
 37 by the Superintendent of Public Instruction pursuant to chapter 391 of NRS to  
 38 teach a course of study for which a teacher is not required to [demonstrate such  
 39 experience and qualifications] hold a license or endorsement if the person is:

40 (a) A degree, a license or a certificate in the field for which the person is  
 41 employed to teach at the charter school; and

42 (b) At least 2 years of experience in that field.

43 5. A teacher who is employed by a charter school to teach special education  
 44 or English as a second language must be licensed to teach special education or  
 45 English as a second language, as applicable.

46 [6. For purposes of this section, a teacher demonstrates experience and  
 47 qualifications through licensure or subject matter expertise:

48 — (a) If the teacher is employed by a charter school that has not received, within  
 49 the immediately preceding 2 consecutive school years, one of the three highest  
 50 ratings of performance pursuant to the statewide system of accountability for public  
 51 schools, or equivalent ratings in another state, as determined by the Department,  
 52 and the:

~~(1) Overall performance of the teacher has been reported as effective or highly effective, in accordance with the regulations adopted by the State Public Charter School Authority; and~~

~~(2) Teacher is licensed to teach pursuant to chapter 391 of NRS.~~

~~(b) If the teacher is employed by a charter school that has received, within the immediately preceding 2 consecutive school years, one of the three highest ratings of performance pursuant to the statewide system of accountability for public schools, or equivalent ratings in another state, as determined by the Department, and the:~~

~~(1) Overall performance of the teacher has been reported as effective or highly effective, in accordance with the regulations adopted by the State Public Charter School Authority, regardless of whether the teacher is licensed to teach pursuant to chapter 391 of NRS; or~~

~~(2) The teacher holds a bachelor's degree or a graduate degree from an accredited college or university and has demonstrated expertise in the subject area for which the teacher provides instruction on an assessment approved by the Department, in consultation with sponsors of charter schools described in this paragraph, regardless of whether the teacher is licensed to teach pursuant to chapter 391 of NRS.~~

~~7. If a charter school that has received within the immediately preceding 2 consecutive school years, one of the three highest ratings of performance pursuant to the statewide system of accountability for public schools, or equivalent ratings in another state, as determined by the Department, intends to employ persons to teach who are not licensed, the charter school shall within 3 years:~~

~~(a) Obtain approval for and offer an alternative route to licensure pursuant to NRS 391.019; or~~

~~(b) Enter into an agreement with a qualified provider of an alternative route to licensure to provide the required education and training to unlicensed teachers who are employed by the school to teach such a course of study. ***be licensed to teach pursuant to chapter 391 of NRS.***~~

**Sec. 2. [NRS 388A.5334 is hereby amended to read as follows:**

~~388A.5334 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. **(Deleted by amendment.)**~~

**Sec. 3.** ~~[NRS 388A.5336 is hereby amended to read as follows:~~

~~388A.5336 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] an 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. **(Deleted by amendment.)**~~

**Sec. 4.** ~~[NRS 388A.5340 is hereby amended to read as follows:~~

~~388A.5340 Immunity from civil or criminal liability extends to every person who, pursuant to NRS 388A.5332 to 388A.5342, inclusive, 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] an 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] an administrator, who is not licensed pursuant to chapter 391 of NRS and who is arrested. **(Deleted by amendment.)**~~

**Sec. 5.** ~~[NRS 388A.5342 is hereby amended to read as follows:~~

~~388A.5342 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 pursuant to NRS 200.366, 200.368, 201.190, 201.220, 201.230, 201.540 or 201.560. **(Deleted by amendment.)**~~

**Sec. 6.** NRS 391.170 is hereby amended to read as follows:

391.170 1. Except as otherwise provided in subsection 2, a ~~FA~~ teacher or other employee for whom a license is required is not entitled to receive any portion of public money for schools as compensation for services rendered unless he or she:

1       (a) ~~##~~ Is legally employed by the board of trustees of the school district or  
2 the governing body of the charter school in which he or she is teaching or  
3 performing other educational functions.

4       (b) ~~##~~ Has a license authorizing him or her to teach or perform other  
5 educational functions at the level and, except as otherwise provided in NRS  
6 391.125, in the field for which he or she is employed, issued in accordance with law  
7 and in full force at the time the services are rendered.

8       2. The provisions of subsection 1 do not prohibit the payment of public  
9 money to teachers or other employees who are employed by a charter school who  
10 are not required to [demonstrate experience and qualifications through licensure or  
11 subject matter expertise] **hold a license or endorsement to teach** pursuant to the  
12 provisions of NRS 388A.518.

13       **Sec. 7.** ~~[NRS 391.230 is hereby amended to read as follows:~~  
14 ~~— 391.230 1. [Except as otherwise provided in subsection 3, upon] Upon the~~  
15 ~~opening of any public school in this state, every teacher and other licensed~~  
16 ~~employee employed for that school shall file with the superintendent of the county~~  
17 ~~school district a Nevada license entitling the holder to teach or perform other~~  
18 ~~educational functions in the school in which he or she will be employed, and any~~  
19 ~~other report that the Superintendent of Public Instruction requires.~~

20 ~~— 2. The superintendent of the county school district shall acknowledge the~~  
21 ~~receipt of each license and shall make a proper record thereof in the~~  
22 ~~superintendent's office. The license must remain on file and be safely kept in the~~  
23 ~~office of the superintendent of the county school district.~~

24 ~~— 3. This section does not apply to unlicensed teachers who are employed by a~~  
25 ~~charter school.]] **(Deleted by amendment.)**~~

26       **Sec. 8.** Notwithstanding the amendatory provisions of this act, a teacher who  
27 is employed by a charter school on or before July 1, 2021, to provide instruction at  
28 the charter school but not licensed to teach, and who, because of that employment,  
29 is required by NRS 388A.518, as amended by section 1 of this act, to be licensed as  
30 a teacher pursuant to chapter 391 of NRS, may continue to provide instruction at  
31 the charter school without obtaining a license to teach until July 1, 2026.

32       **Sec. 9.** This act becomes effective on July 1, 2021.